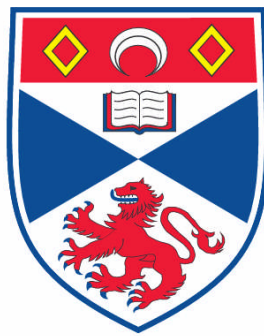# THE CONSEQUENCES OF ISRAEL'S COUNTER TERRORISM POLICY

Pia Therese Jansen

A Thesis Submitted for the Degree of PhD
at the
University of St. Andrews

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The Consequences of
Israel's Counter Terrorism Policy

Pia Therese Jansen

Degree of PhD at University of St. Andrews

Submitted on May the 25th 2007

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I would like to express my gratitude towards friends, colleagues and family, who have kept me going with their unquestionable support and incredible patience.

As a child, while crying over homework that was particularly difficult for a dyslexic to perform, my mother was always there to lift my spirits and guide me through the maze of knowledge. I owe her everything.

I am told (by me) to leave the fire

and go out into the wind and rain

like a starving hunter

to bring back food to the cave of my mind.

"Old man in his Chair"
by Norman MacCaig

Abstract

The main focus of this thesis is to examine Israel's counter terrorism methods and their consequences and to debate the effectiveness of Israel's counter terrorism policy. By stimulating a debate on these issues it is possible to identify a more effective counter terrorism policy.

In order to examine Israel's counter terrorism methods, their consequences and effectiveness, it is necessary to first explore the overall concepts of terrorism and counter terrorism. Then, because counter terrorism policy is hard to evaluate if one does not look at the context which surrounds it, this thesis will therefore explore some aspects of Israeli security history which has and continues to influence its counter terrorism policy. Furthermore, this thesis will provide an introduction to the general development of Palestinian resistance movement which will include a scrutiny of Hamas.

This thesis has selected some of Israel's counter terrorism methods, and will be examining the width and depth of these methods as well as their consequences on the Palestinian society in general and on Hamas in particular. In seeking to answer the more general question about the effectiveness of Israel's counter terrorism policy the thesis will evaluate this aspect by relying on qualitative and quantitative indicators.

This thesis will show that Israeli counter terrorism methods does reduce the capacity of Hamas and as such has prevented certain attacks or incapacitated Hamas' military wing for a limited time; they have, however, had a limited effect in the long run. It will be shown that these methods have consequences far beyond reducing the terrorist organisation capacity, which deepen the root causes for terrorism and increase the motivation to continue the resistance.

1. Introduction

"Too long a sacrifice can make a stone of the heart."[1]

Even though terrorism and counter terrorism policy are ancient phenomena, the public debate about these issues opens a showcase of different opinions as to what terrorism is and how to counter it successfully. This debate seems to have been catalysed by the events of September 11th 2001. This thesis does not seek to provide a universal definition of terrorism, nor arrive at a final set of counter terrorism methods or policies which will grant success, simply because this is not feasible. The main focus of this thesis is to examine Israel's counter terrorism methods and their consequences and to debate the effectiveness of Israel's counter terrorism policy.

Seeing as Israel is a democratic society and due to the scope, intensity, and length of their counter terrorism experience, this thesis uses Israel and its efforts to curb Hamas' terror activity as an example in order to contribute to the debate of the complex issues of terrorism and counter terrorism. The Israeli case offers several insights regarding counter terror strategy and tactics, and could be of value to any other government involved in countering terrorist threats, guerrilla or subversive war, or sustained, unconventional warfare. At the tactical level, the Israelis can provide some insights with regard to countering a resistance movement.

In order to examine Israel's counter terrorism methods and the consequences, there are several issues that need to be studied. Firstly, as terrorism and counter terrorism are multifaceted phenomena, it is useful to provide a framework for understanding as to what terrorism and counter terrorism are. Secondly, counter terrorism policy is hard to evaluate if one does not look at the context by which it is surrounded. Therefore, this thesis will explore some aspects of Israeli security history which have and continue to influence its policy. Furthermore, this thesis will provide an introduction to the general development of a Palestinian resistance movement which will result in a scrutiny of

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[1] W.B Yeats; www.brainyquote.com, accessed 6 April 2005.

Hamas. Thirdly, when examining some of Israel's counter terrorism methods this thesis will focus on how the method is practised, the official intention as to why the method is implemented, and how the method affects Palestinian society in general and Hamas in particular. In seeking to answer the more general question about the effectiveness of Israel's counter terrorism policy, the thesis will evaluate this aspect by relying on qualitative and quantitative indicators.

There exist countless books and articles which address the Israeli-Palestinian conflict. Many of them focus on the peace process and/or the two Intifadas, and most of them include the issue of terrorism and counter terrorism in some form or another. At the same time, much has been written about counter terrorism, either as a theoretical subject in itself, or as an overview of some case studies of different nations' experiences with counter terrorism policy. However, there are few works in which the author assesses the counter terrorism method in great detail, as often the focus is on the counter terrorism policy in general, and not the specific methods. The same is true with regards to the consequences and the effectiveness of counter terrorism methods.

Additionally, some academic works have been written regarding how to measure the effectiveness of counter terrorism policy, where they explore several methodological approaches, and have been designed to measure counter terrorism's effectiveness. Christopher Hewitt measures counter terrorism's effectiveness using a quantitative time-series analysis. According to Hewitt, if the amount of terrorist violence decreases over time, then counter terrorism policies have been successful.[2] David Bonner's essay entitled "United Kingdom: The United Kingdom's Response to Terrorism" describes four measures of effectiveness: the rate of prosecution of terrorist elements, overall level of terrorist incidents, death toll, and alterations in terrorist tactics.[3] Terrorism specialist Martha Crenshaw offers an alternative approach, using both qualitative and quantitative indicators. She argues that terrorism declines when there is "physical defeat of the

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[2] Hewitt, Christopher; The Effectiveness of Anti-Terrorist Politics, University Press of America, Lanham, 1984.
[3] David Bonner; "United Kingdom: The United Kingdom's Response to Terrorism," Terrorism and Political Violence, Vol. 4, no. 4, 1992.

extremist organization, a decision to abandon the terrorist strategy, and organisational disintegration."[4]

Although scholars and policy analysts have debated how to measure the effectiveness of counter terrorist strategies and tactics, there is limited literature on the topic of whether or not Israel's counter terrorism policy has been successful, and there are few studies with respect to how Israel's counter terrorism policy actually rates in relation to these measures of effectiveness. However, some work which has addressed these issues includes the Israeli scholar Noemi Gal-Or's essay "Countering Terrorism in Israel" that examines the counter terror efforts by the Israeli government. Gal-Or offers a history of the terrorist threat in Israel and responses by the Israeli government. She asserts that the impact of Israeli counter terrorism measures can be measured by empirical, political, and technical/operational criteria (i.e., negotiations and laws). Conversely, she shows that terrorism's impact on Israeli society can only be measured using socio-political criteria.[5] Gal-Or also claims that the pattern of terrorist activity is correlated to political dynamics and counter terror measures, and she offers a qualitative analysis of the major anti-Israeli terrorist incidents. Her assessment covers select incidents from the period of 1948-1987. Gal-Or does not discuss whether or not the Israelis have been successful during peace process years or the al-Aqsa Intifada years. Suzie Navot's essay, "The Supreme Court of Israel and the War Against Terror" addresses some of the decisions made by the Israeli government to counter terrorism. She sets up her framework of analysis by addressing the tension between "claims of national security" and "the principles of human rights."[6] Specifically, Navot addresses: targeted killings, evacuations, relocation, and legal measures. Navot's point was to illustrate the legal challenges Israel faces in dealing with Palestinian terror, but, in terms of measures

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[4] Martha Crenshaw; "How Terrorism Declines" in Clark McCauley (editor); Terrorism Research and Public Policy, Portland, Cass Publisher, 1991, p.70.
[5] Noemi Gal-Or, "Countering Terrorism in Israel" in David A. Charters (editor); The Deadly Sin of Terrorism, Its Effects on Democracy and Civil Liberty in Six Countries,: Greenwood Press, Westport, 1994.
[6] Suzie Navot; "The Supreme Court of Israel and the War against Terror," European Public Law, Vol. 9, no. 3, 2003.

of effectiveness, her report did not show a correlation between government actions and changes in terrorist activity.

This thesis has attempted to fill some of the gaps in the work described above and contribute to the debate on the effectiveness of counter terrorism. Although counter terrorism methods are aimed at countering the threats posed by terrorist organisations, and are meant to use methods directed only at such organisations, counter terrorism policy does have consequences on a wider population. Therefore, in an effort to assess the effectiveness of counter terrorism, a deeper understanding of the practise and consequences of the methods is vital. This thesis has therefore addressed Israel's counter terrorism policy by singling out some of their methods. This shows the depth, scope and consequences of that particular method on Palestinian society in general and Hamas in particular. In order to evaluate Israel's counter terrorism policy this thesis has chosen to do so by using qualitative and quantitative indicators. Again, this is done in an attempt not only to assess one aspect of counter terrorism (the decline of terror incidents), but also to get a broader picture of the effectiveness. The timeframe of this thesis is divided in two; the peace process years (1992-1999) and the al-Aqsa years (2000-2006). Despite the fact that these periods share some common characteristic, there exist some distinct differences. Throughout the periods in question, Israel's methods have not drastically changed. However, the level and sophistication of violence during the al-Aqsa years is not the same as in the peace process years. Although it is arguably unnatural to separate terrorism and counter terrorism from what occurs in the political sphere, this thesis will strive to keep its focus on terrorism and counter terrorism issues while only touching upon the development of the peace process.

1. 2 A description of the approach

There are certain challenges in examining Israel's counter terrorism methods and the consequences on Palestinian society and Hamas, and in debating the effectiveness of Israel's counter terrorism policy. Firstly, the terms 'terrorism' and 'counter terrorism' are not value-free concepts but rather heavily politicised terms. This encourages an environment where information and facts can be distorted or manipulated by their sources, and as such it is even more crucial to be critical of your sources. Furthermore, the issues of terrorism and counter terrorism are not only politically sensitive, but also sensitive with regards to issues of security. It is a field where terror groups, governments and military establishments are extremely reluctant to share information and some information is classified, effectively placing a restriction on information and facts. Therefore, this thesis has relied on human rights organisations and newspaper articles, especially when writing about the practices of Israel's counter terrorism methods. This has resulted in some contemplating of facts which might differ from source to source. However, instead of focusing on the variable details, this thesis has tried to focus on the broader aspects and trends that can be gained from the information available, while being aware that all information on the subject may not be provided.

To a large extent, I have used the media as a source for this thesis, which has been a challenge, because the media is also used both by the government and by the terrorist organisation as a tool in their strategies. The media has a substantial role in influencing and shaping public opinion, and can therefore likewise have an impact on governments' decisions. Furthermore, the media has the capacity to multiply the impact of terrorists and further their message in a way that terrorists are themselves incapable of doing. Additionally, terrorist organisations use the media to communicate their intention and to enlarge their scope of audience. Therefore, the media's role is not an unproblematic one. Terrorism provides an endless source of sensational and compelling news which sells. Therefore efforts are made to cover attacks as quickly as possible, and in as much detail as possible, often broadcasting live footage from the scene of the incident, which later is

continually replayed. This might play into the hands of a terrorist organisation, as it contributes to spreading the terror message to a wider audience. On the other hand, the media can be used actively in counter terrorism policy, by reporting on terror incidents in a way which would lessen the terror effect.

From 1992 to 2000, Israel enforced several counter terrorism methods; it engaged in conflict resolution, sought to freeze financial support for the terrorist organisations, launched a counter terrorism public relations campaign, tried to educate its citizens on dealing with terrorism, enforced new domestic legislation to help the security services in their fight against terrorism, re-organised its intelligence community so that it was better equipped to fight terrorism and re-occupied Palestinian towns. Due to the scope of this thesis, it is not possible to assess all of Israel's counter terrorism methods, although some of them nevertheless are addressed indirectly. Therefore, eight counter terrorism methods will be examined in this thesis: the permit system, closure policy, deportation, demolition of houses, selective killings, administrative detention, interrogation, and the fence.[7] These methods were selected for the following reasons: firstly, because Israel's counter terrorism methods are structured around three key categorisations, this thesis sought to examine at least two methods in each of these three categorisations - defensive actions include the permit system, methods of interrogation and the fence; punitive actions include closure policy, deportation, and house demolition; and offensive actions include selective killings and administrative detention. Secondly, although there are a few academic works which debate selective killings, interrogation methods, and the economic aspects of the permit system and closure policy, there are very few academic works which show the depth and scope of the rest of the chosen methods. Thirdly, these eight counter terrorism methods are chosen simply because they are controversial both within Israel and internationally, and as such a closer study of them can contribute to the wider debate concerning counter terrorism.

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[7] The construction of the fence did not start until 2002, so this counter terrorism method will be explored in Chapter 6.

Another challenge arises in these studies when seeking to measure the effectiveness of Israel's counter terrorism policy. Despite some research regarding how to measure the effectiveness of counter terrorism policy, which is summarised above, there still exists an open debate regarding which approach is most valid. A recent US Congressional Research Service report addressed the challenge of measuring effectiveness. The author of the report stated that governments may place an over-reliance on quantitative indicators, such as the number of incidents, while ignoring qualitative indicators, such as the local support enjoyed by the terrorist organisation. The report showed that the problem with quantitative indicators is that they do not take into account normative data (such as the underlying sentiments of a terrorist organisation). The report indicated that the most important indications of counter terrorism effectiveness are measured either qualitatively or quantitatively.[8] Another problem when it comes to measuring counter terrorism's effectiveness is with the issue of quantum changes in terrorist organisations. Because terrorist organisations often behave in a 'non-linear' matter, simply doing time-series analyses of raw data may ignore data such as when terrorists develop radically new strategies and tactics. For this reason, the report suggests tracking indicators of 'quantum' change in a terrorist organisation as well. These include: intelligence, technology, impact on society, targets and their protection, alliances, disruption of the organisation, amount of unproductive energy expended, sophistication of effort, and morale and momentum.[9] Radical changes in one or more of these elements may indicate a major shift in the capability and momentum of the terrorist organisation.

Counter terrorism does not only seek to reduce the number of terror incidents, but also to undermine the intention of the terrorist organisation and strengthen the morale among its own public. Therefore, this thesis wishes to provide a broader picture of the effectiveness of Israel's counter terrorism policy by using qualitative and quantitative indicators of how to measure the effectiveness. It will focus on three sets of criteria to assess the effectiveness. The main criteria within the quantitative indicator that will be

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[8] Perl, Raphael; "Combating Terrorism: The Challenge of Measuring Effectiveness" CRS Report for Congress 23 November 2005, www.fpc.state.gov, accessed 20 March 2006.
[9] *Ibid.*

assessed are the overall number of terrorist incidents, fatalities, and injuries. The main criteria within the qualitative indicators that will be assessed are Hamas' decision to alter its modus operandi, its change of the operational theatre, and the battle over hearts and minds. Although, an assessment of these criteria will not give an absolute conclusion regarding the effectiveness, it will provide a broad picture of the tendencies.

There are several approaches which could have been chosen in order to examine Israel's counter terrorism methods and their consequences and to debate the effectiveness of Israel's counter terrorism policy, one of which would entail a series of interviews with Israeli and Palestinian officials. However, in taking this approach, there are several challenges. First of all, it would be very demanding. Secondly, access to Israeli and Palestinian officials of the appropriate levels would be limited. Thirdly, this topic is sensitive, because counter terrorism is often a political concept, and due to the security restrictions that come with the discussing counter terrorism methods. This results in a less objective point of view.

Therefore this thesis makes use of a qualitative literature method. In order to explore the issues in this thesis I have strived to gain a necessary knowledge of the views of the Israelis and the Palestinians. Obviously, this is a never-ending process and is coloured by my own set of values. The elements that are being studied have been chosen because I view them as important. Like sociologist Ottar Brox,[10] I have great difficulty in imagining a researcher who is not engaged in their subject, and I view a researcher's value and commitment to be positive attributes to a study. It is my intent that by combining the perspective of the Israeli and Palestinian views with the perspective of someone who is inherently viewing the issues from the outside, I might be able to describe and refocus on some of the phenomena of terrorism and counter terrorism policy. For a researcher to alternate between the desire to study the issues as closely as possible while at the same time preserving the objective view, is of course one of the difficulties of the qualitative method. Nevertheless, it is vital that a researcher must constantly strive for objectivity. Consequently, this emphasises the importance of being

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[10] Brox, Ottar; Praktisk samfunnsvitenskap, Universitetsforlaget, Oslo 1991.

critical about sources, especially since this thesis is a literature study, and as such I refer to the opinion of others. The issue of objectivity becomes even clearer when analysing terrorism and counter terrorism in the Palestinian/Israeli conflict. There is not only the debate on what terrorism is, but the conflict is also based upon fundamentally different views, influenced by history, religion and the identity of two people. This thesis focuses primarily on the issue of Israel's counter terrorism, and I have frequently found it difficult to find the right balance between using Israeli and Palestinian sources when addressing this issue, and occasionally using more Israeli sources than desired. In part it is natural to seek Israeli sources when examining Israel's counter terrorism methods and policy, because presumably they are most knowledgeable about their own policies. Furthermore, these sources also give a sense of the Israeli's intentions and the desired effect of their policies. However, it is likely that their views on the Palestinian/Israeli conflict will be reflected in their writing. This is a weakness in this thesis. With respect to examining the effects Israeli counter terrorism methods have had on the Palestinian society and on Hamas, I therefore find myself relying on sources such as human rights organisations, Palestinian think tanks and newspapers, which of course also give their own biased views on the conflict.

In an attempt to obtain the broadest spectrum of sources I have attended numerous lectures on a wide range of subjects, followed different media channels, travelled to the region and to Israel specifically, listened and talked to academics and individuals from the military establishment on both Israeli and Palestinian sides and academics representing the outside view. This thesis draws upon different sources originating from categories such as international relations, psychology, sociology, history, religious history, and the military. Sources include academic books, journals, international newspapers, as well as Israeli ones, opinion polls, statistics, human rights reports, official statements by political and military officials, and military documents. Obviously the field of literature would have been wider had I known Arabic or Hebrew.

1. 3 A tour through the chapters

The aim of Chapter 2 is to provide the framework for the rest of the thesis. As such it will enlighten the continuing debate on the basic question: what is terrorism and counter terrorism? In an effort to understand what terrorism is, this chapter will address this question from different perspectives, and provide an introduction to the root causes of terrorism. It will then continue to explore the psychological aspect of terrorism. Furthermore, this thesis will study the counter terrorism equation and suggest different ways of how to categorise counter terrorism policy: military -, criminal -, or the expanded criminal justice model. On a broader level this aspect will touch upon a wider debate: how does a democracy balance security for its citizen and protect itself, while preserving the corner stone of the society, namely liberty, about which this thesis seeks to provide the main arguments.

Neither terrorism nor counter terrorism exist in a vacuum. They are actions that are constantly influenced by history, culture, religion, and politics. Therefore, chapter 3 will explore some aspects of Israel's security history. It will study how the military doctrine has influenced its counter terrorism policy and how certain elements, such as a 'nation in arms', could represent a challenge in the future of counter terrorism. It will provide an overview of the development of Israeli counter terrorism policy from 1997 until 2006, as well as exploring three categories of actions within the Israeli counter terrorism policy. Chapter 4 will concern itself with the development of the Palestinian resistance movement in general and will explore Hamas as a representative of a Palestinian resistance movement, in greater detail.

Chapter 5 will scrutinize several Israeli counter terrorism methods used by the Israeli government during the period of Rabin's second election as Prime Minister in 1992 until 2000. The methods that will be examined include the permit system, closure policy, deportation of suspected terrorists or anyone who aids them, demolishing of houses, selective killings, the use of administrative detention and interrogation methods. The purpose of this chapter is to enable a deeper understanding of each and every method

and the process of their functions. As such, this chapter intends to examine these measures individually, in order to see clearly the nature and mechanisms of each method, while exposing the numerous complex and different consequences, both tactically and strategically on the Palestinian society at large, and on the Hamas organisation specifically. Chapter 6 will then strive to give an update on the same counter terrorism measures, but this time within the framework of the al-Aqsa Intifada, 2000-2006. It will illustrate that some of the methods have been reintroduced while others have been altered. Questions such as: to what extent do politics play a role in deciding how to confront terrorism, what is done to enhance security, and what is done in the name of security to enhance domestic politics, will be reflected upon.

Counter terrorism policy consists of methods which are being implemented where the ultimate goal is to hinder and deter future terror attacks. In order to assess the effectiveness of counter terrorism, Chapter 7 will reflect upon what constitutes a successful counter terrorism policy. This section will also assess the effectiveness of Israeli counter terrorism method, while considering the differences in the definitions of success, by using qualitative and quantitative indicators.

Finally, what will be discovered is that Israel has developed its counter terrorism policy to take a proactive stance, which can be categorised as hard-line, concerning itself little with the 'root causes' of terrorism. Although, in some cases, these counter terrorism methods have been successfully managed to reduce the capacity of a terror organisation, especially in short-term, the policies have only increased the motivation and confirm the intention to continue using terrorism as a method to achieving political goals.

2. A theoretical approach to terrorism

"Terror is like water.
When blocked it will find another channel."[11]

The aim of this chapter is to provide the framework for the rest of the thesis. Therefore, it will look more closely at the concept of terrorism, as well exploring the complexity of counter terrorism. In an effort to understand what terrorism is, this chapter will address this question from different perspectives. For example: is there a difference between a freedom fighter and a terrorist? It seems that this question often arises when the general public discusses Hamas. Furthermore, what is often heard in the same debate is how the conditions in the West Bank and Gaza and Israel's policies often create a breeding ground for terrorism. Therefore, this chapter will give an introduction to the root causes of terrorism. It will then continue to explore the psychological aspect of terrorism, which might indicate why the act of violence creates terror.

This chapter will then move on to study what counter terrorism is. It does so by exploring what some of the aims of counter terrorism can be, and by studying the counter terrorism equation. This chapter will then go on to suggest different ways of how to categorise counter terrorism policy. Broadly speaking, terrorism can either be viewed as an act of war, an act of crime, or, as this chapter will explore, somewhere in between. Different points of view instigate different models for counter terrorism in practise; military -, criminal -, or the expanded criminal justice model. It is with the implementation of these methods that an important question will arise: how does a democracy balance security for its citizen and protect itself, while preserving the corner stone of the society, namely liberty?

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[11] Statement by Jacob Perry, former head of Shin Bet. Zacharia, Janine; "Perry: Arafat maybe losing his grip", 17 July 2002 www.jpost.com, accessed 17 July 2002.

2. 1 How can terrorism be understood?

The international community, policymakers, academics, and students alike, have all wrestled, and will continue to do so, with the difficulties of clearly defining the concept of terrorism as a basis for theoretical explanation. The main reason for this endless debate is that terrorism is not a value-free concept, but rather a term where "political sympathies affect interpretations of actions as legitimate or illegitimate and the term 'terrorist' is often meant to imply 'illegitimate'."[12] Therefore, its use will vary since different people can and will interpret an act differently depending on their perspective, sympathies and what they seek to obtain. Thus, the process of finding a universal definition quickly becomes a part of a wider debate over moral values and ideologies. Although one should be aware of this aspect when defining terrorism, it is an argument that has been stretched too far when summed up in the cliché 'one man's terrorist is another man's freedom fighter'. According to this view the action is considered to be irrelevant, because the aim justifies the means. In the words of Professor Paul Wilkinson; "It is important to understand that even in situations where the justice of a particular cause, claim or grievance is widely recognised and supported, it does not follow that any means, however extreme and unjust, is thereby justified in pursuit of such an end."[13] Boaz Ganor explains that, in fact, there are no contradictions in the concepts of 'terrorist' and freedom fighter'.

> "The statement that a particular organisation is a terrorist organisation is based on the way in which the organisation's members behave in their attempt to achieve the objectives they have set themselves, while freedom fighter refers to the goals the organisations wish to achieve. Therefore, a situation is possible wherein a terrorist organisation can also be a national liberation movement working to liberate their homeland from the yoke of foreign conqueror." [14]

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[12] Crenshaw, Martha; "Relating Terrorism to Historical Contexts" in Crenshaw, Martha (editor), Terrorism in Context, The Pennsylvania State University, Pennsylvania, 1995, p.8.
[13] Wilkinson, Paul; "Ethical Defences of Terrorism –Defending the Indefensible" Terrorism and Political Violence, Vol. 1, no 1, 1989, p.12.
[14] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p.14.

Terrorism is not the only method of working towards radical goals, and at some stage it must be weighed up against alternative strategies available to the group. Why is terrorism attractive to some, but unattractive to others? "There are relatively clear ethical rules for the use of violence in support of a struggle against oppression, injustice, or occupation; as a last resort, when non-violent, deliberative means have been exhausted, and when armed forces obey the rules of war."[15] This, of course, provides some limitations on how to legitimately conduct the fight for freedom. Rather than attacking civilians, the military is the only legitimate target, and thus one stands stronger in ones claim of justice. Therefore, while it is possible to justify armed struggle in defence of self-preservation, it is possible to do so only under four conditions. First, the group's just claims must have been met by violence. Secondly, the failure to accommodate these claims must be systematic, enduring, and unlikely to change. Thirdly, the claims must be fundamental to the survival of the group. Fourthly, the struggle must observe the laws of war and the rule of civilian immunity.[16]

"Those who observe such rules deserve the name of freedom fighters. Those who do not are terrorists. It is a relativist canard to suppose that there is no real distinction between the two, or that the distinction is simply dependent on one's political point of view. The problem with the distinction is not whether it is clear in theory, but whether it is meaningful in practice. Has any freedom fighter actually succeeded in avoiding becoming a terrorist? Has any armed struggle successfully resisted the temptation of deliberately targeting civilians?"[17]

Terrorism is a question of what people (or groups, or states) *do*, rather than who they are or what they are trying to achieve, and is the violent result of a carefully considered process.

"Rather than being seen as indiscriminate or senseless, terrorism is actually a very deliberate and planned application of violence. In this respect, terrorism can be seen as a concatenation of five individual processes, designed to achieve sequentially, the

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[15] Ignatieff, Michael; The Lesser Evil, Edinburgh University Press, Ltd, Edinburgh, 2004, p.95.
[16] *Ibid.*, p.103.
[17] *Ibid.*, p.95.

following key objectives: 1) Attention 2) Acknowledgement – and to some extent sympathy 3) Recognition 4) Authority 5) Governance."[18]

Sadly, in many situations the fastest way for a person to obtain their key objectives quickly, is through the use of violence. "The fast way is to kill as many civilians as possible to get the world to take notice, or to provoke the other side into a downward spiral of repression that will brand them as unjust oppressors in the eyes of the world at large."[19]

There are five general key factors that seem to reappear in the countless definitions of terrorism. First, terrorism is not an ideology but a method. It is a tool that players at the individual, group, or state level decide to pursue in order to accomplish their goals. Secondly, terrorism contains the promise or threat of violence to be delivered in a systematic and deliberate way in order to create terror. The mere threat of a terrorist attack is therefore terrorism in itself. Thirdly, the seemingly random and unpredictable choices of victims, which are often directed at a wider audience, are civilians and usually symbolic in value. Fourthly, in order to fulfil the tactical goal of terrorism, creating an extremely fearful state of mind in a wider audience, all of the above factors need to be combined and implemented. When this fourth factor is achieved terrorists are closer to accomplishing their fifth factor which is their strategic goal, namely politics. Terrorism is a violent form of politics and precisely because terrorism is political it represents such a complex danger.[20] In addition to these helpful key factors, it is still useful to propose a working definition of terrorism for the sake of this thesis: "Terrorism involves the deliberate killing and injuring of randomly selected non-combatants for political ends. It seeks to promote a political outcome by spreading terror and demoralization throughout a population."[21] This definition is the same definition that the Sharm el-Sheikh Fact-Finding Committee, 'The Mitchell Plan', used.

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[18] Hoffman, Bruce; "The modern Terrorist Mindset: Tactics, Targets and Technologies", 1997, p.93 in Howard, Russell D. and Sawyer, Reid L. (editors); Terrorism and counterterrorism –understanding the new security environment, The McGraw-Hill companies, Connecticut, 2002.
[19] Ignatieff, Michael; The Lesser Evil, Edinburgh University Press, Ltd, Edinburgh, 2004, p.101.
[20] Ibid., p.82.
[21] Sharm el-Sheikh Fact-Finding Committee The Mitchell Plan, 30 April 2001, www.state.gov, accessed 10 May 2007.

As this definition touches upon, terrorism has another vital aspect, namely the psychological side. The way to terrorists' ultimate political goal runs through a vital interim objective—the creation of a sensation of uncontrollable fear in the target community. Thus, terrorism is a means of installing in every individual the fear that the next terror attack may have their name on it. Terrorism works to undermine the sense of security and to disrupt everyday life so as to harm the target country's ability to function. The goal of this strategy is to drive public opinion to pressure decision-makers to surrender to the terrorists' demands. Therefore, the target population becomes a tool in the hands of the terrorist in advancing the political agenda in the name of which the terrorism is perpetrated. This threat undermines the ability of the civilian population to live a normal life. When every action has to evolve planning for how best to survive a potential terror attack, the daily routine becomes fraught with anxiety. Terrorism uses the victim's own imagination against them. The terror organisation knows from the outset that it will not achieve its goals purely by means of terror attacks. It must enlist the help of its victims in gaining its objectives. Of course, statistically these fears are not grounded in reality. The likelihood of being harmed in a terror attack is less than the likelihood of being harmed in a traffic accident or even an accident in the home or workplace. Nonetheless, by using psychological manipulation, the terrorists succeed in creating disproportionate anxiety in relation to the actual threat, frequently with help from the media that sensationalises the situation. Often, the knowledge that one is being manipulated, and how this is being done, is itself a powerful weapon for countering such manipulation. The aim of the terrorist is to confuse the wider audience about who is the victim. The terrorist organisation does this by challenging whether or not the individuals who died in the bomb attack are truly the victims, or whether the true victim is the society that the terrorist claim to represent. The ability of a small group of individuals to manipulate public opinion, and thus the main policies of a state, is precisely what makes terrorism a strategic threat to democratic societies.

When seeking to answer the question of what terrorism is, the debate sometimes can turn to why terrorism appears in the first place. One can debate and make lists to hypothesise the root causes of terrorism or motivating factors behind acts of terror. Tore

Bjørgo has done just this and made distinctions between preconditions of terrorism and precipitants of terrorism. He explains: "Preconditions set the stage for terrorism in the long run, whereas precipitants are the specific events or phenomena that immediately precede or trigger the outbreak of terrorism".[22] He goes further, and categorizes the various causes into: structural causes, facilitating - or accelerator causes, motivational causes, and lastly, triggering causes.[23] A list of preconditions of terrorism might include: poverty, unemployment, religion, large gaps in societal classes, little or no press freedom, little or no personal freedom, disputes over land area and/or sovereignty and lack of recognised human rights. Additionally, a list of precipitants might include: job loss, death of a friend or a family member, an arrest of a friend or a family member, hindrance of personal freedom, new direction of personal ideology, and a sense of stigmatisation and loss of hope. Such perceived acts of injustice, regardless of whether they are unjust, depend on the intensity and duration of this feeling. They are important in order to understand why an individual engages in acts of terror, and in this context it becomes vital to act against the 'root causes' of terrorism. Such policy has to have a long-term outlook with the main motivation not being to counter terrorism, but rather to act as an instigator for a more decent and honourable society. When forming a counter terrorism policy it is important to be aware of Tore Bjørgo's findings. When developing a counter terrorism policy it is difficult to take account of the many individual psychological processes which might act as precipitants for terrorism. However, an effective and successful counter terrorism policy must strive towards not increasing the preconditions of terrorism, as this could increase the motivation and determination among the general public to choose terrorism as a method to achieve their political goals. Awareness around these issues might help to diminish, although probably not end terrorism, in the long-term. In this thesis, the value of addressing the 'root causes' of terrorism will become evident, especially in chapter 7. However it will not serve as a focal point, because ultimately, organised terrorism would not be chosen as a method if it was not perceived to be a successful one; hence the focus will be on strategies to reduce the likelihood of success.

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[22] Bjørgo, Tore; Root Causes to Terrorism; Myths, Reality and Ways Forward, Routhledge, London, 2005, p.3.
[23] *Ibid.*

As mentioned earlier, terrorism is a strategy in order to achieve a set of objectives which are often of a political nature. Strategy requires logical thought process and deliberate and calculated actions, often centralised by a group or a set of leaders. Thus, rationally speaking, if their methods of terror do not result in the desired outcome, organised terrorism would cease to exist.

"Terrorism is often rationalized as a valid response to its 'root causes' –mainly repression and desperation. But the vast majority of repressed and desperate people do not resort to the wilful targeting of vulnerable civilians. The real root cause of terrorism is that it is successful – terrorists have consistently benefited from their terrorist acts. Terrorism will persist as long as it continues to work for those who use it.[…] It is of course the terrorists themselves who bear the full moral responsibility for their murderous deeds, but since we cannot directly control their actions, except by our own counteractions, it is our policy towards terrorism that will determine whether their terrorism succeeds or fails."[24]

It is in this light that counter terrorism methods will be dealt with in this thesis.

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[24] Dershowitz, Alan M.; Why Terrorism Works, Yale University Press, New Haven, 2002, p.2.

2. 2 How can counter terrorism be understood?

Just as terrorism is a loaded and diffuse concept, so is counter terrorism. Preventing terrorism is a positively loaded statement, because as there is consensus that terrorism is undesirable, who would then disagree that counter terrorism is not desired? However, once this is agreed upon, there are still issues which need to be explored, one of which is what should counter terrorism policy achieve?

The most obvious answer to this question is that the main goal of counter terrorism should be to eliminate terrorism. This one can achieve by either eradicating the terrorist organisation, or by removing the enemy's incentive to commit terror acts. Seeing as it is terrorism one is dealing with, the incentive is to be found in the political sphere, and as such it can also be resolved there. However this might entail resolving a controversial issue at the cost of heavy political concession.[25] This goal is very ambitious, and so a government might realise that it is unobtainable. Therefore, another goal of counter terrorism policy might be to reduce the damage caused by terrorism. This could either be achieved by reducing the number of attacks, minimising property damage, forcing the terror organisation to change their modus operandi, or to change their operational theatre.[26] Another goal of counter terrorism policy could simply be to prevent the escalation of terrorism. According to Boaz Ganor, this could be achieved in two ways: 1) ensuring that the conflict does not spread, by hindering the terror organisation's growth and development by reducing their capacity to recruit new members or train already existing members. This issue also includes preventing the organisation from gaining political achievements in the international arena and obstructing the strengthening of the organisation's political objectives and efforts. 2) Making certain the scope of attacks does not escalate by preventing an increase in the number of attacks and/or victims and/or stopping more serious types of attacks.[27]

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[25] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[26] *Ibid.*
[27] *Ibid.*

Regardless of whether the goal of the counter terrorism policy is one of these goals or all three, the ultimate aim is to reduce the likelihood of another attack. This is done by structuring the counter terrorism policy around the counter terrorism equation.

2. 2. 1 The counter terrorism equation

From the outset it seems fairly clear what counter terrorism is; it can be understood as a set of methods which includes numerous activities directed towards fighting terrorism. However, the complexity of this issue becomes clear when attempting to answer the question of what a successful counter terrorism policy entails. When attempting to go beyond the initial answer, which is to hinder acts of terror, it becomes more complex and one discovers that in order to reduce the threat of terrorism one has to direct the counter terrorism methods towards minimising the terror organisation capacity and intention, called the counter terrorism equation. Therefore it is necessary to tailor a counter terrorism policy towards minimising terrorists' capacity and lessening their motivations for conducting terror attacks. Boaz Ganor has structured some of the factors which have a direct impact, positively or negatively, on the level of the organisation's *motivation* to commit terror attacks into four main groups:[28]

The first group of influences is the impact of pressures brought to bear on the organisation, which can again be categorised into four different elements.[29] First, the population, who is supposedly being represented by the organisation, can put pressure on the organisation to either show their resistance to carrying out an attack at that specific time, or it can demand that the attacks be stopped all together. Secondly, internal pressures that arise from differences of opinion regarding ideological direction, tactical goals or political vs. military steps and personal competition and rivalries can result in a lessening of motivation. Thirdly, inter-organisational pressures as a result of rivalry between various organisations which operate in parallel within the same supporting population can effect the organisation's motivation. Fourthly, pressure brought to bear on

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[28] *Ibid.* p. 32.
[29] *Ibid.*

the organisation by sovereign states, which can entail either state sponsorship of terrorism – those who are able to put pressure on the organisation directly - or an external state that is able to put pressure on the state who sponsors the organisation, thus in reality putting pressure on the group indirectly.

The second group of influences are actions carried out by the nation coping with terrorism which again Boaz Ganor categorises into 5 different groups.[30] First, the scope and nature of offensive and defensive actions taken by the nation against the terrorist organisation, meaning the frequency of offensive measures and the degree to which they succeed in damaging the organisation's infrastructure, as well as an increase in motivation for revenge that might be caused as a result of such activity. Secondly, activities by the nation coping with terrorism can effect the motivation of the organisation. These activities may include conducting tactical or strategic negotiations with the terrorist organisation, and the country's readiness to make minor or substantial political concessions. Thirdly, the country's attitude towards the terrorist organisation's supporting population. Examples of this attitude can include humanitarian actions, the extent to which defensive and offensive actions are affecting the civilian population, which again would influence the public support towards the terrorist organisation, and thus the scope and nature of its terror attacks. Fourthly, public statements by political leaders and heads of security networks are likely to be perceived by the terrorist organisation as provocations. However, moderate statements may be perceived as a weakness, and could influence the nature of terror attacks. Fifthly, the degree to which the nation can formulate a deterrent force against the terrorist organisation will influence its motivation. Deterrence is likely to have a moderating effect on the scope and nature of terror attacks, because it reduces the organisation's motivation to perpetrate attacks for fear of retaliation.

The third group of influences are irrational emotional motives that are usually based on the emotions and feelings of the organisations' leaders, terror activists, and their supporters. According to Boaz Ganor this group of motives should include the

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[30] *Ibid.*, p.34.

'boomerang effect', meaning the desire for revenge following an effective offensive action against the organisation.[31]

The fourth group of motives that can influence the scope and nature of terrorism are anniversary dates. Some organisations tend to perpetrate attacks at specific times in order to mark a historic event.[32]

As well as taking into account motivating factors, it is equally important for the counter terrorism policy to be directed towards factors that influence a terrorist organisation's capability. The one factor that influences all aspects of capability is the organisation's ability to organise itself. This entails an appropriate leadership that is united and has a clear command and control line throughout its organisation. When this is in place the organisation enhances its chances of obtaining other factors that increase its capability, such as its ability to recruit new members and the quantity and qualities of its members. This factor is again linked to the organisation's ability to conduct training, of both indoctrination and operational art, in order to activate them and send them out to perpetrate attacks. This may depend on the quality of trainers and whether or not the organisation has a place where they can train. Another factor that increases the organisation's capacity is its ability to obtain weapons and explosives, which again is related to freedom of movement. In addition to obtaining weapons more easily, freedom of movement will allow the organisation to co-ordinate between different cells, to collect financial resources, which again can be used to pay for logistical needs, or provide for, or 'win over', the population which the organisation claims to represent.

By examining the factors that may influence a terrorist organisation's motivation and capability it becomes evident that "terrorism is a political-military action that requires simultaneous use of military means, together with state-political-social- economic

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[31] *Ibid.*, p. 36.
[32] *Ibid.*

measures."[33] The question then becomes: to what degree should the military component play a part in the counter terrorism policy?

2. 2. 2 How to categorise counter terrorism policy

There is a scholarly controversy about how to categorise a government's counter terror actions and policies. Scholars Ronald Crelinstein and Alex Schmid contend that the most common way to differentiate amongst counter terrorism response options is to separate them into 'soft line' and 'hard line' responses. Soft line responses address the root causes of the terrorist activity, whereas hard line responses address the actions taken by the terrorist organisations.[34] Crelinstein and Schmid illustrate a second method for separating out counter terror policies: to divide them into domestic criminal justice matters or to treat them as an external "form of war or low-intensity conflict."[35] A state that views counter terrorism as a criminal justice matter will target terrorists with an internally-focused police force. However, a state that views counter terrorism as a form of war will target terrorists with a foreign-focused paramilitary organisation. In this regard, Israel is in a unique situation. Most of the terrorist activity that takes place within Israeli borders is conducted by individuals that are neither Israeli citizens nor foreign fighters. Most of Israel's terrorist incidents come from the Palestinians; a people living on Israeli controlled territory but not part of the Israeli nation-state. Several other scholars have sought to provide a framework for assessing counter terrorism. Christopher Hewitt lists six specific categories of counter terror policies a government can adopt: ceasefires, negotiations, improved economic conditions, collective punishments, the use of security forces, and political reforms.[36] Similarly, in her essay, "Institutional Responses to Terrorism, The Italian Case," Donatella Della Porta, uses changes "in legislation, the policy of the police apparatus, and the actual activities of the security forces and courts in

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[33] *Ibid.*, p.38.
[34] Crelinstein, Ronald D. and Schmid, Alex P.; "Western Responses to Terrorism: A Twenty-Five Year Balance Sheet", Terrorism and Political Violence, Vol. 4, no. 4, 1992.
[35] *Ibid*., p.310.
[36] Hewitt, Christopher; The Effectiveness of Anti-Terrorist Politics, University Press of America, Lanham, 1984.

order to assess a state's response to terrorist attacks."[37] She analyzes counter terrorist strategies by addressing changes in government policy. RAND scholars Bruce Hoffmann and Jennifer Morrison-Taw take a slightly different approach. Instead of listing the types of policies a government can use, they list four elements which are necessary for a counter terrorist campaign to be successful. They assert that there must be "effective overall command and coordination structure, legitimising measures must be taken by the government to build public trust and support, coordination between intelligence services, and foreign collaboration among governments and security forces."[38] Their approach measures the performance of the organisation countering terrorism as a precondition for the effectiveness of the policy.

However, if one is to summarize, the current body of literature in this field suggests that there are five basic types of response available to a state in combating terrorism: 1) the political democratic preventive approach – seeking to quell socio-economic factors which may give rise to social or political unrest through proactive political measures; 2) the international cooperation approach – working with other nations to develop networks through which they may share intelligence, effective prevention procedures, as well as assist in the prosecution of trans-national terrorist organisations; 3) the military response –suspending civil law and replacing the police force with a military deployment and military courts; 4) the criminal justice model – utilizing the standing police and judiciary to capture, prosecute, and pre-empt terrorists; [39] 5) the expanded criminal justice model.[40] These five approaches are by no means mutually exclusive, nor can a democracy confine itself to only one of these approaches. The first two types of responses, the political democratic pro-phyla tic approach as well as the international cooperation approach, exhibit general characteristics. As such they should be viewed as necessary elements in an ongoing process of counter terrorism, as

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[37] Porta, Donatella Della; "Institutional Responses to Terrorism, The Italian Case", in Schmid, Alex P. and Crelinstein, Ronald D. (editors); Western Responses to Terrorism, Frank Cass, London, 1993, p.156.
[38] Hoffmann, Bruce and Morrison-Taw, Jennifer; "A Strategic Framework for Countering Terrorism", 1992 www.rand.org, accessed 6 May 2007.
[39] Wilkinson, Paul; "Track II: Security and Terrorism in the 21st Century", Center for the Study of Terrorism and Political Violence, www.st-and.ac.uk, accessed 17 September 2002
[40] Pedahzur, Ami and Ranstorp, Magnus; "A tertiary Model for Countering Terrorism in Liberal Democracies: The case of Israel" Terrorism and Political Violence, Vol. 13, no 2, 2001.

opposed to being thought of as concrete, independent, and decisive responses to terrorism. When crystallized and condensed, what is left of the five basic types of responses, are three different models of counter terrorism policy: military, criminal justice, or expanded criminal justice model.

The military model and criminal justice model are two different models of counter terrorism, based on how societies fundamentally view terrorism – as an act of war or a criminal act. The last model, the expanded criminal justice model, has taken its roots from the criminal justice model, but bends its framework and extends its limits of performance. This model has stretched its parameters in order to include the many grey areas of a counter terrorism methods that are practised, but which is not covered in either the war or the criminal model, resulting in some sort of a hybrid solution that places itself somewhere in between.

The military model's role in countering terrorism

The military model views terrorism as an act of revolutionary warfare and places stronger emphasis on the restraint of terror and less weight on how this is done. Here, military Special Forces have the responsibility of responding to terrorism. With a wide range of military options at their disposal, the term 'war on terrorism' is played out in practise.

There are different rules in times of war than in times of peace. Killing other combatants is no longer viewed as a crime; rather, it is required and legitimate. Terrorists often class themselves as soldiers at war and as such with the prerogative to break civil laws. However, even in war there are rules outlawing the use of certain weapons and tactics. The rules of war grant civilians who are not associated with 'valid targets' at least a theoretical immunity from targeted attacks. Taking hostages is prohibited as well as violence against those held captive. Although these rules are sometimes violated, those responsible for the violations have to stand military trial and risk the punishment that follows from being a war criminal. However, such violations do not in any way diminish

the validity of the rules of war. Terrorists, some say, should be dealt with as soldiers who commit war time atrocities, because even enemy combatants have rights under the Geneva Conventions. Even terrorists retain their *human* rights, since these are inherent in being human and hence irrevocable. Others think this approach values consistency more than justice. Justice, in some peoples' view, to the victims of terror attacks requires that terrorist be treated as 'enemies of the human race' and thus they should not be entitled human rights.[41]

Although the military approach certainly can be effective, it is not without a number of major pitfalls which can threaten the basic principle of a democracy. It is naive to assume that simply because the military is controlled by a civilian government, the military automatically function in a manner which is also committed to the same principles. An army may well be seen as the last line of defence, and soldiers are trained to function in an environment that does not have the time to determine guilt in a court of law, to obtain search warrants, or to prepare evidentiary cases to be presented to a court. Democratic military establishments are trained to identify and immobilize the enemy under the rules of war.[42] The wide deployment of armed and uniformed military troops implies an extremely serious terrorist threat, which could easily be used by the terrorists to their own propaganda advantage and as such manipulate the circle of violence. Additionally, in using military tactics there is a higher risk that the government eventually will end up alienating the civilian public –an alienation that might lead to sympathy for the terrorists, resulting in the well known phrase 'the medicine is worse than the disease.'

The criminal model's role in counter terrorism

As argued previously, terrorism is defined by the nature of the act rather than the identity of the perpetrators and cannot be 'legitimised' simply by reference to a political

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[41] Ignatieff, Michael; The Lesser Evil, Edinburgh University Press, Edinburgh, 2004, p.7.
[42] Wilkinson, Paul; "The Role of the Military in Combating Terrorism in a Democratic Society" Terrorism and Political Violence, Vol. 8, no. 3, 1996, p.2.

cause. It is therefore vital that in working to counter this threat, liberal democratic governments strive to uphold the rule of law in order to maintain *their legitimacy*. "To believe that depriving citizens of their individual rights and suspending the democratic process is necessary to maintain 'order' is to put oneself on the same moral plane as the terrorists who believe that the 'end justifies the means'."[43] Thus, any liberal response to terrorism has to rest on a commitment to uphold and maintain the rule of law, even if this is at the expense of effective counter terrorism measures.

> "The very notion of crime, even in the most primitive legal systems, implies the moral responsibility of individuals for their actions and hence for any violation of the legal code. We cannot make a general rule that terrorists are to be exempted from criminal responsibility unless we are either prepared to plead their irresponsibility on the grounds of insanity or are willing to allow the whole moral and legal order to be undermined by deferring to a terrorist."[44]

Terrorists commit criminal actions such as murder, kidnapping, and arson, and every liberal society has laws to punish criminals. So a major element of the criminal counter terrorism model has been to de-legitimize terrorists, to get society to see them as criminals, and to use the rule of law against them. This should be headed by the police with actions that are naturally restrained by the state's criminal legal system. An additional benefit of using the police is that they normally already have legitimacy in the eyes of the majority of the civilian population. They have a deep knowledge of local conditions and are familiar with the law and the techniques of criminal investigations.

Although the pitfalls of crime models are considered to be fewer than with the war model, there are certain dangers that threaten a liberal society's own viability. If the police and the judicial authorities lack the necessary legal powers, how can innocent people be protected? A society, as a result of political pressure or increased violence, can come to increase the powers of the police and lengthen the emergency laws both in width

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[43] Chalk, Peter; "The Liberal Democratic Response to Terrorism" <u>Terrorism and Political Violence,</u> Vol. 7, no 4, 1995, p.17.
[44] Wilkinson, Paul; "Ethical Defences of Terrorism –Defending the Indefensible" <u>Terrorism and Political Violence</u>, Vol. 1, no. 1, 1989, p.13.

and in time – leading ultimately to a police state with the an adverse limitation on civil liberties.

The expanded criminal justice model's role in counter terrorism

It is precisely the delicate tightrope described above that the expanded criminal justice model seeks to address. This model "acknowledges that the war against terror may often stray from liberal standards and employ means not necessarily accepted as principles of criminal law enforcement, but at the same time still significantly differs from the rules of war and customary military methods."[45] The expanded criminal justice model views terrorism as something more than an ordinary criminal act, but as less than an act of war. It labels terrorism as an 'exceptional phenomenon'. As such, it needs exceptional methods and laws in order to counter it.

This model seeks to include not only the black and white areas that the war and criminal model stand for, but also those many shades of grey that a democracy will invariably have to face. These shades of grey consist of an expanded range of police and intelligence powers that may include: wider power to arrest, the ability to detain without going to trail, the freezing of assets suspected of being linked to terrorism, broader phone and wire tapping powers, as well as the removal of citizenship. The key here is that these powers, which might be thought of as being better placed within the war model, are regulated by law and the justice apparatus, and should thus in theory prevent the opportunity for an abuse of the extended powers. Dr. Pedahzur and Dr. Ranstorp have developed the table below and have placed the expanded criminal justice model in between the war model and criminal justice model, showing that the expanded criminal justice model draws upon elements of both theories.

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[45] Pedahzur, Ami and Ranstorp, Magnus; "A Tertiary Model for Countering Terrorism in Liberal Democracies: The Case of Israel", Terrorism and Political Violence, Vol. 13, no. 2, 2001, p.4.

Table 1: [46]

Criteria	War model	Expanded criminal justice model	Criminal justice model
General feature	Terrorism is regarded as a tactic exercised in guerrilla activities or even acts of rebellion	Terrorism is regarded as an exceptional phenomenon that is not necessarily an act of war, yet also deviates from the standard definition of a felonious crime	Terrorism is regarded as a crime
State aims and means	Apprehending terrorists and the elimination of terrorism	Arrests and penalization of terrorists	Arrests and penalization of terrorists while adhering to the 'rule of law' and liberal democratic standards with respect to the institution of law and enforcement
Democratic acceptability	The exercise of military force and military strategies with the intention of eradicating terrorism in a certain society will lead the country significantly away from acceptable democratic standards	The expansion of the concept of the rule of law by adopting special legislation in the battle against terrorism and administrative regulations will divert the regime away from liberal acceptability, yet will not completely violate democratic boundaries	The use of this model corresponds with the elements to the liberal democratic orientation Rigid constitutional boundaries
Constitutional and legal aspects	Laws of war dictate counter-terrorism measures and consequently any	The expansion of constitutional boundaries by adopting administrative	The state responds to terrorist incidents in compliance with state criminal law and is

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[46] *Ibid.*

	constitutional or legal consideration is solely secondary	regulations or special laws in the fight against terrorism, and the differential treatment by the court system of offences defined as terrorist	subject to constant judiciary regulation
Operational aspects	Forces respond to terrorism are the army and special units. The nature of their response resides in military doctrine.	Forces responding will be primarily police and secret service, occasionally complemented by special anti-terrorism units. The nature of the response will include preventive arrest, surveillance techniques, and gathering intelligence date-typical methods used by secret services. All this with the intention of bringing suspects to trail.	The forces responding will be the police. The nature of the response is circumscribed by the standard rules of authority accorded to an anti criminal police force.

A democracy that fights terrorism will find itself forced to change strategy to comply with the changing threat and the public demand for security. A state might find it useful to enforce a strategy leaning towards the war model on some occasions, while keeping itself within the limits of the criminal model at other times. This ability to change is precisely what experts of counter terrorism policy are referring to when they state that a great deal of flexibility is crucial in the fight against terrorism, precisely due to *the terrorists'* ability to change their character. The strength of the expanded criminal justice model is that it provides a framework in order to make the transition from a criminal to a war model policy more transparent and thus adhering to the natural balance and checks procedures, securing a solid counter terrorism policy and attempting to maintain the

values of democracy. However, its strengths could potentially also becomes its weakness. The stretching of the criminal model methods to include an expanded range of police and intelligence powers is not something that is granted over night and might over time include more and more practises. This time-consuming expansion of the government powers can blur the line between what the public are willing to give up regarding their civil liberties for the sake of security, the so called governance dilemma.

2. 2. 3 Counter terrorism and democracy - Security vs. Liberty

The governance dilemma, as Boaz Ganor sees it, is the dilemma which derives from the desire to reach maximum effectiveness from counter terrorism policy, while maintaining the nation's human rights and civil liberties. Counter terrorism policy in a democratic society has to find a balance between what is necessary and what is appropriate. In this debate, there are those who worry that too much emphasis on civil liberty rights will tie the hands of a democracy. Others insist that if civil liberty rights are reduced, even for a few individuals, then democracy betrays its own identity. For one side, what fundamentally matters is that democracies prevail. For the other, what matters more is that democracies prevail without betraying what they stand for. "They [democratic societies] have a clear duty to protect the life and property of citizens and to uphold the law. Their central dilemma is that by taking harsh measures to deal with the emergency they may destroy the very fabric of freedom under the law which they have a duty to defend."[47] However, at what point in a democratic society does the general survival of a state take precedence over citizens' rights? In dealing with terrorism, what works is not always right, and what is right might not always work. Nonetheless the response to terrorism in a society needs to be credible. The general public has to be convinced that the state's proposed action is both necessary and will be effective in producing results – both with respect to its performance in combating terrorism and in protecting civil liberties. In a democracy, government sensitivity to its public is its

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[47] Wilkinson, Paul; "The Role of the Military in Combating Terrorism in a Democratic Society" Terrorism and Political Violence, Vol. 8, no 3, 1996, p.2.

strength and weakness when it comes to how to counter terrorism. Strength, because the public will hold their government responsible for their actions while it steers the political development, ultimately giving the citizens some degree of power and influence. A weakness because the government is required to do everything in its power to protect the lives of its citizens, otherwise the voting public will think that its leaders have not done their utmost to thwart terrorist attacks, and they will not last long in office. "All battles between terrorists and the state are battles for opinion, and in this struggle ethical justifications are critical. […] The political costs of under reaction are always going to be higher than the cost of overreaction – then at least they can always claim they did their best."[48]

The demand for security and the government obligation to provide it touches upon another aspect of counter terrorism policy – the danger of playing into the hands of the terrorist group. Often there exists an element in the terrorism strategy that depends on the brutality of counter terrorism methods. This the terror group will use in order to justify their retaliation while manipulating the citizens' and world's perception as to what the conflict is truly about and who is truly the violent party. Terror groups frequently make a cost/benefit analysis of their actions, determining whether they find it beneficial to provoke a government response to their action, often hoping that the response would be seen as disproportionate to the terrorist attack in order to legitimise their own actions. "Terrorists may think that it will demonstrate the justice of their claims, and enhance the attractiveness of the political alternative [which] the terrorist represent."[49] A government response could have two effects; it could either deter dissidents or, seeing that counter terrorism methods often affect the general public, increase the public support of the terrorist group because the public see a direct connection with the government's counter terrorism methods and their own suffering. Here a perception that the government is unjust could become a motivating factor to continue supporting the terror organisation. If the government is portrayed as unjust and unfair it could even turn or alter the

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[48] Ignatieff, Michael; The Lesser Evil, Edinburgh University Press, Ltd, Edinburgh, 2004, p.19 and p.58.
[49] Crenshaw, Martha; "The Logic of Terrorism: Terrorist Behaviour as a Product of Strategic Choice", 1998, p.62, in Howard, Russell D. and Sawyer (editors); Terrorism and counterterrorism –understanding the new security environment, Reid L. The McGraw-Hill companies, Connecticut, 2002.

international community's point of view of the terror group. However, profiting from government repression depends on the lengths to which the government is willing to go to in order to contain disorder, and on the population's tolerance for both insecurity and repression. Therefore, the tolerance level of the public that supports the terror group, as well as the public that agree with society's counter terrorism policy, is crucial in determining which direction the policy of terrorism and counter terrorism will take.

3. Some aspects of Israel's security history

"Beginnings are notoriously important because divergences that are small at the start of the journey become even greater as time passes."[50]

Throughout history, survival has been a defining aspect of Jewish history. Therefore, it is little wonder that security became a key focal point in Israel's history and continues to have an impact on its politics today. Israeli citizens feel they have lived under siege since the creation of Israel, believing that if they lost even a single war, it would not only be the end of the state, but probably the end of them all.[51] "As one Israeli put it: 'The Zionist founders, in their great wisdom, decided to plop the country down in the midst of 100 million mostly hostile Arabs.' So what did they expect to happen?"[52]

The sense of being constantly under threat was the fundamental reason why security was so essential in the early days of Israel. Focussing on something indisputably serious in life is bound to influence its development. When the whole society essentially has the same focus, it creates a collective purposefulness that only certain types of hardship can create. Despite successes in a series of wars, changing security threats and the growth of the state means that security continues to be the central issue in Israeli society, although this issue no longer has the same meaning. Arguably, there is no longer a danger threatening Israel's existence. This claim is substantiated by the fact that Israel has grown strong in her own right, enjoys the friendship of powerful state players, has entered peace agreements with Egypt and Jordan, and has withdrawn from Lebanon. However, likewise, its existence has become more vulnerable due to the kind of weapons of mass destruction harboured by some of the states engaged in proxy wars with Israel. Yet what is clear is that the threat has changed, and although the threat of terrorism might

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[50] Garfinkle, Adam; <u>Politics and Society in Modern Israel-Myths and Realities,</u> M. E Sharpe, New York, 2000, p.56.
[51] Schiff, Ze'ev; "Fifty years of Israeli security: the central role of the defence system", <u>Middle East Journal</u>, Vol. 53, no. 3, 1999.
[52] Garfinkle, Adam; <u>Politics and Society in Modern Israel-Myths and Realities,</u> M. E Sharpe, New York, 2000, p.110.

not be an existential threat, it is a concern that needs to be addressed. Therefore, the perceptions, lessons and conclusions that have contributed to Israel's attitude to security over the past three decades will be discussed in this section. The manner in which Israel's experience has moulded its citizens, how Israel has placed emphasis on settlement policies, shaped the military service and the society, will be examined with respect to the country's counter terrorism strategy.

Israel faced security issues even before the state of Israel was created. At that time, the Jewish people considered themselves a lonely race, a perception that remains to this day. The Holocaust only manifested this feeling further; in 1945 when World War II ended, about six million Jews, more than one-third of the entire Jewish population in the world, had perished. World War II was not fought to save the Jews. However, what the Holocaust did was convince Jewish survivors in all parts of the world that there was a need for a Jewish state. In other words, it was Hitler who finally made Zionism a major movement among Jews worldwide. Thus their sense of abandonment only increased their unity and eventually their trust in their government. On May 14 1948, David Ben-Gurion proclaimed the state of Israel, "a 'Jewish state established by and for the Jewish people'."[53] The very next day, half a dozen Arab countries declared war, and once again the Jews found their security threatened, and they developed a sense of independency which meant that no other state besides Israel could possibly act in their best interest. Israel stood alone and could not depend on other nations or individuals to aid it or to give it advice. This sense of independency can at times still be recognised in the country's counter terrorism policy. It has influenced the organisation of Israel's military apparatus, as well as Israel's apparent disregard of international criticism.

Israel has fought five wars, but it was the wars in 1948 and 1967 that geographically shaped Israel's borders as we know them today and heavily influenced its military doctrine. Once the first battles were over in 1949, the Israelis had won half of Jerusalem, parts of Galilee, and areas of the Negev Desert. Moreover, no independent

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[53] According to the declaration of independence issued by its provisional council. Owen, Roger; State, Power and Politics in the making of The Modern Middle East, Routledge, London, 1992, p. 109.

Arab state was established in Palestine. The war in 1967 placed the West Bank and the Temple Mount of East Jerusalem in Jewish hands. Additionally, these wars resulted in a strong emotional reaction from the Israeli citizens. These wars reconfirmed that Israelis were enormously proud of their military forces. Living with new borders was interpreted as a symbol of their destiny and divine right. The military became heroes, and Israeli society embraced the military service that gave them victory. But this victory would also spark a Palestinian resistance movement which sought justice, land, and independence. Later, this resistance movement used terrorism as a method to achieve its goals, and the issue of justice, land and independence is still not solved to this day.

The sense of siege also took a hold on Israeli citizens. Virtually everyone in Israel has experienced war. Many have seen combat, and almost everyone has had to endure waiting for words from loved ones in battle. Naturally, this shaped the political atmosphere and even the government; most of Israel's Prime Ministers and Defence Ministers were once soldiers. Men who have seen death and have likewise sent others to their deaths, inflict a callous mood over Israel. In the 1950's, Abba Eban, a Holocaust victim, stated that neither individuals nor communities would be vulnerable again, by maintaining that the only way to deal with the Arab world was by leaving no doubt about who had absolute military superiority in the region.[54] Israel took this declaration to heart, and required the effective capacity to win wars decisively. It was not enough to win a war, Israel had to send a message of deterrence, they had to have a 'decisive victory' (*hachra'a*).[55] This statement became a cornerstone of Israeli military doctrine.

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[54] Shipler, David K.; <u>Arab and Jew –Wounded Spirits in a Promised Land</u>, Penguin Books, London, 2002.
[55] Inbar, Efraim and Sandler, Shmuel; "Israel's Deterrence Strategy Revisited", <u>Security Studies,</u> No. 2 1993/94.

3. 1 The main pillars of Israeli military doctrine

A doctrine is a belief, or a set of beliefs, especially political or religious, taught and accepted by a particular group. It is a set of beliefs that form a general opinion. In this way having a doctrine is in itself a crucial aspect, as it is a symbol of a common set of beliefs. The principal aim of Israeli foreign policy has been survival, and even though the Israeli government has avoided identifying the nation's security framework as a public formal doctrine, there have been discernible principles, to which security policies have had to conform. According to Cohen, there are eight fundamental principles:[56] 1) 'A nation-in-arms' - whereby an army is created in which every Israeli citizen has to serve; 2) 'Strategic defence, operational offence' - the idea that wars should not be fought inside Israel, but rather that the battle or war should be brought to the enemy; 3) 'Short wars for limited ends' - since Israel is a country with limited resources, it is critical to achieve the goals and end the conflict as quickly as possible, hence preventive and pre-emptive strategies become paramount; 4) 'The tank and fighter-bomber team' – seeing as a war with the Arab nations would include the risk of having ground-based Arab armies inside Israel, as this has posed the greatest threat in the past, Israel must not only depend on the army, but also requires the assistance of a superior air force; 5) 'Quality versus quantity' - due to Israel's limitations with respect to both geography and population size, it has had to rely on qualitative superiority in technology, motivation and tactical ability, in order to be successful; 6) 'Red lines and punishment' - Israel's sensitivity to being caught in a surprise attack, has resulted in the formation of 'red lines', which if crossed, would result in severe reprisals; 7) 'Self-reliance' - as a result of lessons learned and based on the promise that Israel should not rely on others to guarantee its survival. 8) 'The search for a great-power patron' - since 1967, the United States has fulfilled this role and has been very important in strengthening Israel's deterrence policy. When examining these principals, it is evident that all of them are intended to have a deterrent value at the *political* level.

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[56] Cohen, E.A. & Eisenstadt, M.J. & Bacevich, A.J.; "Israel's Revolution in Security Affairs", Survival, Vol. 40, no. 1, 1998, pp 48-50.

A crucial element of a deterrence process is the establishment of a relationship which has a balance of power, because if both parties are equally big and present equal amounts of danger and punishment, the fear of the other will keep them in check. However, in reality there are several reasons why the 'weaker' party might instigate a crisis. They might feel they have nothing to lose, or at least that is their perception of the situation, and therefore the weaker party regards the crisis as an opportunity, rather than something to be avoided. Another consideration is that the intervention of stronger external forces might get the UN and the world on their side, in an attempt to gain legitimacy and eventually balance out the preserved asymmetry.[57]

At the outset, the relationship between Israel and the Palestinians indeed appears to be asymmetric. One factor affecting this relationship, however, is the support of other countries which they can consider allies. Israel was born into a bipolar world, when the division of the Middle East between the United States and the Soviet Union remained unclear. The apparent changing role of Israel, in which it initially represented itself, and then became an ally of the United States, worked well as a deterrent.[58] This became especially clear with the fall of the Soviet Union, and accordingly, the end of the export of competitive military equipment to Arab states. However, over the past years, there have been outspoken discussions on how close the relationship between the United States and Israel really is. Critics have stated that the desire to maintain a good relationship with the United States, as well as the peace process attempts, have resulted in a limitation of Israel's freedom of action.[59] This is further complicated by the fact that the United States finds it difficult to balance its own relationship with the Arab world effectively, due to an interest in 'regional stability' and oil. Israel, on its own, in comparison to Palestine, has by far the upper hand both economically and militarily. However, as previously mentioned, it is perception that counts. Israelis do not regard this situation as a balancing act between only themselves (a state) and the Palestinians (non-state). Instead they

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[57] Moghadam, Assaf; "Diplomacy and Force in the Middle East Crisis: Israeli Crisis Management Strategies, September-December 2000" www.ciao.net, accessed 20 March 2003.
[58] Inbar, Efraim and Sandler, Shmuel; "Israel's Deterrence Strategy Revisited", Security Studies, no. 2 1993/94.
[59] *Ibid.*

believe that their small country, both in size and numbers, is alone against the massive allied belt of the Arab world. It could be argued that this perception held true in the past. However, more recently, the Palestinians have become aware of the lack of intervention by the Arab world during the first and second Intifada. Among the Palestinians, there is a deep scepticism as to whether their fellow Arab brothers can be relied on to fight a military battle in their defense. In this respect, the Palestinians indeed categorise their relationship with the Israelis as an asymmetrical one.

There seem to be two particular principles that Cohen lists that enlighten how terrorism affects Israeli society today and gives another dimension to Israel's counter terrorism strategy: the principles of 'Strategic defence, operational offence' and 'A nation-in-arms'. These two principles will be discussed separately. With respect to 'Strategic defence, operational offence', it is arguable that the settlement policy originated from this principle, although it is not certain whether it explains the current use of this policy. Moreover, the settlement policy touches upon one of the key reasons for Palestinian resistance; sovereign land. Hence, an introduction to this topic will be given in this section, highlighting some of the dilemmas. The development of the principle 'A nation-in-arms' over time will be examined in depth, seeing as it is the military service who enforce the government's counter terrorism policy. Furthermore, this principle has had an impact on how Hamas chooses its targets, and therefore it is necessary to explore how Israel can stick to it in practice.

3. 1. 1 'Strategic defence, operational offence'

Israeli security has greatly, and is continuously, influenced by geography and demographics. Although Israel won the War of Independence in 1948 and gained more land than initially offered by the UN Partition Resolution of 1947, it was still faced with troublesome borders. "The state's width varied from just a few miles at its narrowest to just a few score miles at its widest. All of its major population centres, industrial assets,

and military facilities were potentially within easy reach of Arab armies."[60] The realisation of Israel's geographical limitations made the state base itself on a military doctrine that would prevent future full-scale wars from being fought on home soil, and instead transferred the fighting to the enemies' backyards. Thus, the IDF have stressed the importance of preventative and pre-emptive war. This is why Israel has developed a very traditional military system with emphasis on the air force, as well as dividing the military infrastructure into three commands: North (Galilee), Central (the Triangle of Arab towns in central of Israel south east of Haifa), and South (The Negev Desert). Israel's lack of geographic depth improved partially with the outcome of the 1967 Six-Day War, although these areas brought with them problems of their own, especially smaller conflicts. The importance of no combat within Israel's borders further explains why fighting terrorism inside the state itself proves such a challenge. Bombs go off in Jerusalem, the heart of the country, in Haifa, the very north, and in Tel Aviv, the metropolitan city. The very fact that a bomb can explode anywhere amplifies the terror and increases the difficulty of protecting Israeli citizens. Terror groups have managed to achieve what the Arab military could not, i.e. to bring the violence into Israel's backyard. It is one thing to fight wars on your enemies' soil or alongside your border, but it is quite another to have to endure violence in your own neighbourhood. It makes a society vulnerable and cripples its normal routine. However, it can also radicalise the citizens and motivate them to protect their home. As a consequence, Israel introduced two interlinked strategies: increasing its population, and expanding its borders geographically.

Israel understood the importance of demographics at an early stage. Having people living on the ground was not only an essential survival technique for the Israeli economy, but also became an important element of the security policy. There are several reasons for this, but three Israeli rationale stands out. Firstly, the state had to manifest their right of existence. Secondly, Israel had to survive as a Jewish state, and to be independent. Thirdly, the population of Israel had to be large enough to defend itself against the neighbouring Arabs nations, who were superior through sheer numbers of

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[60] Rodman, David; "Israel's National Security Doctrine: An Introductory Overview" <u>Middle East Review of International Affairs</u>, Vol. 5, no. 3, 2001.

people. In 1948, Israel only had a Jewish population of 600-650,000 people.[61] Former
Minister of Defence, Shimon Peres, illustrated the Israeli mindset after the 1973 war,
proclaiming:

> "The state of Israel's basic problem is the extreme disproportion in forces and
> potential between herself and her neighbours, in the framework of continuous
> state of belligerency. Twenty-one states against one state, 155 million Arab
> people against 2.9 million; 1.3 million men under arms and permanently
> mobilized against half-a-million –mostly reserves; an area of 12.5 square km.
> against 88, 000 square km."[62]

Israel understood that it was vital for them to encourage Jews to immigrate to Israel. The
idea was that people would defend the land they lived on more vigorously than if they did
not have any emotional ties to it. Besides, knowing the land thoroughly became a major
tactical advantage. As a consequence, the principle that every Jew could come to Israel
and make a home was manifested in the "Law of Return". This law effectively stated that
one could become a citizen of Israel without having to go through a waiting period or a
complicated bureaucratic process. In fact the only requirement was to show proof of
being Jewish, hence, even at this point Israel was linking citizenship with religion.
Security and immigration was therefore closely linked from the outset, in the Israeli mind
set.

The immigration policy that began after the 1948 war has continued to be a
heavily debated part of Israel's strategy, both domestically[63] and internationally. This is
partly because the immigration policy is closely interlinked with the settlement
policy.When the author Shipler met with Sharon for the first time, Sharon elaborated on
this fact:

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[61] Rodman, David; "Israel's National Security Doctrine: An Introductory Overview" Middle East Review
of International Affairs, Vol. 5, no. 3, 2001.
[62] Editor; Williams, Louis; Military Aspects of the Israeli-Arab Conflict, University Publishing Projects,
Tel Aviv, 1975, p. 4.
[63] This also meant that Israel needed to provide security for its citizens, because otherwise many would not
settle. Jews that left Czar Russia in the 1880s for example went to America instead of Palestine, but more
importantly so did Jews from Russia in the 1990s. Their reasons were not only economical; they also felt
that they were not safe in Israel. Garfinkle, Adam; Politics and Society in Modern Israel –Myths and
Realities, M. E. Sharpe, New York, 2000.

"He pulled out a map and gave me his reason for wanting Jewish families to settle in these rugged hills. His argument had nothing at all to do with the Bible. 'Security is not only guns and aircraft and tanks' he said. 'Security first of all is motivation –motivation to defend a place. If people live in a place, they have the motivation to defend themselves, and the nation has the motivation to defend them. The fact that you are present that you know every hill, every mountain, every valley, every spring, every cave; the curiosity to know what is on the other side of the hill –that is security. If you have all the guns and tanks in the world, you cannot do anything if you aren't motivated, if you don't know the area, if you don't feel that it is yours.'"[64]

Since 1967, first as a tool to control the growth of Palestinian residences, but later also as part of a larger settlement policy, Israel has implemented a settlement policy in Gaza and the West Bank. Between 1967 and 1997, 143 Israeli settlements were established in Gaza and the West Bank alone.[65] In August 2005, when Israel started to withdraw from Gaza, there were 21 settlements which housed 8 700 settlers. When the withdrawal was completed Israel still had 133 settlements in the West Bank and 22 settlements in East Jerusalem, housing around 239 700 settlers and 22 respectively[66]

Most Israeli settlements are situated in previously 'rural' locations, inserted between Palestinian villages and often on hilltops. Settlers are subject to Israeli criminal law, whereas Israeli military orders and Palestinian criminal law are applied to Palestinians in Israeli courts.[67] Settlers pay Israeli taxes and receive Israeli benefits and services. Furthermore, they are protected from the Palestinians by the Israeli military, and they are not bound to any closure, curfews, or permits policy. Outside East Jerusalem, Palestinians are prohibited from entering settlements unless they have a permit. As with other Israelis, settlers serve in the military and are armed, and additionally they have the legal power to arrest Palestinians.[68] Today these settlements are now a constant reminder for the Palestinians of Israel's occupations, for orthodox Jews they represent that the

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[64] Shipler, David K.; Arab and Jew –Wounded Spirits in a Promised Land, Penguin Books, London, 2002, p.129.
[65] The data does not include Israeli settlement in East Jerusalem. Palestinian Academic Society for Study of International Affairs; "Settlements and Outpost", www.passia.org, accessed 23 November 2007.
[66] Ibid.
[67] Amnesty International; "Israel and the Occupied Territories: Demolition and dispossession: the destruction of Palestinian homes", December 8 1999, www.amenetsy.org, accessed 12 November 2000.
[68] Ibid.

biblical land of Israel is theirs, for Israel it represents a security risk and financial cost and for the peace process the settlements represent a problem which must be solved.

3. 1. 2 'A nation–in-arms'

The armed forces are a vital part of Israel. They have not only shaped Israel's history and become an essential instrument in Israel's counter terrorism policy, but have also formed the identity of the Israeli psyche and therefore influenced the society. Ultimately, and precisely because Israel is a democracy, it is the Israeli identity, norms and values that determine which counter terrorism methods are acceptable and those which are not. During this balancing act, Israelis are defining who they are and what kind of people they would like to become. It could therefore be argued that the ultimate symbol of the Israeli identity is their armed forces.

Together with the establishment of the state of Israel, came the establishment of a single, unified armed force, which was responsible to the nation's elected government. On May 28, 1948, the Provisional Government of the State of Israel issued the Defence Army of Israel Ordinance No. 4. With this ordinance, signed by Prime Minister David Ben-Gurion, the IDF, which comprised 'land forces, a navy and an air force', was born.[69] The tremendous task of creating a unified IDF[70] took almost seven months, from 28 May until 7 November 1948.[71] The call for military registration took immediate effect; even immigrants who had not yet reached the country, had already been drafted. By the end of 1948, almost 200,000 males and females had been registered for service, staking out the decree that both sexes were to serve in the military.

Israel was faced with the delicate situation of how to balance and maintain a substantial professional army without adding unbearable pressure to a struggling

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[69] IDF; "The Founding of the Israel Defense Forces -28 May 1948", www.idf.il, accessed 28 January 2003.
[70] During Israel's history there have existed numerous different militant groups with various strengths, functions and political directions. Bar Giora, Ha-shomer, Hagana, and PALMACH are examples of these. For further reading on these groups see: Creveld, Martin Van; The Sword and the Olive, Public Affairs, New York, 1998.
[71] IDF; "The Founding of the Israel Defense Forces -28 May 1948", www.idf.il, accessed 28 January 2003.

economy. The solution was to have what has been called a 'nation-in-arms'. This means universal conscription for both men and women, with appropriate official exemptions accorded to minorities, and certain religious sectors. However, the military personnel shortage could never be resolved; the small professional army would be able to defend the borders in peacetime, but in the event of war, it would be necessary for full national mobilization, hence the answer to the problem was the establishment of a reserve army. Today, Israel has three main organisational frameworks: the conscript army (from the age of 18 until 21) which men join for 36 months and women for 21 months,[72] the reserve army, and the professional army. In effect, 65 percent of the combat units in the IDF are reserve units. An Israeli Jewish male serves in the reserve system from the end of his conscript service until he is approximately 51 years old.[73] In principle, and by law, all eligible men are summoned to the reserves once a year, for a period that averages 36 days for soldiers and 42 days for officers. Combat soldiers are transferred at the age of 35 from front-line units to logistic units off the battlefield.[74] During an emergency period, such as in a state of war, Israeli reservists may spend several months in service. On average, an Israeli Jewish male devotes five to six years of his life to the military service.[75] The extensive impact the military has had on every Israeli's life, in comparison to other societies, has created a large pool of experienced and trained soldiers who can be quickly mobilized during a crisis. However, it also has had unintended consequences by blurring the line between non-combatants and combatants. On April 16, 1993, Hamas carried out their first suicide bombing, whereby the bomber drove an explosive-laden van, and parked between two buses at Mehola Junction, a rest-stop on the Jordan Valley Highway, and detonated. The blast killed the driver and another Palestinian, and injured many civilians.[76] Although no civilians died, many were injured, and the attack symbolised a shift in Hamas' strategy. The second suicide bomb attack ever carried out by Hamas

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[72] CIA Factbook 2005, www.cia.gov, accessed 19 May 2005.
[73] Ben-Dor, Gabriel & Pedahzur, Amir & Hasis, Badi; "Israeli National Security Doctrine under Strain: The Crisis of the Reserve Army", Armed Forces & Society, Vol. 28, no. 2, 2002.
[74] *Ibid.*
[75] *Ibid.*
[76] The bomb was made by Yahya Ayyash 'The Engineer' who used three large propane tanks and explosives collected from grenades and other ordains. Shahar al-Nabulsi was the suicide bomber. This was Hamas' 19th known attack since 1989. However, previous attacks were shootings, kidnappings, and knife attacks. Katz, Samuel M.; The Hunt for the Engineer, The Lyons Press, Connecticut, 1999.

occurred on April 6 1994, where nine Israeli students died. Hamas justified this attack by challenging the status of its victims, and claims the right to attack such targets, by declaring 'there are no civilians in Israel' and 'Israel is a military society'.[77] Since then Hamas has used this line of argument to legitimise the killing of Israeli civilians.

The notion of 'a nation-in-arms' serves yet another purpose. Ben-Gurion realised the army would become the most important melting pot for the young generation of immigrants, and, even today, it plays a vital role in the integration of immigrants into Israeli society. Immigrants from all over the world not only meet each other there and attend the obligatory language classes, but the military service provides the setting for them to meet settled Israelis and the chance to form a common bond. The army service connects Sephardic and Ashkenazi, modern Orthodox and secular beliefs, thus becoming a key part of socialization. Israeli children usually stay in the same group throughout school and during military service.

> "This is done deliberately. There is thus from the start an effort to create a sense of mutual obligation, a sense of community, a sense of camaraderie, and a sense of general equality. By the time eighteen-year-olds get into the army, they already know intimately those who go in with them, and they already know by second nature how to function and think as a unit."[78]

Besides providing a mutual understanding and common bond, the success of the army is deeply respected and admired by the Israelis, and serving in the military gives a sense of status. A professional soldier in Israel used to have a very high status, and doing your duty could open up doors when seeking employment elsewhere, particularly after serving in an elite unit or as aircrew in the air force. Some soldiers elaborated on this in an interview:

> "'The IDF exposes the draftee to experiences he would not normally have,' said Sarah. 'There is mixing in so far as in the IDF you come across people who have not done their matriculation (high school graduation). Outside the army you don't come across such people, but in the army you do.' How important was the IDF to

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[77] The International Institute for Strategic Studies; "The Hamas Factor", Strategic Comments, Vol. 10, Issue 4, 2004.
[78] Garfinkle, Adam; Politics and Society in Modern Israel –Myths and Realities, M.E. Sharpe, New York, 2000, p. 111.

you in strictly personal terms? 'Crucial' Ana replied. 'Only when the military service is done, can you get along with your life'. 'The IDF is important for jobs', said Micah. 'Certain jobs are given only to those who served in the IDF. Also if you haven't served in the IDF you are not entitled to certain social security and mortgage benefits'. 'You could say there is a clear dividing line between those who have done the IDF service and those who have not' said Eli 'IDF personnel enjoy social esteem, whereas the non-IDF are marginalized'." [79]

Nevertheless, this status and admired image has slowly changed, and with it, the reality of 'a nation-in-arms'. The next section will offer some plausible reasons for this deterioration of image, and the real future of 'a nation-in-arms' will be discussed.

The changing perception of the IDF

The military force is the organisation that has provided the Israeli community with security, and is today the enforcer of its government's counter terrorism policy. Due to the soldiers' many sacrifices and commitment to their government, the IDF have enjoyed unquestionable support from the general public. Their losses and successes have unified the public. This may be why the Israelis show such interest in military successes, and also in their failures. This is because the general public identify with the IDF, i.e. it could have been them.

A generation ago, training accidents, suicides, and operational failures were ignored by the Israeli media, and their tragic consequences were suffered in silence by the victims' families. The army was sacred; no one dared weaken it, or thus weaken Israel by exposing it to scrutiny, or suggesting that it could be flawed. This is no longer the case. These days, accidents or deaths are usually explored and investigated. This change came about in the wake of the Lebanon invasion, which was arguably the first war Israel did not have to fight for the survival of the nation. However, it was the hijacking of a bus in 1984 that crystallised the change nationally. On April 12, four 18-

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[79] Hiro, Dilip; Sharing the Promised Land, Coronet Books, London, p. 246.

year-old Palestinians from Gaza climbed into a commuter bus heading south from Tel Aviv towards Ashkelon.

> "The Bus carried thirty-five passengers, once the bus had reached the highway the Palestinians pulled knives and hijacked the bus. Their aim was to get to Egypt and there negotiate the release of 500 Palestinian prisoners. However, they let one pregnant woman go and she alerted the security officials who set up a road block and managed to stop the bus and some of the passengers managed to run into safety including its driver a Jew from Middle East (real name) who was badly beaten by the security forces who thought he was one of the terrorists. The terrorists were still in the vehicle and the Israeli Special Forces stormed the bus. When the incident was finished, the Israeli military reported to its citizens that all four of the hijackers were killed, two immediately and two who 'died on their way to the hospital'. However, this was not the real story. Two terrorists, cousins Majdi and Subhi Abu Jumaa had been taken out of the bus alive. They were led across the road to a field where a makeshift base and interrogation centre had been set up for preliminary questioning in order to determine whether or not they had booby trapped the bus with explosives. The security men reportedly beat and threatened the prisoners in an effort to gain this information. The two terrorists died with fractured skulls, so many that the Israelis who investigated the incident had trouble determining precisely who landed the fatal blows."[80]

Due to the imposed censorship, the complete story and the picture of the two terrorists being led away from the bus, alive and in handcuffs, was not published in Israel. However, it was finally published by The New York Times. Israelis were disgusted by the murders. There were those who worried this incident would undermine the longstanding policy of capturing terrorists alive, keeping them alive, and avoiding the death penalty even after conviction. This was a policy that was thought to encourage terrorists to surrender and release their hostages without feeling that they had no alternative but to fight to the death and take innocents with them. The defence minister initiated an investigation and concluded that "some security-forces personnel may have broken the law."[81] Ironically, had these terrorists died in the army's assault on the bus, the public's disgust would not have existed. Instead, it would have been considered a fair

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[80] Shipler, David K.; Arab and Jew –Wounded Spirits in a Promised Land, Penguin Books, London, 2002, p. 77.
[81] Ibid.

part of a deadly game. But the pictures of policemen beating the terrorists to death provoked a new wave of careful self-criticism.

> "Some wondered whether lawlessness and violence, so long a part of the Middle East, were working their way into the soul of Israel. Some Israelis of the old guard, who helped build the country on the ideals of humaneness, felt that the ground had shifted under their feet. They asked themselves whether the bloody tactics that had been accepted by mainstream Palestinians were coming gradually to be acknowledged as legitimate by important streams of Israeli Jews." [82]

Even though the military is still highly regarded in Israel, and soldiers and career officers still receive great respect, the unconditional awe has been replaced with guarded scepticism. This allows for changes and new directions to be taken, and has resulted in a change in the motivation for serving in the IDF, which has manifested itself in the fact that less and less are choosing to enter military service and increasingly more groups of people are exempt. Ultimately, could this change mean that the notion of 'nation-in-arms' is no longer valid.

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[82] *Ibid.*

3. 2 The evolution of Israel's counter terrorism strategy

The history of Israeli counter terrorism precedes the existence of the state. The perpetual state of emergency that exists in Israel is based on British Defence Regulations from 1945 (State of Emergency).[83] These measures placed certain types of offences under the jurisdiction of the military courts and allowed for harsher punishment for terrorism related offences. With the end of the War of Independence, many expected the British-imported state of emergency law to be replaced with a Constitution and a civil counter terrorist law. Indeed, it was not the professed intention of Israel's first Prime Minister, David Ben-Gurion, to maintain the harsh emergency regulations of the mandate. His Justice Minister, Yaakov Schapiro, had even condemned the regulations as being 'worse than the Nazi laws'[84]. The Prevention of Terrorism Ordinance of September 23, 1948 was created with the intention of replacing the Emergency Regulations. However, when the State of Israel was established, it was continually threatened by its neighbours. An Israeli constitution or Bill of Rights never came about, and the Emergency Regulations are therefore still in effect today in the West Bank and Gaza.[85]

Although the ultimate goal of any counter terrorism strategy is to eradicate terrorism, the goal of the Israeli counter terrorism strategy has changed over time, from eradication, to minimising the level of terrorism so it does not influence the national agenda, to letting the terrorist know that this was an unacceptable method, and finally to preserving the psychological resilience of the civilian population.[86] Whatever the goal, Israel has used, the knowledge and experience gained in its military doctrine was used to develop its counter terrorism strategy.

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[83] Morris, Benny; Righteous Victims, John Murray, London, 1999.
[84] Avneri; Sacred Lies, www.gush-shalom.org, accessed 14 December 2003.
[85] Morris, Benny; Righteous Victims, John Murray, London, 1999.
[86] Tucker, Jonathan B.; "Strategies for Countering Terrorism: Lessons from the Israeli Experience", www.homelandsecurity.org, accessed 15 April 2007.

When studying Cohen's list of principles that make up Israel's military doctrine[87], these principles (with the exemption of the last one) also apply to the way Israel has approached counter terrorism. The principle of 'Strategic defence, operational offence' holds true in a counter terrorism strategy because the effects of terrorism lessen when an attack is carried out further away from home. Although most governments have understood that the principle of **'**Short wars for limited ends' is more problematic when facing terrorism as a phenomenon they do, however, rely on methods which are pre-empting and preventative in nature in order to thwart a single terror attack or terrorism campaign. Even though it is not common to fight terrorism by 'The tank and fighter-bomber team' principle, Israel does sometimes carry out military operations, using armoured units and air support, in order to lay siege to parts of the West Bank or Gaza. Additionally, the air force has been involved in enforcing the method of target killings. The principle behind 'Quality vs. Quantity' is central for the Special Forces unit which is responsible for the delicate counter terrorism operations and undercover intelligence work. When fighting terrorism, it is not necessarily wise to publicise where the government places the principles of 'Red lines and punishment', as it can lead to acts of terrorism which are purposely placed beneath the 'red line'. However, that such a line exists is only natural. When fighting terrorism, a government has to react to the terror activity, while at the same time heed to its values of a democratic state. There is seldom international agreement on how to do this, and if Israel oversteps the line, the international community will criticise Israel's methods. Israel has implemented the principle of 'Self-reliance' in its counter terrorism strategy and is seldom willing to moderate its measures due to international outcry. Furthermore, although terrorism does not know any borders and Israel co-operates internationally to some extent in intelligence, they have seldom asked for assistance in their counter terrorism operations, either abroad or at home.

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[87] This list is examined above. Cohen, E.A. & Eisenstadt, M.J. & Bacevich, A.J; "Israel's Revolution in Security Affairs", <u>Survival</u>, Vol.40, no 1, 1998, pp 48-50.

The counter terrorism strategy under Prime Minister Begin's government (1977-1983)

In the late 1960s until the early 1980s Israel experienced terror attacks against their interests abroad, and as a response Israel started to develop their counter terrorism strategy. The PLO and the Black September terror-campaign throughout the 1970s managed to bring the Palestinian question in the forefront, which forced Israel to become more offensive in their counter terrorism strategy. This was a time where Israel was still a young nation, where many of its inhabitants remembered the Holocaust and there was a 'never again shall the Jews rely on anyone else to keep them safe' atmosphere. Regardless of what other nations or critics said it was only Israel, as a state, which would secure the future of Jews. This belief was shared by Menachem Begin, who was elected Prime Minister in May 1977, and it was echoed in his offensive counter terrorism actions. His counter terrorism policy would focus on Lebanon and during his rule there were two major IDF operations.[88] The first one was 'Operation Litani', which was carried out in 1978 as a reaction to an attack by PLO, which was at that time based in Lebanon. Nine PLO members arrived in rubber dinghies between Haifa and Tel Aviv and took positions on the coastal highway. Then they opened fire on a bus and passing vehicles, seized the bus and a passing car and continued towards Tel Aviv shooting from the bus.[89] The PLO members managed to kill 37 individuals, before they themselves where killed by the IDF.[90] Two days later, March 14th, IDF crossed the Lebanese border and 'Operation Litani' had begun. Then Israeli Defence Minister, Ezer Weizman, said the invasion was designed to "clean up once and for all terrorist concentrations in southern Lebanon."[91] As they later would experience there existed no so concentrations, but rather the PLO had spread out throughout the southern Lebanon. The IDF did manage, however, to drive the PLO away from the northern border of Israel, which allowed the South Lebanese Army

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[88] Smith, Jerry D; "The effectiveness of Israel's counter terrorism strategy", Naval Postgraduate School, Monterey, CA, March 2005, http://bosun.nps.edu/, Accessed 22 February 2007.
[89] Tritam, Pierre; "The 1978 PLO raid on Tel Aviv and its Consequences", www.middleeast.about.com, Accessed 19 July 2008.
[90] Smith, Jerry D; "The effectiveness of Israel's counter terrorism strategy", Naval Postgraduate School, Monterey, CA, March 2005, http://bosun.nps.edu/, Accessed 22 February 2007.
[91] Tritam, Pierre; "Israel's 1978 Invasion of Lebanon", www.middleeast.about.com, Accessed 19 July 2008.

(SLA) to strengthen its power.[92] This operation was going to be a model for future operations into Lebanon.

The second major counter terrorist operation during Prime Minister Begin's rule was called 'Operation Peace for Galilee' and was carried out in 1982. According to Israeli accounts this counter terrorist operation was initiated after the PLO had used its southern bases in Lebanon to launch attacks on Israeli settlements. Begin answered to this aggression by assembling the IDF forces on the northern border. However, it was not until the assassination attempt on Israel's Ambassador to England by Abu Nidal that the IDF launched 'Operation Peace for Galilee' with orders to expel the terrorists embedded on Israel's northern border.[93] The IDF eventually reached as far north as the capital Beirut in an attempt to drive the PLO forces out of the country. At first it seemed that the operation was a success; Yasser Arafat and the PLO were forced to leave Lebanon in 1982. However, the operation turned into a long-term conflict, which was viewed by many as a disaster.[94] Regardless, the counter terrorism policy of Begin had shown that there were few limits to what Israel would do in order to protect the welfare and security of Israel.

The counter terrorism strategy under Prime Minister Shamir and the unity governments (1983-1992)

Shamir's government and the unity governments were established after the PLO's military forces in Lebanon had been defeated and dispersed to various countries. The main counter terrorism challenges would not come from PLO in Lebanon, but rather from new challenges which had started to emerge; first of all there was the activity of Amal and Hizballah in Lebanon, as well as the growing Islamic fundamentalist in Gaza and the

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[92] Smith, Jerry D; "The effectiveness of Israel's counter terrorism strategy", Naval Postgraduate School, Monterey, CA, March 2005, http://bosun.nps.edu/, Accessed 22 February 2007.
[93] Jewish Virtual Library; "1982: Operation Peace of the Galilee", www.jewishvirtuallibrary.org, accessed 15 April 2007.
[94] Smith, Jerry D; "The effectiveness of Israel's counter terrorism strategy", Naval Postgraduate School, Monterey, CA, March 2005, http://bosun.nps.edu/, Accessed 22 February 2007.

West Bank.[95] In order to deter attacks from these groups, Israel did conduct operations in Lebanon, Gaza and the West Bank. Parallel, as a defensive action, Israel began spending U.S. financial aid to upgrade its forces.[96] Israel wanted an advantage "over its potential enemies by pursuing qualitative superiority; advantage in terms of superior motivation, initiative, tactical proficiency, improvisational skills, and technology."[97] In hostage situations, these governments continued the policies of their predecessors; when a military solution was not viable, they were ready to make the needed political concessions to the terrorists. However, in terms of wider political negotiations with the Palestinian terrorist organisations, Shamir's government and the unity government upheld and even radicalised their predecessor's hard-line, i.e., they enforced no negation with terrorist organisations.[98] It was this policy, which was even manifested in the law, which prohibited all communication with the PLO. Still, other cabinet members, such as Shimon Peres and Yitzhak Rabin, maintained that, while using military actions, Israel must also engage in political negotiation.

The counter terrorism strategy under Prime Minister Rabin's government (1992-1996)

The Israeli counter terrorism strategy under Prime Minster Yitzhak Rabin took a new turn. The Oslo Accords and the establishment of the autonomous Palestinian Authority meant Israel had to formulate a new counter terrorism policy. When the Labor Party gained power, the atmosphere in Israel changed radically. The party was open to a territorial compromise, and recognized that the Palestinian problem was at the heart of the conflict.[99] This government's policy dissociated the peace process from its counter terrorism actions, meaning that the peace process continued even after terror attacks happened in Israel. Counter terrorism methods were upheld regardless of the formal and informal restrictions imposed by the peace process. In other words, this government sought to diminish the terrorist organisations' capacity, while at the same time trying to

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[95] Creveld, Martin Van; The Sword and the Olive, Public Affairs, New York, 1988.
[96] Smith, Jerry D; "The effectiveness of Israel's counter terrorism strategy", Naval Postgraduate School, Monterey, CA, March 2005, http://bosun.nps.edu/, Accessed 22 February 2007.
[97] *Ibid.*, p. 21.
[98] Ganor, Boaz; "Israel's Counter-Terrorism Policy: 1983-1999", www.ict.org.il, Accessed 15 April 2007.
[99] Morris, Benny; Righteous Victims, John Murray, London, 1999.

address their motivations and the 'root causes' of terror. However, the Oslo process did not prove to be efficient enough or appear to address the crucial issues. The Islamic groups adopted suicide bombing as a new terror tactic, and they justified it because, despite Oslo, the Israeli settlement activity continued. The Oslo process, and the handover of territory to the Palestinians, led to a major increase in the dimensions and frequency of terrorism, with the focus shifting from the territories to targets inside Israel.[100] Rabin made threats to Arafat for not curbing the violence carried out by Hamas and other Islamic fundamentalist groups, and, despite his previously declared policy, implied that terrorism would harm the peace process. But he did not follow-up the threats, and instead a 'ritual' was developed; closure was imposed, followed by threats of suspending the peace talks. The Palestinian Authority would make some effort to fight terrorism and Israel would come around. Additionally, within the Knesset, there were internal disagreements. The Likud Party argued that Rabin had capitulated by giving away territory to the Palestinians. In doing so, the IDF pulled forces out of those areas, thereby losing valuable intelligence and resources. The Labor Party, on the other hand, did not want to disturb the peace process, and thus restricted the IDF in their handling of counter terrorism. But, the terrorist attacks continued with no end in sight. Moreover, even the attempt to move ahead with the peace process, regardless of terrorism, proved a failure, because the public could not accept this strategy and demanded that the Palestinians meet expectations and thwart terrorism.[101] Public safety and security was Israel's number one priority, and the people elected the Likud Party, led by Benjamin Netanyahu. The terrorist attacks, and the responses to them under Rabin, caused the leaders in the Israeli government to change their view of terrorism, i.e. to view it as a strategic problem instead of a tactical one.[102] However, this further complicated the relationship between terrorism and democracy; hence the IDF and the Israeli government had the complete backing of the people, but had to keep in mind the nation's democratic values.

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[100] *Ibid.* A closer look at the effectiveness of Israeli counter terrorism policy from 1987 to 2006 will be the main focus of Chapter 7.
[101] Ganor, Boaz; "Israel's Counter-Terrorism Policy: 1983-1999", www.ict.org.il, accessed 15 April 2007.
[102] Morris, Benny; Righteous Victims, John Murray, London, 1999.

During Netanyahu's election campaign it became evident that he wanted to introduce a new counter terrorism policy –a policy which emphasised security first and peace second. During his time in government Israel did see a decrease in terrorist attacks. Compared to the 21 suicide bombings that took place under the previous government, only three suicide bombings occurred during Netanyahu's government.[103] Broadly speaking during Netanyahu's three years in power, around 25 Israelis were murdered in terrorist attacks inside Israel, compared to around 175 people during the previous government.[104] The reason for this increase is debatable. The Likud party themselves argued that the success came down to two factors; first of all Netanyahu was willing to pressure the Palestinian Authority harder, and he was quite clear that if the Palestinian Authority did not comply, there would be consequences. Secondly, he indeed implemented those consequences. Often these consequences included economic punishment. By taking these actions, Netanyahu managed to show the international community, the Israelis and Palestinians that if terrorism didn't stop, it would cost the Palestinian society dearly.[105] This Israeli counter terrorism strategy unified the political and military leaders. "Experience showed that when Israel did not respond firmly to Palestinian terrorism, more terrorism followed, and when Israel took appropriate military steps, the number and severity of terrorist attacks were reduced." [106] Another explanation of why the sudden decrease occurred could be due to the lack of motivation by the fundamentalist Islamic organisations. These groups realised that the peace process was irrespectively heading to a standstill, and felt no need to waste resources on terror attacks to obstruct a process that was already effectively dead. Regardless of the tough military actions, Netanyahu found himself adopting political resolutions which he had previously

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[103] Ganor, Boaz; "Israel's Counter-Terrorism Policy: 1983-1999",www.ict.org.il, Accessed 15 April 2007.
[104] See figure 11 in chapter 7.
[105] Smith, Jerry D; "The effectiveness of Israel's counter terrorism strategy", Naval Postgraduate School, Monterey, CA, March 2005, http://bosun.nps.edu/, Accessed 22 February 2007.
[106] *Ibid.*, p. 24.

been opposed to; the Hebron Agreement was signed in 1997 and with the signing of the Wye Agreement in 1998, Israel withdrew from 13 percent of the West Bank.[107]

The counter terrorism strategy under Prime Minister Barak's government 1999-2001

Ehud Barak became Prime Minister in May 1999. It soon became evident that he wanted to pursue the same idea that Rabin once had; that the end to terrorism could not be achieved without peace. He attempted achieve this by pulling out of south Lebanon in May 2000, and subsequently entered peace negotiations with the Palestinian Authority at Camp David, U.S., that summer. There, it was claimed that he proposed the handover of 94 percent of the West Bank and almost all of the Gaza Strip to Palestinian sovereignty.[108] Apparently, Arafat walked out of the negotiations when he realised that Israel was not going to heed to UN resolution 242, concerning the return of the Palestinian refugees. Naturally there was also the issue of Jerusalem. In September, the al-Aqsa Intifada broke out, and Ariel Sharon won the elections on February 6, 2001. Again, it was the Palestinian violence that persuaded the Israelis to vote for Likud, due to the promise of enhanced personal security that Sharon promised.[109]

The counter terrorism strategy under Prime Minister Sharon's government (2001-2006)

The election of Sharon as Prime Minister received quite a reaction, especially from the Arab world. In September 1982, Sharon was the Defence Minister and had command responsibility for the massacre perpetrated by Christian militiamen in the Palestinian refugee camps of Sabra and Chatila in Lebanon. Sharon promised a swift and

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[107] Ganor, Boaz; "Israel's Counter-Terrorism Policy: 1983-1999", www.ict.org.il, Accessed 15 April 2007.
[108] The Israeli Camp David II Proposals of Final Settlement, July 2000, www.mideastweb.org, Accessed 19 July 2008.
[109] Morris, Benny; Righteous Victims, John Murray, London, 1999.

decisive solution to the problem of Palestinian terrorism.[110] He supported an aggressive campaign against the Palestinian Authority, terror organisations and the use of methods such as target killings and deportation, and the use of administrative detention increased. In Sharon's own words: "They [Palestinians] must be beaten. We have to cause them heavy casualties, and then they will know that they cannot keep using terror and win political achievements."[111] The political objective behind this military escalation was to disregard the Oslo accords, complete the re-conquest of the territories, topple the Palestinian Authority, undermine the Palestinian leadership, and replace Yasser Arafat.[112] A survey conducted by the Tel Aviv University's Jaffe Center in May 2004 found that 80 percent of Jewish Israelis believed that the IDF had succeeded in countering the Al-Aqsa Intifada,[113] indicating widespread support for Sharon's hard-line policy. In January 2005, Sharon assured his brigade commanders that there would be no political-handcuffing in the attempt to end terrorism.[114] However, in August 2005, Sharon did propose a disengagement plan. It entailed the removal of the permanent Israeli presence in Gaza and from four settlements in the northern West Bank. According to a survey done in September 2004, if a referendum had been held, 58 percent of the population would have voted in favour of the disengagement plan.[115] However, Sharon's policies caused a rift within the Likud Party, and Sharon left Likud to form a new party called Kadima in November 2005. He became the first Prime Minister of Israel who belonged neither to Labor nor Likud, the two parties that have traditionally dominated Israeli politics. The new party created by Sharon, with Olmert as its leader, won the majority of Knesset seats in the 2006 elections, and is now the senior coalition partner in the Israeli government.

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[110] Moaz, Zeev; Defending the Holy Land: A critical assessment of Israel's Security and Foreign Policy, 1949-2004, University of Michigan Press, Ann Arbor, Michigan, 2005.
[111] Shlaim, Avi; "A career of terror: Sharon's dangerous design", International Herald Tribune, 5 April 2002.
[112] Arafat died of organ failure at a hospital in France, November 2004.
[113] Jaffe Center; "Public Opinion National Security Survey 2004", www.tau.ac.il/jcss, accessed 15 April 2007.
[114] Israeli Insider; "Sharon tells military to act against Palestinians without restrictions", www.israeiinsider.com, accessed 17 January 2005.
[115] Jaffe Center; "Public Opinion National Security Survey 2004", www.tau.ac.il/jcss, accessed 15 April 2007.

3. 2. 1 Three key categorisations of actions in Israel counter terrorism policy

 As presented in this section, the strategic goal of Israel's counter terrorism policy has changed over the years. In the 1960s the goal was to eradicate terrorism. Attempts were made to destroy the terror organisations' infrastructure and Israel arrested many of its members. In the 1970s the policy had shifted towards deterring terror organisations from committing terror attacks. Israel did so by targeting their leaders and punishing their activists. In the 1980s Israel began to realise that, due to the opinions of the international community and being a democratic state, it could not abolish the terrorism by military means alone. Therefore the government settled for a more realistic goal: to minimize the damage resulting from terrorism. However, what has remained throughout Israel's entire counter terrorism strategy is its combined use of offensive, defensive, and punitive actions with psychological and political elements.

 These actions, offensive, defensive, and punitive, can be distinguished from each other by the timeframe in which they are used. "An offensive action is directed mainly at averting terrorist attacks before they are carried out, while still in the planning stage, defensive actions are aimed at disrupting efforts to carry out an attack when they are already in various stages of implementation."[116] A punitive action is, as the name suggests, carried out after an act of terrorism is committed. These actions seek to diminish the threat of terrorism, which again could be divided into intention and capability. How these actions influence capability is perhaps more evident than how they influence the intention.

 However, in all of these actions there are elements of deterrence, which seek to affect intention, although the level and strength of it may vary. With respect to some

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[116] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p. 141.

methods, as for example the use of house demolition, deterrence is stated as a main goal. With other measures, such as target killings, deterrence is simply a by product. The effectiveness of Israel's counter terrorism method in diminishing the terrorist organisation's capability and intention will be evaluated in chapter 7. Before examining specific counter terrorism measures that fall into the three categories of actions which Israel implemented from 1987 until 2006, a short introduction to the actions is in order.

Israeli offensive action

Offensive actions are carried out where the terrorists deploy and operate, often in areas which are not controlled by the security forces. One of the goals of offensive action is to prevent the materialization of planning or to stop the training phase of a terrorist attack from taking place. There is seemingly no practical difference between a standard offensive operation and an attempt to intercept and foil a specific terrorist act based on advance intelligence. The offensive measures are meant to diminish the capability of the terrorists by putting pressure on the organisation, forcing it to compartmentalise its activities, to hide and frequently change bases of operations, and constantly to seek new weapons. An offensive action sends the message that terrorism is being taken seriously and will not be tolerated. This may hold a deterrent value and may weaken the terrorists' motivation and in some cases their intention. Offensive actions taken by Israel may include seizing weapons, storage facilities and towns, recruiting and running collaborators, and targeted killings. Additionally, the government must contemplate when these measures should be enforced. Should it be a continuous campaign, a pre-emptive operation, as a reprisal or undertaken at all?[117] As illustrated in section 5.5.in this thesis, on selective killings, the use of offensive action also holds a disadvantage[118]. First, the risk of a boomerang effect. This means that the offensive action might motivate the terrorist organisation and its supportive public further, and in this way a new attack may

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[117] For further reading on the complexity of timing of offensive actions see: Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, New Jersey, 2007.
[118] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.

be planned. Secondly, the government faces the 'democratic dilemma'[119], particularly when the action involves harm to those who are not directly involved in terrorism. This might result in a negative reaction from the international community.

Israeli defensive actions

Defensive action covers all the steps taken within a nation's borders, and it includes all barriers put in place to prevent terrorists from attempting to carry out attacks. Defensive measures are intended to stop terror attacks either by disrupting the terrorists from proceeding to their targets or by minimising the potential damage of an attack. Defensive measures can also be implemented when the government has specific intelligence on an expected attack. Here it is possible for the government to impose roadblocks, tighten checkpoints, close down streets, or provide extra protection in front of a building. This means that the capacity of a terrorist organisation to carry out their attack has to be expanded. A defensive action also holds a deterrent value, when a terrorist realises that they cannot easily overcome the defensive security measures, or thinks that they might even be caught. However, while it might not prevent a terror attack from taking place, the government might be able to delay the specific attack or force the terrorist to choose an alternative target, which might not have such severe consequences. The building of the fence in the West Bank is clearly one example of a defensive action Israel has implemented. Additionally, the permits system and the conscious decision to educate the public, their effort to integrate the public in a 'warning system', could be interpreted as defensive actions. Hence, it is important that this measure is used in conjunction with the other two key measures. If a government should disproportionately invest more in defence measures, they might risk fulfilling one of the terrorist's interests, namely to paralyze a society, without them having to do anything. Additionally, implementing defensive measures places a heavy burden on a country's budget, and although it might be considered worthwhile in terms of preventing a specific attack, the effect of this kind of investment in the long-term and what that entails for the country should be evaluated. On the surface, defensive action does not compromise liberal

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[119] *Ibid.*

democratic values, if only because it is passive and it is often viewed as self-defence. But in reality, as seen in Israel, some defensive actions infringe on the rights of individuals and groups in society, and place certain restrictions on civilians. The attempt to locate a terrorist in a large crowd is like searching for a needle in a haystack, and requires security checks on very large groups of people. In doing so, innocent individuals that are stereotyped face harassment.

Israeli punitive actions

Punitive actions punish the perpetrators, the architects, co-conspirators, and anyone else involved in terror attacks. Punitive actions are intended to reduce the terrorist organisation's capability, by removing dangerous people from society and thus ensuring the public welfare, to take revenge on those responsible for or involved in carrying out attacks and to deter others from similar activities, to reduce the terrorist organisation's intention. Additionally, punitive actions enable the government to give the public a message of effective counter terrorism policy. In the relationship between the terrorist organisation and the state, the state is usually forced to be the side that responds, but with respect to punishment, the state can appear as the side that takes the initiative.[120] In most cases, punitive actions can be divided into offensive punishment or judicial punishment. Offensive punishment is punishment of the leadership or the activist in a terrorist organisation, by using offensive actions. Juridical punishment is the punishment of terrorists who have been caught prior to carrying out attacks, in the process of an attack or after an attack, and punishment of their enablers. The Israeli punitive actions within the West Bank and Gaza Strip permit capture, placing individuals in administrative detention, enforcing closure, and deportation of terrorists or of those who enable terrorism. Additionally, it is a recurring practice in the West Bank and Gaza for Israel to demolish houses of persons who have committed offences or who are suspected of having committed such offences. In particular, the homes of persons who have carried out suicide bombings within Israel or against settlers or soldiers are demolished in the

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[120] *Ibid.*

aftermath of such attacks. From this list it is evident that punitive actions can also have a direct or indirect effect on people who are not involved in the terrorist activity and as such are sometimes defined as 'collective punishment', which appears to conflict with liberal democratic values. Although the aim of collective punishment is to isolate the terrorist, cutting him off from public support, this might not always be successful, as the inconvenience and disturbance caused to the entire population might increase public support for the terrorist organisation, especially in the long-term. The punitive measures that the IDF and the Israeli Supreme Court institute are considered illegal actions by the UN and the international community. Nevertheless, Israelis consider these punitive actions as essential for deterring future terrorists.

4. Background on the Palestinian resistance movement

"We are planting the seed. Others will harvest it…"[121]

In order to assess fairly the effect of the counter terrorism methods applied by Israel, one needs a comprehensive understanding of the group at which Israel aims its methods. In the Israeli-Palestinian conflict there are several groups that could be examined. However, in this thesis, the focus will be directed towards Hamas. Chapter 5 will provide a closer assessment of what Israeli counter terrorism methods entail, as well as how these methods affect Palestinian society in general, and more specifically Hamas. To be able to discuss how the Israeli counter terrorism methods affect Palestinian society and Hamas, and to try to assess if the methods have a deterrent effect on terrorism, a closer look at Hamas as an organisation is necessary. This way, a deeper awareness of reaction and counter reaction is provided. What is the ideology, what is the history, and what is the group's uniqueness and appeal? Moreover, it is important to recognize what kind of setting Hamas came from, as this background has been fundamental to the way in which the organisation has developed and will evolve in the future. To gain a fair grasp of this will also help one to understand the limitations as well as the successes of Israeli counter terrorism policy.

It would be naive to examine Hamas in isolation, because Hamas is only one part of a bigger Palestinian picture. It is crucial to understand the role Hamas has played and continues to play in the Palestinian struggle for independence. It is necessary to establish the origins and understand the environment in which the group has evolved. What is it about Hamas that enables them to continue to exist? This chapter will therefore give a background of the Palestinian resistance movement in order to comprehend the future direction of this conflict. It summarizes the political history of Palestine from 1947, and

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[121] Fatah leader Salah Khalef (Abu Iyad). Hoagland, Jim; "A Community of Terror," 15 March 1973, www.washingtonpost.com, accessed 16 September 2003.

gives a synopsis of the major decisions made by Palestinian leaders since the UN's partition of the region.

Nearly four million Palestinian Arabs and six and a half million Israeli Jews currently occupy the territory that became known, after the First World War, as the Palestine Mandate.[122] Since the re-emergence of Jewish settlers to the area in the early 20th century, there has been contention between the two groups for control of both the land and society. The Palestinian Arabs claim that it is their land, and they have a right to reject foreign occupation. Israeli Jews believe that the land is their historic home, and that they deserve to maintain its control. Since the UN's partition of Palestine in 1947 and the establishment of Israel in 1948, the Israelis have won wars against Egypt, Syria, Lebanon, Jordan, and Iraq, but they continue to have an ongoing struggle with the indigenous Palestinian population. In 1949, after the 1948 Arab-Israeli war, Israel agreed to armistices with neighbouring Lebanon, Jordan, Egypt, and Syria. The frontier of the state of Israel agreed to at this time is generally referred to as the 'Green Line.' The Green Line has been a major source of contention for displaced Palestinian refugees, as well as Israeli settlers that desire to occupy areas outside the Green Line. The displaced Palestinian refugee population poses grave security concerns for neighbouring countries. Disputes over Israeli settlements in the predominately Palestinian areas of Gaza in the south and on the West Bank of the Jordan River are at the heart of the Arab-Israeli peace process.

Settlements and their connection to the al-Nakbah

Certain events that took place during the 1948 war, the war that Palestinians call *al-Nakbha* (the Catastrophe) are crucial for understanding why identity and nationality became increasingly important to Palestinian society. Not only were the names of Arab villages changed in areas where Israel was created, which Arabs perceived as an attempt to erase their history and identity, but the war in 1948 created refugee camps on a large scale. Today the refugee camps stand in sharp contrast to the settlements; they symbolise

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[122] CIA Fact Book; "West Bank" and "Gaza", www.cia.gov, accessed 10 February 2007.

what could have been and strengthen the Palestinians' craving for independence and nationhood.

The British handed the Palestinian 'problem' over to the UN in 1947. The UN responded with the partition plan: areas were allocated to create a Palestinian State, in addition to a Jewish one. As a response to this ruling, Haganah, a predecessor of the IDF force, developed a strategy known as *Tochnit Daled*, or Plan D. Its aim was to acquire the areas allocated by the UN, as well as the previously established Jewish areas, in order to create a Jewish state before the expected invasion by Arab armies began.[123] Moreover, Plan D was generated to ensure a permanent Jewish majority and to acquire the Arab areas for Jewish immigrants to settle in. The Zionist leadership could not envision a Jewish state where a minority of Jews ruled over a majority of Arabs. The question was how the Zionist movement could achieve a Jewish majority. The answer was security in numbers, and the alternative to a Jewish-immigration was to 'remove' the Arabs. Therefore, under Plan D, Jewish fighters would threaten to make all of Palestine as no-man's land and seize many Arab villages. In most cases the Arabs living in these villages would be expelled.[124] Many Holocaust victims simply moved into vacated Arab houses.

Sources differ on the actual number of refugees involved in the so called 'transfer' of Palestinians out of lands seized by Israel, mainly due to the political connotation of these figures. Generally, it is believed that the total number from 1947 to 1948 was between 427,000 and 750,000. The UN mediator for Palestine only counted 472,000, of which 360,000 required aid. The official Israeli count from the same time period was 520,000, and the Israeli historian Benny Morris, who has undertaken more recent studies to seek the answer to this question, estimated 700,000.[125] This last estimate is generally in line with those made by historians, representing both sides, implying that Plan D marked

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[123] It was under Plan D that Hagan evolved from a local active defense force to offensive action designed to conquer and hold territory. Guardia, Anton La; War Without End, Thomas Dunne Books, New York, 2001.
[124] Salim, Walid: "Legitimization or Implementation: On the UN Partition Plan The Paradox of the 1947 UN Partition Plan", Palestine-Israel Journal of Politics, Economics and Culture, Vol. 9, no. 4, 2002.
[125] Dershowitz, Alan; The Case for Israel, John Wiley & Son Inc, New Jersey, 2003.

the start of the mass movement of roughly 85 percent of the Arab population within the borders of Israel.[126]

The question of whether Palestinians voluntarily fled or were forced to flee by the Israelis has also been widely argued and researched, but this issue is outside the boundaries of this thesis. This is a never-ending disagreement: Israel has long claimed that all the Palestinians who 'transferred', did so voluntarily, and as a result accepts no responsibility for the outcome. The international community supports the Palestinian claim that they had to flee for their lives, which is manifested in UN resolution 194, which states the refugee's right to return. Whatever the reasons for the Palestinians fleeing and the number of refugees, the al-Nakbah horrified the Palestinians, affected their way of life drastically, and still continues to do so. The land issue and the right to return are believed to be the root causes of the Israeli-Palestinian conflict. Consequently, the settlements became the very symbol of this injustice, and serve as a provocation, only reinforcing the refugees' motivation. The dream of *al-Awda,* the return, has sustained Palestinian refugees for decades. Displaying the key to their house and a yellowed deed to their land, the stories of villages where sweet life was once lived are often repeated to children and grandchildren as a means to keep the memory and their past alive, but also with a promise that one day they would all return to their land:

> "My religion tells us that one day we will defeat the Jews and regain our land. I don't think I will be around to see it. I just hope that my grandchildren do. I have made sure that my grandchildren know everything about their land and that their urge to go back is as strong as mine. I have taught them that it is only there that they can find peace and self-respect, working on their own land and not living where they are not welcomed."[127]

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[126] Guardia, Anton La; War Without End, Thomas Dunne Books, New York, 2001.
[127] Guardia, Anton La; War Without End, Thomas Dunne Books, New York, 2001, p. 191.

4. 1. The origins of the Palestinian resistance movement

Although the 1948 war, *al-Nakbah*, and the 1967 war, called by the Palestinians *al-Naksah* (the Setback), were clearly strategic setbacks for the Palestinian resistance movement, they were also occasions for deepening and unifying the nationalist movement. The credibility of pan-Arabism within the Palestinian movement dropped drastically because of these events, and the nationalist movement benefited from this. Palestinians started to think that if they wanted liberation they had to liberate themselves. Within the Palestinian areas, the greatest initial growth of nationalism was in Gaza. This is probably due to how Egypt had ruled Gaza, merely governing it instead of annexing it as Jordan had done with the West Bank. Instead, Egypt had separated the Palestinians in Gaza from the Egyptians and kept a flame of Palestinian identify flickering. Therefore, many Palestinians thought that the way to enforce this nationalistic view was through the models of Ho Chi Minh in Vietnam and Che Guevara in Latin America. It was precisely this line of thought that the Palestine Liberation Organization (PLO) (*Munazzamat al-Tahrir Filastiniyyah*), which was founded in 1964, adapted.

The Palestinian resistance movement has been led by several groups. The first organised movement towards Palestinian nationalism came soon after Israel claimed its sovereignty as a nation-state. This organisation, known as the Movement of Arab Nationalists (MAN), embraced Egyptian President Gamel Abdul Nasser's visions of pan-Arab Nationalism and sought to liberate Palestine.[128] From the 1960s through the 1990s, the PLO emerged as the most powerful representative of the Palestinian people. At its core, the PLO's resistance efforts seek to challenge the Jewish presence in Palestine. The PLO's terrorist tactics exploit the fears of the Israeli civilian population as an attempt to undermine their government, challenge their alliances, and affect their economy. The

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[128] Baumgarten, Helga; "The Three Faces/Phases of Palestinian Nationalism, 1948-2005", <u>Journal of Palestine Studies,</u> Vol. 34, no. 4, 2005.

tactics they employ often include guerrilla warfare, sabotage, hostage-taking and terror attacks.[129]

Since its founding, the PLO has constantly evolved its diplomatic and military strategy to remain in power. Internally, the PLO has had to contain competition from like-minded organisations such as the Popular Front for the Liberation of Palestine (PFLP), as well as resident political elites in the West Bank and Gaza and rival organisations such as Hamas and Palestinian Islamic Jihad (PIJ). From a military standpoint, external actors categorise the PLO's military branches and competing rivals as terrorist organisations because their aims tend to be political, religious or ideological, and they promote fear by targeting non-combatants.[130] Diplomatically, the PLO has been in a predicament. For much of its existence it has operated as an exiled government. Externally, the PLO has had to maintain strategic relationships with Arab neighbours, great powers, and intergovernmental organisations, yet, internally, they have struggled to maintain the support of the Palestinian people. Furthermore, as a non-state actor, PLO members were not given recognition as representatives of a sovereign nation.

1964 - 1979 Towards Recognition and Legitimacy

The PLO was founded on May 28, 1964. The PLO's purpose was to act "as a mobilizing leadership of the forces of the Palestinian Arab people to wage the battle of liberation, as a shield for the rights and aspirations of the people of Palestine and as a road to victory."[131] The PLO was originally the idea of Nasser, as he sought to use the Palestinians' cause to further his visions of pan-Arab nationalism.[132] Led by Ahmad Shukeiri, the organisation organised terrorist raids from the Gaza Strip and sought to

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[129] de Wijk, Rob; "The Limits of Military Power", in Howard, Russell and Sawyer, Reid (editor); Terrorism and Counterterrorism; Understanding the New Security Environment, Dushkin/McGraw-Hill, Connecticut, 2004.
[130] Institute for Counter Terrorism; "The Al-Aqsa Intifada –and Engineered Tragedy", www.ict.org.il, accessed 10 March 2007.
[131] Palestine-UN; "Statement of Proclamation of the Organisation, 28 May 1964", www.palestine-un.org, accessed 9 March 2007.
[132] Alexander, Yonah and Sinai, Joshua; Terrorism: The PLO Connection, Crane Russack & Co, New York, 1989.

undermine Jordan's monarchy.[133] However, after Israel's victory in the 1967 war, the Palestinians were less inclined to believe that Arab unity would be the key to their liberation from Jewish control.[134] Following the 1967 war, there was an effort by the Palestinians to emphasise the importance of a Palestinian identity over an Arab identity.[135] After 1967, the conflict was redefined by Palestinian strategists, in order to shift the focus away from Arab and towards Palestinian concerns.[136]

In 1968, the Palestinians created a national charter which declared Palestine as the homeland of the Palestinian people. Internally, the period between 1967 and 1974 was characterised by tension between the exiled PLO leadership and the West Bank's local political elite.[137] PLO rivals jockeyed for power and influence with their constituents. In order to contain rival groups, the PLO sought to reduce their influence or absorb them into the PLO's wider movement.[138] The two major groups were Fatah, a secret resistance group founded in 1954 by Yasser Arafat, and George Habash's Popular Front for the Liberation of Palestine (PFLP). In 1967, Fatah joined forces with the PLO, followed by the PFLP in 1968.[139] Fatah's first attempted military operation was conducted by *al-Asifa* (the Storm) on January 1, 1965, and was directed against the Israeli National Water Project. The operation failed.[140] In 1969, Arafat was elected as the PLO's third chairman, and his support for guerrilla warfare led to his exile from Jordan in 1971, where Fatah had established a large armed presence. Also, Arafat and the PLO were unable to establish a presence in West Bank and Gaza. His exiled status and the fragmentation of the PLO's leadership, created obstacles towards gaining recognition and momentum for the nationalist movement. Arafat's main objective was to maintain control of the PLO and legitimise himself with the masses by developing extensive social

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[133] *Ibid.*

[134] Bickerton, Ian and Klausner, Carla L.; A Concise History of the Arab-Israeli Conflict, Prentice-Hall, New Jersey, 1998.

[135] Mishal, Shaul; The PLO under Arafat, Between Gun and Olive Branch, Yale University Press, Connecticut, 1986.

[136] Amos, John; Palestinian Resistance; Organisation of a Nationalist Movement, Pergamon Press, New York, 1980.

[137] Mishal, Shaul; The PLO under Arafat, Between Gun and Olive Branch, Yale University Press, Connecticut, 1986.

[138] Jamal, Amal; The Palestinian National Movement, Indiana University Press, Indiana, 2005.

[139] Amos, John; Palestinian Resistance; Organisation of a Nationalist Movement, Pergamon Press, New York, 1980.

[140] www.encyclopedia.thefreedictionary.com/Fatah.

institutions, medical facilities, welfare, and educational programs.[141] His second objective was to maintain a base of operations. Fatah's organisers believed that operating within Israeli-controlled territories made them susceptible to Israel's intelligence network and effective countermeasures.[142] In order to escape Israeli intelligence, Arafat operated outside of the West Bank and Gaza, yet political and military pressure from neighbouring Arab states did not protect Fatah's leadership or communications network. Instead, Arafat's operations remained furtive and subtle.

This period saw a substantial progression in military strategic thought and force planning. In 1965, the PLO created the Palestine Liberation Army (PLA). Originally modelled after the Algerian National Liberation Front's (FLN) conventional army, the PLA looked to the Algerian revolution as an example of successful guerrilla warfare. By 1971 the PLO's official military organisation had been divided into two major factions. The bureaucratised faction of the PLA maintained links to Arab governments, and desired a more Westernized approach to military organisation. A second, subordinate faction, the Palestine Liberation Forces (PLF), organised into auxiliary commando groups.[143] The PLF looked to guerrilla strategists for strategy and doctrine; thus the Vietnamese National Liberation Front (NLF)'s model for guerrilla warfare began to compete with the Algerian model as an example for how to fight revolutionary war. The Vietnamese model was aimed at mass participation in armed violence, whereas the Algerians organised as a "closely knit cadre of revolutionaries."[144] Most of Fatah's leadership preferred the Vietnamese model of recurrent strikes designed to attack enemy morale. The more revolutionary-minded PFLP did not believe the region's terrain or the PLO's resources were sufficient for sustained operations. They preferred the Algerian approach of small-scale, efficient raids and quality operations.[145]

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[141] Amos, John; Palestinian Resistance; Organisation of a Nationalist Movement, Pergamon Press, New York, 1980.
[142] *Ibid.*
[143] *Ibid.*
[144] *Ibid,* p. 41
[145] Amos, John; Palestinian Resistance; Organisation of a Nationalist Movement, Pergamon Press, New York, 1980.

Arafat sided with the PFLP and chose the Algerian FLN's approach. During the late 1960's and early 1970's the PLO authorised a large number of organised guerrilla attacks. Although the PLO had absorbed its two major rivals, the PFLP and Fatah, the organisation could not contain internal competition for power and control. In the early 1970s, the PFLP authorised the skyjacking of several commercial aircraft and joined more non-PLO radicals in a guerrilla campaign against the Jordanian Army. After the PLO lost the showdown with Jordan, it relocated in Lebanon and carried on activities against Israel from south Lebanon. In order to contain the internal rivals, PLO created its own terrorist cell, Black September. Black September challenged the rivals by conducting their own spectacular terrorist attacks, including several skyjackings and the murder of Israeli athletes at the Munich Olympics in 1972.

Externally, the post-1967 Middle East was influenced by the Cold War balance of power politics. The United States supported Israel, and the Egyptians and the Syrians looked to the Soviet Union for support. In 1967 the UN issued Resolution 242, which called for the "withdrawal of Israeli armed forces from territories occupied in the recent conflict."[146] The PLO expressly rejected the resolution because it did not require the Israelis to return all of the territory seized during the 1967 war or recognise the national rights of the Palestinians. In 1974, the PLO was recognised by the Rabat Arab Summit as being the "sole legitimate representative of the Palestinian people"[147] and by the UN General Assembly as the principal "party in the establishment of a just and durable peace in the Middle East."[148] Throughout this period, the PLO made official statements regarding their statehood and sovereignty through annual meetings of their parliamentary body, the Palestinian National Council (PNC). Furthermore, the PLO managed to put the Palestinian claim on the international agenda in a speech given by Arafat at the UN on November 13, 1974: "Today I have come bearing an olive branch and a freedom fighter's gun. Do not let the olive branch fall from my hand. I repeat: do not let the olive branch

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[146] Jewish Virtual Library; "United Nations Security Council Resolution 242", www.jewishvirtuallibrary.org, accessed 13 March 2007.
[147] Mishal, Shaul; The PLO under Arafat, Between Gun and Olive Branch, Yale University Press, Connecticut, 1986, p.18.
[148] UN; "General Assembly Resolution 3236 on Palestinian's Rights, 1974", www.un.org, accessed 16 March 2007.

fall from my hand".[149] Nine days later, on November 22, the United Nations General Assembly granted the PLO observer status. On January 12, 1976, the UN Security Council voted to allow the PLO to participate in a Security Council debate without voting rights, a privilege usually restricted to UN members states.[150] During the 1970s more nations had official diplomatic relations with the PLO than with Israel, and in 1976, Palestine was admitted as a member of the Arab League. In 1977, during the thirteenth session of the PNC, the PLO resolved, "to pursue the struggle to recover our people's national rights, and first and foremost, their right to return, to exercise self-determination, and to establish their independent national state on their own land."[151]

1980 - 1992 From War in Lebanon to the Oslo Accords

By 1980, the PLO had emerged as a legitimate actor in both the occupied territories and a force in world politics.[152] Although the world recognised the PLO as a true authority, internally the organisation faced several challenges. Foremost was the problem of the PLO's continually exiled leadership. This prevented the PLO from directly pursuing operations against the Israelis and maintaining a day-to-day presence with the Palestinian people. A second problem was the tension created by the PLO's presence in Lebanon. Arafat maintained legal bases of operation in both countries, but waves of Palestinian refugees strained the two nations both economically and politically.

By the early 1980s, the PLO appeared to be developing into a 'regular' army.[153] The PLO also instituted a system of ranks, modern organisational units, and combat doctrine. By 1982, the PLO had acquired a significant inventory of both light and heavy weapons. These included assault rifles, machine guns, anti-tank weapons, armoured

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[149] Hiro, Dilip; Sharing the Promised Land, Coronet Books, London, 1996, p.442.
[150] Mishal, Shaul; The PLO under Arafat, Between Gun and Olive Branch, Yale University Press, Connecticut, 1986, p.149.
[151] Documents and Source Material; "Resolutions of the Thirteenth Palestine National Council Article 11", Journal of Palestine Studies, Vol. 6, no. 3, 1977.
[152] Documents and Source Material; "Resolutions of the Thirteenth Palestine National Council Article 11", Journal of Palestine Studies, Vol. 6, no. 3, 1977.
[153] Saygih, Yezid; "Palestinian Military Performance in the 1982 War", Journal of Palestine Studies, Vol. 12, no. 4, 1983.

vehicles, howitzers, multiple rocket launchers, personnel carriers, and missile launchers.[154] PLO members were also reported to have trained on Mig-23 and Mig-21 jet fighters in Libya.[155] Yet, in terms of force planning, the PLO's military doctrine was mainly reactive and defensive. Despite substantial growth, the Palestinian military lacked the capability to resist a modern conventional force. Their primary tactic was to launch rocket attacks or guerrilla raids into Israel's northern settlements from Lebanon. The PLO lacked complete operational control over its competing organisations and rival factions; the dispersed militia was spread between multiple urban centres with "virtually no localized centralized command."[156]

In June 1982, the Israelis launched a full-scale invasion into Lebanon. The "first aim of Sharon's plan was to destroy the PLO's military infrastructure in Lebanon and to undermine it as a political organization."[157] Operationally, the PLO demonstrated a lack of command and control during the invasion.[158] Furthermore, its 'regular' army organisation did not match its revolutionary aims, which rendered the heavy weapons ineffective.[159] After an intense bombing campaign and occupation, by September 1982 nearly all of the PLO's leadership had been evacuated from their stronghold in Beirut. After the Lebanese conflict, Arafat was exiled to Tunis, although he maintained control of the PLO through a series of deft political manoeuvres. Externally, he faced pressure from his Arab neighbours. The Syrians attempted, unsuccessfully, to "set up a puppet Palestinian organisation."[160] In order to balance Syrian antagonism, Arafat looked to Jordan for support. In February 1985, Jordan's King Hussein and Arafat announced a joint policy designed to establish a Palestinian state on the West Bank of the Jordan

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[154] *Ibid.*

[155] Alexander, Yonah and Sinai, Joshua; Terrorism: The PLO Connection, Crane Russack & Co, New York, 1989.

[156] Saygih, Yezid; "Palestinian Military Performance in the 1982 War", Journal of Palestine Studies, Vol. 12, no. 4, 1983, p.17.

[157] Shlaim, Avi; The Iron Wall; Israel and the Arab World, W.W. Norton & Co, New York, 2001, p.396.

[158] Saygih, Yezid; "Palestinian Military Performance in the 1982 War", Journal of Palestine Studies, Vol. 12, no. 4, 1983.

[159] *Ibid.*

[160] Bickerton, Ian and Klausner, Carla L.; A Concise History of the Arab-Israeli Conflict, Prentice-Hall, New Jersey, 1998, p.227.

River. In November 1988, under Arafat's direction, the PNC proclaimed an independent Palestinian state to be established on the West Bank and Gaza.[161]

This announcement came during a period when the Middle East was subject to ripple effects of a declining Soviet Union. The waning Soviet empire looked to the United States for support, and sought to distance itself from the radical Arab regimes it had propped up in the past.[162] US policy makers backed Israel, authorised financial support for Egypt and protected the oil-rich countries of Saudi Arabia and Kuwait. The United States also supported the settlement of Soviet Jewish immigrants to Israel. With only one superpower on the scene, the PLO worked through the UN to condemn Israel's oppression and to insist upon a plan for peace. From a diplomatic standpoint, the PLO's efforts were effective. By the mid-1990s more states recognized the PLO's declaration of independence than recognised Israel's right to exist.[163] On the other hand, the PLO had little control over the internal politics of the West Bank and Gaza during their exile. The surge in Islamic fundamentalism, competition for power, and new rivals such as Hamas and the PIJ, drastically altered the capability of the PLO to execute a single military strategy.

In 1993, the PLO secretly negotiated the Oslo Accords with Israel. The Accords granted the Palestinians right to self-government in Gaza and the West Bank through the creation of the Palestinian Authority (PA). Much hope was attached to this agreement by Israelis, Palestinians and the world alike. Not only did Arafat, the chairman of the PLO, become the President of the PA, but he was also its Prime Minister, the commander of the armed forces and president of the legislative council. Additionally, he had the power to appoint, promote and fire members of the judiciary.[164] Therefore, the executive, legislative, and judicial powers of the PA were unified in one person –Yasser Arafat. It amounted to installing a one-man, one-party system, resulting in a Palestinian joke that

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[161] Bickerton, Ian and Klausner, Carla L.; A Concise History of the Arab-Israeli Conflict, Prentice-Hall, New Jersey, 1998.
[162] Bickerton, Ian and Klausner, Carla L.; A Concise History of the Arab-Israeli Conflict, Prentice-Hall, New Jersey, 1998.
[163] Ibid.
[164] Aburish, Said K.; Arafat, from Defender to Dictator, Bloomsbury Publishing, New York, 1998, p.276.

surfaced around the Palestinian election of 1996: "Yes there is democracy in the Palestinian Territories. I have one vote, and that one vote is Arafat's."[165]

On 9 September 1993, Arafat issued a press release stating that the PLO recognised the right of the State of Israel to exist in peace and security. In letters exchanged between Arafat and Rabin, in conjunction with the 1993 Oslo Accords, Arafat agreed that the clauses in the PLO Charter, which states that Israel has no right to exist and should be removed by violence, would be removed. On 26 April 1996, the Palestinian National Council voted to nullify or to amend all such clauses, and called for a new text to be produced. A new text of the Charter has never been produced, and this is the source of continuing controversy.

Although the idea of Palestinian nationalism is strong, Palestinians are yet to enjoy independence. Islam represents an alternative and offers a sense of identity, "a set of cultural values that offset the psychological dislocation and cultural threat of their new environment."[166] It is this identity that Hamas takes advantage of .

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[165] Ranstop, Magnus; Political Islam Lecture, University of St. Andrews, 12 March 2002.
[166] Esposito, John L.; The Islamic Threat Myth or Reality?, Oxford University Press, Oxford, 1995, p.16.

4. 2 Islamism as a voice of Palestinian identity represented by Hamas

With the devastating military defeat at the hands of Israel in 1948 and 1967, in addition to high levels of corruption and despotism throughout Arab regimes, many Arabs found themselves still in search of an identity. In seeking an explanation for their situation many Arabs turned to religion. Many Muslims regarded Western values and thoughts, secular in nature, to be a disorder which was spreading throughout the Arab world. Their military failure was explained as God's punishment for turning away from religious purity and Islam. For them "the idea of ethnic nationality as the basis of political identity was seen as strictly European […] a product of the late 18th and 19th centuries, associated with the French Revolution, the Napoleonic wars and the romantic movement."[167] The logical first step for the Arabs in their recovery was therefore not nationalism but rather to return to Islam.

Rebuilding the community and addressing the balance of power between Islam and the West would therefore have to begin with a call to all Muslims to return to and reaffirm their faith in its fullness and to be born again in the straight path of God. Only upon their return would it be possible to confront Israel effectively and successfully. One group who embraced such thinking was Hamas, a religious movement which emerged out of the middle-class of society. With its origins in the doctrine of the Muslim Brotherhood, the faction sought to revitalise Islamic values into the everyday life of the Palestinian people. In a general sense, the faction was part of a broader movement, which the West has termed "Islamic fundamentalism."[168] The fundamentalist movement gained significance in the 1970s,[169] which may have been due to the concurrent resurgence in Christian fundamentalism in the West and a coincident decline in the secularism of the modern nation-state. This movement included ideas about "*jahiliyya*, (the era of

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[167] Lewis, Bernard; From Babel to Dragomans, Interpreting the Middle East, Weidenfeld & Nicolson, London, 2004, p.157.
[168] Denny, Fredrick Mathewson; An Introduction to Islam, Prentice Hall, New Jersey, 2006, p.187.
[169] *Ibid*., p.340.

ignorance[170]) of the indivisible sovereignty of God, and the duty of *jihad* (struggle) to restore the *shari'a* (Islamic law) to its rightful place in society."[171] Most of the movement's religious scholars believed that "the only authentic source for survival, let alone revival, of Islam was the Qur'an."[172] Hamas signifies the importance of the role of Islam in the struggle for independence: "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it."[173] The nationalists were blamed for the failure to liberate themselves because the nationalists had led the young generation astray from pure faith. Islamists regarded the nationalists as traitors to the Muslim faith; they were considered to be worse than infidels.[174]

Within Palestine, the two central parties that emerged from the Islamic fundamentalist movement were Hamas and Palestinian Islamic Jihad (PIJ). As with their contemporaries across the Middle East, these organisations fused religion and politics. During the first Intifada, in the late 1980s, Hamas and the PIJ resorted to violence to achieve their goals. Due to its exiled status, the PLO found it difficult to control the fundamentalists, and increasingly, Hamas and the PIJ competed with PLO-sanctioned military actions.

In the eighties there were signs of growing Islamisation in the West Bank and Gaza. The fundamentalists enforced new norms of behaviour in the Palestinian streets. A consequence of this was the increasing number of women who started to wear their veil as well as men who grew their beards. Moreover, the new norms also called for new behaviour: "Movie houses were shut down; shop windows displaying models of women in dresses were vandalized; cafés selling alcoholic beverages were set alight; people who used the left hand in eating were beaten (contrary to the tradition of the Prophet)."[175]

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[170] The era of ignorance refers to the time before the Quran.
[171] Tripp, Charles; "Sayyid Qutb", in Rahnema, Ali (editor); <u>Pioneers of Islamic Revival</u>, Zed Books, London, 2005, p.162.
[172] *Ibid.*, p.344.
[173] The Hamas Charter, under the first section, "In The Name Of The Most Merciful Allah".
[174] Milton-Edwards, Beverley; <u>Islamic Politics in Palestine</u>, I. B. Tauris Publishers, London, 1996, p.105.
[175] Morris, Benny; <u>Righteous Victims</u>, John Murray, London, 1999, p.564.

However, the most obvious institutional expression of the growing Islamist movements was the increasing number of mosques founded and built during this time in Gaza and the West Bank, mostly owned by the Muslim Brotherhood. The number of mosques in Gaza more than doubled between 1967 and 1987.[176] The West Bank also experienced a mosque boom, with forty new mosques built annually.[177] Ironically, many of these mosque where built with Israeli financial aid. During the 1970s and early 1980s the Muslim Brotherhood turned away from violence. Consequently, the Israeli government, advised by the Shin Bet, recognised that PLO and the nationalist movement were evolving to become a powerful force in Gaza and West Bank. Therefore, in an effort to counter the nationalistic ideology, Israel decided in the mid-1970s to encourage the growth of the Islamic Centre by tacitly and actively assisting in its growth.[178] Brigadier-General Yitzhak Segev, the then military governor of the Gaza Strip, told how he had helped finance the Islamic movement: "The Israeli Government gave me a budget and the military government gives to the mosques".[179] However, soon mosques did not only serve as places of worship, but also came to represent places of learning and a provider of social services which effectively helped create a community in line with the Brotherhood's policy of *da'wa*,[180] proselytisation.

Furthermore, during this time it was not only mosques that increased in number and that were under the influence of the Brotherhood. There was also an increase in the number of schools of Islamic learning. The significance of these institutions of learning developed as they became the centre stage of Palestinian politics. The student elections, usually in competition with the PLO, represented by Fatah, and the Islamists, mainly represented by Hamas, serve as a barometer of public opinion. PLO represented by Fatah remained the dominant political power at most Palestinian universities in the 1980s, while the Islamists represented a powerful counterforce or an opposition.[181]

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[176] In Gaza the number of mosques during this timeframe increased from 77 to 160. *Ibid.*, p.563.
[177] Robinson, Glenn E.; Building a Palestinian State, Indiana University Press, 1997.
[178] Morris, Benny; Righteous Victims, John Murray, London, 1999, p.569.
[179] Hiro, Dilip; Sharing the Promised Land, Coronet Books, London, 1996, p.536.
[180] Literally meaning "The call [to Islam]".
[181] See: Milton-Edwards, Beverley, Islamic Politics in Palestine, I.B. Tauris Publishers, London, 1996.

History of Hamas

The roots of Hamas are deeply anchored in the Egyptian Islamic organisation *al-ikhwan al-muslimun*, the Muslim Brotherhood. Founded by Hassan al-Banna in 1928, it was committed to the struggle against foreign domination and the achievement of the Islamification of society along Sunni lines. It opened its first branch in Gaza City in 1945, followed by an office in Jerusalem the next year.[182] The Brotherhood's connection to Palestine began in 1935 when Hassan al-Banna sent his brother, Abd al-Rahman al-Banna there.[183] Furthermore, the Brotherhood played a visible role in Israel's war of independence, sending numerous armed volunteers to fight with the Palestinians. For their efforts they gained substantial status. Due to internal Egyptian politics, the Egyptian government launched a campaign against the Brotherhood in the 1950's that even extended into Gaza, effectively forcing the organisation underground. However, the situation for the Brotherhood in the West Bank was different. Jordan had annexed the area in 1950 and the local Brotherhood was integrated into society and functioned as a loyal opposition supporting the Hashemite monarchy, despite its political differences.

The founding of the Islamic Center, *al-Mujamma' al-islami* in Gaza in 1973 by the Muslim Brotherhood was an evident sign of the Brotherhood's institutionalization. "The Islamic Center became the base for the development, administration, and control of religious and educational Islamic institutions in the Gaza Strip."[184] This voluntary organisation was divided into seven different committees consisting of preaching and guidance, welfare, education, charity, health, sports, and conciliation.[185] All of these committees were headed by Sheik Ahmad Ismail Hassan Yassin, and much of the Brotherhood's expansion in the Palestinian areas was due to his organisational skills. He was born in 1936 near Ashkelon, and was one of the many thousands of refugees who fled to Gaza in 1948. In 1952 he was crippled in a sporting accident and since then was

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[182] Mayer, Thomas, "The Military Force of Islam: The Society of Muslim Brethren and the Palestine Question, 1945-1948" in: Kedourie, Elie and Haim, Sylvia (editor); <u>Zionism and Arabism in Palestine and Israel,</u> Frank Cass, London, 1982.
[183] Ranstorp, Mangus; <u>Political Islam Lecture</u>, University of St. Andrews, 26 March 2002.
[184] Mishal, Shaul and Sela, Avraham; <u>The Palestinian Hamas, Vision, Violence and Coexistence,</u> Columbia University Press, New York, 2000, p.19.
[185] *Ibid.*, p.20.

bound to a wheelchair. As with Hassan al-Banna, Sheikh Yassin was a school teacher.[186] Later on he would become the founding father of Hamas and serve as its spiritual leader. Yet already in 1983 Sheikh Yassin encouraged the members of Islamic Center secretly to collect firearms that were then distributed among operative leaders. It was this activity that led to Yassin's arrest in 1984 resulting in a thirteen-year jail sentence. However, due to a prisoner exchange agreement between Israel and the Popular Front for the Liberation of Palestine –General Command (PFLP-GC), he was released less than a year later,[187] when Israel released 1,150 Palestinians in exchange for a handful of Israeli soldiers captured in Lebanon.[188]

Most likely, it was Yassin's prison experience that instigated the foundation in 1986 of Jihad and Da'wa, *Munazzamat al-jihad wal-da'wa*, abbreviated to *Majd* (Arabic for glory).[189] The purpose of this organization was two-fold. The first was to collect information about collaborators who worked for the Israelis, and the second was to enforce an internal jihad within the Palestinian society. The organisation wanted to impose Islamic rules on the society, making sure that Palestinians became observant, and on the occasions where they did not, to impose appropriate punishment. "This unit carried out violent activities, including arson, kidnapping, rough interrogation and […] also executed suspected collaborators with Israel."[190] These cornerstones were eventually to become key elements of Hamas.

As pointed out above, despite the establishment of Israel and its occupation of Gaza and the West Bank, Israel's existence was not the Brotherhood's main concern. Its focus was on *da'wa*,[191] and internal jihad, rather than jihad against intruders. The Brotherhood concentrated mainly on "the upbringing of an Islamic generation" through

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[186] Morris, Benny; Righteous Victims, John Murray, London, 1999, p.563.
[187] Mishal, Shaul and Sela, Avraham; The Palestinian Hamas, Vision, Violence and Coexistence, Columbia University Press, New York, 2000, p.34.
[188] 650 of the 1,150 were allowed to return to the West Bank and Gaza. Morris, Benny; Righteous Victims, John Murray, London, 1999, p.574.
[189] Mishal, Shaul and Sela, Avraham; The Palestinian Hamas, Vision, Violence and Coexistence, Columbia University Press, New York, 2000, p.34.
[190] *Ibid.*
[191] Meaning the Islamisation of Muslim society through social mobilization in the spirit of Islam, the cornerstone in the policies of the Brotherhood and Hamas.

religious schools, charity associations, and social clubs.[192] Their goal was, through religious education, to "instil true Islam in the soul of the individual" and bring about an Islamic "cultural renaissance to embark on the path of liberation" [193] which was to be led by a new generation. This ideology was indeed integrated into the mindset of the new generation emerging under Hamas.

Hamas nationalises

Hamas as an Islamic movement is deeply influenced by the wider trends of Islamist thought. Yet it is also a Palestinian movement, shaped by the symbols and rhetoric of Palestinian nationalism. These two elements did not always blend so naturally together within Hamas or the Muslim Brotherhood. Traditionally, al-Banna, the founder of the Muslim Brotherhood, rejected nationalism as a secular, exclusivist, and selfish value. He saw it as a foreign implant, designed to break down Islamic unity in order to speed western takeover of Islamic lands. Rather, it was al-Banna's opinion that religion provides people with true love for his homeland and the force to fight for it.[194] He went on to talk about circles of identity, in which patriotism and Arab nationalism ultimately lead to Islamic unity in one supra-territorial and supra-racial homeland.[195] However, Hamas realised early on, due to the political atmosphere, that in order to seek approval in a wider constituency, it had to present itself not just as a religious alternative to the secular PLO leadership and the ideas of the West, but also as a national one. "Hamas infused religion with nationalism. This entailed a new interpretation, anchored in Muslim history, of the parameters of the struggle against Israel."[196] Islam, as it turned out

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[192] Ranstorp, Mangus; <u>Political Islam Lectures</u>, University of St. Andrews, 26 March 2002.
[193] Hroub, Khaled; <u>Hamas, Political Thought and Practice</u>, Institute for Palestinian Studies, Washington D.C., 2000, p.28.
[194] Gershoni, Israel; "The Emergence of Pan-Nationalism in Egypt: Pan-Islamism and Pan-Arabism in the 1930s", <u>Asian and African Studies,</u> Vol.16, no. 1, 1985.
[195] Gershoni, Israel and Jankowski, James P.; <u>Redefining Egyptian Nation, 1930-1945,</u> Cambridge University Press, Cambridge, 2002.
[196] Mishal, Shaul and Sela, Avraham; <u>The Palestinian Hamas, Vision, Violence and Coexistence,</u> Columbia University Press, New York, 2000, p.15.

"provided a national identity", according to Ernest Gellner "notably in the context of the struggle with colonialism."[197]

As a symbol of the integration of Palestinian identity into Islamic ideology, Hamas integrated Islamism with nationalism in its emblem. The original emblem of the Muslim Brotherhood shows the Koran amidst two crossed swords, with the word *wa-aiddu* (make ready), written beneath. In the emblem modified by Hamas, the map of Palestine replaces the Koran. Hamas goes further in order to show how Islamism and nationalism meet in the most revealing major ideological text, the Hamas Charter, which consists of thirty-six articles. Rooted in contemporary Islamist ideological tradition, the Covenant insists that Islam provides the answer to all questions, and suggests that capitalism, colonialism, communism, imperialism, the West, Zionism, and Jewry are all components of a comprehensive policy in order to discredit Islam and eliminate the Palestinian people. Herein, the secular state is the very symbol of all of these ills, and therefore it must be replaced by an Islamic policy.

Furthermore, the charter serves as a valuable source when exploring how Hamas has come to grip with nationalism and Islamism. Although the Charter defines Hamas as an Islamic movement which draws its "ideas, terminology and concepts" from Islam, it continues to declare that "Hamas is a distinctive Palestinian movement" striving "to hoist Allah's flag on every piece of land in Palestine."[198] Thus, it synchronizes Hamas' immediate goal with that of any other national movement through the liberation of Palestine from the Jews. However, whereas the PLO stresses national liberation, Hamas describes itself as additionally struggling to defend "the Muslim person, Islamic culture, and Muslim holy sites, first and foremost among them al-Aqsa Mosque."[199] According to Hamas, it is precisely the al-Aqsa Mosque that represents one of several elements of Islamic sanctity of Palestine, which the Charter repeatedly calls the "land of al-Isra' wal-Miraj". [200] The Isra' and Miraj, Hamas maintains, distinguish Palestine from all other

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[197] Gellner, Ernest; <u>Postmodernism, Reason and Religion</u>, Routledge, London, 1992, p.15.
[198] The Hamas Charter, Articles 1, 2 and 6.
[199] *Ibid.*, Articles 6, 9 and 12.
[200] *Ibid.*, Article 15.

Islamic areas and makes it the inheritance of all Muslims. According to Hamas, when the Muslim armies conquered Palestine, the Caliph Umar ibn al-Kattab decided not to divide the conquered land among the victorious soldiers, but to established it as a waqf, an inalienable religious endowment.[201] This way, the relationship between Islamism and nationalism is not only complete, but it is also a legitimate strategy of Hamas towards Israel. As a waqf, Palestine does not belong only to the Palestinians or the Arabs, but to the entire Muslim nation until the day of resurrection. Furthermore, the Charter states that the land can 'only' be liberated by jihad.[202] The movement rejects 'so-called peaceful solutions' as incapable of restoring Palestinian rights.[203] This way, Hamas argues against any compromise with Israel, saying that no Muslim party or leadership, Palestinian or otherwise, has the right to concede even an inch of Palestine, neither in this generation nor in any generation in the future. Moreover, Hamas stresses that only under the dominion of Islam can Muslims, Christians and Jews live in peace and security.[204] But in doing so, Hamas offers few concrete indications on how it intends to achieve an Islamic Palestine and what it would look like.

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[201] *Ibid.*, Article 11.
[202] *Ibid.*, Article 34.
[203] *Ibid.*, Article 13.
[204] *Ibid.*, Articles 6 and 31.

Ideology

There are three main elements in the relationship between religion and the state which Hamas has utilised for its own ideology. First, Islam has become a political religion, with an aim to reverse the traditional relationship between the two spheres so that politics becomes submissive to religion and not the other way round. In this context, the state is perceived merely as a vehicle for achieving security and order, to provide an environment where Muslims can attend to their religious duties.[205] This is, of course, reflected in Hamas ideology as well as strategy. Secondly, Islam is a religion that stresses, above all, the collective enforcement of public morals. Islam is indeed very much a social religion seeking to organise the practices of social life and above all details of family life.[206] This serves as a key element in the ideology and tactics of the Muslim Brotherhood as well as those of Hamas. Thirdly, an element in the tactics of Hamas that is grounded in the religion of Islam is the notion of *jihad*. The term jihad has a number of meanings which include the effort to lead a good life, to make society more moral and just, and to spread Islam through preaching, teaching or armed struggle. Muslim clerics distinguished ways 'in which the duty might be fulfilled: by the heart, by the tongue, by the hands and by the sword'.[207] In its most generic meaning, jihad signifies the battle between evil and good. Finally, jihad means the struggle to spread and to defend Islam. Regardless of which interpretation of the meaning of the word jihad, Hamas has utilised them comprehensively throughout its operations.

'Inshallah', God willing, is an expression often used in Arabic, which in itself shows that Islam bases itself on a long-term strategic plan, a plan which is already determined by Allah. Time is not of the essence. This is emphasised in the concept of *tsaber* [sic][208] which Hamas has adopted as part of its strategy. This means that when

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[205] See also: Ayubi, Nazih; <u>Political Islam</u> Routledge, London, 1991.
[206] *Ibid.*
[207] Esposito, John L.; <u>The Islamic Threat Myth or Reality?</u>, Oxford University Press, Oxford, 1995 p.32.
[208] Tsaber means patience, and also endurance, forbearance. The word is usually spelled Saber, however, Anat Kurz who is a source this thesis uses on this concept, spells it Tsaber.

facing a stronger opponent, a direct confrontation –the implementation of jihad, is best saved until the circumstances are suitable in order to achieve the ultimate goal.[209] Moreover, through da'wa, the ground for jihad is prepared. The strategy of da'wa is to be practiced at all times, yet when jihad is not feasible or too risky, da'wa represents the only appropriate plan.[210] Furthermore, the strategy of tsaber [sic] opens up the possibility of legitimately ending or pausing jihad, without deviating from the original strategy.[211] Besides, it is difficult for any state to legitimise a crackdown on an organisation which is only practising da'wa.

> *"Tsaber* [sic] offers the framework for the setting of both ultimate and interim goals. It also legitimizes the shifting balance between violent and non-violent action. Thus, it allows for the suspension of *Jihad*, and concentration on the non-violent *Dawa* campaign. Both *Jihad* and *Dawa*, in any event, are designed to serve an interim goal of advancing the long-term, ideological objective."[212]

Hamas manoeuvres within the limitations and options presented by these opportunities and constraints, while constantly being aware of mood-swings, needs, and desires in Palestinian society. At the same time, Hamas is always mindful of political opportunities and power relations. This allows Hamas to shift the focus between da'wa and jihad as it sees fit, seeing as they are two sides of the same coin. "Thus the struggle at any time, the available means, can be perceived and presented as the practical application of ideological imperatives. This approach implies ideological rigidity and tactical flexibility."[213] Within the concepts of tsaber [sic] and da'wa there is a difference in time perspective. Often tsaber [sic] is an approach that indicates a long-term strategy, while da'wa is the practice of today. Jihad is the tool that is used today in order to achieve a future goal. This allows

> "Hamas [to] demonstrate its flexibility by differentiating between the short term objective of a Palestinian state in the West Bank and Gaza and the long-term goal

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[209] Anat Kurz and Nahman Tal; "Hamas: Radical Islam in a National Struggle" <u>Memorandum nr. 48,</u> July 1997, Tel Aviv: Jaffee Center.
[210] *Ibid.*
[211] *Ibid.*
[212] *Ibid.*
[213] *Ibid.*

of establishing a Palestinian Islamic state on the territory of Palestine that would replace Israel."[214]

Suicide bombings –martyrdom – Istishhadi [215]

Successful counter terrorism methods must be tailor made to target the whole of the organisation. Despite this, it is normally the military aspect of Hamas which is focused upon when considering counter terrorism methods. As such, it is natural to offer some broad outline of its violent development. Additionally, it is not enough to have knowledge of the details of Hamas' suicide attacks in order to counter this method effectively. What is also required is an understanding of what makes Hamas choose this particular method: in order to make it a less attractive method for a terror group to use, it is necessary to have a basic understanding of what makes it attractive in the first place.

From its inception Hamas founded a military wing which was named after Sheikh 'Izz al-Din al-Qassam. He was himself a Palestinian, who in the early 1930s led a group which assassinated Jewish and British officials in Haifa. In 1935, al-Qassam was killed by British forces in a battle which he had intended to be the beginning of a grand-scale guerrilla war. His nationalistic status and "his fall in battle against the British turned Qassam into a national symbol and role model of self-sacrifice and dedication to the duty of war against foreign intruders in the land of Islam."[216] The military wing of Hamas has a separate infrastructure and leadership from the rest of the organisation. Furthermore,

> "*Izzeldin al-Qassem* is not the only armed part of Hamas. There are other, smaller groups. These groups work semi-independently of the leadership. These groups belong to a part of Hamas' structure called *al-Jihad Al-'Askari* (the military apparatus). This part is divided into three groups: *al-Mutaradun* [sic] ("the

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[214] Mishal, Shaul and Sela, Avraham, The Palestinian Hamas, Vision, Violence and Coexistence, Columbia University Press, New York, 2000, p.3.

[215] Arabic for self-chosen martyrdom and a term that Hamas rather is seen to be used. Juergensmeyer, Mark; Terror in the mind of God, California University Press, California, 2000, p.72.

[216] Mishal, Shaul and Sela, Avraham, The Palestinian Hamas, Vision, Violence and Coexistence, Columbia University Press, New York, 2000, p.16.

hunters"), *al-Aidin* ("the returnees") and *al-Khilayah al-Siriyah* ("the secret cells").["217"]

Although in principle autonomous, the Qassam Brigades are known as a disciplined outfit whose commanders implement policies devised by the Hamas leadership rather than their own.

Hamas has legitimised its use of violence in the Hamas Charter where it states: "There is no solution to the Palestinian problem except through struggle (jihad)."[218] As a product of the ideological concept of tsaber Hamas views "the best way to conduct the fight with the Zionist enemy is…to keep the embers of conflict burning until the conditions for a decisive battle with the enemy are complete."[219] As such, Sheik Yassin argued that if Palestinians resorted to violence, it was because Israel only understood the language of violence and force, so for the Palestinians it was self-defence, "the gun is the only means that would be used in addressing the enemy."[220]

The first Hamas suicide bombing took place on April 16, 1993[221] and since then it has become a powerful tool which has been manifested in Hamas' self-proclaimed motto:

> "God is its goal;
> The messenger is its Leader.
> The Quran is its Constitution.
> Jihad is its methodology,
> and Death for the sake of God is its most coveted desire."[222]

Historically, there have been many martyrs; Jesus was a martyr and so was the founder of Shi'a Muslim tradition, Hussain. Suicide attacks as a method are not a new concept; the phenomenon appeared among the Jewish Sicaris in the first century, among the Moslem

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[217] Ranstorp, Magnus, "Evaluating Allegations of Hamas Interest in Unconventional Weapons Materials" Copyright @ranstorp, 2000.
[218] The Hamas Charter, Article 13.
[219] The International Institute for Strategic Studies; "The Hamas Factor", Strategic Comments, Vol. 10, Issue 4, 2004.
[220] Ranstorp, Magnus; Political Islam Lecture, University of St. Andrews, 26 March 2002.
[221] For more detail see Chapter 5.
[222] The Hamas Charter, Article 8.

Hashishiyun in the eleventh century, and among the Asians in the eighteenth century.[223] However, "modern" suicide terrorism is unique, and unlike its predecessors. In the last two decades suicide attacks have been carried out by one or more persons who have been aware of their role as "human time-bombs." The word martyr comes from a Greek term for 'witness', meaning a witness to one's faith.[224] In most cases martyrdom is regarded not only as a testimony to the degree of one's commitment, but also as an implementation of a religious act, exclusively an act of self-sacrifice. The death of the perpetrator is the key to the success of the attack, and they know in advance that success depends entirely on this death. Therefore a "modern" suicide attack can be defined as: "a violent, politically motivated attack, carried out in a deliberate state of awareness by a person who blows himself up together with his chosen targets. The pre-meditated certain death of the perpetrator is the pre-condition for the success of the attack."[225]

From a terrorist group's point of view, there are some evident benefits in choosing suicide bombing as a method of achieving its objectives. A suicide attack is not very complicated or hard to carry out, and it is a low-cost operation. Indeed, it is a rather primitive and crude method which allows the perpetrator to choose his target and the timing of the bomb explosion. This guarantees a maximum number of casualties, in contrast to a remotely controlled bomb. Because it is so difficult to counter a suicide bomber once they have set off on their mission, once commenced the attack is often successful. Even if the security services manage to detect the suicide bomber and intercept them prior to reaching their final destination, they can still choose to activate the bomb prematurely and cause casualties, damage, or at the very least, terror. If the aim of a terror group is to carry out a terror attack inside enemy territory, one crucial, but complex and problematic aspect of a successful attack is the ability to secure an escape

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[223] Schweitzer, Yoram; "Suicide Bombings: The Ultimate Weapon?" 7 August 2001, www.ict.org, accessed 16 September 2002.
[224] Juergensmeyer, Mark; Terror in the mind of God, California University Press, California, 2000, p.167.
[225] Schweitzer, Yoram; "Suicide Bombings: The Ultimate Weapon?" 7 August 2001, www.ict.org, accessed 16 September 2002.

route.[226] Suicide attacks require no escape plan, and the group runs a very low risk of the perpetrator being caught and passing valuable information to the security services.

When Hamas first started to launch suicide attacks, the suicide bomber did not volunteer, but rather Hamas had to recruit them. Some of the elements in this recruitment process have changed during the years, and today Hamas has individuals who seek them out in order to carry out an attack. Regardless of what the practice is today, from a counter terrorism point of view it is still valuable to understand what kind of organisational skills go into such an attack. The individual might be recruited either by other family members who are already in the organisation, or from mosques or other Islamic education centres.[227] Then, the individual will undergo lengthy training. Some may be taken to a graveyard and told to lie down inside one of the graves for several hours in order to overcome the fear of death.[228] Additionally, in order to test their performance as well as prepare them for the pressured situation they are asked to be in, they may be asked to undertake something illegal. In the West Bank this has often been to smuggle something from one area controlled by the Palestinian security services to an area controlled by the Israelis.[229] Usually, the individual will not know when or where the mission is to be carried out when they 'disappear' from their home and family, often forty-eight hours before the attack. Then the bomber is held in a special apartment where they undergo the final mental and physical preparation, which often includes shaving their facial hair in order to create a more western look. They also receive a thorough understanding of the operational aspects of their mission, and write a will as well as record a propaganda videocassette.[230] The individual will either receive the suicide bomb vest or belt before they leave the apartment, or someone else will smuggle the bomb out of Gaza or the West Bank only to hand it over inside Israel proper.[231] The bomb is often made out of homemade explosive or TNT, and contains around 3-15 kilograms of

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[226] Ganor, Boaz; "Suicide Terrorism: an Overview" 12 January 2002, www.ict.org, accessed 23 March 2005.
[227] Curren, Christian, EU security advisor, Interview, 29 October 2002 in Jerusalem, Israel.
[228] Ganor, Boaz, "Suicide Terrorism: an Overview"12 January 2002, www.ict.org, accessed 23 March 2003.
[229] Curren, Christian, EU security advisor, Interview, 29 October 2002 in Jerusalem, Israel.
[230] Ganor, Boaz, "Suicide Terrorism: an Overview" 12 January 2002, www.ict.org, accessed 23 March 2003.
[231] Curren, Christian, EU security advisor, Interview, 29 October 2002 in Jerusalem, Israel.

explosives which are often packed with peaces of iron and nails in order to cause more damage.[232]

Then Hamas member Imad Faluji[233] explains the practice of suicide bombers as being letters to Israel, telling the Israelis that their "security does not lie with Egypt, nor with Libya, nor with Arafat, but with us," meaning Hamas.[234] Moreover, it seems that Hamas has found more than just a tool for communicating with Israel. It is clear that they have understood what hurts Israel the most. Public opinion can absorb the individual dead settler or the shooting of an IDF soldier in the territories. However, the reaction is entirely different when a bomb goes off in the heart of a city in the middle of the country. Suicide bombing as a method of terror strikes a weak spot in Israeli society. Terrorists use suicide attacks to instil a feeling of helplessness in the population—the notion that they have no way of protecting themselves against such attacks. These feelings strike a blow to public morale, creating fear and panic. As Ismail Haniya, a Hamas leader explains: "Jews love life more than any other people, and they prefer not to die."[235] Dr. Ramadan Shalah, secretary-general of the Palestinian Islamic Jihad, summarized the choice of using suicide attacks as a method:

> "Our enemy possesses the most sophisticated weapons in the world and its army is trained to a very high standard.... We have nothing with which to repel killing and thuggery against us except the weapon of martyrdom. It is easy and costs us only our lives... human bombs cannot be defeated, not even by nuclear bombs."[236]

Due to its simplicity and the difficulty in countering this method of attack, suicide bombing has become a hallmark for Hamas. Since the first attack in 1993, they have expanded and improved their tactics to include double and triple suicide bombings as

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[232] Ganor, Boaz, "Suicide Terrorism: an Overview" 12 January 2002, www.ict.org, accessed 23 March 2003.
[233] Imad Faluji was a senior member of Hamas and a co-founder of Hamas' military wing and editor of Hamas official newspaper, al-Watan. He left Hamas to accept a senior position within the PA and served as the communications minister from 9 May 1996 to 26 October 2002 as well as being a PLC member for Jabalya. Memebers of the PA Cabinet as of 26 March 2006, www.middleeastreference.org.uk, accessed 1 November 2007.
[234] Juergensmeyer, Mark, Terror in the mind of God, California University Press, California, 2000.
[235] Friedman, Tom, "Suicidal Lies", New York Times, 31 March 2002.
[236] Spinzak, Ehud, "Rational Fanatics", Foreign Policy, September 2000, p.66.

well as the use of female suicide bombers –making it even harder for Israeli security services to prevent and intercept them.[237]

How Hamas has managed to adapt and react to some of Israel's counter terrorism methods will be explored as the next chapter will study the practise of Israel's counter terrorism methods and its consequences for the Palestinian society and Hamas.

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[237] The difficulties of deterring suicide bombers are explored in chapter 6.

5. Israeli counter terrorism methods, 1992-2000

"The first line of defence is in the minds of men."[238]

In this chapter, some of the counter terrorism methods from Israel's large repertoire will be examined, all of which were used by the Israeli government between 1992 and 2000. This is an interesting time period because it was the end of the Intifada, and also the time when Hamas was established; the peace process had started and there was an increase in the number of terror attacks. It was the first time an Israeli government attempted to fight terrorism while simultaneously engaging in the peace process negotiations. The time period from 2000 to 2006 will be addressed separately in chapter 6. In this way, the development in counter terrorism methods can be viewed against the backdrop of the failing Oslo peace process and the outbreak of the al-Aqsa Intifada.

The purpose of this chapter is not to evaluate whether or not Israel has achieved its ultimate goal through these measures i.e. to hinder terrorism, nor is it to determine if its methods are legal with respect to international human rights laws. Rather, the aim of this chapter is to enable a deeper understanding of some of the counter terrorism methods used by Israel, and to examine these measures individually to assess their nature and mechanisms. Simultaneously, this chapter will show the highly multifaceted way that counter terrorism methods work in practice, and will expose the numerous complex and different consequences, both tactical and strategic, on Palestinian society at large and on the organisation of Hamas itself. In particular, it will examine how Hamas adapts correspondingly, reinventing new tactics in response to the specific counter terrorism methods. Although the effectiveness of Israeli counter terrorism policy will not be assessed here, how these measures affect Hamas' capability, intentions, and social-political stand in the Palestinian community will be addressed.

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[238] General Yehoshafat Harkabi, former chief of Israeli Military Intelligence. Tamari, Salim; "Yehoshafat Harkabi: Choosing between Bad and Worse", Journal of Palestine Studies, Vol. 16, no. 3, 1987, p.47.

First, the permit system will be studied, a policy which allows Israel ultimately to decide who can travel in and out of the West Bank and Gaza, and who may not. This is a defensive action which serves as an important preventative mechanism, aiming to stop general planning, training, or the implementation of terror attacks. With the permit system regulating who is allowed to work, live and travel, Israelis can control the flow of individuals in and out of the borders of the West Bank and Gaza. Eventually, this mechanism results in a degree of control over Palestinian society as a whole, both in terms of economic and social development. The system of permits is strongly interlinked with the closure policy, which the Israelis classify as a punitive action with a preventive effect, and will be the second focus of this chapter. Both of these methods are used under the public principles of deterrence, and therefore run the risk of being viewed as collective punishment in the eyes of the international community. In practice, closure, means that the borders that separate the West Bank and Gaza from the Israeli main-land are sealed. Since the West Bank and Gaza do not share a common border, closure additionally affects any travel between the two territories. Depending on the type of closure that is implemented, the measure generally leads to a complete stop or severe restriction of movement, affecting both humans and commodities. Secondly, the permit system and the closure policy have huge ramifications on Palestinian society. As these two counter terrorism methods are so closely linked, their effect on Palestinian society, both socio-politically and economically, will be examined in the same section as closure (5.2), together with the manner in which. Hamas' re-adjusts and takes advantage of these measures.

Thirdly, individual and collective deportation, another counter terrorism method, will be examined. Deportation is a punitive action, carried out under the umbrella of individual principles of deterrence. The 1992 deportation of 415 Hamas and Islamic Jihad members to southern Lebanon is the most notorious example. Although the use of deportation has not been so common after the signing of the Oslo Accords in 1993, its usage has had a dramatic effect. The severity and comprehensiveness of the specific deportation mentioned above, became a turning point for radical Palestinian Islamic organisations, and had long lasting effects on Palestinian terrorism, especially as it

enabled members of Hamas to reorganise themselves, to enlarge, to form new alliances between members from Gaza and different parts of the West Bank, as well as to develop a more strategic and tactical relationship with the Lebanese Hizballah. This deportation illustrates that Hamas is a highly flexible organisation, still capable of carrying out acts of terror, despite most of its leadership being deported. Hamas displayed its strength and flexibility on 16 April 2003, only a few months after the deportations, when they dispatched the first of a long series of suicide bombers.

Fourthly, another form of counter terrorism method will be included in this chapter: the demolition of houses. This measure can be divided into two separate issues; the demolishing of houses which are built illegally, and houses which are demolished due to security reasons. This includes the demolition of houses due to settlement creation, which is a preventative measure, and houses belonging to families of suspected suicide bombers, which is a punitive measure. This measure is part of public principles of deterrence. The demolition of houses is considered especially hard for the Palestinians, due to the strong cultural value that a home has to them, compounded by the high poverty rate and the difficulty in obtaining a house-building permit from the Israeli government. Hamas, understanding this situation only too well, turns this measure around, and it benefits from the support received when providing logistical and financial assistance for each martyr family, effectively strengthening the bond between the Palestinian people and Hamas.

The method of house demolition is followed by a section on the use of selective killings. Selective killing is considered an offensive action, which holds a preventive nature, and it belongs within the range of individual principles of deterrence. Even though this policy was not used excessively during 1992-2000 (it will be further examined in chapter 6), the method played an important part in forming the multifaceted Palestinian terrorism picture. Although Israel may cripple Hamas' tactical ability and

prevent terror attacks in the short-term by using this method, Hamas also uses it to legitimise an increase in attacks, in the name of revenge of the martyrs.[239]

The sixth counter terrorism method this thesis will examine is administrative detention. After every terror attack, Israel frequently conducts large sweeping arrests and interrogations in order to gain intelligence that will help determine who was responsible. Often these arrests will lead to administrative detention, which Israel classifies as an offensive action. However, as this thesis will reveal, it could actually be classified as a punitive action, because of the way that this method is practised. In addition, this measure holds a preventative and/or a punitive effect. The use of administrative detention is also part of an individual principle of deterrence. Being held in administrative detention means that the individual is incarcerated for an unspecified period of time, for reasons unknown and undeclared to him, his family or his lawyer. However, what this thesis will illustrate is that these detention centres also serve as critical training and educational grounds for Hamas. Because the Israelis used to place individuals from different organisations together, similar to the internment system used in Northern Ireland, Hamas and other Palestinians can share and learn from experiences in this situation, and invent and exchange new tactics as well as recruit new young members.

While in detention, the prisoner is often exposed to different methods of interrogation, and this will be the seventh and last method examined in this chapter. This method is classified as a defensive action, because during interrogations the aim is often to get information that can hinder another terror attack or an increase in the organisation's capability. However, during interrogation the boundaries of physical pressure and torture are often blurred. Whether or not these unclear boundaries should be acceptable, is perhaps the clearest example of the democratic dilemma.

Individually, each of these counter terrorism methods is like a drop in the ocean, but used together, they form an aspect of Israel's policy of an ever-lasting struggle

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[239] The most famous case is the assassination in January 1996 of Ayyash "the Engineer", which sparked the series of suicide bombs that eventually cost Peres his election in 1996.

between securing a way of life for its citizens and against jihad. An example of this and how different counter terrorism methods are used simultaneously, was the aftermath of the incident that happened on October 19, 1994. Residents of Tel Aviv were sitting drinking their morning coffee and others shopping on the popular Dizengoff Street, when a powerful explosion occurred just before 9 am on board the No. 5 bus.

> "I was just sitting in a cafe, minding my own business, when I heard the boom." Avi recollects, "then I heard people calling: 'Help me, help me!' So I went to the bus and started trying to pull people out. There were people with no heads, cut in half, missing arms and legs. I couldn't take it."[240]

Later, the Israeli police stated that the IED (improvised explosive devise) was composed of 10 to 20 kg of TNT explosives, apparently disguised inside a briefcase, killing at least 23 and wounding 46.[241] The next day, Hamas released a videotape showing that Salah Abdel Rahim Nazal Souwi, a 27-year-old wanted Hamas activist from Qalqilya,[242] assumed responsibility for the bombing, claiming that his motivation was to avenge the deaths of the three Hamas kidnappers who had abducted Sgt. Nahshon Wachsman on October 9, 1994. In the videotape, Mr. Souwi was clearly puzzled and confused regarding the killing of the kidnappers, despite the kidnappers effort to ensure they "had kept the prisoner soldier Nashon Wachsman alive until the last minute" and the kidnappers offer of "humanitarian requests to release our prisoners" as an exchange, which was ignored by the Israelis.[243] In response to this suicide attack, and acting on what was then Prime Minister Rabin's electoral slogan throughout his prime ministerial campaign in 1992: "we will pursue the peace as though there's no terror, and crush the terror as though there's no peace"[244], the Israeli government's and the IDF's reactions were both immediate and comprehensive.

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[240] Kaplan-Sommer, Allison; "Bombing Halts the heart beat of 'the city that never stops'", 20 October 1994, www.jpost.com, accessed 4 June 2003.
[241] 'Quiet War' Against Hamas suffers a setback, 21October 1994, www.jpost.com, accessed 4 June 2003.
[242] Also the area where Ayyash "the Engineer" came from.
[243] Immanuel, Jon and Raine, Marcus; "Video Points to Kalkilya man as Hamas Perpetrator", 21 October 1994, www.jpost.com, accessed 4 June 2003.
[244] Usher, Graham; "Why Gaza mostly says yes" Middle East International, 24 September 1994.

First, Rabin chose to enforce the punitive action of closure, which hermetically sealed off the West Bank and Gaza, effectively depriving around 55,000 Palestinians of their livelihoods inside the Green Line, and adding additional pressure on the already fragile Palestinian economy. To increase the pressure, the Israeli cabinet also voted to temporarily bring in 15,000 foreign labourers to permanently replace some of the Palestinians workers, who had a working permit.[245] Secondly, Rabin announced that a multitude of 'retaliatory measures' designed to 'fight Hamas until we have destroyed it' would be comprehensively enforced. This included an extension of administrative detention from six to 18 months, the application of 'greater physical force' during interrogations and the demolition of 'suspected terrorist' homes to serve as a punishment.[246] Additionally, as many as 2,000 Palestinians, mostly Islamist activists, were arrested, including several residents from Qalqilya, as well as Salah Soowi's brother Hassan and his cousin Eid. Thirdly, when it became clear that it was indeed Salah Abdel Rahim Nazal Soowi who was the suicide bomber (based on blood and tissue comparisons from family members), the IDF swiftly demolished his family home in Qalqilya.[247] These numerous security measures were all implemented individually. However, they are all part of a broader counter terrorism policy that is based on core principles of offensive, defensive and punitive actions, which seek to diminish the threat of terrorism.

Yet terrorism and counter terrorism do not exist in a vacuum, and it is important to have background information in order to understand the social-political situation. In the years from 1992 to 2000, the first Intifada had just ended and the peace process had begun. Hence, these two periods will be briefly introduced.

The first Intifada and the emergence of Hamas (1987-1991)

The *Intifada* (shaking off) erupted on 9 December 1987 when Hatem Sissi, a resident of the Jabaliya refugee camp, was killed by Israeli troops chasing Palestinian

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[245] Roy Sara; The Gaza Strip: The Political Economy of De-development, Institute for Palestine Studies, Washington D.C., 1995.
[246] Usher, Graham; "After the Tel Aviv bombing" Middle East International, 4 November 1994.
[247] Chronology, Middle East Journal, Vol. 49, no 2, 1995.

children who were pelting them with stones. This happened the day after an Israeli truck had run into a group of Palestinian labourers and killed four of them at the Erez checkpoint which separates Gaza from pre-1967 Israel. To the Israelis, this was a traffic accident, but the Palestinians believed that it was a deliberate act of revenge for the stabbing to death of an Israeli merchant, Shlomo Sakal, in Gaza on 6 December.[248] The first leaflet issued by the Muslim Brotherhood was released on February 11, 1988 and it was signed *Harakat al-Muqawama al-Islamiyya* (Islamic Resistance Movement, but not yet using the Arabic acronym Hamas (zeal)). This leaflet made a point of referring to the uprising as "a blessed Islamic uprising, as opposed to a national one."[249] Leaflets continued to be published under the name of the Islamic Resistance Movement, and it was not until August 1988 that Hamas 'officially' started to publish under their acronym name. The first publication proclaimed they were a wing of the Muslim Brotherhood.[250] However, after their founding, they claimed that the date for their establishment was really on 8 December 1987, the day before the Intifada began. Such claims symbolise the organic relationship between Hamas and the mass rebellion throughout the West Bank and Gaza. The underlining implication of this statement is that there would have been no Palestinian uprising without Hamas. This can be viewed as a deliberate signal by Hamas in order to be seen as the central player in the Intifada. Hamas' early strategy was to undermine the PLO's credibility and to claim to be the sole legitimate representative of the Palestinian people.

The Israelis had been quick to extend legitimacy and status to Hamas in an attempt to marginalize the PLO. At the time, Hamas was viewed as a more moderate Islamic force which focused on social reform, rather than being an Islamist organisation aiming to end the Israeli occupation of Palestine with jihad as the modus operandi. Regardless of how Israel regarded the nationalists and the Islamists at that time, it was rather peculiar to legalize Hamas, seeing as how Hamas was the self-proclaimed 'sister' organisation of the Muslim Brotherhood, an organisation which was *not* legalized. However, following the involvement of a Hamas activist in the kidnapping and murder of

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[248] Aburish, Said K.; <u>Arafat, from Defender to Dictator,</u> Bloomsbury Publishing, New York, 1998, p.199.
[249] Robinson, Glenn E.; <u>Building a Palestinian State</u>, Indiana University Press, Bloomington,1997, p.149.
[250] *Ibid.*, p.151

two Israeli soldiers in 1989, the relationship between Hamas and Israel changed for ever.[251] Within a month of the soldiers' deaths, Israel swept through Hamas with a vengeance. Within the year, and eighteen months after the outbreak of the Intifada, the organisation was prohibited, and being a member was a punishable offence.[252]

During the early years of the Intifada, the most common weapons utilised against the Israeli army were not guns and bombs, but rather stones, knives, and the occasional Molotov cocktail. Apart from being symbolic Islamic methods,[253] they were also a powerful visual tool; the young Palestinian boy throwing a stone at a soldier from the best equipped army in the world. The image cried of heroism and bravery. "From a downtrodden, passive people, the Palestinians overnight became, at least temporarily, a defiant successfully rebellious one, enjoying a sense of moral superiority over their better-armed occupiers."[254] Although the military actions undertaken by Palestinians in the first year of the Intifada were riddled with symbolic gestures, Hamas' share of the military activity was relatively limited.[255] Assumingly, Hamas at this stage still lacked a solid operational infrastructure and therefore gave priority to acquiring arms, mobilizing cadres, and training its forces in the use of arms and explosives. But, by the second year of the Intifada, 1989, the extent, sophistication and boldness of Hamas' violent activity had risen sharply. The number of violent actions tripled.[256] Additionally, Hamas had added the kidnapping and the murdering of Israeli soldiers inside Israel to its modus operandi portfolio. Furthermore, Hamas had extended its military activity into the West Bank, notably Hebron. By 1993, the range of targets was expanded, to include civilian Israeli targets inside Israel, as a reaction against the Oslo peace process between Israel and the PLO.

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[251] Milton-Edwards, Beverley; Islamic Politics in Palestine, I.B. Tauris Publishers, London, 1996, p.152.
[252] Hiro, Dilip; Sharing the Promised Land, Coronet Books, London,1996, p.541.
[253] Traditionally when Muslims are on their pilgrimage to Mecca they will throw stones at evil spirits from the top of a mountain (*rajm)*. Additionally, the Old Testament provided the practice with religious legitimacy as stoning was a means of execution. Shipler, David K.; Arab and Jew –Wounded Spirits in a Promised Land, Penguin Books, London, 2002, p.108. Additionally, the Koran "occasionally uses 'stoned' meaning 'accursed' as, according to Islamic tradition, Abraham drove Satan away with stones". Aburish, Said K.; Arafat, from Defender to Dictator, Bloomsbury Publishing, New York, 1998, p.206.
[254] Morris, Benny; Righteous Victims, John Murray, London, 1999, p.597.
[255] Mishal, Shaul and Sela, Avraham; The Palestinian Hamas, Vision, Violence and Coexistence, Columbia University Press, New York, 2000.
[256] *Ibid.*

The Intifada had only lasted a few weeks when the Israeli army realised that it could not extinguish the uprising. Instead, the army settled for the limited goal of reducing the disturbances to an 'acceptable' minimum.[257] Despite the fact that the Palestinians' methods were simple, and in the early days a confident Israeli leadership claimed that these 'episodes' would quickly pass, the Intifada lasted for almost five years.

The peace process (1991-2000)

There had been many failed attempts to r each a settlement between the Palestinians and Israelis that would bring about a lasting peace. However, the Oslo negotiations were different due to the decision to hold direct, face to face talks, between Israel and the PLO, under the premise that the most challenging issues would be saved until last. In parallel with the Madrid Conference in 1991, there was a secret back channel which ultimately resulted in the Oslo Accords which were signed on 13 September 1993.

The Oslo Accords refer to the Declaration of Principles on Interim Self-Government Arrangements, the Israeli-Palestinian Interim Agreement on the West Bank and Gaza, Israel-PLO (also known as DOP I), and subsequent implementing agreements, notably the Israeli-Palestinian Interim Agreement on the West Bank and Gaza, Israel-PLO (also known as Oslo II) signed September 28, 1995. The Oslo Accords did not constitute a peace settlement between Israel and the PLO, but agreements on methods and timetables for reaching a lasting solution, and interim institutional and security arrangements. The 'agreement not to agree' regarding the legal status of the West Bank and Gaza explains, on the one hand, how it was possible for the parties to enter into the Accords in the first place, but also why they had such opposing approaches to the implementation of the agreements. In contrast to their stated commitments in the Oslo Accords, the parties did almost everything that they considered politically possible to pre-empt the outcome of future negations on the permanent status.

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[257] Morris, Benny; Righteous Victims, John Murray, London, 1999.

The Oslo Accords provided a transitional period of Palestinian interim self-government in the Gaza Strip and the West Bank. A transfer of territory to the Palestinian Authority was based on various agreements: the protocol on economic rations (29 April 1994), the Cairo Agreement on the Gaza Strip and the Jericho Area (4 May 1994), Washington Declaration (25 July 1994), the Agreement on preparatory transfer of powers and responsibilities between Israel and the PLO (29 August 1994), the Interim Agreement on the West Bank and the Gaza Strip (Oslo II) (28 September 1995) , the Protocol concerning the redeployment in Hebron (15 January 1997), the Wye River Memorandum (23 October 1998) and the Sharm El-Sheikh Memorandum (4 September 1999)[258]. Direct negotiations to determine the permanent status of Gaza and the West Bank began in September 1999 after a three-year hiatus, but were derailed by the al-Aqsa Intifada which broke out a year later.

The peace accord envisioned a timeline and plan for the Israeli forces to withdraw from the West Bank and Gaza and the Palestinians to control public order and security.[259] The agreement also mandated that the Israelis would maintain responsibility for defending the region against external threats, and that the Palestinian Authority would be held responsible for preventing acts of violence by Palestinian militants. The Oslo process depended upon the "formula of peace-for-security. That is, the process would continue as long as the Palestinian Authority cracked down on terrorism and other political violence directed at Israel and the Israelis residing in the territories."[260] In itself, this is a strange formula; at the one end of the equation there is a quantitative and measurable variable, but, at the other, an abstract term, not easily conceptualised or even illustrated.

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[258] The Taba summit was signed on January 27 2001.
[259] Jamal, Amal; The Palestinian National Movement, Indiana University Press, Indiana, 2005.
[260] Catignani, Sergio; "The Security Imperative in Counter-terror Operations: The Israeli Fight Against Suicide Terror", Journal of Terrorism and Political Violence, Vol. 17, no. 1-2, 2005, p.253.

Following the peace accords, the Palestinian Authority became the officially recognised administrative body for the Palestinian people. However, by signing the Oslo Accords, Arafat had effectively accepted that the building of a Palestinian state was under the control of the Israeli security services. Furthermore, the accords institutionalised the dependence of the West Bank and Gaza on Israel. They gave the Palestinian Authority full control of only 18 percent of the West Bank and divided the West Bank into three zones: A, B and C. Zone A (the 18 percent) is under the full control of the Palestinian Authority, Zone B is under the administrative control of the Palestinian Authority and the security control of Israel; Zone C is under the full control of Israel. Zone A is further divided into many enclaves, effectively cut off from each other. These enclaves are surrounded by areas B and C, giving Israel effective control over the whole of the West Bank. Despite this, the Palestinian Authority was designed to provide internal oversight of the West Bank and Gaza Strip, and their main objective was to create police and security forces. Arafat's PLO remained in control of foreign relations and the PLA.

After the Israeli/PLO peace accord was negotiated, Arafat returned to Palestine. Upon his return, Arafat, and the exiled leadership of the PLO, once again faced resistance from the resident governing elite, now in the form of radical Islamic factions, as well as a movement within his own Fatah party called *tanzim*. Tanzim's cadre had maintained Fatah's political and military base during their exile. With Arafat's return, this group "led the crusade against general corruption, mismanagement, and lawlessness of the PA's governance"[261] and alienated Arafat's core support base. During this period there was a notable increase in the rivalry between Fatah and Hamas for control of the Palestinian Authority. The increasing differences between the secular-nationalist Fatah and the religious-Islamic elites under Hamas severely affected Arafat's strategy to maintain power.[262] Arafat's disillusioned and fragmented Fatah party was bound to the tenets of the Oslo Accords, whereas rival parties had the flexibility to promote their own, more radical, agendas. During the 1990s, Hamas' growing strength and popularity began to diminish Fatah's legitimacy as the sole representative of the Palestinian people. In 1994,

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[261] Usher, Graham; "Fatah's Tanzim: Origins and Politics", Middle East Report, no. 217, www.merip.org, accessed 29 November 2005.
[262] Jamal, Amal; The Palestinian National Movement, Indiana University Press, Indiana, 2005.

the Palestinian Authority's chief economic advisor, Ahmed Qurei, announced that Fatah was bankrupt.[263] The financial crisis forced Arafat into a cycle of less than ideal courses of action. In order to remain in power, Arafat had to seek aid from outside sources. The West was willing to negotiate, but only if he enforced the provisions agreed to in Oslo. However, each concession Arafat made to the West led to Fatah's further alienation from the Islamist factions.

In 1994, Prime Minister Rabin was assassinated by a right-wing Israeli radical that opposed the signing of the Oslo Accords. After Rabin's death, the position was filled by Shimon Peres, who was voted out of office only one year later and replaced by the right-wing politician Benjamin Netanyahu. The Israeli political electorate shifted back to the left in 1998 with the election of Ehud Barak. Prime Minister Barak initiated a follow-on round of negotiations with the Palestinians. In July 2000, Barak, Arafat, and Clinton met at Camp David to negotiate a permanent peace accord. The talks broke down, and although it has never been publicly stated, it was due to disagreements over who should control the Temple Mount, the right of return of Palestinian refugees, and territorial concessions. At one point during the negotiations, Barak conceded the Palestinians full control over the Gaza Strip, most of the West Bank and custodial sovereignty over the Temple Mount. Arafat would not negotiate until the Palestinians were guaranteed full control of the West Bank and Gaza Strip. He also refused to allow the Israelis to have control over the Temple Mount,[264] which is not only the holiest site in Judaism, but is also on the land that surrounds the al- Aqsa Mosque, the third holiest site in Islam. On September 28, 2000, then Likud party leader Ariel Sharon visited the Temple Mount in an effort to show its significance to Judaism. His visit spawned the beginning of the al-Aqsa Intifada, a wave of resistance to the Israeli occupation of the West Bank and Gaza, in response to the mounting frustration over the failure of the Oslo Accords and breakdown at Camp David. That year, the Israeli electorate shifted once again, and in January 2001, Sharon took office as Prime Minister.

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[263] Aburish, Said K.; Arafat, from Defender to Dictator, Bloomsbury Publishing, New York, 1998.
[264] Hanieh, Akram, "The Camp David Papers," Journal of Palestine Studies Vol.30, no. 2, 2001.

5. 1 The permit system

The widest Israeli counter terrorism measures are the closure policy and the permit system. Israel has enforced a closure policy which forbids almost complete movement of Palestinians between the West Bank and the Gaza Strip, and hinders Palestinians from entering Israel and from going abroad. Additionally, Israel has set up dozens of random checkpoints, prohibits Palestinians from traveling on dozens of roads, and forbids Palestinians without special permits to enter the Jordan Valley and East Jerusalem, which are integral parts of the West Bank. This well-developed method serves as a crucial mechanism for controlling who is allowed to enter or travel through Israel, making it for practical purposes a control mechanism regarding the socio-economic development in Gaza and the West Bank. There are several kinds of permits that serve different functions, notably business permits, living permits and so forth. However, the primary focus of this thesis is on the travel and work permits. These permits are often implemented with the aim of operatively preventing a terror attack by hindering the logistical transfer of weapons, explosives and terrorist operatives between Gaza and the West Bank, but obviously also into Israel proper. The permit system therefore enforces a preventive counter terrorism method, aiming to hinder terrorist access to Israel.

Although the permit system has been enforced in some capacity since 1967, and increasingly adjusted and professionalized, there are very few academic articles addressing whether this policy works in practise and if it is a successful counter terrorism method. This may be partly due to changes over the years - not even the Palestinians can keep up - and also because the policy has not managed to draw the attention of the international community in the same respect as have arrests, torture, or target killings. Therefore, this section relies on research undertaken by human rights organisations – either Israelis, Palestinians, or international organisations. In contrast, the economic effects of the permit system and the closure policy on Palestinian society have been studied in academia in great detail and received some attention. The timeframe for this

topic was concentrated around the early days of 1967 until the beginning of 1980s. However, around 1995, a few years after the signing of the Oslo Agreement and when the Economic Protocol I of the Interim Agreement was signed, the economic issue become a regular research topic. This section will be relying on some of these studies.

The aim of this section is to study how Israel has divided the Palestinians into different groups, each group with different rules and regulations for obtaining work and travel permits. Furthermore, this section will also examine how the permit process works in practise, and it will suggest that this method holds some additionally desired effects for the Israelis. The system of permits as a counter terrorism method is closely interlinked with the closure policy. Therefore, the effect of the permit system on Palestinian society as a whole, both socially and economically, will be studied under the subchapter of the closure policy. This also takes into account the effects of the permit system on Hamas as a socio-political and military organisation, and how Hamas has managed to adjust, re-invent and circumvent the permit system.

5. 1. 1 The categorisation of Palestinians into different groups

Following the Six-Day War, in 1967, Israel's military commanders in the West Bank and Gaza Strip issued orders proclaiming these regions to be closed military areas. In 1972, general exit orders were issued.[265] These allowed West Bank and Gaza residents to leave the West Bank and Gaza freely, enter Israel and East Jerusalem, and pass between the Gaza Strip and the West Bank. Although this policy certainly restricted the freedom of movement for the Palestinians, it was not particularly strict, and many people where able to travel. This changed to some extent in June 1989 when Israel, for the first time, restricted the general exit permits. Israel imposed a magnetic-card system, whereby only those with such a card were allowed to leave Gaza.[266] In the West Bank, green, as opposed to orange, identity cards were issued to Palestinians whom Israel prohibited from leaving. However, it was not until January 1991, during the Gulf War, that Israel

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[265] Btselem, Restriction on Movement, www.btselem.org, accessed 9 January 2007
[266] *Ibid.*

totally changed the policy it had initially implemented in 1967. The general exit permits of 1972 were revoked, and every resident of the West Bank and Gaza wanting to enter Israel had to have a personal exit permit.[267] By re-structuring the permit policy in this manner, the Israeli military authority divided the Palestinians into three different hierarchical groups, each with a separate status and different rights of passage.

The first group, which holds the highest freedom of movement, consists of the Palestinians that hold an Israeli ID card. Upon the annexation of East Jerusalem in 1967, Israel invited the Palestinians who lived in Jerusalem to apply for Israeli citizenship. Although few Palestinian applied, some Palestinians became citizens of Israel. The number of Palestinians living in Jerusalem in 1967, including Israeli-Arabs, is disputed, varying from 66,000 to 156,000, depending on the source and how Jerusalem is geographically defined. Hence it has proven very hard to determine how many Palestinians became Israeli citizens in 1967. However, the United Nations estimates that there were over 1.1 million Palestinians, including Israeli-Arabs, with Israeli ID cards in 2003. The Israeli government categorises Israeli citizens by religious and national-ethnic affiliation. Each Israeli ID card states in the nationality section whether the citizen is a Jew, Arab, Druze, or a member of another ethnic group.[268] These cardholders have total access to Jerusalem and freedom of movement in most of the West Bank. Even if a holder of an Israeli ID card, someone listed as 'Arab' is more likely to be questioned, delayed and at times denied access.[269]

The second group of Palestinians consists of those Palestinians living in the area around Jerusalem that did not seek citizenship in 1967. A substantial number declined the citizenship as they would have had to pledge allegiance to the state of Israel and demonstrate a certain knowledge of Hebrew[270] –two criteria which where often viewed by the Palestinians as turning away from the idea of their right to self-determination in the pre-1967 borders. Therefore, Palestinians residing within these newly defined

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[267] *Ibid.*
[268] United Nations Office for the Coordination of Humanitarian Affairs, www.ochaonline.un.org, accessed 12 August 2004.
[269] *Ibid.*
[270] Feller, Oded "Denial of Citizenship", www.acri.org.il, accessed 8 January 2007.

municipal boundaries were given a special Jerusalem residency status. They were provided with Israeli-issued ID cards with a blue cover. Until 2002 they were listed as 'Arab' in the nationality section of the ID card. If the Palestinian has a Jordanian passport, the citizenship is listed as Jordanian. If they do not hold Jordanian citizenship, the section is left blank.[271] They are not, therefore, citizens of Israel. Instead they were made equivalent under the 1952 Law of Entry into Israel. The Entry Law regulates entry into Israel and residency in the country for those who are not Israeli citizens, or do not want to convert to Judaism as dictated by the Law of Return enacted in 1950. The Law of Entry into Israel provides the Minister of Interior with the authority to grant three types of long-term residency permit. The minister can either grant a visitor permit (tourist visa or temporary work visa), a temporary resident permit (temporary residency), or a permanent resident visa (permanent residency).[272] Persons receiving a visitor permit are only allowed to work in Israel if specifically permitted. The owners of such a visa are not registered in the Population Registrar, are not eligible for an identity card, do not have national health insurance, and are not entitled to National Insurance benefits.[273]

Additionally, there are some restrictive requirements that only apply to Palestinian Jerusalemites, but not to Jewish permanent residents or Israeli citizens. For example, to leave the country they must obtain an Israeli re-entry visa; otherwise they lose their right of return. If they live abroad for more than seven years they will lose their residency rights. In 1996 the Israeli government decided that the West Bank and Gaza came under the category 'abroad' and therefore any Jerusalemite living in the West Bank or Gaza for more than seven years would lose their Jerusalem ID cards and thus their residence status.[274] This has been proven difficult for Palestinian Jerusalemites wanting to marry, unless their spouse also holds a blue identity card or Israeli citizenship. While one can marry, one then has to live as a 'divided family'. Israel does not permit them to reside together in East Jerusalem until they are granted a request for 'family reunification,'

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[271] United Nations Office for the Coordination of Humanitarian Affairs, www.ochaonline.un.org, accessed 12 August 2004.
[272] Feller, Oded "Denial of Citizenship", www.acri.org.il, accessed 8 January 2007.
[273] United Nations Office for the Coordination of Humanitarian Affairs, www.ochaonline.un.org, accessed 12 August 2004.
[274] Palestinian Academic Society for Study of International Affairs; "Facts and Figures Jerusalem", www.passia.org, accessed 8 January 2007.

which is a long and burdensome process which could take between one to three years.[275] Since there is no free passage for people between Gaza and the West Bank, the spouses who reside in the West Bank or Gaza are required to apply for permits in order to enter or transit Israel on their way to visit their spouse in East Jerusalem. Such permits are generally issued for a three-month period for residents of the West Bank, including nights, but for residents of the Gaza Strip only for a one-week to a ten day period, without the possibility of spending any of those nights in East Jerusalem.[276] When closure is imposed these permits are invalid and the families are separated for an unknown period of time. However, a married Palestinian Jerusalemite can apply for a blue identity card to include the new spouse, and there do not seem to be any publicly stated criteria for granting such an application.[277] Because the Ministry of Interior is not required to provide justification of the rejection of such an application, the process has become arbitrary. If the married Palestinian Jerusalemite decides to leave the city to join a spouse, who does not carry a Jerusalem residency, he/she risks losing their permanent residency based on the 'centre of life' standard set by the government. The 'centre of life' principle entails that the holders of a blue identity card have to show (often repeatedly, using a multitude of tax and other documents, and without right of appeal) that their 'centre of life' is in East Jerusalem.[278] Since 1996 the 'centre of life' principle has been implemented for every blue identity card holder, married or not. The decision to issue residency permits, extend them, or shorten them is entirely up to the Minister of Interior. According to the law, there are almost no limitations placed upon the Minister of Interior in his assessment of when to issue or deny residency permits. Human rights organisations speculate that the new regulations for the 'centre of life' principle have an ulterior motive, namely that it is a pretext for deportation in order to quietly change the demographics on the ground. Due to these restrictions and regulations, it is reported that some 6,444 identity cards have been revoked between 1967 and 2001.[279]

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[275] Israel and Palestinian peace building program, www.afsc.org/ispal/jerusalem/jerufamily.htm, accessed 21 May 2001.
[276] Israel and Palestinian peace building program, www.afsc.org , accessed 21 May 2001.
[277] Feller, Oded "Denial of Citizenship", www.acri.org.il, accessed 8 January 2007.
[278] Palestinian Academic Society for Study of International Affairs; "Facts and Figures Jerusalem", www.passia.org, accessed 8 January 2007.
[279] Palestinian Academic Society for Study of International Affairs; PASSIA yearbook, 2000, p 288. Residency Rights/ID card Confiscation on www.passia.org, 16 September 2001.

Table 2: Numbers of revoked ID cards:[280]

YEAR	# of ID's	YEAR	# of ID's	YEAR	# of ID's
1967	105	1979	91	1991	20
1968	395	1980	158	1992	41
1969	187	1981	51	1993	32
1970	327	1982	74	1994	45
1971	126	1983	616	1995	91
1972	93	1984	161	1996	739
1973	77	1985	99	1997	1067
1974	45	1986	84	1998	788
1975	54	1987	23	1999	394
1976	42	1988	2	2000	124
1977	35	1989	32	2001	56
1978	36	1990	36		
TOTAL:				6,444	

Although it has proven difficult to obtain data on the number of blue identity cards held each year, the United Nations estimates a total of 215,400 for 2003.[281] Human rights organisation Bt'selem states that in 2003 alone, 273 blue identity cards were revoked.[282] When Bt'selem wrote to the Minister of Interior, Eliahu Suissa, in 1996 asking how many identity cards had been revoked over the past six months, the minister replied that his ministry did not keep records on this matter, but "our estimate is that some 600 cases are involved." [283] Additionally, the criteria according to which residency is granted are unclear, not governed by clear regulations, not published, and change all the time.[284] One of the effects of these restrictions on the freedom of movement is the prevention of normal emigration flows to and from rural areas.

The third group of Palestinians live in the West Bank. In 2003 there were 2.3 million residents all holding a West Bank ID card, of orange colour if issued by the

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[280] Forced Eviction and Dispossession of Palestinians in Occupied Jerusalem by Current Israeli Policies, www.orienthouse.org, accessed 9 January 2007 and ID card confiscation in Jerusalem, www.badil.org, accessed 9 January 2007.

[281] United Nations Office for the Coordination of Humanitarian Affairs, www.ochaonline.un.org, accessed 12 August 2004.

[282] B'tselem, www.btselem.org, accessed 8 November 2003.

[283] B'tselem ; "The Quite deportation", April 1997, www.btselem.org, accessed 9 January 2007.

[284] Feller, Oded "Denial of Citizenship", www.acri.org.il, accessed 8 January 2007.

Israeli authorities, and green if issued by the Palestinian Authority.[285] However, the ID number on the Palestinian Authority cards, which is used to regulate access and movement, is an independent card, albeit linked with the Israeli computer system.[286] Additionally, Palestinians above the age of sixteen often need a permit to travel from one Palestinian city to another even within the West Bank. A permit is also needed to enter any Israeli settlement or industrial zone located in the West Bank where they may be employed and they cannot enter Jerusalem or Israel without a separate permit.

The 1.3 million Palestinian residents of Gaza in 2004[287] are part of the fourth and last category, the group that is least advantaged in terms of movement. Israel requires they have documentation in order to visit the West Bank, to reside there and of course to enter Israel itself, including Jerusalem. To be discovered at an Israeli checkpoint in the West Bank without a valid permit could result in deportation, fines, or even imprisonment.[288]

This type of categorisation and restriction of movement has been in effect since 1991. However, the process of issuing permits has varied throughout the years depending on security levels and the political and security development of the peace process.

5. 1. 2 A lasting change in the work permit policy

Palestinians from Gaza and the West Bank have been entering Israel proper in order to work since shortly after the 1967 Six-Day war when Gaza and the West Bank were imbedded into Israel. Until the late 1980s, Palestinian daily commuters to Israel represented a third of the employed population and generated more than a quarter of the gross national product for the West Bank and Gaza combined.[289] Even during the early

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[285] United Nations Office for the Coordination of Humanitarian Affairs, www.ochaonline.un.org, accessed 12 August 2004.
[286] *Ibid*.
[287] CIA Factbook 2004, www.cia.gov/gaza, accessed 13 August 2004.
[288] Hass, Amira; Drinking the sea at Gaza, Hamish Hamilton, London, 1996.
[289] Farsakh, Leila; "Palestinian Labor Flows to the Israeli Economy; A finished Story?", Journal of Palestine Studies, XXXII, no 1, 2002.

tumultuous years of the first Intifada, a substantial portion of the Palestinian workforce found its livelihood in the Israeli market. On the eve of the Intifada, approximately 109,000 Palestinians were working in Israel, comprising forty percent of the Palestinian workforce.[290] The Palestinian workers grew heavily dependent on jobs in various Israeli industries, and during the early years, the Israeli economy equally enjoyed cheap and willing workers from Gaza and the West Bank, creating an economically inter-dependent relationship and a chronic cycle of dependency where the Israeli market dictated the survival or demise of the Palestinian economy.

Although the economic relationship had already started to change, it was the outbreak of the Gulf War in January 1991 that altered the working arrangement permanently. Israel became a target for Iraq and the PLO was one of the few authorities in the Middle East to support Saddam Hussein. Saddam Hussein had creatively pre-conditioned the Iraqi withdrawal from Kuwait on Israeli implementation of UN resolution 242 and withdrawal to pre-1967 lines, thus linking his fight with that of the Palestinians. Many Palestinians regarded the attack on Israel as being part of a larger Islamic Jihad against the occupiers of the 'holy land'.[291] Israel reacted to the pro-Iraqi support by replacing the institutionalised general exit permit process[292] with a required personal exit permit, thus restricting the movement of every Palestinian resident of Gaza and the West Bank who wanted to enter or travel through Israel.[293] This action directly resulted in a Palestinian unemployment rate of 15 percent.[294]

Despite the employer-employee relationship Israel and the Palestinians enjoyed prior to the Gulf War, it was clear from the outset that the separation and restrictions on

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[290] B'tselem; "Human rights violations of Palestinians from the Occupied Territories working in Israel and the Settlements", August 1999, www.betselem.org, accessed 13 October 2000.
[291] This support cost the PLO financial aid from Saudi Arabia, Kuwait, Qatar and United Arab Emirates, which ordered a total stoppage of their already reduced subsidies to the PLO. This resulted in the PLO's weakened economy and was the main cause of its near bankruptcy in 1993. Aburish, Said K.; Arafat, From Defender to Dictator, Bloomsbury, 1998, p.231. Ironically, Hamas reservations about Iraq's aggression gained them financial support from Saudi Arabia. Beyer, Lisa; "Victims or victors?" Time Magazine, www.time.com, 11 January 1993.
[292] In effect since 1972.
[293] The Palestinian Human Rights Monitor ;"Workers' Rights…Hard times",The Monitor, Vol. 3, no 3, 1999.
[294] Rubinstein, Danny; "The Unemployment fence", 8 February 2004, www.haaretz, 8 February 2004.

the entry of Palestinian workers into Israel would hurt the Palestinian economy far more than the Israeli one. Palestinian workers had a relatively minor role in Israel's economy. Even when Palestinian employment in Israel was at its peak, residents of Gaza and the West Bank comprised merely 6 percent of all workers in Israel.[295] When they stopped coming, Israel imported other labour, especially from Asia and Eastern Europe, and made it more lucrative for employers to hire them instead of the Palestinians through specific reductions in employer taxes and, because of the closure policy, Palestinians were no longer a reliable working force.[296] According to data from the Israeli Central Bureau of Statistics, the number of foreign workers in Israel rose from 30,500 in 1994 to 84,000 in 1997. Meanwhile the number of Palestinian workers fell from 38,300 in 1994 to 26,600 in 1996, and from as many as 160,000 in 1992.[297] Furthermore, foreign workers had clear economic advantages over Palestinian workers for Israeli employers. Because of their legal status, Palestinian workers cost more to employ than do foreign workers: a foreign worker earning the minimum wage of 2085 NIS costs an employer 2098.86 NIS, while a Palestinian worker earning that same minimum wage costs an employer 3110.55 NIS, a difference of 1011.69 NIS.[298] In other words, employing a Palestinian costs an Israeli businessman nearly 50 percent more than a foreign worker. Because of the economic advantages of foreign workers, even during times when the closure is eased Palestinians are unable to work in Israel, because their jobs have been filled. However, the Palestinians who were denied working permits had no alternatives to the jobs lost in Israel, thus resulting in high unemployment and an increase in the poverty rate inside the West Bank and Gaza.

Although Israel, to a large degree, substituted the Palestinians with cheap labour from Asia and Eastern Europe, they saw an opportunity to continue using Palestinian labour at minimal security risk. The Israeli government made considerable efforts to employ Palestinian workforces inside the settlements. This was encouraged by making it

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[295] *ibid.*
[296] The Palestinian Human Rights Monitor ;"Workers' Rights…Hard times",The Monitor, Vol. 3, no 3, 1999.p.26.
[297] www1.cbs.gov.il, accessed 9 January 2007.
[298] Brutal effects of closure on Palestinian workers, www.phrmg.org, accessed 9 January 2007.

easier to obtain work permits for settlement areas than for jobs beyond the Green Line.[299] In fact, workers seeking employment in settlements do not need to be married or older than twenty-five, and in addition their travel to work is made much easier. Equally, these permits are not cancelled in the event of a total closure.[300] According to the Palestinian Central Bureau of Statistics (PCBS), 9,507 Palestinians were employed in the Israeli settlements - 8,441 in the West Bank and 1,066 in the Gaza Strip - during the first three months of 2000.[301] However, according to worker organizations in Gaza and the West Bank and testimonies given to B'tselem, the vast majority of Palestinian workers in the settlements receive wages significantly lower than the minimum wage stated in the Israeli Labour Law.[302] The majority of Palestinian workers in Israeli settlements receive not only far less than their Israeli counterparts for the same kind of labour, but also less than Palestinians working in Israel itself. While the Israeli minimum daily wage in 2000 was set at around NIS 120 (eight hour day), the daily wages for an average fully-employed Palestinian worker in the Palestinian economy and for Palestinians employed in Israel in 1999, were estimated to be NIS 61 and NIS 86 respectively.[303] However, most Palestinians employed in Israeli settlements only received an average of NIS 35-40 per day, especially in Gaza where the maximum daily wage was reportedly NIS 60.[304]

The policy of employing cheap Palestinian labour in Israeli settlements reduces the security risks and allows the Palestinian economy to continue to rely on Israelis to provide an income. Additionally, it reinforces the arguments for the continued existence of the settlements for the Israelis, but has a marginal overall impact on the political dispute. Furthermore, the transfer of workers away from Israel proper to settlements

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[299] The term Green Line is used to refer to the 1949 Armistice lines established between Israel and its opponents (Syria, Jordan, and Egypt) at the end of the 1948 Arab-Israeli War. The Green Line separates Israel not only from these countries but from territories Israel would later capture in the 1967 Six-Day War, including the West Bank and Gaza Strip. Its name is derived from the green pencil used to draw the line on the map during the talks, www.wikipedia.org, accessed 4 January 2007.
[300] Hawley, Caroline.; "Working for the enemy: Palestinian labourers in Israel", Middle East International, 30 April 1993.
[301] "The Case of Settlement Workers", August 2000, http://www.lawsociety.org/Reports/reports/2000/workers1.html, accessed 13 May 2001.
[302] According to the Democracy and Workers' Rights Center. "The Case of Settlement Workers", August 2000, http://www.lawsociety.org/Reports/reports/2000/workers1.html, accessed 13 May 2001.
[303] *Ibid.*
[304] *Ibid.*

inside Gaza and the West Bank, also shows the great influence Israel has on the individual Palestinian, as well as on the Palestinian economy as a whole. Moreover, it strengthens the widespread sentiment among Palestinians who regard the settlements as symbols of the occupation. As echoed by the sentiments of one Palestinian, "They took my family's land, robbed me of my rights, and now I'm forced to work for them on land belonging to my people."[305]

On September 28, 1995, the Economic Protocol between Israel and the Palestinians was signed. This Protocol was part of the Interim Agreement on the West Bank and Gaza, also referred to as Oslo II. It undertook to help reduce the Palestinians' dependency on Israel, which had developed between 1967 and 1993. However, it failed to separate clearly borders between the two economies. Instead, the Oslo II divided the West Bank into three categories of land –A, B, and C. The Palestinian Authority was to have control of all civil affairs and security issues in Zone A, in Zone B the Palestinians were to have control over all civil affairs, and the Israelis over security, and Zone C remained under direct Israeli control – for both civil affairs and security issues.[306] As the Palestinians understood it, area A was gradually to be increased, so that by the end of the interim period (originally set for May 1999), it would cover most of the West Bank apart from the settlements and military installations. But the transfer of territory depended on Palestinian Authority's cooperation and their ability to provide Israel with security. By September 2000, area A consisted of 18 percent, whereas area C covered 60 per cent of the West Bank.[307]

This 'cantonization' of the West Bank only reinforced the importance on the permit system, institutionalized it, complicated the process of how to obtain a permit, and restricted freedom of movement even further –now a Palestinian that lived in area A or B had to have a permit to be able to enter area C. Meanwhile, Oslo II's Protocol Concerning Civil Affairs specified that the only legal document entitling a Palestinian to work in an

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[305] Hawley, Caroline; "Working for the enemy: Palestinian labourers in Israel", Middle East International, April 30, 1993.
[306] Aburish, Said K; Arafat, from Defender to Dictator, Bloomsbury Publishing, New York, 1998.
[307] Hass, Amira; "Israel's Closure Policy; An ineffective Strategy of Containment and Repression", Journal of Palestine Studies, XXXI, no. 3, 2002.

Israeli establishment was a permit issued by the Israeli military authority. Oslo II also kept Israel in control of the exit and entry of goods and people among the Palestinian areas and with the outside world – affecting of course the import and export of goods and even freedom of movement.[308] What this agreement did was legitimise the permit system, linking it to the peace process and Israeli military considerations. Since the Palestinian Authority had signed the agreement, they had indirectly condoned the permit system. Although this was probably not a conscious policy move on their part, it did yield some benefits. First, it was easier to mould and control a population who's freedom of movement was limited. Secondly, the permit system and closure policy made large segments of the population directly dependent on official jobs, increasing personal attachment to the Palestinian Authority. Recruitment into the ever growing security agencies and civilian ministries became the greatest job-creation project in Gaza.

The change in Israeli policy after the Gulf War resulted in a comprehensive permit system that serves to control movement of individuals and commodities, essentially requiring that anyone wanting to leave Gaza and the West Bank, whether to enter Israel, pass through it, or go abroad, must obtain an exit permit from Israel. A young man from Gaza eloquently encapsulated the perceived impact of the permit system, when he reflected, "I used to dream about having my own country. Now I dream about getting out of the Gaza Strip".[309]

5. 1. 3 The permit system process

Although the current policy of closure and permits system has existed since 1991 and the permanent closure procedure has been in place since 1993, Israel has still not established or made publicly clear any consistent, written rules to govern the actual permit process. On April 24 1991, the Israeli High Court of Justice recommended that "the Civil Administration issue comprehensive and specific directives, which will be

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[308] Farsakh, Leila; "Palestinian Labor Flows to the Israeli Economy; A finished Story?", Journal of Palestine Studies, XXXII, no. 1, 2002.
[309] Roy, Sara; "The struggle for Palestinian Society", Critique, no. 17, fall 2000, p18.

publicized, concerning movement of physicians and sick persons during curfew" and that "said procedures will serve as standing orders for soldiers stationed at checkpoints."[310] However, the regulations have still not been made public to Palestinians, who instead have operated according to trial-and-error enabling them to collectively gain knowledge about the mechanisms of the permit system. The fact that the permit system was not predictable in terms of are kind of permits one would ultimately receive, presented an added challenge. Some passes permitted an overnight stay in Israel, others required return by dusk, a few were for an entire month. Some permits restricted means of transport to the special group, taxis; others allowed the use of private cars from door to door. In addition, they have learned that obtaining travel or work permits is not easy. Whole groups of people are seemingly unable to leave Gaza: men under forty, unmarried men over forty, all men who at one time or another have been held under arrest or been imprisoned for security reasons, activists in political opposition movements and their relatives as well as anyone who is considered a security threat by the Israelis, are rarely granted exit permits.[311] Most Palestinians in Gaza are affected by these rules, since the average age is just under sixteen,[312] and since around one third of the population in Gaza was arrested under the first Intifada. In practise, this means severe restrictions on individuals who have already served prison sentences, as they are continuously held responsible for their past actions.

Since Gaza came under the control of the Palestinian Authority in 1994, applying for a permit has not become any easier –it has only added additional layers of bureaucracy. Leaving Gaza is now further complicated by a multi-tiered procedural process. First, a person must submit a written request to the appropriate Palestinian ministry. For example, -someone seeking medical treatment to the Health Ministry or a worker to the Labour Ministry. Next, the Palestinian officials transfer the exit requests to the Palestinian Civilian Liaison Committee (CLO) headquarters, which is staffed by Israeli military and civilian officials. These CLO officials examine and evaluate the Palestinian applications, comparing them to existing Israeli security services data records.

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[310] B'tselem; Freedom of movement, www.b'tselem.org, 13 October 2000.
[311] Hass, Amira; Drinking the sea at Gaza, Hamish Hamilton, London, 1996.
[312] Average age 15,8. CIA Factbook 2007, www.cia.gov/gaza, accessed 12 January 2007.

In this process the Palestinian Authority seems to have limited influence, a fact recognised by Palestinians, adding to the general and growing dissatisfaction with the Palestinian Authority.[313] Furthermore, if the application is turned down, it frequently returns without any explanation and the reasons for its rejection remain classified. If, however, the applicant does receive a reason for its rejection, it is most commonly denied due to unspecified security reasons.[314]

This highly bureaucratic application process with ambiguous standards and outcomes is clearly advantageous from an Israeli perspective. First, it allows any of the Israeli or Palestinian authorities not to assume responsibility for the outcome of the application, especially if an applicant should complain. Instead they can insist that the other side is responsible, causing further confusion about how the permit process actually works. Secondly, Palestinians often find that with the involvement of the Palestinian Authority, their complaints are often dismissed in courts because the mechanisms and basis for the permit process is established in the Oslo Accords. This suggests that the nature of the permit process serves as a mechanism for political negotiation, since it is controlled by political bodies rather than by the individual affected.[315] Thirdly, many rules are oral and are inconsistently interpreted by different individuals at the Israeli Central Coordinating Office and its regional branches, as well as by soldiers at checkpoints.[316] Fourthly, the lack of official rules dictating the permit process makes it hard to estimate how long it takes to obtain a permit, and thus difficult to know when to start the application process in due time. When permits are granted, they are usually only valid for a limited period of time, ranging from a single entry to a maximum of three months. Although permits sometimes include overnight stays, they usually expire early in the morning making it impossible to stay overnight and return back in time. Anyone

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[313] In fact, by their own people, Palestinian Authority is often called mailmen –'carrying mail between Israel and US' Hass, Amira; Drinking the sea at Gaza, Hamish Hamilton, London, 1996.
[314] *Ibid.*
[315] However, on the positive side, it is no longer necessary for Palestinians to meet directly with the Israeli authorities, a meeting that many find very humiliating.
[316] Hass, Amira.; Drinking the sea at Gaza, Hamish Hamilton, 1996. The rule that trucks can be allowed entrance to the West Bank and Gaza only if they have an Israeli license plate, serves as an example. The soldier at the checkpoint may refuse, or they can insist that not only the plates must be Israeli, but also the driver must be Jewish.

violating this restriction can have his or her permit confiscated, and is subject to a fine and imprisonment,[317] further creating travel difficulties for families of sick Palestinians, businessmen, and lawyers representing Palestinians in prison.

Additionally, there are speculations that applicants are often rejected without being thoroughly examined and the approvals of permits are based on political factors rather than security reasons. Such claims are seemingly supported with the Israeli officials' willingness to re-evaluate the application when human rights organizations, journalists, or diplomats intervene, often resulting in permits being granted, even though the same application has been turned down before and seemingly nothing has changed.[318] Such inconsistency leads to a great frustration among the Palestinians with a common perception that it is too difficult to obtain a permit and therefore they do not even bother to apply for one.[319] Even if the applicants were granted a permit, this permit would automatically be invalid when the Israelis impose a hermetic closure. As the closure gradually begins to ease, those same permit holders must resubmit their applications, while the Israelis increase their number of approvals as they see fit.[320] However, one important factor here is that the vast majority of the population still could not go anywhere, since they did not obtain a permit in the first place.

5. 1. 4 The magnetic card –and its many uses

The magnetic card was introduced in August 1989 as a supplementary form of identification for Gazans.[321] By means of a computerised magnetic strip, this card gives access to the same information as the standard ID (dates of arrests, prison records and political affiliations) but was not distributed to released prisoners, former administrative detainees, or even to Palestinians who have been brought in for questioning. It was, and

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[317] Hass, Amira.; "Israel's Closure Policy: An Ineffective Strategy of Containment and Repression" Journal of Palestine Studies, XXXI, no. 3, 2002.

[318] Hass, Amira.; Drinking the sea at Gaza, Hamish Hamilton, London,1996.

[319] *Ibid.*

[320] *Ibid.*

[321] It was later also introduced in the West Bank and became a condition for obtaining work permits in both areas. B'tselem, "Restriction on Movement", www.btselem.org, accessed 9 January 2007.

still is, only distributed to so-called 'clean' Palestinians, and has to be reviewed and renewed annually.[322] The purpose of this ID card is to have additional control over the individuals that the Israelis consider to be a security risk, to weed out Intifada and political activists, and other 'security threats', and prevent their entry into Israel. An estimated 30,000 people were denied the magnetic card on the basis of having a criminal background or outstanding debts to Israel. The denials of the magnetic card made it impossible to cross the Israeli borderline and seek work legally, resulting in a decrease of Palestinian labour in Israel from 70-80,000 in pre-Intifada years to 40-50,000 in 1989.[323] Therefore, the policy of granting magnetic cards does not only affect the whole Palestinian society, but it also serves other economic functions.

In addition, the Israelis added information of the individual's personal financial status to this type of ID card. A condition for receiving or renewing the card was that the individual had to pay any outstanding taxes or debt to the Israeli government. Of course, without the permit, a person could not leave Gaza to work and get paid to in turn pay what he owed. Considering that in 1991, before the Gulf War, an estimated 100,000 Gazans were employed in Israel,[324] the influence of this card becomes obvious. During the 1990s, the total number of magnetic cards and permits issued was heavily dependent on the intensity of the security threat and the implementations of closure. However, despite the complicated process of gaining a work permit, seeking jobs inside Israel proper is still highly lucrative, because of Gaza's and the West Bank's high unemployment rate and low wages. By regulating the restriction and number of Palestinians who are allowed to work inside Israel and to what time, a cycle of dependency with a negative impact on the Palestinian economy is created as it is dependent on the Israeli market. If supply of Palestinian labour is greater than demand, then Israel has the upper hand to pick and chose, as well as to dictate the price for

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[322] Roy, Sara; "Progress, Stagnation, or Regression? The Palestinian economy under the Oslo Accords", 1 April 2000, www.cesr.org, accessed 13 May 2001.
[323] *Ibid.* Before the second Intifada 45,000 workers crossed from Gaza into Israel every day. This number decreased to 1,500 in February 2002. Kafala, Tarik, "Palestinian under Closure", www.bbc.new.uk.co, 20 February 2002.
[324] In the beginning of 2000, the unemployment rate was eleven percent inside Gaza and the West Bank Farsakh, Leila; "Under Siege: Closure, Separation and the Palestinian Economy", Middle East Report No. 217, Vol. 30, no 4, 2000.

services provided, although these can be slightly higher than those offered in Gaza and the West Bank for the same services. Therefore, the permit system in general and the specific issuing of magnetic cards, proves to be an effective way of putting pressure on the individual economy on a small scale, and on the entire Gazan society on a much larger scale, effectively increasing control over a whole society.

Apart from the economic effects the magnetic card has been known to have, it also has a more disputed and controversial function. It has been alleged, through numerous interviews undertaken by both Palestinian and Israeli human rights organisations, that the Shin Bet occasionally uses its authority to revoke work permits as a means to pressure Palestinians into cooperating with the Israeli internal security service.[325] This practice can be carried out because the magnetic card is the only document Palestinians must obtain directly from the Israelis, without mediation of Palestinian representatives. Although the practice of providing permits as a means to pressure Palestinians for information has been used in various forms since Israeli occupation,[326] it has increased since the IDF redeployed from autonomous areas of the Palestinian Authority. Since the Israelis can no longer move as freely as they previously could inside Gaza and in area A of the West Bank to collect information, this pressurizing method has become more useful for gaining valuable and real-time intelligence. According to the Palestinian Ministry of Labour, Israeli border police stripped 2,400 workers of their permits or magnetic cards during the first six months of 1998.[327]

According to interviews with workers performed by a human rights organisation,[328] the Shin Bet recruitment method is quite standard and straightforward. When the chosen worker presents his ID papers at the IDF checkpoints, there is apparently something 'wrong' with his permit and he is pulled aside to 'straighten' things

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[325] The Palestinian Human Rights Monitor ;"Workers' Rights…Hard times", The Monitor, Vol. 3, no 3, 1999. p.26.
[326] During the 1980s and the Intifada the condition for granting a permit to open up a shop was that in return the owners would become collaborators. *Ibid.*
[327] Closure and permits, www.phrmg.org, accessed 9 January 2007.
[328] B'tselem; Human rights violations of Palestinians from the Gaza and West Bank working in Israel and the settlements, www.b'tselem.org, 12 October 2000. See also The Palestinian Human Rights Monitor; "Workers' Rights…Hard times", The Monitor, Vol. 3, no 3, 1999.

out with a Shin Bet officer. The officer tells the worker that he is 'refused entry into Israel' and 'offers his assistance' in order to help him. However, in exchange, the worker must provide information about a particular activity or about specific persons. In case the worker refuses, the authority revokes his permit and tells him to return after a certain period of time "to determine whether the situation has changed." [329] Exemplifying this process, Nizzar, who had worked inside Israel for sixteen years had 'something wrong' with his permit and was asked to co-operate, but refused. His permit was revoked and he finally got a new permit after three years of applications. Another example is twenty-eight year old (and married) Wasim, who was not able to renew his permit after a closure even after eight years of employment in Israel. When he inquired with the Shin Bet, he was told:

> "'Your name is on the computer. If you help me I'll help you and you'll get a permit.' I told him no. He said to me, 'there are two pages in the computer, black and white. Ask the computer which one you are on.' 'You ask it' I told him. He said to me 'Don't talk back to a wiser person than you. Go back to the window and ask for your magnetic card. If they give it to you, you are a lucky person. If you don't get it come back and I'll help you.' Of course I didn't get my card or permit and I am still waiting for 5 years. […] I have never been to prison or been arrested in my entire life."[330]

Most of the people who refused collaboration and lost their permits had no previous trouble gaining a permit, leading Palestinians to believe that their permit refusal had nothing to do with their security status, but rather with politics and the need for inside intelligence.

Shin Bet are not the only ones putting pressure on collaborators; Hamas and later also the Palestinian Authority, have developed a crude policy on how to respond to collaborators. In the case of Hamas, this often includes public humiliation in a society where honour plays a major role, assassinations, or disguise killings. In an interview with Newsweek, Hamas leader Rantisi stated that the only way of dealing with collaborators,

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[329] B'tselem; Human rights violations of Palestinian from the Gaza and West Bank working in Israel and the settlements, www.b'tselem.org, 12 October 2000.
[330] The Palestinian Human Rights Monitor; "Workers' Rights…Hard times",The Monitor Vol. 3, no 3, 1999.p.26.

according to Islamic Law, is a death sentence.[331] According to Anat Kurz and Nathman Tal, Hamas even established its own security wing in 1986, Majmouath Jiahd u-Dawa (Majd), which became responsible for carrying out such policy, explicitly dealing with 'Palestinians suspected of engaging in activities inimical to the principles of Islam'. Such behaviour included collaborating with Israelis, which was seen as deserting the Palestinian cause.[332] Equally, with the establishment of the Palestinian Authority in 1994, the various Palestinian security services raided numerous Palestinian homes, arrested, and kept many Palestinians under administrative detention. Many of these 'collaborators' who were charged by the Palestinian security services ended up with speedy trials resulting in lifetime imprisonment or execution.[333]

The permit system and the policy of closure are deeply interlinked, not only in their implementation, but also in their effect on the socio-economic conditions in Palestinian society. One of Hamas' strengths is its capacity to re-adjust and take advantage of the Israeli counter terrorism methods. Seeing how interlinked the permit system is with the policy of closure, the effects on Palestinian society and how Hamas adjusts and readapts to these measures will be studied in greater detail after an examination of the process of closure policy.

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[331] Ephron, Dan; "Most Israelis Are Combatants", 24 July 2002, www.newsweek.com.accessed 24 July 2002.

[332] For further information on how Hamas deals with collaborators see Chapter 4. Kurz, Anat and Tal, Nahman; "Hamas: Radical Islam in a Nation Struggle" Memorandum nr 48, July 1997, Tel Aviv, www.tau.ac.il/jcss.

[333] According to Amnesty International there were at least 250 collaborators held in administrative detention by the Palestinian Authority in the year 1999. Amnesty International; "Palestinian Authority defying the rule of law: Political detainees held without charge or trail", www.amnesty.org, accessed 14 November 2000.

5. 2 Closure policy

As discussed previously, the permit process and the policy of closure are deeply interlinked, not only in their implementation, but also in the rationale behind the practice. The effects of these measures on Palestinian society and Hamas are also similar and will therefore be examined together later on in this chapter after a study of the implementation of the closure policy.

Closure[334] consists of banning all movement of people, affecting labour, commodities and elements of production both within and between Gaza and the West Bank, as well as these areas and Israel. Closure is a preventive counter terrorism method, aimed at preventing terrorists from gaining access to Israel. Arguably, closure is meant to serve as a deterrent on potential terrorists and on the Palestinian people collectively, as it is often imposed after a terror attack and has a great socio-economic impact on Palestinian society.

This section will examine what kind of closure is used, how it has been implemented since 1991 and the effects it has on Palestinian society as a whole. First, closure has a great impact on social patterns due to the separation of families and limited access to religious sites and mosques. Secondly, with the implementation of closure, the natural education patterns are also greatly affected. As a direct result of permits and closure, travelling to other schools and Universities in the Gaza and West Bank is highly limited, resulting in fewer Palestinians obtaining higher education. Notably, an indirect result of the implementation of closure is that families cannot afford to send their children to school, as an extra pair of hands brings income to the family. Thirdly, the use of permit and closure measures has more general and devastating effects on the Palestinian economy; as the unemployment rate rises, the percentage of families living in poverty increases, and when the border closes, so does the movement of commodities.

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[334] Also *Seger* (Hebrew) and *Ighlaq* (Arabic) Hass, Amira; "Israel's Closure Policy; An ineffective Strategy of Containment and Repression", <u>Journal of Palestine Studies</u>, XXXI, no. 3, 2002.

In addition to examining the effects of the permit system and closure policy on Palestinians in general, this section will include a discussion about how, like every other counter terrorism method, these effects are directly linked to government policy and therefore also indirectly to the policy of the peace process. The question of whether closures and the permit system are merely political tools used to provide Israel with a politically advantageous position, as opposed to being effective against terrorism, will be discussed, especially given that closure was a policy long before the establishment of Hamas and Palestinian Islamic Jihad. How Hamas as an organisation adapts to the challenges its military wing faces because of such restrictions, and how its socio-political arm confronts and takes advantage of the poor conditions caused by the permit system and closure policy, will also be discussed.

5. 2. 1 The historical dimensions of closure

The first closure policy appeared in Article 125 of the Emergency Regulations of 1945, which was inherited from the British Mandate. It stated that smaller regions of Palestine could be declared 'closed military areas' for any short or long period of time, where no movement in or out was permitted.[335] The closure policy has since been through many political debates concerning refinement and extension, which has resulted in a policy shift that is grounded in the fluctuating nature of the economic links between Israel, Gaza, and the West Bank.

The first debate was in 1967, following the Six-Day War, and led to the emergence of two views on the economic situation. One side, spearheaded by then Finance Minister Pinhas Sapir, argued for an economic separation between Israel, Gaza, and the West Bank, whereas the other side, lead by then Defence Minister Moshe Dayan,

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[335] Drake, Laura; "Re-Constructing Identities: The Arab-Israeli conflict in Theoretical Perspective" <u>Journal of Middle East Affairs</u> Vol. 4, no. 1-2, 1998.

favoured further economic integration.[336] The latter side, advocating economic integration, won, and by 1972 the two economies were heavily interlinked, as exemplified by the fact that nearly 90 percent of Palestinian trade was with Israel prior to the first Intifada. Furthermore, nearly 40 percent of the Palestinian workforce had jobs in Israel, creating 25 percent of Palestinian national income.[337] Although the two economies were interlinked, since the 1967 war, when Gaza and the West Bank came under Israeli rule, Israel did not take steps to establish an economic, labour, or health infrastructure in Gaza and the West Bank. In 1985, the current Defence Minister, Yitzhak Rabin, openly declared Israel's strategic objective: "there will be no development in the Gaza Strip and West Bank initiated by the Israeli government, and no permits given for expanding agriculture or industry which may compete with the State of Israel."[338] The permanent, general closure, the recurrent total and internal closures and the extensive permit system have ensured that Rabin's objective is still valid. This policy is often sited as being one of the many factors leading to the impoverishment of the Palestinian economy, and significantly restricted economic activity.

With the signing of the Oslo Accords in 1993, the debate on closure and economic inter-dependency once again reappeared, in particular the question of separation versus integration. One side supported further Israeli-Palestinian integration, arguing integration promoted peace beneficial to both sides. The other side promoted economic separation, and argued that integration advanced an already distorted Palestinian economy, heavily dependent on Israel. The latter view essentially supported the policy of closure based on economic reasons, and it also further implied that a mutual, just and long-lasting peace was not possible.

In this section, the kind of closure policy that started in March 1991, when general exit permits were revoked, will be discussed. This policy is still in place today – closure policy as a counter terrorism method.

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[336] Reuveny, Rafael; "The Political Economy of Israeli-Palestinian Interdependence", Policy Studies Journal, Vol. 27, no. 4, 1999.
[337] Ibid.
[338] Normand, Roger; "Israel's Accountability for Economic Warfare", Middle East Report, Vol. 30, no. 4, 2000.

5. 2. 2 Different types of closure since 1991

There are three different types of closure: general, internal and total. A general closure refers to the overall restrictions placed on movement both within and between the West Bank, Gaza, and Israel and between the West Bank and Gaza itself. General closure has constantly been in place, and it is from this policy that the permit system originated.

It was the revocation of the general exit permit in 1991 that marked the beginning of the general and permanent closure policy. The revocation reached its peak two years later on March 30, 1993, when, as a response to the killing of nine Israeli civilians and six members of the IDF, Israel imposed a general closure on Gaza and the West Bank "until further notice."[339] To enforce the closure, Israel gradually placed checkpoints along the Green Line separating Israel and the West Bank, between the West Bank and East Jerusalem[340], and subsequently within Gaza and the West Bank. Permits were required for movement between the numerous areas, but these check-points were not systematic and there was no clear border per se, making it relatively easy to sneak in and out of Israel. In an attempt to hinder such human trafficking, Israeli police began to capture and arrest 'infiltrators', and military courts imposed heavy fines on those caught without proper papers.[341] Addressing this implementation of general closure in the Knesset, Rabin stated that it could not be a permanent solution. However, he argued that:

> "…it did have a profound psychological effect on those under closure. It shattered their illusions that terrorism will simply cause us to abandon the territories without any word of agreement or arrangement. […] They should realise that they will get absolutely nothing without negotiations."[342]

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[339] Usher, Graham; "Why Gaza mostly says yes", Middle East International, 24 September 1993.
[340] Since all West Bank roads lead to East Jerusalem and through it, the sealing off of East Jerusalem has also cut off normal Palestinian movement between points north and points south.
[341] Hass, Amira; "Israeli closure policy; An ineffective strategy of containment and repression", Journal of Palestinian Studies XXXI, no. 3, 2002.
[342] Jerusalem Post; "Rabin: Territories closure has achieved its objectives" www.jpost.com, accessed 16 April 1993.

The second type of closure is internal closure. This type of closure prevents Palestinians from the West Bank from visiting Jerusalem, even with a valid permit, and prevents or discourages Jerusalemites from travelling to the West Bank or Gaza. Since Gaza is isolated from the West Bank, this prohibits anybody from leaving or entering Gaza during any kind of closure. Internal closure is generally imposed after terror attacks or in an attempt to prevent such attacks, when the Israelis have intelligence indicating an imminent terror attack. It can also be imposed at 'sensitive' times, such as Memorial Day, Independence Day and other Israeli holidays or days politically significant to Palestinians, such as the end of Ramadan and al-Quds day.

Thirdly, a total closure refers to the complete banning of any movement, and is a system of population control imposed on Palestinians, generally after a terror attack on Israel. This type of closure isolates Palestinian villages from each other, and occasionally includes a curfew on a town or the entire Palestinian population. It also stops movement at the borders to Jordan and Egypt. It effectively places whole groups of Palestinians in cantons separated by areas under the control of Israel.

The estimated number of days that Gaza and the West Bank have been under internal or total closure varies depending on the report or source. This further emphasises that this is indeed a numbers game used to serve whatever political agenda is being played. However, it is useful to use one example which shows the broad development of this method. It is remarkable that the estimated number of days of closure has only increased over time. During the three years of the pre-Gulf War Intifada, i.e. from December 1987 to January 1991, the statistics from the Palestinian Authority reveal the West Bank was closed for a mere 18 days, and Gaza only 16 days. However, from the beginning of the Gulf War and the signing of the Oslo Accords in 1993, the West Bank was subjected to 48 days of closure and Gaza Strip was sealed for 90 days.[343] There were 329 days of comprehensive closure between 1993 and 1996 (almost 25% of total days),

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[343] The Palestinian Human Rights Monitor ;"Workers' Rights…Hard times",The Monitor. Vol. 3, no 3, 1999.

and 27 days of internal closure in 1996 alone.[344] The use of external and total closure is therefore dependent on the level of, or threat of, violence originating from Gaza and the West Bank, the general political mood in Israeli politics, or the current status of the peace process itself.

5. 2. 3 Education and economy – two of many factors influenced by the permit system and closure policy

Closures have a wide-range of effects on Palestinian society and way of life. The relationship between closure and the Palestinian economy is perhaps the most studied and evident. However closure also causes disruption to education. Although these two factors put severe restrictions on the future development of the West Bank and Gaza, as well as framing the society of a future Palestinian state, it is also worth mentioning some consequences that affect Palestinian identity.

As the location of many holy sites, both Muslim and Christian, is inside Jerusalem, closure has an enormous effect on religious life. For Muslims, Jerusalem is the site of the Haram al-Sharif, containing the Al-Aqsa mosque, the third holiest shrine in Islam, and the Dome of the Rock. During the holy month of Ramadan, Muslims typically gather for prayers in the Al-Aqsa mosque every Friday, and as a preventative measure against terrorism, closure is often imposed every Friday during Ramadan. Israel fears the added incentive that Ramadan might provide for a potential terrorist. Saud al-Shawa, a Hamas activist in Gaza City, explains: "When a Moslem is killed by soldiers in these days he will be getting the bliss of Allah because it is a blessed month where any activity is equal to 70 religious activities any other time."[345] For example, restrictions on movement were implemented on January 26 1996, just hours before the first Friday prayers, and the Israeli army prohibited residents of the West Bank under the age of thirty and all Gazans, even if they held valid permits, from entering into East Jerusalem. The

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[344] Roy, Sara; "Progress, Stagnation, or Regression? The Palestinian economy under the Oslo Accords", 1 April 2000, www.cesr.org, accessed 13 May 2001.
[345] Jerusalem Post; "Moslem holy month can be a holy terror for settlers, soldiers" 18 February 1994 www.jpost.com, accessed 13 May 2001.

last day of Ramadan has also been subjected to closure, prohibiting Muslims from joining together in Jerusalem for prayers. This is especially hard for Palestinians, knowing that tourists and pilgrims from all religions and origins are usually allowed to visit these sites. "I have moved from America to settle down where my family once lived. I have crossed the Atlantic to get to pray in the al- Aqsa Mosque, I can even see the dome from the roof of my house, but I am not allowed to travel the last few kilometres."[346]

The Israeli author Amira Hass argues that the restriction of freedom of movement and religious rights are not the only consequences of the permit system and closure policy. She claims it has contributed to the formation of a new social class and allowed corruption to blossom, as it segments an entire society on the basis of whether one has access, and the extent of that access, and the 'privilege' of freedom of movement.[347] As a result, a whole network developed where the central questions were: Who knew a person who knew a person who could make sure one got a permit? Who would take a bribe in order to help?

Amira Hass also points out another significant consequence of the permit system and the closure policy; it stole time –time one never could take back. "Time was wasted filling out forms and obtaining supporting documents, standing in line, making several phone calls a day to check whether the permit had arrived, while never knowing if one would receive a permit or even if you did, was it the right permit?"[348] This of course resulted in never being able to plan your everyday life. Gradually this will result in the inability to act spontaneously, and finally the determination to secure the Palestinian freedom of movement may very well wear down.

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[346] An American Palestinian who moved to East Jerusalem. BBC Panorama, The meaning of Jerusalem, BBC Television.
[347] Hass, Amira; "Israel's Closure Policy: An Ineffective Strategy of Containment and Repression", Journal of Palestine Studies, XXXI, no. 3, 2002.
[348] *Ibid.*

Effects on education

At its best, education allows individuals to acquire skills and knowledge and provides political, social, and economic resources to support future well-being. Moreover, in the long term, it builds a state – a critical understanding of government, economy, and culture, and provides opportunities for individuals to better themselves and their society. In the West Bank and Gaza, education will allow the continuous formation of a national identity, thus Palestinian schools and universities will clearly have important roles to play in the transition to and establishment of statehood. The permit system and closure policy severely impair the educational system from functioning properly at all levels. The most obvious is perhaps the limitation of movement which prevents students and teachers alike from reaching school or university. The education of each individual is also affected by the economic restrictions on Palestinian society at large, as well as on each individual family, due to the cost of quality education which is essential for human development.

Inside Gaza and the West Bank, the median age among a population of over three million, is respectively just under 16 and 18,[349] meaning that the majority of the population is of school/university age. The education in the West Bank and Gaza is provided by several sectors: the Palestinian Authority and UNRWA focus on basic and secondary education, whereas the private and NGO sectors dominate the pre-school and tertiary levels. The Palestinian school system is a two-stream system, literary and scientific that consists of primary and secondary grades. After the ninth school year, students must choose a stream along which to complete the required twelve years of schooling, which ends with the *Tawjihi* (matriculation) exam; passing is required for university or college enrolment.[350] Considering that a high percentage of the population is of school age, it comes as no surprise that there is a lack of schools in Gaza and the West

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[349] Gaza average age 15,8 and in the West Bank 18. CIA Fact Book 2007, www.cia.gov, accessed 12 January 2007.
[350] Palestinian Academic Society for Study of International Affairs; "Statistics on education", www.passia.org, accessed 20 January 2007.

Bank. Many schools are overcrowded, and it is not uncommon for students to attend schools in shifts.[351]

The estimated number of universities and colleges that exist in the West Bank and Gaza seems to vary according to closure policy and economical restraints, in addition to the source. However, in the academic year of 1998/1999 there were six universities and three colleges in the West Bank, and two universities and one college in Gaza, serving a total of 63,000 students. At that time, the collective number of students in institutions of higher learning was continually on the increase. With 22,000 students in Gaza alone, a relatively high fraction of the population were students in comparison to that of the Arab World and Israel.[352] This might seem a paradox, seeing as how closures not only restrain the freedom of movement, but also place an economic burden on families, hence it might be an indication of the importance of education to the Palestinians, as well as high levels of unemployment in both the West Bank and Gaza.

During the first Intifada, the education of an entire generation of young Palestinians was routinely disrupted due to regular school and university closures by the Israeli military. For example, from 1987 to 1991 it was not uncommon for schools to lose as much as half of their class time due to closures and strikes.[353] The education system in the West Bank and Gaza was transferred from Israeli control to the Palestinian Authority in 1994, as a condition of implementation of the Oslo Accords. [354] However, even after the signing of the Oslo Accords, Israel has continued to block the pursuit of education through regular closures and the arbitrary system of granting permits. In May 1995, for example, Israel passed regulations prohibiting the issuing of permits to study in Jerusalem to any students who had not previously been registered in an educational institute, thus preventing any new students from enrolling for studies in Jerusalem.[355]

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[351] In the academic year 2005/2006 25 percent of students where enrolled in shifts. *Ibid.*
[352] Paz, Reuven; Hamas analyses its Terrorist Activity, 21 December 1999, www.ict.org.il, accessed 13 October 2000.
[353] RAND; "Building a Successful Palestinian State", www.rand.org, accessed 20 January 2007.
[354] *Ibid.*
[355] Human Rights Watch; "Israel closure of the West Bank and Gaza Strip", July 1996, www.hrw.org, accessed 12 October 2000.

The students affected the hardest by closures are those from Gaza who choose to pursue their studies at West Bank universities, where they can pursue specific courses that are unavailable in Gaza, such as electrical and chemical engineering, sociology and political science. Although the Islamic University is located in Gaza with little over 9,000 students in the school year 1998/99, and Al-Azhar University is also situated in Gaza with 12,000 students in the same year, there have still been many who seek their education in the West Bank.[356] In 1995, an estimated 1,300 students from Gaza were enrolled in West Bank universities. Although more students wanted to enrol, all were not granted permits by the Israeli authorities.[357] Obtaining student permits is often difficult and time consuming for applicants, as the average Gaza student spends approximately fifteen hours waiting in line at various Israeli civil administration offices. Each time they must apply for three necessary permits: to transit Israel, to reside in the West Bank for three months, and a renewal for the fourth months of each school semester.[358] During the first two months of 1995, the second semester permits were cancelled twice. With each cancellation, students were forced to start their school year again.[359]

Closures do not only affect the students; they can also prevent the staff from arriving at universities. For example, the 'spring closure' that was imposed by Israel on February 12, 1996 on the city of Ramallah, blocked the access of 3,000 of Birzeit University's 5,000 students and staff to the campus. Seventy days after the 1995-96 academic year had already begun, Israel finally responded to the request of 350 permits for students from Gaza by the university.[360] Even when a permit is granted, students must still cope with potential refusals of any permit at any part of the four-tier process, in addition to arbitrary confiscations of valid permits by soldiers at checkpoints and blanket confiscations of existing permits after security incidents or administrative problems. During the 1994-95 academic year, all permits were cancelled on three separate

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[356] Paz, Reuven; Hamas analyses its Terrorist Activity, 21 December 1999, www.ict.org.il, accessed 13 October 2000.
[357] Human Rights Watch; "Israel closure of the West Bank and Gaza Strip", July 1996, www.hrw.org, accessed 12 October 2000.
[358] *Ibid*.
[359] *Ibid*.
[360] *Ibid*.

occasions in a single semester, leaving Gaza students who were still in the West Bank, vulnerable to arrest.[361]

There have been reports suggesting that Israel's use of granting permits is more a political tool than a security measure. Supporting this is the fact that the students from Gaza who enrolled in the University of Bir Zeit in the West Bank were denied permits for the first half of the semester. Halfway through the semester, Israel agreed to grant permission to two-thirds of the students, on the condition that they sign a declaration of support for the political negotiations that were in progress at the time.[362] This indicates that the reason for an individual not being granted a permit is not due to security, leaving the students to wonder under which premises a permit is granted.

When schools are closed down, or students prevented from attending classes, the students are just added to the numbers of stone-throwers, and those who seek a sense of purpose to their life join the mosques. In essence, there is a cumulative danger with giving too much free time to young people who are restless and frustrated.

The influence of Hamas on students

The Israelis, in general, struggle to find a strong support base for peace negotiations at the Universities. Palestinian universities are characterized by a high level of national political activity compared to their counterparts in Europe, North America, and other parts of the Arab world. The activities of the student unions indeed reflect the students' concerns about the Palestinian political situation, as opposed to tuition or student clubs. Even though there has been long-standing support for the Islamists amongst the students, it does not necessarily reflect the views of the general Palestinian public. Despite this, a student's support is no doubt significant, since Palestinian society

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[361] *Ibid.*
[362] *Ibid.*

is so young.[363] The students are therefore the natural leading social and political component, and monitoring their political pulse can give indications as to which direction the society is heading. The many years of social revolution and fighting have also led to a high level of political awareness in young Palestinians, leaving little place for political apathy. Therefore, the Palestinian universities function as mirrors reflecting the tendencies of Palestinian public opinion in general.

When Hamas was first created in 1987/88, it inherited a substantial tradition regarding how to build and advance education. The Muslim Brotherhood had a long tradition of promoting education for all social classes, as exemplified by al-Banna, himself a teacher, and as part of their fundamental ideology to re-Islamise society from the bottom-up. Hamas therefore made substantial investment and built schools and universities suitable for all levels of education. A university such as the Islamic University of Gaza has long traditions of Islamist politics.

> "At the IUG a student council was formed as early as 1979-80 with a nine-member executive committee. Regular elections where held and the result was always the same: the overwhelming majority of votes went to the Mujama-backed (the organisations that later became Hamas) Islamic block," [364]

When, during the first Intifada, Israel closed down schools and universities, such patterns continued. Hamas would transfer classes to mosques, thus enforcing close relations between education and religion. In order to relieve the burden of student numbers, 110 and 74 licensed non-formal education institutions have been established in the West Bank and Gaza respectively, in which 147 are privately owned and 14 are run by charities.[365] This contributes to Hamas' social welfare system, effectively supplying Palestinians not only with a general education, but also with an education taught according to Hamas guidelines. Such learning centres are potentially an important recruitment source for Hamas' military wing.

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[363] With the average age in Gaza being just under 16, as already stated. CIA Fact Book www.cia.gov, accessed 12 January 2007.
[364] Milton-Edwards, Beverley; Islamic Politics in Palestine, I. B. Tauris Publishers, London 1996, p.112.
[365] Palestinian Academic Society for Study of International Affairs; Yearbook 2000, PASSIA, p.269.

The close relationship between education and Hamas has been sustained even after the first Intifada, as Hamas, in close competition with Fatah, is often the winner of student council elections in universities both inside Gaza and the West Bank. The Palestinian students, due to their youthful tendency to be more revolutionary, are often more extreme than the rest of society. This partly explains the enormous support for Hamas in past elections. However, what is remarkable is that, despite the signing of the Oslo Accords and the establishment of the Palestinian Authority, this trend is still constant. Hamas won all the student elections from 1996-1999 at Hebron University, Bir Zeit University, the Islamic University of Gaza, and al-Najah University, with the Fatah movement as the second largest contender.[366] Notably, the only year Hamas lost to Fatah was in 1997 at the University of Bir Zeit, by a single seat. However, Hamas regained the majority one year later, with an equally narrow win. Fascinatingly, this narrow win coincided with the period when Hamas' level of violence dropped, arguably due to the serious crack down by both Israeli and Palestinian Authority police, after a set of suicide attacks inside Israel in spring 1996, in addition to the final release of Sheik Yassin from an Israeli jail. When this relatively quiet time crumbled in April 1998,[367] the next election held in 1999 resulted in Hamas gaining a solid win against Fatah at the University of Bir Zeit elections, with 23 seats to Fatah's 19.[368] It is therefore tempting to speculate that the Israeli enforced closure and hindrance of students from studying could in turn result in a future radicalisation of the students – a radicalisation that Hamas is ready to exploit.

Economic effects

The West Bank and Gaza have faced discernible economic hardship since the occupation of the territories following the 1967 Arab-Israeli War. However, the entities have not necessarily faced fewer challenges to their future stability and viability since the signing of the Oslo-Accord in 1993. The Oslo Accord was regarded by the world as a

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[366] Paz, Reuven; Hamas analyses its Terrorist Activity, 21 December 1999, www.ict.org.il, accessed 15 May 2000.
[367] The killing of the Awadallah brothers started a series of revenge attacks.
[368] Paz, Reuven; Hamas analyses its Terrorist Activity, 21 December 1999, www.ict.org.il, accessed 15 May 2000.

step towards the eventual resolution of the Arab-Israeli conflict. It has been argued that the Oslo Accord has brought many changes and a positive stabilisation of the economy. Palestinians hoped for a more prosperous economic future with the signing of the Oslo Accord in 1993. The hopes grew even stronger with the establishment of the Palestinian Authority the following year. However, an opposing argument was that the Oslo Accord institutionalised the Palestinian economy to become even more dependent on Israeli politics. Oslo also legitimised the use of the closure policy, and there was a drastic increase in the number of days Gaza and the West Bank were constrained by closure, resulting in severe economic hardship and deprivation.[369] The economic hardship that followed suddenly became a price to pay for peace, instead of a reason for sustaining the conflict. According to data compiled by INGOs, NGOs, local government, and various research groups, the post-Oslo economic demise of Palestine far exceeds the severity of any pre-Oslo Palestinian economic decline. The United Nations has estimated that the cumulative economic loss to the Palestinian economy, as a result of the closure policy and permit system alone, was $6.5 billion from 1993 to 1996, i.e. $4.4 million a day. The Palestinian Authority estimates a daily loss of $8-$9 million.[370] Naturally, the Oslo Accord may not be the single cause for the present economic situation in Palestine. Although it should be acknowledged that there was a slowdown in the economy prior to the signing, Oslo did not allow the Palestinian economy to rejuvenate itself. Instead, Israel imposed closures and restriction on the Palestinian population—due to Israeli security anxiety—hence leading to job losses, and restrictions in exports to Israel and the international market, as well as in trade within the West Bank and Gaza, in order to enhance imports from Israel and abroad.

Economic dependency: the import/ export dimension

When enforcing the closure policy, the commercial crossing points along the West Bank and Gaza Strips' borders with Israel, Jordan, and Egypt are closed, having a severe

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[369] Roy, Sara; "Crisis Within: The Armed Struggle for Palestinian Society", Critique, no. 17, 2000.
[370] Roy, Sara; "Progress, Stagnation, or Regression? The Palestinian economy under the Oslo Accords", 1 April 2000, www.cesr.org, accessed 13 May 2001.

impact on the Palestinian import and export trade. Furthermore, it paralyzes many manufacturing processes that depend on imported materials, which naturally in turn affect their export rate. The trade imbalance between Palestine and Israel has grown over time. In 1987 the ratio of imports to exports was three to one, whereas in 1997 it was more like four-and-a-half to one. In 1998, goods were imported to the value of USD 2374 million, while the total value of exports was estimated at USD 673 million.[371]

With respect to export, the numerous restrictions and conditions placed on Palestine have forced the Palestinians to market their limited amount of export abroad through Israeli exporters and export agencies, for a lower profit than they would otherwise achieve. Due to this added cost, the product is less competitive, and the unpredictable closures make it difficult to rely on the product, hence many export agencies favour Israeli products. Israel has also restricted trade and capital movements between Gaza and the West Bank and Arab countries, and despite an increase in trade since 1997, this represents less than seven percent of total trade. This has resulted in the isolation of the West Bank and Gaza from their traditional and most natural markets.[372] While placing these regulations on international exports, Israel also enforces restrictions which regulate the export of goods from the West Bank and Gaza to Israel. This is especially applicable in the industrial and agricultural sectors, where Israel has sought to create a barrier against the flow of inexpensive Palestinian goods to Israeli markets, which would otherwise undermine Israeli production and economic growth. Israel initiated this procedure as early as 1967, when they made the import, export and internal transportation of all goods to and from the West Bank and Gaza conditional upon the permit system, resulting in an asymmetrically co-dependent relationship between the Israeli and the Palestinian economy.

The Israeli government rarely grants permits for the establishment of industries competing with Israeli products. Even if granted, the Palestinian businesses seeking to

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[371] *Ibid*.

[372] Reuveny, Rafael; "The Political Economy of Israel-Palestinian Interdependence", Policy Studies Journal, Vol. 27, issue 4, 1999. Compared to a steady export rate of 85 percent from the West Bank and Gaza to Israel in the years 1992-1999. Roy, Sara; "Progress, Stagnation, or Regression? The Palestinian economy under the Oslo Accords", 1 April 2000, www.cesr.org, accessed 13 May 2001.

export or import through Israeli ports face transaction costs on average 35 percent higher than for Israeli firms in the same industry.[373] This is because Palestinian importers, who are unable to obtain a permit, cannot physically go to release goods from Israeli ports, and must, therefore, employ costly Israeli shipping or clearance agents to obtain their shipments and arrange for transport.[374] The impact of this policy becomes obvious when about 90 percent of Gaza and the West Banks' imports originate in Israel. In addition, the export rate from the West Bank and Gaza to Israel was steadily around 85 percent from 1992-1999. Furthermore, in 1992, 88 percent of all imports to the West Bank and Gaza came from Israel, and in 1997 this development had not changed much.[375] Conversely, the participation of Gaza and the West Bank in Israel's foreign trade has been small. In 1992, merchandise imports to Israel totalled $18.8 billion, only one percent of which came from Gaza and the West Bank. Israeli exports in 1992 reached $13.1 billion, and about eight percent went to the West Bank and Gaza.[376] Israeli products freely enter Palestinian markets, without restrictions or import duties.[377] Moreover, the extensive bureaucratic procedures for trade, the numerous security checks, and permit requirements have resulted in an economic isolation even between the West Bank and Gaza. The share of internal Palestinian trade has diminished in the years 1994–1996 by over 20 percent. Internal trade fell from 8.03% of total Gaza trade in 1995 to 2.4% in 1996.

With respect to Israel, Palestinian exports to Israel represent a minor two percent of Israel's total imports and merely eight percent of Israel's total trade, reflecting a higher dependency on exports compared to imports,[378] consequently the economic effects of Israeli-Palestinian trade dissociation are smaller on Israel than on the Palestinians. One of the intentions of the Oslo Accords was to enable the West Bank and Gaza to slowly build an economy that could finally sustain an independent state. The numbers cited above do

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[373] Farsakh, Leila; "Under siege", Middle East Report, no. 217, 2000.
[374] Roy, Sara; "Progress, Stagnation, or Regression? The Palestinian economy under the Oslo Accords", 1 April 2000, www.cesr.org, accessed 13 May 2001.
[375] Ibid.
[376] Ben-Zion Zilberfarb; "The effects of the Peace Process on the Israeli Economy", in Efraim Karsh (ed.) Peace in the Middle East: The Challenge for Israel, Essex: Frank Cass, 1994, p.85.
[377] Human Rights Watch; "Middle East urges Israel to lift restrictions on Palestinian movement within West Bank and Gaza", www.hrw.org accessed 12 October 2000.
[378] Reuveny, Rafael; "The Political Economy of Israel-Palestinian Interdependence", Policy Studies Journal, Vol. 27, issue 4, 1999.

not give the whole picture, but clearly show that the economy of the West Bank and Gaza has become more dependent on Israel rather than less so. These numbers also indicate how devastating the closure policy is on the Palestinian economy.

Unemployment

As a result of the permit system introduced with the new closure policy in March 1993, many workers from the West Bank and Gaza lost their jobs. Furthermore, due to the shortage of viable economic opportunities inside Gaza and the West Bank, they were also unable to find work inside the Palestinian areas. Therefore, as a direct result of the new closure policy, the number of Palestinians working inside Israel dropped by almost 50 percent. In Gaza the unemployment rate rose to 55 percent and in the West Bank to 13 percent.[379]

The Gross National Product (GNP)[380] of the West Bank and Gaza far exceeds its Gross Domestic Product (GDP)[381], thus indicating a reliance on external sources of income. Although the following table only covers 1992 to 1999, it is as a useful example of this.

Table 3: Real and real per capita GDP and GNP for WBGS from 1992 - 1999**[382]**

Year	Real GDP ($Mn)	Real GNP ($Mn)	Per Capita GDP ($)	Per Capita GNP ($)	Population
1992	3,728.55	5,003.68	1,999.76	2,683.66	1,864,500
1993	3,196.55	3,892.25	1,619.33	1,971.76	1,974,000
1994	3,551.90	3,996.65	1,680.18	1,890.56	2,114,000
1995	3,956.48	4,203.99	1,764.32	1,874.69	2,242,500
1996	3,893.17	4,082.07	1,633.73	1,713.00	2,383,000

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[379] These figures do not include those who have work permits but are unable to reach their jobs in Israel due to regular closures. Roy, Sara; "De-Development Revisited: Palestinian Economy and Society since Oslo", Journal of Palestinian Studies, Vol. XXVIII, no. 3, 1999.

[380] GNP measures total income earned by domestic citizens regardless of the country in which their factor services were supplied.

[381] GDP measures the output produced by factors of production located in the domestic economy regardless of who own these factors.

[382] Roy, Sara; "Progress, Stagnation, or Regression? The Palestinian economy under the Oslo Accords", 1 April 2000, www.cesr.org, accessed 13 May 2001.

1997	4,107.30	4,408.64	1,608.18	1,726.17	2,554,000
1998	4,484.00	5,475.00	1,547.00	1,889.00	2,611,092
1999	4,686.00	5,726.00	1,552.00	1,896.00	3,069,551

Furthermore, the table indicates a steady increase in population size. This growth, combined with a lack of viable economic infrastructure, illustrates that the need for employment abroad is fundamental, due to the scarce resources in Palestine. The increase in GNP indicates a reliance on Palestinian nationals working abroad in the form of salaries earned, whether in Israel or foreign remittances, fostering extreme economic dependency at the cost of internal economic development.

External payments are normally spent on basic necessities rather than invested in the country. The lack of internal investment contributes to an underdeveloped economy and a prolonged dependence on external sources of income. Although the Palestinian economy succeeded in creating more than 300,000 new jobs during the Oslo years of 1995-2000,[383] this growth was not sufficient to curb unemployment. This was partly because the Palestinian labour force had grown by more than four percent per annum after 1993, with fertility rates in Gaza around seven children per woman and around five in the West Bank.[384] Therefore, during the Oslo period, unemployment in Gaza remained high, varying from 15 percent to 32.5 percent between 1993 and 2000, compared with 10 percent to 23.8 percent in the West Bank.[385] Tens of thousands of Palestinians had no other option to support themselves and their families other than to continue seeking employment in Israel. Another incentive was the wages, as in Israel the wages were double that in Gaza and 30 to 50 percent higher than those in the West Bank.[386] It is estimated that every Gazan who works in Israel is able to feed ten people on their salary.[387] However, this work is not reliable since the work permits are cancelled each

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[383] Farsakh, Leila; "Palestinian Labor Flows to the Israeli Economy; A finished Story?" Journal of Palestine Studies, XXXII, no. 1, 2002. Many of these jobs were created in the extensive Palestinian security system or governmental agencies. Although people went to work it was not certain that their salary would be paid on time or even at all.

[384] CIA Fact Book Gaza and West Bank, www.cia.gov, accessed 19 January 2007.

[385] Farsakh, Leila; "Palestinian Labor Flows to the Israeli Economy; A finished Story?", Journal of Palestine Studies, XXXII, no. 1, 2002.

[386] Ibid.

[387] Human Rights Watch: "Middle East urges Israel to lift restrictions on Palestinian movement within West Bank and Gaza", www.hrw.org, accessed 12 October 2000.

time Israel enforces a total closure, leaving Palestinians unemployed until Israel slowly eases the restrictions. An example is the total closure enforced in 1996. Prior to this closure, 35,000 Palestinians held work permits in Israel. The total closure left 60-70 percent of the Palestinian labour force in Gaza unemployed and 40-50 percent the workforce in the West Bank unemployed.[388] A year later, in June 1997, Palestinians had still not truly recovered, and there was an unemployment rate of 17 percent in West Bank and 25 percent in Gaza.[389]

Although economic activity resumes after closure, the severe economic consequences of general closure, particularly total closure, have a long-lasting impact, especially on the already deprived Gaza Strip, directly affecting the population's standard of living. This strain on the Palestinian economy creates a situation where the number of families living below the poverty line is rapidly increasing. According to the Palestinian Central Bureau of Statistics, the poverty line is defined as a household with two adults and four children living on $650 per person per year, hence less than $2 per day. Between 1995 and 1997, the number of poor Palestinians in Gaza and the West Bank increased from 20 to 40 percent.[390]

The high level of poverty and unemployment as a consequence of the permit system and closure policy are utilised by Hamas to further strengthen their organisation and place in Palestinian society. The ideological idea and traditions underlining the social-economic beliefs of Hamas will be examined next. The manner in which Hamas reacts, adopts, and reinvents itself on an operational level, when confronted with the constraints presented by the permit system and closure policy, will subsequently be studied.

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[388] Roy Sara; <u>The Gaza Strip: The Political Economy of De-development</u>, Institute for Palestine Studies, Washington D.C. 1995.
[389] Roy, Sara; "De-Development Revisited: Palestinian Economy and Society since Oslo", <u>Journal of Palestinian Studies,</u> XXVIII, no. 3, 1999.
[390] *Ibid.*

5. 2. 4. The reaction of Hamas as a multifunctional organization

One of the reasons it is a major challenge to counter the violent operations performed by Hamas, is because of the complexity and diversity or the organisation. It is not merely a military group, nor just a political one. Hamas is more than just an organisation which masterminds suicide bomb attacks and violence against Israel. It is more than just a group that enjoys grassroots support from the deeply religious or those who subscribe to its doctrinal position and ideology. Hamas is a multilayered organisation, within which its socio-political dimension plays a vital role. Hamas utilises deep and horizontal roots in Palestinian society and is keenly aware of the Palestinian hardships, while sharing the community concerns and aspirations. It is primarily through Hamas' humanitarian services, as opposed to political and military doctrines, that many Palestinians initially find the organisation so appealing. However, the boundaries between Hamas' social, political, and military activities are blurred, particularly since Hamas leaders use mosques, kindergartens, and youth clubs as forums for spewing anti-Israeli propaganda and gaining support for violence against Israel.[391]

It is this complex setting that makes it problematic to evaluate effective counter measures against Hamas. Hence, addressing the socio-political characteristics of Hamas is important for understanding how Israel's closure policy and permit system affect Hamas. Also explored here is how Hamas might utilize these counter terrorism measures to exploit the economic hardships that the closure policy and permits system place on Palestinian society. This section will also consider the operational limitations on Hamas that the closure policy and permit system represent. The relationship between Palestinians in the West Bank and Gaza will briefly be studied, in order to evaluate how this relationship has influenced Hamas. How the closure policy and permit system has affected Hamas' modus operandi will then be examined.

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[391] Ranstorp, Magnus; Political Islam Lectures, University of St. Andrews, 26 March 2002.

Socio-political aspects of Hamas

Hamas' social-political aspects are based on Islam and have developed over time. The organisation has been heavily influenced by the Muslim Brotherhood, which claimed that one had to save the Islamic soul before saving the land, and has therefore focused on solving social problems. In Islam there is a strong ethic concerning social charity work. Indeed, one of the five pillars of Islam is *zakat*, (alms, tax, and charity).[392] The Koran does not explicitly state the size of a donation, but states one should give what can be spared in order to help the less privileged. These ideas are manifested in the Hamas Charter, where Hamas claims to be a humanistic movement, which "takes care of human rights and is guided by Islamic tolerance when dealing with the followers of other religions."[393] Accordingly, the best way to withstand the 'tyranny of the enemy' is to build a unified society distinguished by solidarity, making charitable organisations a cornerstone in such society.

As previously mentioned, the poverty rate in the West Bank, and particularly Gaza, is high, and the lack of a public social benefit system is evident. In such an environment, Hamas thrives. One out of six Palestinians receives some sort of social benefit from Hamas.[394] These services may include health care, education and training, housing assistance, charity/welfare, technical assistance with respect to human rights and legal aid. Through these services, Hamas builds a foundation from which it can claim legitimacy and gain popularity. Furthermore, it is through these services that Hamas has a finger on the collective Palestinian pulse. By keeping in touch with the concerns of the poor and working classes, they retain their influence in terms of religious conduct, political choices, and beliefs. Moreover, it allows Hamas to adjust its tactics and constantly 'represent' the Palestinian people.

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[392] The five pillars of Islam are the witness to faith (*shahada*), prayer (*salat*), charity (*zakat*), fasting (*sawm*) and pilgrimage (*hajj*). In the Hadith the percentage fluctuates between ten percent and two and half percent. Rippin, Andrew; Muslims, their religious beliefs and practices, Volume 1: The formative Period, Routledge, New York, 1990.
[393] The Hamas Charter, Article 31.
[394] The International Institute for Strategic Studies; "The Hamas Factor",Strategic Comments, Vol. 10, issue 4, 2004.

However, these charity organisations provide an additional function, namely funnelling money. It has been speculated that around 95 percent of Hamas' budget finances social service activities. The estimated budget is in the region of $40-70 million.[395] Reportedly, 80 percent the budget comes from countries such as Iran, Saudi Arabia, Kuwait, and Qatar. Israeli officials have even tracked funds from Muslim groups in the U.S. and Britain.[396] It is mainly the Palestinian Diaspora and Islamic associations and other charity organisations in the Arab world that give large sums of money to Hamas. "This success was due largely to the Islamic ethics of these societies and the honesty and integrity with which they conducted their activities."[397] After the outbreak of the first Gulf war, many Arab states re-directed their financial support from the PLO, who had supported Saddam Hussein, to Hamas which was seen as a virtuous organisation. This development continued also after the establishment of the PA, which proved to be highly corrupt. Obviously not all of the money is used for charitable work, although it is not exactly clear how much goes to support their military wing. This often means that the donor does not know whether the money is going to support military operations or social welfare.

The fact that Hamas is a multilayered organisation often places them in a win-win situation. Although Hamas takes advantage of the poverty stricken population to carry out its political agenda of an Islamic state, its military operations are proclaimed to be justified on the basis that the suffering of the Palestinians should be compensated through violent retaliation. A result of this pragmatic view, even if Hamas' military wing should experience hardship as a result of Israel's counter terrorism methods, Hamas, as an organisation, will, in the long-term, benefit from this as they will gain sympathy from the local population . And vice versa; when the socio-political part of Hamas gains support, the military wing also reaps the benefits. In this way, Hamas, as a whole organisation,

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[395] Ranstorp, Magnus; Political Islam Lecture, University of St. Andrews, 26 March 2002.
[396] O'Sullivan, Arieh; "GSS's Hands are Being Tied", 9 May 1996, www.jpost.com, accessed 24 September 2004.
[397] Hroub, Khaled; Hamas, Political Thought and Practice, Institute for Palestinian Studies, Washington D.C. 2000, p.235.

manages to sustain its legitimacy by switching between ideological concepts of da'wa[398] and jihad.

At the core of Hamas lie the charitable institutions and societies including mosques, classes that teach Islam, *zakat* (alms tax) committees, medical clinics, relief societies, orphanages, schools, universities, cultural societies, and sports clubs. The growing distrust towards the Palestinian Authority and the lack of economic growth continued to escalate during the second Intifada, thus increasing Hamas' support network and influence.

> "It [Hamas] operates a special wholesale market in Samaria where products are sold at low prices and staples are provided free of charge. Hamas operatives also provide medical services and visit families to check on their financial situation. Its student organization runs day care centres and distributes free meals during holidays. Hamas' charitable organization supports 6,700 in the Nablus area alone."[399]

The social network provided by Hamas enables it to remain in touch with the poorer segments and working classes, and to influence their religious conduct, political choices, and beliefs. As Kupperwasser, an Israeli intelligence analyst, says:

> "All of Hamas' welfare and ceremonies and education and health care have one aim; to make people ready to participate in terror acts. As long as they convince Palestinians to look at suicide bombers as heroes and martyrs, instead of the roadblock to peace, Hamas is going to be successful." [400]

With such a broad and multifaceted network, Hamas makes each and every incident advantageous in the long-run. When Hamas violently attacks Israel, 'in resistance to the occupation', it normally gains instant support for its actions. Some Palestinians will not necessary support the violence, but at least there is a sense of

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[398] Meaning the Islamisation of the Muslim society through social mobilization in the spirit of Islam, the cornerstone in the Brotherhoods and Hamas policy.
[399] Jerusalem Post; "Report: Hamas charities bolstering recruitment" 27 January 2002, www.jpost.com, accessed 27 January 2002.
[400] Johanna McGeary; Inside Hamas, Time Magazine, 5 April 2004.

something happening, someone is doing something. A teacher at Bir Zeit University elaborates:

> "I will tell you frankly, when you have a terrorist activity, the bulk of the people are happy. You have so much abuse, humiliation, dehumanisation of people, that any act that hurts the enemy has the immediate impact of cooling off. The blood of the enemy –it's almost a cannibalistic attitude. Palestinians feel helpless. Any activity, including terrorist activity, is something to say 'We are still armed.' It is a reminder."[401]

The violent attack will then have the opposite effect in the short-term. Total closure is usually implemented by Israel after a terror attack, and the Palestinians experience the economic and social hardship that follows and therefore hold Hamas responsible. "As a result, the man in the street began to believe the Hamas' military operations were responsible for his sufferings,"[402] says Ghazi Hamad, the editor of the Hamas newspaper al-Watan. Support for attacks against Israelis dropped from 57 percent in November 1994, to 46 percent in February 1995, to 33 percent a month later, and to 21 percent in March 1996, all dates after major bomb attacks inside Israel. Not only does the support for Hamas drop after such violent attacks. After a series of suicide bombings in the Spring of 1996, only 32 percent of the population were opposed to Israeli and Palestinian Authority reprisals against Hamas.[403] However, these phases of decreased support for Hamas are usually brief, since Hamas will always provide financial, social and religious help to Palestinians suffering from Israeli counter terrorism methods. Therefore, even if the support for the military wing of Hamas decreases for a period, the support for Hamas as a whole organisation will increase in the long-run, and ultimately Hamas' military wing will benefit.

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[401] Shipler, David K.; <u>Arab and Jew –Wounded Spirits in a Promised Land</u>, Penguin Books, New York, 2002, p.101.
[402] Beyer, Lisa; "Death ends its holiday", <u>Time Magazine,</u> 4 September 1995.
[403] Shikaki, Khalil; "Peace Now or Hamas Later", Journal of <u>Foreign Affairs</u>, Vol. 77, no. 4, 1998.

Hamas' operational adaptations

The limitations and control of movement that the permit system and closure policy present have led to certain negative consequences, as well as positive opportunities for Hamas. Hamas has encountered this challenge by becoming extra creative and more inventive in carrying out missions. During the restriction of movement, Hamas has sought other means of circumventing border security. First, Hamas has taken advantage of the desperate need of Israeli employers for cheap labour, opening up an opportunity for Hamas to smuggle in its members disguised as Palestinian workers. Occasionally, Hamas has not even gone to the trouble of pretending, but instead paid its way across the boarder. This, for example, happened in March 2000, when five Hamas members armed with explosives, paid an Israeli living in one of the settlements in Gaza, 2,500 NIS in order to be smuggled into Israel proper.[404]

Secondly, in order to help Israelis identify the origin of cars and passengers, a colour-coded system on the license plates has been implemented; Gazans have white tags, West Bank Arabs have blue ones. Soldiers and police rarely stop and search cars with yellow plates, as those cars belong to Israeli residents.[405] However, a large organised crime scheme for smuggling stolen Israeli cars into Gaza and the West Bank exists, and Hamas will buy these vehicles in order to drive unhindered over the boarder. Behind this extensive ploy is the prevalence of the Russian mafia, which arrived with the huge influx of Russian immigrants in 1990.[406]

However, other suppliers exist; around one million Israeli-Arabs are eligible for yellow plates. On March 4, 1996, Ramiz 'Abd al-Khadar al-Baydth got a ride out of the closed Gaza Strip with an Israeli Arab relative, who was not searched at the Qarni border checkpoint, because the car bore the yellow license plate. He made his way to a Tel Aviv shopping mall, where he detonated approximately 20 kilograms of explosives that he had

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[404] Ranstorp, Magnus; Evaluating Allegations of Hamas Interest in Unconventional Weapons Materials, copyright @ranstorp, 2000
[405] Shields, Todd and Miller, D.W; "Crusade of terror", U.S. News &World Report, 31October 1994, Vol. 117, no. 17.
[406] Curren, Christian, EU security advisor, Interview, 29 October 2002 in Jerusalem, Israel.

wrapped around his body. The bomb killed 13 people, wounded 126 others, and was claimed by Hamas.[407] The participation of the Israeli Arabs was taken one step further, when, on September 5, 1999, a car bomb went off, killing only the two Arab passengers who were both Israeli citizens.[408] Although the lethality of this attack was not high, this incident created a great deal of anxiety. The Israeli Arabs make up around 20 percent of the population, and have lived in Israel since they were granted citizenship in 1948.[409] The very idea that the bombers had not been from Gaza or the West Bank, but were in fact Israeli-Arabs, had an enormous psychological effect on the citizens of Israel. The very notion that the Israeli-Arabs, who are Israeli citizens and live within the Israeli society, could be their enemy, was a bitter pill to swallow. Israelis were also bewildered about how to protect themselves against such attacks in the future. "There is a security problem in the fact that these people are turning against a state which is supposed to be their own," said Ephraim Sneh, Israel's deputy Minister of Defence at the time.[410] All the restrictions and rules that apply to Palestinians from the West Bank and Gaza do not affect the Israeli-Arabs, leaving them relatively free to forge ties with Hamas and avoid the frequent crackdowns on the Palestinian leadership in the West Bank and Gaza. As for Hamas, they have found yet another way of circumventing the permit system and closure policy.[411]

There is another group of individuals who traditionally enjoy greater freedom of movement, even under the permit system and closure policy, namely women. The success of suicide bombers depends upon an element of surprise, as well as accessibility to targeted areas or populations. Both of these criteria have been easier for women suicide bombers to fulfil. Women have been used in conflicts in Lebanon, Sri Lanka, Chechnya, Turkey, and Israel. Reportedly, the first female suicide attack in Israel was on August 21, 1995, when a bomb exploded on the no.26 bus in Jerusalem killing five

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[407] Doughty, Dick; "Listening in Gaza", Journal of Palestine Studies, Vol. 25, no. 4, 1996.
[408] "Israel Confronts the Enemy Within", Middle East Intelligence Bulletin, Vol.1, no. 9, 1999, www.meib.org, accessed 4 October 1999.
[409] Rees, Matt; "Bombers in Their Bosom", Newsweek 27 September 1999.
[410] Ibid.
[411] Shaykh Hasan Yusuf, a leading Hamas figure in the West Bank, did at the time deny the involvement of Hamas or any of its leaders in recruiting or training the perpetrators of the Tiberias and Haifa attacks. Shaykh Yassin also denied rumours that Hamas was recruiting Israeli-Arabs.

people and injuring 107. The attack was carried out by Sofian Jabarin and claimed by Hamas.[412] However, it was not until January 2002, when Wafa Idris detonated her bomb in a shopping mall, killing three people, that a debate on the use of women in suicide bombings was reopened, and a serious discussion on the religious legitimacy of this kind of act started.[413]

In their Charter, Hamas has defined the role of women in the 'liberation struggle' to be "no less important than the role of men." However, it seems that the emphasis is on her role as a mother, in raising the children "to perform their religious obligations and preparing them for their contribution to the Jihad that awaits them." Therefore "woman is the maker of men, and her role in guiding and educating the generations is a major role."[414] Speaking on January 2002 on the behalf of Hamas, Sheikh Ahmed Yassin "categorically renounced the use of women as suicide bombers."[415] In March 2002, after the second bombing, he stated: "Hamas was far from enthusiastic about the inclusion of women in warfare, for reasons of modesty."[416] However, on January 14, 2004, Hamas broke with the Yassins guidance. A woman, Reem al-Reyashi, killed four Israeli soldiers at a checkpoint. The factor that made this operation especially shocking was that Reem was a mother, and the first mother to become a suicide bomber. After this suicide attack, Yassin defended this act as a "significant evolution in our fight. The male fighters face many obstacles. Woman are like the reserve army –when it is a necessity, we use them."[417] This statement shows how Hamas understands the limitations the permit system and closure policy place on their operations, and they adjust their tactics in order to continue their jihad. Not only is it easier to smuggle women through Israeli border crossings and checkpoints[418], but it has a greater psychological effect. "The use of female suicide bombers by Palestinian militant groups is designed to embarrass the Israeli

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[412] www.wpi.edu, accessed August 25, 1995.
[413] This time it was the Al Aqsa Martyrs' Brigade who claimed responsibility. Davis, Joyce; "Women Suicide Bombers –Equality in Terror?", 21 October 2004, www.theglobalist.com, accessed 21 October 2004.
[414] The Hamas Charter, Articles 17 and 18.
[415] Regular, Arnon; "Mother of Two Becomes First Female Suicide Bomber for Hamas", 16 January 2004, www.haaretz.com, accessed 16 January 2004.
[416] *Ibid.*
[417] *Ibid.*
[418] To search a Middle Eastern woman crosses a cultural and religious line that is normally not exemptible.

regime and show that things are so desperate that women are fighting instead of men."[419]
In this manner, the attack does not only increase its shock factor, but it also gets increased
media coverage.

The West Bank and Gaza dimension

Although Hamas have proven to be inventive when trying to find alternative
operational modi, the closure policy and the permit system have represented certain
challenges with respect to obtaining a close relationship between the leadership and
members of Hamas from the West Bank and Gaza. One vital aspect in a successful
organisation, and especially a terror organisation, is the unity and good communication
between its leader and it members. Due to Israeli intelligence methods, this
communication and cooperation has to be based on human to human relations. Naturally,
with the restriction of freedom of movement that follow the closure policy and the permit
system, this becomes a challenge and could result in disagreements and lack of direction.
The very fact that one cell in the West Bank cannot rely on the expertise of another cell in
Gaza, could conceivably force the organisation to alter their structure. It is plausible that
this has lead to more autonomous cells, which, although bound to approval from central
command, act more independently. The limitation of drawing on each others' strengths
could result in a reduced capacity to carry out acts of terror, since the cell needs to devote
time and resources to providing logistics, instead of solely focusing on operational
planning. An example of this development arose in the October 1998 issue of Hamas'
monthly Filastin al-Muslimah, where an article gave the green light to various Hamas
groups in the West Bank to initiate independent operations.[420] On August 10, 1999,
Akram Alkam from Bethlehem rammed his car into a group of Israeli soldiers, injuring
eight soldiers before he was shot dead. The driver did not have any formal affiliation with
Hamas, but eventually Hamas did take credit for the operation.[421] Such attacks have an
extra physiological effect on Israel, and clearly show the effectiveness of independence.
One of the psychological aspects which makes terrorism so powerful, is its randomness

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[419] Shmucker, Phillip; "Arab women take to the streets", <u>Christian Science Monitor</u>, 16 April 2002.
[420] Karmon, Ely; "Hamas' terrorism strategy: Operational limitations and Political constraints", <u>Middle East Review of International Affairs,</u> Vol. 4, no. 1, 2000.
[421] *Ibid*.

both in the timing and the target. Not knowing who is behind the attacks adds to the list of uncertainties, and heightens the terror.

Another possible consequence of the limited cooperation between the different cells imposed by the permit system and closure policy, is the increase in cooperation between different organisations. The focus resides on being able to continue with their terror campaign, with less emphasis on group identity. This development was particularly evident under the second Intifada, where terror attacks in Israel were coordinated through a common leadership known as the Islamic and National Leadership of the Intifada.[422]

However, the closure policy and the permit system are not the only factors that have contributed to the difficulties of unity and cooperation. With the geographical separation and the different politics practised in the past in the West Bank and Gaza, the two populations have been moulded somewhat differently with respect to socio-economics, culture, and religion. Although Hamas is a Palestinian organisation, the fact that it was founded in Gaza has influenced the development of the group. The Palestinian people were quickly divided into two camps; the West Bank and Gaza. These two areas have played a different role in the planning and execution of terror attacks, with alternating strengths between the areas at different times. Understandingly, the dynamics in the relationship between Gaza and the West Bank have been affected by Israel's closure policy and permit system, and as such it provides the backdrop to Hamas' operations.

In order to understand the dynamics of Hamas' relationship between the West Bank and Gaza, it is necessary to look at the broader socio-political issues that have their roots in the region's history. The West Bank was under Jordanian control until July 31, 1988, during which it was exposed to monarchical rule, and interacted with other Arab states, and developed a growing economic infrastructure.

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[422] Stephens, Bret and Lahoud, Lamia; "Arafat's letter of incitement", 15 April 2002, www.jpost.com, accessed 15 April 2002.

"The Muslim Brotherhood movement in the West Bank constituted an integral part of the Jordanian Islamic Movement, which for many years had been alienated with the Hashemite regime. […] The alignment with the Hashemite regime facilitated the Muslim Brotherhood's penetration of the religious establishment in the West Bank. By the mid-1980s a significant portion of the positions in West Bank religious institutions were held by the Muslim Brotherhood. Furthermore, compared with their counterparts in the Gaza Strip, the Muslim Brotherhood in the West Bank represented a higher social economic profile –merchants, landowners, and middle class officials and professionals."[423]

Gaza, on the other hand, was under Egyptian rule, and it experienced isolation and neglect, with little or no economic prosperity. These elements have contributed to how the people have developed in terms of isolation and exposure to Israel as well as with other Arab states. This issue has played a factor in the economic hardship and growth in the territories, which again have influenced the growth of Islamism and nationalism, and finally Hamas as an organisation.

However, the historical and geographical differences between the two Palestinian populations have over time also influenced their view of each other. Palestinians in the West Bank often look down on their brothers and sisters from Gaza, and consider Gaza as one large crime ridden refugee camp where people are uneducated, backwards, strictly religious, radical and corrupted by the 'outside' PLO leadership.[424] Conversely, Palestinians from Gaza have traditionally believed that Palestinians from the West Bank lack essential qualities, being less religious, less radical, and less devoted to the Palestinian cause. These differing views have, in part, influenced the policy of Hamas, most notably in terms of leadership. In the West Bank, it was generally believed that Hamas' leadership in Gaza was more closely linked to the external leadership in Jordan and Syria, than with the leadership in West Bank. The latter was in turn considered by the Gazans to have less of an understanding of the political mood and the hardship that formed their lives and motivated Hamas' members.

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[423] Mishal, Shaul and Sela, Avraham; The Palestinian Hamas, Vision, Violence and Coexistence, Columbia University Press, New York, 2000, p.25.
[424] The PLO leadership, which had based itself in Tunis, made Gaza City its headquarters when it returned to the territories in 1994.

The divide and lack of movement between the two divisions, mainly as a consequence of the Israeli closure and permit policy, have influenced the direction that Hamas' politics and actions have taken. One expression of the difference between Hamas in Gaza and Hamas in the West Bank is shown when considering where violent elements are sterner. In Gaza, the Islamists have always maintained a resilient stronghold and had more radical political views,[425] and up until 1996, it was in Gaza that most of the suicide bombers were recruited and despatched. However, this changed with the extensive crack-down and hermetic closure of the Strip following the 1996 Spring bombings, and with the 'understanding' that was instituted after the Palestinian elections in 1996 between Arafat and the political arm of Hamas. The 'understanding' entailed that the al-Qassam Brigade should not 'embarrass' the Palestinian Authority by launching attacks on Israel from the Palestinian Authority-controlled self-rule areas.[426] This restriction was nevertheless no hurdle for the recruitment practices, demonstrating the flexibility and the extent of Hamas' reach. Hamas operatives in Gaza used students in the West Bank to recruit potential suicide bombers exclusively from Area B villages.[427] An Israeli investigation carried out in 1996 within the Al Fawwar camp in Hebron, which housed no more than a 1,000 people,[428] showed that 30 to 40 men actively volunteered to carry out suicide attacks.[429] This 'understanding' was still valid until the second Intifada and was often heard in Arafat's speeches. This example of coordination and cooperation is one of many. The return of Abu Marzul to Jordan after release from US custody in May 1997, and the releases of Rantisi and Sheihk Yassin from an Israeli jail in April 1997 and September 1997 respectively, led to closer political coordination between the two leaderships in Gaza and the West Bank.[430] This coordination resulted in a threefold agreement. First, there was to be no conflict or retaliation against the Palestinian Authority. Israel should

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[425] Noted by the extensive numbers of mosques and the result of the university elections where Hamas enjoys victory.

[426] Hiro, Dilip; Sharing the Promised Land, Coronet Books, London, 1996.

[427] Jerusalem Post; "Suicide bombers launched from Gaza, says Peres", 12 March 1996, www.jpost.com, accessed 17 November 2002.

[428] Hebron is also where Majid Abu Wardeh and Ibrahim Sarahneh, the bombers of February 25, 1996 came from. They blew themselves up on the day of the second anniversary of the Goldstein massacre that took place in Hebron. Could it be that Hamas was using the bombers from Hebron as a symbolic gesture?

[429] Hiro, Dilip; Sharing the Promised Land, Coronet Books, London, 1996.

[430] Kristiansen, Wendy.; "Challenge and counter challenge: Hamas response to Oslo", Journal of Palestine Studies, XXVIII, no. 3, 1999.

not gain strength due to internal weakness. Secondly, armed action should only be retaliatory and mainly aimed towards soldiers and settlements. Thirdly, in order to reform Hamas into a regional player, financial support from other Arab and Muslim powers needed to be a priority.[431]

Alternative ways of acquiring weapons

One effect of the permit system and closure policy on Hamas' operations is the difficulty in acquiring weapons, forcing Hamas to be inventive in order to obtain weapons and explosives. Historically, Hamas is used to exploiting the surrounding resources, and with creative thinking, therefore generating new weapons and explosives. In Gaza, Hamas used to find old landmines from the 1973 war, extract the black powder, and reuse it in newly manufactured IEDs.[432] However, lately, Hamas has single-handedly, or in cooperation with the Palestinian Authority, established an extensive network inside Gaza, to manufacture, amongst other things, mortars. Israeli security services arrested Sa'adi Ibrahim Azam Ashi, an owner of a metal plant in Jabalya refugee camp, who alleged that the de facto leader of the network was General Razi Jabali, Gaza's Chief of Police. An Israeli security officer claimed that the production included a final stage at the Palestinian police headquarters in Gaza, where explosives were added to the weapons under the supervision of top Palestinian Authority security officers.[433] Discoveries of other weapon production sites include a pipe bomb factory in Balata refugee camp in the West Bank[434] and a mobile bomb laboratory contained in a car in Nablus.[435] Additionally, Hamas can obtain weapons and ammunition from Israeli providers. In August 2002, Oded Mulai, a resident of Adora in Judea, was charged with

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[431] Which Yassin helped with when after his release he went on a big tour creating a lot of financial support. *Ibid*.
[432] Curren, Christian, EU security advisor, Interview, 29 October 2002, Jerusalem, Israel.
[433] Barzilai, Ammon and Hass, Amira; "Shin Bet says it found mortar factory in Gaza", 24 May 2001, www.haaretz.com, accessed 24 May 2001.
[434] Jerusalem Post; "Bomb factory discovered in Balata refugee camp" 1 March 2002, www.jpost.com, accessed 1 March 2002.
[435] Dudkevitch, Margot; "Troops uncover, blow up mobile bomb factory", 18 December 2002 www.jpost.com, 18 December 2002.

selling weapons and bullets to Hamas in the West Bank.[436] On December 28, 2002, an Israeli truck driver was arrested at the Karni crossing in Gaza, after tens of thousands of bullets and weapons were found in his truck.[437]

Other means of smuggling while closure is in effect is through contacts in Sinai. The Israelis, together with Bedouin trackers patrolling the area, caught, for the first time in a decade, two gunmen trying to enter near Har Harif (midway between Gaza and Eilat) in February 2002. The two gunmen were carrying two Kalashnikovs, an Uzi, a pistol, and several rounds of ammunition. Due to intelligence and the weapons they were carrying, the Israeli government was confident that they had been planning a terror attack.[438]

Another example of an innovative solution of acquiring weapons and explosives is seaside smuggling, as demonstrated in May 2000 when the Israelis intercepted a Lebanese vessel called San Torini.

> "The San Torini was on its way to Gaza with dozens of sealed plastic barrels filled with an assortment of Katyusha rockets, Strella anti-aircraft missiles, RPGs, mines and a large amount of weapons and ammunition…The San Torini intention was not to slip past the heavily patrolled waters, but to dump the barrels at sea and have them either wash up on the Gaza shores or be picked up by fishermen."[439]

It is generally believed that Ahmed Jibril (PFLP-GC) was responsible for this shipment. However, this is not the only attempt to supply Palestinians with weapons using the coastline as an entry area.[440] Israel intercepted a much more sophisticated and complex operation in January 2002, when it stopped the ship "Karine-A" some 500 nautical miles off their coastline in international waters. Karine-A had left the Iranian island of Kish carrying light weapons such as grenades, assault rifles, ammunitions, but also Sagger guided anti-tank missiles, LAW anti-tank missiles, long-range mortars, mines and short-

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[436] Dudkevitch, Margot; "Soldiers, civilians suspected of selling weapons to terrorist", 23 January 2003, www.jpost.com, accessed 23 January 2003.

[437] *Ibid.*

[438] O'Sullivan, Arieh; "Soldiers kill 3 infiltrators on Egyptian border" 28 February 2002, www.jpost.com, accessed 28 February 2002.

[439] O'Sullivan Arieh; "Enforcing the blockade",10 August 2001, www.jpost.com, accessed 10 August 2001.

[440] *Ibid.*

and long-range Katyushas. The captain of the ship was revealed to be a senior member of the Palestinian Naval Police, and the ship itself was owned by the Palestinian Authority. In addition, a connection between the Palestinians and Hizballah was established during this event as one Hizballah member was found on board the ship.[441] This incident has been used by many Israeli politicians to demonstrate they have no serious partner for peace, as well as reconfirming the political argument that there is no chance an Israeli government would be willing to grant a Palestinian state, without having exclusive control of its external borders, including the coast of Gaza.[442]

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[441] Jerusalem Post; "Terrorism on the high seas" 6 January 2002, www.jpost.com, accessed 6 January 2002.
[442] Ya'ari, Ehud; "Arafat is Arafat" 28 January 2002, www.jpost.com, accessed 28 January 2002.

5. 3 Deportation

In general, deportation is not solely a counter terrorism measure. Throughout history, it has also been used as a tool for dealing with unlawful immigrants. In this section, the method of forcing Palestinian individuals out of the country or transferring them to the confinement of Gaza, will be addressed in the context of counter terrorism. Notably, during the first Intifada, deportation was used quite frequently. However, the mass deportation of December 1992 had a significant impact and will therefore be the main feature of this chapter. The effect of this pre-emptive measure was broad; it shifted the international opinion of the Palestinian/Israeli conflict in the favour of the Palestinians, Hamas learned the value of a good media campaign, a closer relationship between Hamas, the PLO and Hizballah developed and finally UN resolution 799 was written which demanded the return of the deportees. In summary, this counter terrorism method did not have the intended effect. This is partly due to the fact that Israel was under considerable pressure to allow many of the deported leaders of 1992 to return, thus the whole point of deportation failed. In addition, the deportation facilitated Hamas' development of an international leadership, which contributed to a more violent turn in their politics.

As mentioned previously, deportation was already used as a method of counter terrorism before the December 1992 deportation. However, it has proven difficult to obtain data from official Israeli or Palestinian reports on how many people were deported and to where. Although, the data from human rights organisations also varies to a degree, the numbers are in approximation with each other, and a pattern is evident. According to the human rights organisation B'tselem, there where eight deportations in 1987, 32 deportations in 1988 (i.e. during the first year of the Intifada), none in 1990, eight in 1991, and finally, the deportation of 415 Islamists in 1992.[443] Several of these incidences are worth considering. As early as January 1988, the leader of Islamic Jihad, Fati al-

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[443] B'tselem; "Deportation", www.btselem.org, accessed 8 February 2007.

Shqaqi and Sheikh Abd al-Aziz Auda were deported from Gaza to Lebanon.[444] As this did not hinder their ability to coordinate extremist cells within Gaza; they merely shifted their seat from Gaza to Syria and continued their activities.[445] Furthermore, the deportation altered the way they organised themselves. Arguably, in Lebanon they could operate Islamic Jihad cells more freely, since they were no longer under the scrutiny of the Israelis. Additionally, the move of the Islamic Jihad leadership to Syria facilitated the establishment of a Syrian headquarters and increased the Iranian involvement in the organisation significantly.[446]

Another deportation came in response to the stabbings of three Israelis in Jaffa on December 14, 1990. The attack was part of Hamas 'war of knifes' campaign and as a result, the Israelis arrested over 1,000 suspected extremists.[447] One of the outcomes of these arrests was the deportation of four Hamas leaders from Gaza to Lebanon on January 8, 1991.[448] None of them were formally charged, and their common feature was their previous arrest records. Fadel Haled Az-Zaabud Zaher (brother of Mahmoud Zahar, a well known Hamas spokesperson in Gaza) was a teacher at the Hamas affiliated Islamic College in Gaza, as well as a senior member of the Muslim Brotherhood. Mustapha Yousuf Abdallah Lidawi and Mustapha Ahmed Mohammed Kanua both came from the Jabalya refugee camp. The last deportee, Imad Haled Namek El-Alami, a Gazan engineer, was previously the principal author of Hamas leaflets and worked closely with Sheikh Yassin.[449] This deportation also had unintended ramifications. Mustapha Yousuf Abdallah Lidawi settled in Lebanon and ran Hamas' office there.[450] Mustafa Kanua, a

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[444] Rekhess, Eli; "The Terrorist Connection –Iran, The Islamic Jihad and Hamas" Justice, Vol. 5, 1995.
[445] BBC World Service, December 2, 1992. See also Milton-Edwards, Beverley; Islamic Politics in Palestine, I. B. Tauris Publishers, London, 1996, p.144.
[446] Rekhess, Eli; "The Terrorist Connection –Iran, The Islamic Jihad and Hamas" Justice, Vol. 5, 1995.
[447] Absa Claude Diallo, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, letter dated 18th of December 1990 to UN, www.domino.un.org, accessed 14 January 2005 and The Economist; "Four more exiles", 22 December 1990, www.economist.com, accessed 15 April 2003.
[448] Rudge, David and Burston, Bradley; "Four Hamas Leaders expelled to Lebanon" 9 January 1991 www.jpost.com, accessed 14 April 2003.
[449] "Deportations resume after Jaffa murders" 16 December 1990 www.jpost.com, accessed 14 April 2003. See also Absa Claude Diallo, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, letter dated 18th of December 1990 to UN, wwwdomino.un.org, accessed 14 January 2005.
[450] Najjar, Nagi N.; "Terrorism in the Middle East" www.free-lebanon.com, accessed 14 January 2005.

member of the Hamas Political Bureau, settled in Syria where he represented Hamas from the end of 1993.[451] Imad Haled Namek El-Alami took residence in Amman, but as a result of the Jordanian 1995 crackdown and deportation of Hamas members, moved to Teheran where he stayed until 1998. He finally settled in Damascus, where he headed the group's interior committee.[452] The idea behind the deportation was to remove the leadership in the hope that the remaining organisation would crumble. Instead, this deportation provided Hamas with an effective external leadership able to coordinate Hamas politics, military actions and provide crucial finances. Despite the numerous political disputes between the 'external' and 'internal' leaderships, the deportation made Hamas more robust despite the loss of key leaders.

Although deportation was not commonly enforced between the signing of the Oslo Accords and the outbreak of the second Intifada, there has been the odd exception. In March 1996, when Israel had suffered the loss of Prime Minister Rabin and a series of suicide bombings inside the Green Line, which was orchestrated by Yehiya Ayyash 'the Engineer', who was a famous bomb builder and an operator for Hamas, Israel decided to deport several suspected Hamas members. Israel included the male family members of suicide bombers (two of them being Ayyash's brothers), in order to end the myth of Ayyash.[453] Besides this incident, the policy of expelling family members of suicide bombers, initially introduced by Peres in 1996, was not implemented until 2000.[454] At the time, in light of a wave of terror attacks, the security agencies in Israel were in need of a new deterrent to change the minds of potential suicide terrorists. The belief that the suicide bomber would fear causing damage to his family raised, once again, the idea of deporting family members. The main focal point of this chapter is, however, the December 1992 deportation of 415 Hamas and Palestinian Islamic Jihad members to 'no-

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[451] *Ibid*.

[452] Gambill, Gary C.; "Sponsoring Terrorism: Syria and Hamas" Middle East Intelligence Bulletin www.meib.org, accessed 14 January 2005.

[453] Who, at the time was seen as a big hero for his bomb-making skills and destructions of Israelis. For the story on Ayyash see the introduction to chapter 5. O'Sullivan, Arieh; "Israel preparing list of deportees", 20 March 1996, www.jpost.com, accessed 14 April 2003.

[454] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.

mans-land', north of Israel's self-defence security zone.[455] In many ways, this incident was a key turning point for Hamas and the Islamic Jihad as organisations, even in terms of legitimacy, and created long-lasting effects both in terms of the tactics and the strategy adopted by the Islamic movements. In particular, the incident provides insight into how such movements operate when transforming adversity to their advantage, and furthermore, adopting and surviving Israeli multi- counter terrorism methods.

5. 3. 1 The 1992 Deportation

In December 1992, at the time of the deportation, the first Intifada had just entered its fifth year. This particular deportation transpired during an uncertain time when Israelis as well as Palestinians did not know the form or direction of the future peace talks. Due to the PLO's transparent support for Iraq and Saddam Hussein during the Gulf War, there was a marked uncertainty among Israelis about the credibility of PLO as a negotiating partner in a peace process. Meanwhile, in Gaza and the West Bank, Hamas was steadily increasing its support, partly due to an improved financial footing. The prospect of peace seemed highly fragile, especially after Hamas' escalation of terrorist attacks that autumn, seemingly related to the increased Iranian support for Hamas.[456] The previous year, Hamas had established its official office in Tehran. Additionally, when a delegation from Hamas went to Tehran for a meeting with the revolution's spiritual guide, Ali Khameni, in November 1992, they returned with a signed draft agreement, promising Iranian financial and military support, as well as political facilities and Hamas' own radio station situated in Southern Lebanon.[457] This Iranian-Hamas agreement has been cited as crucial, as it precipitated more acts of violence, most notably the kidnapping of Sgt. Toledano, one of many tactical attempts to halt the peace process.

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[455] Benny Morris; Righteous Victims, John Murray, London, 2000.
[456] Iran contributed $30 million in 1992 to Hamas. P.L.O. activists complain that Saudi Arabia and Qatar are also providing funds, and Israeli officials have even tracked funds from Muslim groups in the U.S. and Britain. Beyer, Lisa; "Victims or victors?" 11 January 1993, www.time.com, accessed 5 October 2000.
[457] This deal was confirmed on a later trip to Tehran at the beginning of December 1992. Mishal and Sela; "The Palestinian Hamas: Vision, Violence and Coexistence" , Colombia University Press, New York, 2000.

The main event that triggered the decision to deport Hamas and Palestinian Islamic Jihad members, was the disappearance, kidnapping and later execution of Master Sgt. Nissim Toledano. He was kidnapped while travelling from his home to his base in Lod on December 13, 1992 and held in captivity in the West Bank.[458] The attack shocked the Israelis, due to its cunningness, and Israel reacted immediately by hermetically sealing Gaza and the West Bank, while the Israelis carried out house to house searches resulting in 1,200 arrests.[459] Within a few hours of the kidnapping, Hamas claimed responsibility for the abduction, in a letter demanding that Israel "…release Sheikh Ahmed Yassin in exchange for the freedom of this officer."[460] Despite a public plea from the detained Sheikh Ahmed Yassin not to kill Sgt. Toledano, his body was found by a Bedouin woman two days later, just east of Jerusalem.[461] Outraged by the murder of a father of two and the previous deaths of six other IDF soldiers in machinegun attacks that same week, the incident was perceived by the Israelis as a challenge; was the government capable of keeping their armed soldiers alive? This created intense tension which manifested itself in angry demonstrations that swept the country. With the support of 90 percent of the population, the current Israeli Prime Minister Yitzhak Rabin ordered on December 17, 1992 the expulsion of 415 Palestinians accused of being ringleaders of Hamas and Islamic Jihad, for a period of two years.[462] Wedged between the Lebanese army on the one side and the IDF/SLA on the other, the deportees lived in the so-called 'no mans land' near Marj al-Zuhour,[463] in Israeli occupied south Lebanon.[464] As a consequence of international pressure Israel agreed with the United States in January 1993 to reduce the period of deportation to one year. On September 9, 1993, the

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[458] Katz, Samuel M.; The Hunt for the Engineer, The Lyons Press, Connecticut, 1999.

[459] Jerusalem Post; "All-out hunt for Toledano's killer. Body found stabbed, strangled and bound", 16 December 1992, www.jpost.com, accessed 14 April 2003 and Katz, Samuel M.; The Hunt for the Engineer, The Lyons Press, Connecticut, 1999.

[460] Jerusalem Post; "Hamas Kidnaps Border Policeman. Search continues, territories sealed off", 14 December 1992, www.jpost.com, accessed 14 April 2003.

[461] Jerusalem Post; "All-out hunt for Toledano's killer. Body found stabbed, strangled and bound", 16 December 1992, www.jpost.com, accessed 14 April 2003.

[462] Bar-Illan, David; "The Deportations", Commentary, March 1993, Vol. 95, no. 3.

[463] Meaning 'field of roses'.

[464] Aburish, Said K.; "Arafat, from Defender to Dictator", Bloomsbury Publishing, New York, 1998, p.249.

deportees were returned to the West Bank and Gaza. Eight of them remained in Lebanon.[465]

5. 3. 2 International attention, domestic Palestinian politics, and a new permanent relationship

The deportation created a fierce debate both in Israel and among the Palestinians themselves. Within Israeli political circles, one side supported by Peres and led by then Deputy Transport Minister Nawaf Musaliha, argued that the incident might "just [be] the thing that will lead to more youths to join Hamas"[466] while the other side spearheaded by then Prime Minister Rabin, declared that the crackdown would be a severe blow to Hamas operational skills; "I know this is not a long-term blow. To fight terror and violence you must keep dealing blows, and I think this was one of the most serious blows Hamas has been dealt by Israel."[467] Nevertheless, as explained by a member of Hamas, the deportation was regarded not as a setback, but rather as a major victory: "The Israelis have done us a big favour. We are the winners in all of this."[468] As the situation unfolded, he was proven right. The expulsion made them heroes among Palestinians, as they won international sympathy and attention, particularly through UN resolution 799 that called for a swift return of all the deportees.[469] This incident, with the condemnation from the UN, allowed Hamas to show the international community Israel's unjust treatment of Palestinians, and it also hindered further Israeli-Palestinian peace talks. Meanwhile, Hamas' military action became much more sophisticated and deadlier due to close links with the Lebanese Islamic organisation, Hizballah.

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[465] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[466] BBC World Service, December 19, 1992.
[467] In a interview on Israel Broadcasting Authority TV on January 27, 1992, BBC World Service, January 29, 1993.
[468] Beyer, Lisa; "Victims or victors?" 11 January 1993, www.time.com, accessed 5 October 2000.
[469] The Economist; "Expulsion games: Lingering conflicts from Israeli deportation of 400 Palestinians", 6 March 1993 www.economist.com, accessed 15 April 2003.

International Attention

The deportation attracted the full attention of the international media and created a unique opportunity for Hamas to highlight their cause in an uncontested fashion. For the very first time, the world heard Hamas speak directly to an audience. The 396[470] Palestinian deportees in southern Lebanon were not only members of Hamas and Islamic Jihad, but many were also integral parts of the Palestinian intelligentsia, with reputable occupations such as doctors, engineers, professors, businessmen, journalists and Islamic scholars. In practical terms, the deportation served to undermine the Israeli projected image of Hamas as a terrorist organisation. Instead, well-spoken and pragmatic clergy articulated the position of Hamas to the world. On humanitarian grounds, and during Christmas celebrations, the media projected individuals living in poor freezing conditions, forced away from their homes and family. In a desperate effort to remind the international community of the reason Israel had deported these people in the first place, the Israeli Broadcasting Authority TV showed a clip made by Hamas three weeks prior to the deportation, when they were still in Gaza. This showed Rantisi, in contrast to giving his joyful wishes of a Merry Christmas on a world broadcast, as an angry leader who called for death; the death of Israel, the death of Jews, and even the death by martyrdom of his own disciples in the jihad against the infidels.[471] Nevertheless, these images were too late and had a very limited effect, especially since Hamas increasingly became adept at exploiting the media and international sympathy to their own advantage.

Furthermore, through Hamas' headquarters in Amman, contact was made with five permanent members of the UN Security Council. These contacts eventually led to UN resolution 799 that reinforced the de facto legitimacy of Hamas and called for the

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[470] The number of deportees was initially reduced as the Israelis admitted that fourteen of the men were mistakenly deported and subsequently were sent back. Additionally, five with health problems were sent to a hospital in Israel's self-declared security zone in southern Lebanon. Bilski, Andrew; "Deadlocked", Maclean's, 15 February 1993, Vol. 106, no. 7.
[471] Bar-Illan, David; "The Deportations", Commentary, Vol. 95, no. 3, 1993.

swift return of all deportees.[472] However, Israel stated that the UN resolution totally ignored the grave background that led the government to act. Therefore, Israel opposed the UN's decision with the support of a Supreme Court ruling arguing that the Fourth Geneva Convention of 1949[473] did not apply as the Emergency Defence law of 1945 took precedence. Israel finally yielded to intense criticism and pressure, as it accepted the return of 197 members in December 1993.[474] Interestingly, among them was Jibril Rajoub, who later became the head of the Palestinian Authority Preventative Security Apparatus ex-officio, in charge of confronting Hamas and enforcing security in the West Bank. Also, 65 militants were sent directly to jail, including Rantisi, Shama'ah and Duhan, who were transferred straight into administrative detention.[475] In September 1993 half of the expelled 396 deportees returned to Israel, and by December 1993 the second half returned. Eighteen decided to stay in Lebanon to avoid being arrested.[476]

Domestic Palestinian Politics

The deportation also had a tremendous effect on internal as well as external politics within both Israeli and Palestinian society. The Israeli Major General, Danny Rothschild, argued that the deportation was largely meant to undermine Hamas' socio-economic activities, especially at a time when the movement was gaining strength. Before the deportation, Islamic groups claimed half of the 420 mosques in Gaza, and profited from essential support from allied Gulf States after the Gulf War, as well as substantial economic support from Iran.[477] The PLO, on the other hand, was near to

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[472] The Economist; "Expulsion games: Lingering conflicts from Israeli deportation of 400 Palestinians", 6 March 1993, www.economist.com, accessed 15 April 2003.

[473] Which states that it is prohibited to transfer individuals or masses from any area to another, regardless if this area is occupied or not. "The deportations" Commentary, Vol. 95, no. 3, 1993.

[474] Rudge, David and Kotzer, Yigal; "PM: We won't let deportees threaten security", 16 December 1993, www.jpost.com, accessed 14 April 2003.

[475] Immanuel, Jon; "Returned Deportees Hostile to Arafat and Fatah", 21 December 1993, www.jpost.com, accessed 14 April 2003.

[476] Rudge, David and Kotzer, Yigal; "PM: We won't let deportees threaten security", 16 December 1993, www.jpost.com, accessed 14 April 2003.

[477] Iran contributed $30 million in 1992 to Hamas. P.L.O. activists complained that Saudi Arabia and Qatar were also providing funds. Beyer, Lisa; "Victims or victors?" Time, 11 January 1993, www.time.com, accessed 5 October 2000.

losing its support base and was suffering from economic restraints. Rothschild argued that by deporting the leaders of Hamas, Fatah would have an opportunity to re-launch itself as a socio-economic organisation and eventually take over the Hamas support base. However, according to him, this failed because the PLO was on the verge of bankruptcy[478] due to the loss of Gulf State financial help ending when they sided with Iraq during the Gulf War.[479]

> "Arafat ordered a belt–tightening which curtailed not only the high living of many senior PLO bureaucrats and diplomats, but also the expenditure on such items as schools, hospitals, and social welfare. Its welfare department, based in Amman, provided payments to the families where a member was killed as a martyr (a one-off payment of $1500), wounded, arrested or deported ($120 a month stipend). This meant providing welfare payments to over 90,000 Palestinians families."[480]

With the PLO forced to minimise or completely halt the social network system as well as the individual support to these families, an opportunity for Hamas was created with their increased financial assistance from Iran and other Gulf States, to extend their support network.

Combined with the opportunity to support the Palestinians financially and the sympathy the deportation had created, Hamas' popularity steadily grew in Gaza and the West Bank and had the opposite effect than that desired by the Israelis. The financial situation and the deportation case forced the PLO and Hamas into each other's arms, as the two parties, for the first time, issued a joint leaflet condemning the deportation.[481] Besides, Hamas has had a pragmatic view regarding cooperation with the PLO. One Hamas leader, Imad Falougi, stated that: "If there is a direct confrontation [between Hamas and PLO/Palestinian Authority], that will mean civil war. And there will be no

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[478] Jerusalem Post; "Reorganizing the Islamic map in the territories" 24December 1993, www.jpost.com, accessed 14 April 2003.
[479] Years of economic and political constraints from the Intifada combined with the PLO's backing of Iraq in the Gulf War deepened the PLO's economic crises. Savir, Uri; The Process, Vintage Books, New York, 1998.
[480] Hiro, Dilip; "Sharing the Promised Land" Coronet Books, London, 1996, p.470.
[481] Mishal and Sela; "The Palestinian Hamas: Vision, Violence and Coexistence" , Colombia University Press, New York, 2000.

winners."[482] It also brought all the different military factions together under an agreement that they were going to improve the coordination and cooperation of all their military actions in an effort to pressurise the Israelis into letting them return.[483]

Furthermore, there were those who speculated that the growing public role of Hamas functioned to increase its legitimacy and gradually build itself up as an alternative to the PLO.[484] However, Hamas clearly stated it did not desire to compete politically with the PLO, as it argued the need for unifying their forces against Israel. Their relationship was never a close one. The Hamas-Iran alliance was a cause of tension.[485] An arena where this tension was evident was the half-hearted meetings which were held between them. The PLO was typically content with the political signals this participation gave to the public, providing an image of being the leading initiating organisation. Hamas, on the other hand, regarded these meetings as disappointing due to their lack of any concrete results.[486] This period assured a delicate PLO-Hamas relationship where each party was careful not to over-antagonise or undermine the other. However, Hamas did, together with all the deportees' families, pressurise the PLO to include the safe return of all the deportees during the peace talks held in Washington within the framework of the Madrid process.[487] As for the Arab delegates that attended the peace talks, they all suspended their meetings with Israel.

During the deportation, Hamas members learned how to fit quickly into the new political situation and had their chance to show their true adaptable nature. Prior to the deportation, due to travel restrictions and the geographical facts on the ground, the different members had scarcely met. However, as a result of the deportation, they, 251 suspected extremists from the West Bank and 164 from Gaza, were all brought together, out of sight of the watchful eyes of Israel. Hamas, drawing on a long tradition established

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[482] Paz, Reuven; Islamic Palestine or Liberated Palestine?, 20 July 2001, www.ict.org, accessed 17 September 2001.
[483] Mishal and Sela; "The Palestinian Hamas: Vision, Violence and Coexistence" , Colombia University Press, New York, 2000.
[484] *Ibid.*
[485] *Ibid.*
[486] *Ibid.*
[487] *Ibid.*

by the Muslim Brotherhood, were at the forefront of creating a structural environment where an organisational strategy was their main concern. This has been described by former deportee, Hatem al-Kafisha, who showed that the organisation of everyday life was highly advanced:

> "Elections were like caucuses, and every 20 deportees had one representative. The emir of the camp was Mohammed Shama'ah and his deputy was Adnan Miswada from Hebron. Abdel-Aziz Rantisi was elected spokesman. […] Thirteen committees were established, among them: engineering, health, information, storage, supply, guarding, archives, field work, cultural and education."[488]

They were now given all the time they needed to discuss freely and share their individual experiences with each other, using the opportunity to plan new tactics and strategies, collating all the various ideas and forming personal bounds.

A new and enduring relationship

When darkness fell and the journalists were transmitting their reports home, members of Hizballah would come with food, blankets, and moral support. This lay the foundations for a long-lasting relationship between Hamas and Hizballah. It enabled them to develop logistical support and draw upon each others' knowledge and experience. The two organisations were united against a common enemy: Israel. Hizballah had more experience in battlefield tactics, while Hamas was eager to learn. This was later evident in Hamas' new adoption of military strategy and tactics. Another factor which forged a closer relationship was the logistical assistance extended by Iran. The close association that developed between Hamas and Hizballah led to Hamas learning new ways of making bombs, emulating car and roadside bombs, as well as methods to recruit and train operational members. Hamas absorbed the psychological lessons from using new tactics, especially the importance of suicide bombers, which were previously used by Hizballah in forcing the IDF to withdraw to the security zone in 1985.[489] Hamas was taught how to

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[488] Jerusalem Post; "Reorganizing the Islamic map in the Territories" 24 December 1993, www.jpost.com, accessed 14 April 2003.
[489] Mishal and Sela; "The Palestinian Hamas: Vision, Violence and Coexistence", Colombia University Press, New York, 2000.

use the media in their favour, including the procedure of videotaping the suicide bomber before the mission.[490] The rationale behind this tactic was to create maximum attention and terror, as these videotapes were distributed and showed after each operation. This was a tactic used by Hizballah in order to bring the war into Israeli homes through television. The practice stirred up emotions and raised more general questions: why were they sending their sons and husbands to Lebanon to die?

This exchange of operational tactics became standard practice soon after the detainees had returned to Gaza and the West Bank. The consequence of this shift in tactics came with Hamas' first suicide bomb on April 16, 1993, at a roadside café in the town of Mehola, a farming settlement in the Jordan Valley. Hamas operative Tamam Nabulsi drove a van into a parked bus and detonated it, killing two passengers on the bus and injuring five.[491] Nevertheless, it was not until 1994, after the return of most deportees, and as a reaction to Dr. Baruch Goldstein's massacre in Hebron, that Hamas launched a series of suicide attacks. On April 16, 1994, Hamas chose Ra'id Zaqarna from Qabatiya, the West Bank, to drive a stolen car with yellow Israeli license plates and park it between two Egged buses, only to detonate himself. The bomb was constructed by Ayyash 'the Engineer', and it was rather primitive, made up of seven cooking gas canisters hooked to an explosive charge of five antipersonnel hand grenades and a home made brew, consisting of 20 kilograms of explosives. The following explosion killed nine and wounded 55.[492] On April 13, 1994, Amar Salah Diab Amarna from Yabed in the West Bank, entered a bus in Hadera and detonated another of Ayyash's bombs of two kilograms of explosives which was attached to his body. The bomb killed six people and injured 30.[493] More importantly, these attacks showed the influence of Hizballah on Hamas. This was clearly symbolised in a statement claiming responsibility for the attack, which was made by a group called Hizballah-Palestine. Hamas publicly warned of the beginning of a new tactical era where the killing of civilians inside Israel would be a

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[490] *Ibid.*

[491] Kimhi, Shaul and Even, Shmuel; "Who are the Palestinian Suicide Terrorists?", Strategic Assessment, Jaffa Center, September 2003, Vol. 6, no. 2.

[492] Most of the passengers had left the buses and escaped the attack. Katz, Samuel M.; The Hunt for the Engineer, The Lyons Press, Connecticut, 1999.

[493] *Ibid.*, p. 108

norm. When then Lieutenant General Barak, who later became Prime Minister, was questioned about this devastating cooperation, he simply said, "I say that we will deal with that when we come to it. Let's wait and see. It is more feasible that they [Hizballah] will be among Palestinians in Lebanon or outside Lebanon."[494] He later stated, when realising that Hamas and Hizballah indeed joined forces, that: "we can use the Air Force, tanks, bombs against him [Hamas]. If he [Hamas] survives that, and returns [to the Gaza and West Bank after two years], we will consider deporting him [Hamas] again."[495] Obviously, he underestimated the situation and did not grasp the international pressure or the willingness of a Shia group to help a Sunni group with a common enemy.

Ironically, the outcome of the 1992 deportation was positive for Hamas. It strengthened the organisation, forged bonds between extremists in Gaza and the West Bank, and formed a long-lasting relationship with Hizballah. This relationship led to an effective media policy and allowed Hamas to develop their new tactic, suicide bombings. In the end, the deportation created a golden opportunity for an expansion of Hamas' popularity, something that neither Israel nor the PLO had initially desired or wanted.

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[494] Voice of Israel 19 December 1992, reported in: BBC World Service, 21 December 1992.
[495] Hutman, Bill; "Deportations essential step for restoring order" 18December 1992, www.jpost.com, accessed 14 April 2003.

5. 4 House demolition

The demolition of houses might not appear to be an obvious counter terrorism measure. The aim of this section is to demonstrate how Israel uses this method directly in an attempt to prevent terrorism, and indirectly to create a favourable political situation which supposedly enhances their overall security situation.

Israel's policy of the demolition of houses and destruction of land and other properties can be divided into two groups. First, houses must be demolished which do not have a permit. Secondly, houses and other properties which stand in the way of the Israeli army must be destroyed for military/security needs. The justification for the latter argument is providing security for the numerous settlements in the West Bank and Gaza, hence the IDF demolishes houses that are either situated too close to settlements, to military compounds or to road-networks that the settlers use. Regardless of the reasoning behind these measures, the practice of house demolition is closely related to the establishment of Israeli settlements, and hence it is a highly political and controversial measure.[496] Although this section will not discuss the wider and more complex issues of Israel's settlement policy, it is necessary to address the connection between house demolition and the settlement policy, in order to grasp the broad scope of this measure.

Another intent of the Israeli military practice is to demolish houses that belong to the families of suicide bombers or of others who have aided and abetted a suspected terrorist. In this section, the implementation of this measure during the first Intifada and the peace process will be studied. Furthermore, this section will illustrate that this counter terrorism measure is intended to work as a deterrent to potential suicide bombers, to make them consider the consequences of their actions on family members. To fully understand the extensive effects and the seriousness of house demolition on Palestinian

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[496] The practise of house demolition is also used in connection to building the separation wall in the West Bank. The building of this wall did not start before 2002 and therefore will not be studied in this section, but rather under updates in chapter 6.

society, it is worth addressing the value that a family home has in Palestinian society. Finally, the effects on Hamas and their ability to adapt will be examined.

Although every Israeli government since 1967 has practiced house demolition in some capacity as a clear demonstration of power, there are very few academic articles which discuss the effect of this practice on Palestinian society or on the respective reaction of Hamas. Most academic articles address the policy together with the Israeli settlement policy and do not separate the two. Admittedly, as shown in this section, these issues are closely connected and difficult to separate. Nevertheless, it is useful to approach these issues and explore how house demolition is implemented for different purposes, albeit for the same overall security reasons. This section therefore relies on research performed by human rights organisations, either Israeli, Palestinian or international organisations and newspapers.

5. 4. 1 The framework

Historically, the practise of house demolition stems from the British policy which was established during their Mandate period and rooted in the Emergency Defence Regulation 119 (1) of 1945.[497] At that time, the method was frequently applied in counter terror raids against armed Palestinian militias, called *fedayeen*. After the West Bank and Gaza came under Israeli control in 1967, the demolition of houses became a tool against general opposition, but particularly the PLO. However, this practise ceased in 1985, only to be quickly re-implemented two years later with the outbreak of the first Intifada. It was then used against individuals and their families who were suspected of violence against Israel. Today, Israel legitimises this measure by interpreting Hamas' actions as a declared war on Israel, thus allowing the use of methods inherited from the British. Within these rules, the demolition or sealing of houses is an extra-judicial administrative procedure

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[497] Jerusalem Post; "Home demolitions valid on case-by case basis" 8 April 1996, www.jpost.com, accessed 7 August 2003.

that requires no proof by any judicial body that the individual committed a penal offence.[498]

Deep emotions are stirred when a house is demolished. With population growth rates of 3.7 and 3.1 percent in Gaza and the West Bank respectively in 2005[499], combined with a high poverty rate[500], the value of having a family home is significant. The consequence of economic hardship, limited access to land, and the practice of granting very few building permits, is that the average household is made up of 6.84 persons, with the smallest household composed of one person living alone and the largest composed of 24 persons.[501] Considering these numbers, the strain on a family, as well as on the society, when a house is demolished, becomes evident.

However, house demolition does not only have economic and practical consequences, but it also has a psychological effect on the individual family and on the society as a whole. These deep-rooted feelings go back to times when houses were left behind as a result of the 1948 and 1967 wars. Historically, Palestinians have always worked the land, even if the land belonged to other Arab landowners or to the Jews, creating a strong emotional tie to the land. The echo of *al-Nakba* 'The Catastrophe', which was the result of the war in 1948, is never far away. It reinforces the importance of owning a home and symbolizes the Palestinians desire to staying put and not to be easily removed from their land. These historical events are closely tied to today's struggle of independence and the aspiration of a viable Palestinian state. Therefore, family homes hold a special status in Palestinian society, and demolition is considered a particularly severe punishment. This is even evident in a Palestinian saying; when a Palestinian wants to express extreme ill-will towards somebody, he simply tells him "yikhrab baytak", 'may your house fall down.'[502] The Israelis clearly understand the true significance that a

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[498] B'tselem; "Demolishing of Houses" www.btselem.org, accessed 12 October 2000.
[499] CIA Fact Book, www.cia.gov and www.cia.gov, accessed 12 January 2005.
[500] Population living below poverty line in Gaza 81 % and in West Bank 59 % in 2004. *Ibid.*
[501] Palestinian Central Bureau of Statistics; "Housing and Housing Conditions Statistics", www.pcbs.gov.ps, accessed 12 January 2005.
[502] Amayreh, Khalid; "Draconian measures", Middle East International, 29 March 1996.

family house holds in Palestinian social psychology and therefore use it to its full potential.

5. 4. 2 Illegally built houses

In the West Bank, before 1971, it was Jordanian law, "Town, Village, and Buildings Planning Law No. 79", which regulated the building progress and planning of towns. Even under this law, it was difficult to obtain building permission. This law still sets the premise for granting building permits in area C of the West Bank today. Some of these requirements and restrictions are as follows: [503]

- it is forbidden to grant a building permit where no approved planning scheme exists
- Palestinian residents are not allowed to build on Israeli state-owned land. This presented a problem, because many Palestinians have lost millions of dunams in order to meet Israel's military needs.
- Palestinians are required to prove full ownership of the land before they can build on it. For most Palestinians this is virtually impossible because many of the landowners left the West Bank in the wars of 1948 or 1967, and thus sufficient records are lacking.

In addition to this law, the Israeli military commander issued in 1971 an order dealing with planning and building. The new order empowered the Israeli government to cancel all existing building plans, and ensure that any future plans would require an Israeli permit. The authority which issued such permits was transferred to a committee which was ultimately under the responsibility of the Supreme Planning Council, consisting of only Israelis.[504] Consequently, the Palestinians were denied their chance of representation and any influence over further planning schemes. Furthermore, the order opened up the possibility of

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[503] B'tselem; "Demolishing peace: Israel's policy of mass demolition of Palestinian houses in the West Bank", September 1997, www.btselem.org, accessed 14 February 2007.
[504] *Ibid.*

exempting any person from the obligation to obtain a permit required under the Law.[505] Effectively, this resulted in a separate system for the Israeli settlers and the Palestinians. This policy was changed during the Oslo peace process, but in effect legitimised in the Oslo Accords due to the fact that the West Bank was organised and divided into three areas of authority – areas A, B and C. This system is still practised today in area C of the West Bank.

In Area C, Israel retains responsibility of both civil affairs and security issues, and consequently enjoys full control over land, security, people, and natural resources. This area encompasses more than 70 percent of the West Bank,[506] and includes all the Israeli West Bank settlements, Israeli military areas, the main roads, and the vast majority of Palestinian rural areas. In these areas, the planning, development, and construction, as well as the demolition of houses built without permits, currently lies under the sole authority of Israel. This policy forces Palestinians to apply to the Israeli government for permission to build homes, and this policy was legitimised by connecting it to the peace process.[507] Therefore, technically speaking, one could argue that Israel is within its rights to destroy any home in Gaza and the West Bank which has been built without the proper documentation and an Israeli building permit. However, the process of obtaining such a permit is long, complicated and often ends with refusal, which has led many Palestinians to build houses illegally. As stated by the Israeli Civil Administration Office, the Israeli "policy is not to approve building in Area C."[508]

The Palestinian Authority was given responsibility for civil affairs in Areas A and B, covering only 30% of the West Bank territory, but containing 97.6% of the Palestinian population. This also means that the Palestinian Authority is in charge of town planning and therefore oversees new house construction.[509] Therefore, it is a natural assumption that the building of new houses in area A and B should not represent a problem. However, areas A and B are not continuous, but are instead fragmented into 227 separate enclaves, each

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[505] *Ibid.*
[506] CIA Fact Book, www.cia.gov, accessed 12 January 2005.
[507] Amnesty International; "Israel and the Occupied Territories: Demolition and dispossession: the destruction of Palestinian homes", 8 December 199, www.amnesty.org, accessed 12 October 2000.
[508] *Ibid.*
[509] B'tselem; "Demolishing peace: Israel's policy of mass demolition of Palestinian houses in the West Bank", September 1997, www.btselem.org, accessed 14 February 2007.

surrounded by Area C.[510] One of the main obstacles for the Palestinians is that the size of the area within the jurisdiction of the Palestinian towns is not sufficiently large to meet their growing populations in theses two areas. During the first 50 years of the Israel's existence, the Palestinian population has grown seven-fold. However, the amount of land allocated for housing construction has remained almost unchanged.[511] Thus, the population density in the Palestinian sector grew considerably, and the lack of available land to build lawful housing was basically scarce. One solution has been to build on top of already existing houses. Or alternatively, Palestinians are forced to build without a permit.

When Palestinians do build houses without obtaining a permit, it leaves them vulnerable to Israel's repercussions, which often include issuing an order to demolish the house. Typically, the demolition orders are completed in Hebrew and do not specify the location or the nature of the violation.[512] Families living in areas east of Hebron have even reported to the human rights organisations that they received papers ordering them to leave their premises, not addressed to a named person, but to the *polesh* (intruder in Hebrew). The practise is often as follows: the first 'stop work' order is sent out, and although generally not even received, is delivered to a site and states a date when the case can be argued before the Inspections sub committee of the High Planning Council.[513] Almost invariably, this is followed by a second order that warns that the property will be demolished after seven days at the owner's expense. Any petition to the Israeli High Court must be presented within 30 days. Nothing further happens until the arrival of the troops and bulldozers; which may occur after seven days, or indeed after many months or years.[514] The family have no other option but to wait until the Israelis arrive, because the military, supported by the court, will not allow the family themselves to destroy their

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[510] Amnesty International; "Building restrictions in the Occupied Territories since the Oslo Accords", www.amnesty.org, accessed 12 October 2000.
[511] Amnesty International; "Under the Rubble: House demolition and destruction of land and property", 18 May 2004, www.amensty.org, Accessed 14 February 2007.
[512] Amnesty International; "Israel and the Occupied Territories: Demolition and dispossession: the destruction of Palestinian homes", 8 December 1999, www.amnesty.org, accessed 12 October 2000.
[513] Applied Research Institute of Jerusalem; "Accelerated House Demolition Campaign in Hebron District", www.arij.org, accessed 12 October 2000.
[514] Amnesty International; "Israel and the Occupied Territories: Demolition and dispossession: the destruction of Palestinian homes", 8 December 199, www.amnesty.org, accessed 12 October 2000.

house, presumably because this will weaken the deterrent effect of the demolition.[515] Furthermore, when the soldiers finally do arrive, they usually gather the neighbourhood and family, forcing them to watch the destruction. Normally when the Israelis are demolishing a house, they do so with the help of a bulldozer. However, explosives are widely used. As a military source said: "Blowing up a house has a greater psychological deterrent effect. When you feel the ground tremble under your feet you think about it for a long time."[516]

It has proven difficult to obtain data on the exact number of houses which have been demolished due to a lack of a building permit. Different sources operate with various definitions, and the numbers include different geographical areas. Although the specific numbers should be considered with caution, providing some numbers would still be informative for giving an indication of the frequency of this practise. Amnesty International's report from 1999 states that at least 2,400 Palestinian homes were demolished in the West Bank alone between 1987 and 1999, i.e. approximately 200 per year.[517] Assuming that the average number of residents per house was equivalent to the average occupancy in the West Bank at the time (which has on average fluctuated around six residents per house[518]), it is estimated that more than 14,400 Palestinians have lost their homes over the past twelve years as a result of building without a permit. This implies that almost one percent of the population in the West Bank has been affected by the Israeli house demolition policy.[519] In addition, there are those who have had their homes destroyed for security reasons.

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[515] Jerusalem Post, 8 April 1996.
[516] Jerusalem Post, 15 March 1996.
[517] *Ibid.*
[518] Palestinian Center Bureau of Statistics; "Housing and Housing Conditions Statistics", www.pcbs.gov.ps, Accessed 12 January 2005.
[519] The CIA Fact Book estimates that there were about 1,611,000 people living in the West Bank in 1999. CIA Fact book; www.cia.gov, accessed 14 February 2007.

5. 4. 3 Demolition for security reasons

Although Israel states that the practise of demolishing houses built illegally is purely a security policy, it seems obvious that this policy is closely connected to their settlement policy. As discussed earlier, the settlement policy is a security measure in itself and can therefore be interpreted as a counter terrorism method. Therefore, the distinction between the pretexts for demolishing houses is less clear. Despite this, it is useful to separate the practice of destroying houses for security reasons into two categories.[520] First, the practice serves to expand Israeli settlements and protect them more efficiently, and secondly, the measure functions to prevent terror activity, by affecting either the family of suicide bombers or those who facilitate terror.

House demolition and the Israeli settlement policy

The great difficulties experienced in obtaining a building permit in the West Bank, especially in area C, are clearly connected to the Israeli settlement policy. However, in addition to this practise, Israel also destroys houses which they claim represent a security risk for the settlements and those who live within them. Examples of such houses are those situated too closely to the settlement's perimeter, or those that prevent the construction of a road network which connects settlements together and to Israel proper. The demolition of these houses illustrates an even clearer correlation between the method of house demolition and the Israeli settlement policy.

Israel has become increasingly interested in incorporating larger areas of the West Bank and Gaza. Between 1972 and 1992, Israel built more than 122 settlements, housing 107,200 Israelis in the West Bank, and ten settlements housing 124,000 Israelis in East Jerusalem. In contrast, Israel only built 16 settlements in Gaza, whose population by 1992

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[520] Amnesty International; "Under the Rubble: House demolishing and destruction land and property", 18 May 2004, www.amensty.org, accessed 14 February 2007.

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did not exceed 4,800.[521] With the Oslo process, Israel tightened its territorial grip over the West Bank, by building more than 49 new settlements and increasing the settler population from 246,000 to 350,000 between 1992 and 1999, whereas the settler population in Gaza increased by less than 2,300 during the same period.[522]

Palestinian homes are demolished under the pretence of strengthening, expanding, or creating new Israeli settlements in the West Bank. There are several ways Israel ensures the settlers' security. Perhaps the most obvious is the destructions of houses, land and other properties, which the authorities claim were used or could be used by Palestinian armed groups to shoot or launch attacks against the settlements. This category may include any house or property near Israeli settlements or army positions. Even though Israel claims that the destruction is performed to prevent future attacks on the area, such demolitions are also frequently carried out in retaliation against Palestinian attacks and as a form of collective punishment on the inhabitants of a given area. In some cases, the destruction also serves the purpose of removing Palestinians from areas where Israel has a particular interest in seizing control of the land, notably near Israeli settlements and army positions, with a view to subsequently expanding Israeli settlements. Israel also demolishes houses where they claim attacks on settlements or settlers were carried out or properties which were used for cover during Israeli military operations. This also includes the destruction of properties in order to clear the army's line of sight in areas considered as sensitive, to create buffer zones around likely targets, and to clear areas in order to build fences or military installations.

Furthermore, it is not only the settlement per se that needs to be secure, but also the settlers' freedom of movement within and between settlements. Therefore, security needs can include the construction or expansion of roads that connect the settlements to each other or to Israel proper. Bypass roads are intended to enable the movement of settlers and of the military forces protecting the settlements. When building these roads, the Israeli authorities seldom take into account the interests or needs of the Palestinians.

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[521] Farsakh, Leila; "Palestinian Labor Flows to the Israeli Economy; A finished Story?", Journal of Palestine Studies, XXXII, no 1, 2002.
[522] *Ibid.*

The explanation that a house designated for demolition lies alongside an existing or planned road is very common.[523] Given the spread of Israeli settlements, settlers' roads and army positions throughout the densely populated West Bank are immediately adjacent to Palestinian refugee camps, towns and villages, so that virtually every building or plot of land could be considered a threat and therefore military target for demolition.[524] It is worth mentioning that the by-pass roads that connect settlements in the West Bank exceed 276 kilometres in length, while the planned roads are estimated to be an additional 452 kilometres. With the safety buffer zone of 50 to 100 meters on each side, the construction of these by-pass roads requires the confiscation and destruction of approximately 10,920 hectares of Palestinian land, most of which is agricultural.[525] By-pass roads encircle every major Palestinian city and community in the West Bank, and thus create boundaries which limit the expansion and development of the Palestinian communities which they encircle, and consequently, further disconnect Palestinian communities from each other.

Furthermore, this policy has political value in a potential final peace agreement. As David Bar El stated on Israeli Television, "if we don't keep this territory clean [naki] at the end of the day there will be irreversible facts on the ground that will reduce our 'manoeuvring space' …as we enter into negotiations."[526] This indicates that house demolition and the approval of building permits are part of a wider economic and political agenda. The settlements and the measures Israel enforces in order to provide the settlers with security, influence the development of a peace process and the negotiations over final-status arrangements.

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[523] Applied Research Institute of Jerusalem; Behind the policy of house demolition: why here and now?, www.arij.org, accessed 12 October 2000.
[524] Before the Israelis pulled out from the Gaza Strip in 2001, the situation was even worse there, due to the high population density and the limited geographical area. On 360 square kms Israel had 21settlements. "Settlements in Gaza Strip", www1.idf.il, accessed 8 January 2007.
[525] Applied Research Institute of Jerusalem; Behind the policy of house demolition: why here and now?, www.arij.org, accessed 12 October 2000.
[526] Amnesty International; "Israel and the Occupied Territories: Demolition and dispossession: the destruction of Palestinian homes", 8 December 199, www.amnesty.org, accessed 12 October 2000.

Houses connected to terror activity

The second justification for conducting house demolition under the pretence of security is to prevent terror activity, and as such it is classed to be a punitive measure. The most obvious use of this method is in circumstances where the house belongs to a family of a suicide bomber, but this method is also used against families that have aided or abetted a terrorist and hence promoted terror. Additionally, the houses which have been used as shelters or for operational planning are targets.

Punitive demolitions of houses belonging to Palestinians suspected of involvement in suicide bombings and other attacks against Israeli civilians and soldiers have become routine. However, this policy was re-introduced after Hamas carried out its first suicide attack in 1993. At that time, suicide bombing represented a new development in Hamas' strategy, and it signalled a change in the severity of its fighting. As a result, it left the Israeli people in a state of heightened fear, angst, and despair, looking towards their leaders for answers, reassurance, and action. With the significant military power of Israel, it was hard to accept that they could not secure their nation from a single individual. Their dissatisfaction was shared by then Deputy Defence Minister Ori Orr, when he said "it can't be that a man who blows up a bus believing he will go to heaven doesn't know that his family will not just set up a mourner's tent and continue living its life as normal."[527] Thus, Israel re-implemented the policy of destruction of houses belonging to the deceased bombers' families, as well as any suspects that may have supported the bomber in his mission. Then Chief Commander for the West Bank, Major Genernal Ilan Biran, stated that; "The house of each family of a suicide [bomber], or one who intends to commit suicide, will be destroyed, and the surrounding area will be severely punished. This will be the case in every village and town. We shall act mercilessly."[528] The Israeli authorities state that the intention behind this policy is not to punish the families of suicide bombers and others involved in the attacks, but rather to

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[527] Jerusalem Post; "IDF destroys two more homes", 22 March 1996, www.jpost.com, accessed 7 August 2003.
[528] Human Rights Watch; "Human Rights Watch Report 1998: Israel and Israeli Occupied West Bank and Gaza Strip", www.hrw.org, accessed 13 October 2000.

deter potential attackers, who may refrain from getting involved in attacks knowing that their families will be made homeless and suffer because of their actions. As Simon Peres said, "we have no choice but to make the father responsible for the son and to tell the father that if someone from your house goes out to commit a suicide [attack], don't just think he will go to paradise. Your house is in danger. It will be sealed; it will be damaged."[529] However, the method might not always have the desired effect: "I am proud that my son is a fighter for his country and for God. We will build a bigger and better house."[530] Moussa Rainmat killed three people in his suicide attack at the Apropo cafè in Tel Aviv in April 1997. The court ordered the destruction of his family house, as a deterrent. The family viewed it as enforcing collective punishment: "For us, Moussa is a hero and a martyr. We are proud of the act he carried out, and the demolition of his house only gives us more conviction to continue with the struggle. If they continue with the collective punishment they will find a lot like Moussa."[531]

Traditionally in Palestinian society, after a death in the family, a mourning tent is put up in front of the house signalling a state of mourning. However, seeing as this tradition could help the Israelis identify the family of the bomber (leading to the demolition of the home), the Palestinians have stopped this practice. Nevertheless, this did not stop the Israelis from identifying the bombers' houses. Instead Israel started DNA testing the victims and carrying out their counter terrorism methods upon confirmation of the suicide bomber's DNA. Israel also demolishes the houses that belong to individuals who are under arrest for aiding and abetting an attack.[532] Additionally, this method is often used against families of persons 'wanted' by the security forces that are suspected in an act of terror, regardless if it is a suicide bombing or if the suspected person is in Israeli custody or not. However, it seems that Israel practises this form of policy with some inconsistency. It seems that this method does not apply to acts of terror committed by Jews, but only strictly applied to Palestinians. The houses of members of the Jewish underground, the family of Dr. Baruch Goldstein, who killed 29 Palestinian worshipers

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[529] Jerusalem Post; "IDF destroys two more homes", 12 March 1996, www.jpost.com, accessed 7 August 2003.

[530] Jerusalem Post; 13 April 1997

[531] Jerusalem Post; 20 April 1997

[532] B'tselem; "Demolishing of Houses" www.btselem.org, accessed 12 October 2000.

and wounded 250 others in Hebron's Haram al-Ibrahimi mosque and synagogue in 1994, as well as the killer of late Prime Minister Rabin, still stand and are not on any demolition lists.[533]

Although deterrence is clearly the general intention behind this policy, the Israelis have stated additional reasons for implementing this measure. One of these reasons is that the destruction of a home is merely a military necessity. Israel's rationale is that plans of an attack originated in a particular house and could therefore be regarded as a military base.[534] Another rationale is the protection of innocent people from the potential injury of explosives hidden by terrorists in the suspected houses.[535] One fact that clearly contradicts the Israeli justification for demolishing houses is that no such consideration has been made when Jews are the perpetrators. Another issue is the timing of demolition, which actually varies widely. If Israel indeed considers demolition as the destruction of a military base, then why not destroy it as quickly as possible in order to hinder its future usage? This does not entirely make sense as Israel claims it wants to hinder other inhabitants from being hurt by weapons or explosions that may be left behind. Why not act immediately? Why not just perform a thorough house search instead of destroying it? It might indicate that the implementation of this policy is part of a counter terrorism measure clearly steered by the political and social atmosphere at the time, and closely interlinked with the settlement policy and the complex idea of land for peace. For instance, on the July 30, 1997, Hamas sent two suicide bombers to the Mahane Yehuda market in Jerusalem, killing 15 people and wounding 168 others. According to B'tselem data Israel demolished 29 houses in August, compared to seven houses in July, two in June, and 16 in May.[536] Shlomo Dror, then spokesman for the Israeli civil authority in Gaza and the West Bank, explained this sudden increase in numbers: "We had delayed [demolitions] to try to give some chance for the negotiations between us and the Palestinians and to try to stop tension between us. After the bombing in July 1997,

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[533] Gordon, Evelyn; "High Court likely to favour sealing homes of Wachsman's murderers", 22 November 1994, www.jpost.com, accessed 7 August 2003.
[534] O'Brien, William V.; Law and Morality in Israel's War with the PLO, Routledge, London, 1991.
[535] Palestinian National Authority Official Website, www.pna.gov.ps, accessed 18 July 2000.
[536] B'tselem; "Demolishing peace: Israel's policy of mass demolition of Palestinian houses in the West Bank", September 1997, www.btselem.org, accessed 14 February 2007.

everything changed, all the reasons we had before did not exist anymore."[537] This is clearly an example of how measures with the intent to counter terrorism are influenced by politics.

5. 4. 4 Hamas' efforts against demolition

In relation to Israel's development of new counter terrorism methods, Hamas finds alternative ways of lessening their effects. Hamas does this by implementing various kinds of safety measures in order to hinder the family home of their martyr from being demolished or minimising the effectiveness of such demolition.

One of these safety measures is to ensure that a suicide bomber does not carry any ID papers, and removing the label of their clothes, and in some cases even the fingerprints. This is done in an effort to hide the identity of the bomber.[538] This makes it difficult for the Israelis to trace the suicide bomber to a cell or to a geographical area, which again makes it a challenge to apply counter measures towards the family or accomplices. However, Hamas' efforts were not sufficient in the long-run. In 1998, the Israelis introduced DNA testing for every suicide bomber, thus enabling them to identify the bomber, not only quicker, but also more accurately.[539] In addition to pinpointing the family's home faster, the DNA testing allowed the Israelis to obtain current intelligence on Hamas' organisational structure, and to enforce strict border controls immediately around the geographical area where the bomber came from.

Another strategy that Hamas has introduced to lessen the effectiveness of Israeli policy, is the reassurance that it will care for the family of any suicide bomber. This promise is symbolised with the financial compensation the bomber receives. In 2003, it

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[537] Human Rights Watch; "Human Rights Watch Report 1998: Israel and Israeli Occupied West Bank and Gaza Strip", www.hrw.org, accessed 13 October 2000.
[538] Karmon, Ely; "Hamas' Terrorism Strategy: Operational Limitations and Political Constraints", Middle East Review of International Affairs, Vol. 4, no. 1, 2000.
[539] Ranstop, Magnus; Political Islam Lecture, University of St. Andrews, 12 March 2002.

was reported that a family received a one-time payment of $10,000 from Hamas.[540] Hamas' broad social network allows them to follow through on their promise to care for the family. Families of suicide bombers are entitled to $10,000, while those whose homes are demolished receive a sum of up to $25,000 dollars.[541] It serves as a powerful signal to Palestinian society that Hamas is an organisation that keeps its word and supports all Palestinians who are willing to join them. With this reassurance from Hamas, the deterrence value of demolishing the bombers' home is minimised. However, regardless of whether Hamas provides financial help to rebuild or not, as a result of the way Hamas is organised, with its extensive social network and its link to the military wing, Hamas would indirectly benefit from the poverty and despair that results from house demolition. This brings the concepts of da'wa and jihad to full circle.

Nevertheless, it is plausible that the practice of house demolition, in other circumstances, can affect Hamas' tactics. Rather than deploying suicide bombers, Hamas has resorted to other tactics to set off the bombs, such as remote controls, timers, and cell phones. However, these types of devices are not as accurate or reliable, thus risking premature explosions, difficulties with situating the bomb to cause maximum damage, detection, or an Israeli counter controlled explosion. Therefore, despite the risk of Israeli retaliation to suicide bombs, Hamas has not stopped this modus operandi, nor is it likely that they will any time soon. A suicide bomb, as a delivery vehicle, is the method which proves to be one of the most accurate and destructive, causing maximum havoc and fear compared to the input. Although the planning and preparation might represent a greater challenge, a planned escape route after the operation is not required. Besides, the psychological effect that a suicide bomber has on its audience is unprecedented. Israel's counter terrorism policy of demolishing houses therefore has a limited deterrence effect on Hamas' operations, seeing as how Hamas' financial policy of providing for the suicide bombers family only strengthens their position in Palestinian society and does not prevent recruitment. Even if the demolishing of houses should have the deterrence effect that

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[540] Tomaeh, Khaled Abu; " PA, Hamas compete over aid to Gazans", 11 February 2003 www.jpost.com, accessed 11 February 2003.
[541] *Ibid.*

Israel wishes, Hamas as an organisation would ultimately benefit from the despair and poverty this method irrespectively seems to induce.

5. 5 Selective killings

Like terrorism, the term 'selective killings', which describes the killing of opponents, is not a value-free phrase. Israeli officials prefer other phrases such as the 'hitting of Palestinian targets,' 'neutralizing' or 'liquidating'. Initially, selective killings were labelled 'pre-emptive operations,' then 'interceptions,' and more recently, 'active self-defence.' The Israelis argue that these actions are justified as a counter terrorism method. In contrast, the Palestinians call it a policy of assassination, and most human rights organisations declare the acts as 'extra judicial killings' and argue that the method is a flagrant violation of human rights and consequently an unlawful measure. In this thesis, these acts will therefore be referred to as 'selective killings', so as not to appear biased, as the purpose of this thesis is to describe the method itself and its effects.[542]

Broadly speaking, there are two different arguments against selective killings: the ethical argument, and the pragmatic argument. The main ethical argument against selective killings is simple: killing is immoral, and the state killing of a specific individual is such a visible action, that the view is enhanced. Another reason why the method is considered unethical is that the state becomes the prosecutor, judge and jury, and there is no appeal process or chance for the suspects to defend themselves. Furthermore, a selective killing demeans the ethical basis of a democratic society which emphasises human rights. Interestingly, killing is often considered acceptable on the battlefield, but other forms of killing lead to a general decrease in safety and order. Selective killings create uncertainty and disturb the fundamental need for safety in everyday life, in a manner comparable to the psychological effect of terrorism.

The second argument against the state's practice of selective killings is pragmatic. For instance, the result of a selective killing is unpredictable, regardless of whether the

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[542] As this thesis will discuss later, the terminology debate does have an indirect effect as it reinforces the international argument over the use of this method.

attempt failed or succeeded. Even if the state manages to kill an individual without affecting innocent lives, the aftermath could result in a cult of martyrdom and a campaign of revenge, which would be the opposite of the desired effect.

The subject of selective killings visibly challenges one's view on the fundamental value of human life, and as such poses important questions with respect to who we are and want to be as a people and a state. This might explain why the subject has attracted a certain degree of academic interest. Hence, in this section it has been possible to rely on academic books, articles, and newspapers as reference sources, as opposed to information from human rights organisations.

Since the very foundation of Israel, the targeting of individuals suspected of being responsible for the deaths of Israelis has been implemented as a preventative method. There have been some examples of selective killings which have had unintended political ramifications. A selection of examples will be examined to illustrate the extent of the potential aftermath. Regardless of the political risks, Israel has continued to include selective killings as a method in its counter terrorism policy. Therefore the aim of this section is to understand the underlying intention behind this method. The implementation of this method is fundamentally criticised. First, where does the line between assassinating individuals actively involved in the operational side of terror activities and those who are politically involved in their Hamas membership lie? Secondly, this method relies on a security committee to simultaneously serve as prosecutor, judge, and jury, without giving a chance for appeal and / or the ability to hold the committee accountable for their decisions. Thirdly, in order to avoid civilian casualties, essential for the justification of the method, selective killings depend heavily on current and valid intelligence, which makes it a vulnerable measure. Finally, this section will focus on the manner in which Hamas has taken precautions and managed to adapt the organisation in order to protect itself against assassinations.

5. 5. 1 Putting the policy into practice

Many years earlier, Haganah used to single out military enemies in order to assassinate them. Haganah drew on the expertise of special groups, two of which were the Ha-shomer and Mista'aravim units, who laid the foundations for future undercover units.[543] It is notable that these groups started the practice of dressing like Arabs, and due to their knowledge of the Arabic language and Islamic culture, they were able to move around easily, gathering information on potential attacks by the Arabs. Their methods were typical of clandestine warfare and included the use of selective killings.[544] Since then, Aman (IDF military intelligence) and Mossad have carried out several targeted attacks inside Israel and abroad. Over the past five years, the cases of extra judicial executions have typically involved people believed to be central figures in Islamic extremist groups and suspected of being responsible for armed attacks against the Israeli population. The most famous sequence of selective killings was probably the ones that took place after the summer Olympic Games Munich massacre in 1972. The killing of the Israeli athletes at the Munich Olympics by the 'Black September' organisation, catalysed a systematic campaign, the "Operation Wrath of God", to seek out the individuals belonging to Black September and all the individuals believed to be involved in the planning and operation of the terror attack in Munich. "Operation Wrath of God" was not about capturing or imprisoning those responsible. It was purely and simply directed at killing the individuals that the Israelis could find and terrorising those they could not. In order to accomplish this task, a specialist assassination unit, known as the *kidon* was formed.[545] At least nine militants linked to Munich were killed in the ten months that followed. [546] Although the operations received strong international criticism, especially since Mossad mistakenly killed the wrong individual in Lillehammer, Norway, Israel did not end their practise of selective killings.

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[543] This practice was later also used by undercover units, i.e. Dundevan, also for intelligence gathering purposes.
[544] Blac, Ian and Morris, Benny; Israel's Secret Wars, Grove Press, New York, 1991.
[545] Silke, Andrew; Retaliating Against Terrorism", Terrorists, Victims and Society: Psychological Perspectives on Terrorism and its Consequences, John Wiley & Sons, Ltd, West Sussex, 2003.
[546] Blac, Ian and Morris, Benny; Israel's Secret Wars, Grove Press, New York, 1991.

Following a suicide bombing in Tel Aviv in October 1994, Yitzhak Rabin announced that he had commanded security forces to assassinate terrorist leaders: "We must seek out, find and arrest or eliminate those who organise this terrorist activity."[547] An example of the selective killings executed in foreign countries is the attack carried out on 16 April 1988 in Tunis. Mossad killed Abu Jihad in his home. Abu Jihad, also known as Khalil al-Wazir, had planned dozens of attacks on Israelis during his long career and was second in command to Arafat. [548] Furthermore, in October 1995, Mossad was in Malta when they shot and killed Fathi Shikaki, a leader of Islamic Jihad in exile there, outside his hotel. Israel neither accepted nor denied responsibility for these killings. However, following the deaths, statements by Israeli officials implied that those responsible for armed attacks against Israelis might be targets for extra judicial executions. The comment from then Foreign Minister Peres was: "Islamic Jihad are killers, so it's one less killer."[549] Additionally, there have been assassination attempts and killings of Hamas members that have had severe political consequences. Two of the best known cases were the attempt to kill Khaled Meshal in Jordan and the killing of Yehiya Ayyash 'the Engineer'. On September 25, 1997, Israel attempted to kill Khaled Meshal who at that time was the head of Hamas' political bureau in Amman. As he was walking in a busy street in Amman, Mossad agents tried to inject a toxin into his ear. However, Meshal's bodyguards intercepted the attempt and chased the Mossad agents into the hands of the Jordanian police. Due to Jordanian anger, the Prime Minister Benjamin Netanyahu felt compelled to release Sheik Ahmed Yassin, who had been imprisoned for eight years, and promised to free up to fifty more prisoners as part of a deal to get Jordan to return the captured Mossad agents.[550] Yassin's welcome return to Gaza strengthened Hamas as an organisation. As well as straining the relationship between Hamas and Arafat, the two leaders were now apparently competing for a leading role in Palestinian society.

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[547] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p.122.
[548] Cannistraro, Vincent; "Assassination is wrong –and dumb", www.washingtonpost.com, accessed 30 August 2001.
[549] Usher, Graham; "Consequences of Shaqaqi's slaying", Middle East International, 3 November 1995.
[550] Omaar, Regeh; "The Mash'al affair –Israel pays a high price", Middle East International, 10 October 1997.

Arguably, the most famous Israeli assassination, although never officially admitted by Israel, was the killing of Yehiya Ayyash in 1996, 'the Engineer', a Hamas operative. Allegedly, he had been responsible for many of the major terrorist attacks within Israel during 1994-95, and by the GSS's calculation, he and his Hamas operatives had taken the lives of 67 Israelis and injured another 400.[551] The political reasoning behind Ayyash's assassination can not be viewed in isolation. With the killing of Rabin in November 1995, Rabin's foreign minister and fellow Nobel Prize winner, Shimon Peres, took power. He ordered the army to withdraw from Palestinian cities. The Oslo agreement was to be made permanent and irreversible. Rabin's murder was not to be viewed as a victory over the peace process. The election of the Palestinian Legislative Council was approaching for the first time ever, and the Palestinian Authority and Hamas made some efforts to keep the peace and mend the rift between them. As a goodwill gesture, the Palestinian Authority released several senior Hamas leaders from prison. There was also talk of secret meetings, where no written agreement existed, but where a verbal understanding was reached. Hamas had agreed to refrain from acts that would embarrass the Palestinian Authority, and not to ask voters to boycott the elections. However, as others doubted Peres' ability to handle the security situation, he tried to live up to Rabin's famous slogan: "seek peace as if there were no terrorism, and fight terrorism as there were no peace."[552]

At that time, due to the Oslo Agreement and unwillingness to jeopardise the perceived sovereignty of the Palestinian Authority, the general policy was to cooperate, even with respect to security. Seeing as the Palestinian Authority had been given security responsibilities in Gaza and area A of the West Bank, it changed the Israeli rules of supposedly legitimate actions. However, with time Israel realised that the Palestinian Authority was not fulfilling its responsibilities and instructed the security forces to discreetly operate inside the autonomous areas.[553] The intention was that the method of selective killings should incapacitate those planning to carry out attacks, who were

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[551] Morris, Benny; Righteous Victims, John Murry, London, 1999.
[552] Guardia, Anton La; War without end, Thomas Dunne Books, New York, 2001, p.299.
[553] Dudkevitch, Margot "PA intelligence chief implicated in terrorism", www.jpost.com, accessed 12 April 2002 and Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.

beyond the reach of other methods such as arrest and administrative detention. Undercover units were instructed to eliminate senior activists wanted for initiating, planning, preparing and perpetrating terrorist attacks in Israel. In January 1996, Yehiya Ayyash was killed by a bomb, two ounces of plastic explosive were planted in his cell phone. Upon his death, Israel officially said nothing. However, it is widely believed that Shin Bet was responsible. A cry of rage resounded throughout Gaza. The Palestinian Health Minister, Riyad Zaanun, speculated on the timing of Israel's actions:

> "…Ayash's way was not ours. But his killing is an alarming act of terror that came precisely when we'd reached an agreement with Hamas. It's as if this act was deliberately intended to bring the breakdown of the agreements, and it shows a lack of respect for the Palestinian Authority."[554]

This is a good example of how the Palestinian Authority is often caught in the middle between Israel and the demands of supporters of fundamental Islamism. The commander of one of the Palestinian Authority's many security branches, Sami Abu Samhadana, agreed with Zaanun's assessment when saying:

> "The peace and quiet we've achieved over the past five months hasn't made any impression on them [Israelis]. We've tried to safeguard Israeli security by persuading Hamas to become a political movement and reach an agreement with us. … But then the Israelis shouldn't be surprised when there are more attacks. Because one thing is for sure- they'll take their revenge."[555]

It appears that he was right; Hamas launched three suicide bombings, killing 57 people in Israel in the a space of two weeks in February and March 1996.[556] However, the selective killing did not only result in terror attacks, but it also forced Peres to hold elections in the spring of 1996. With the promise to be tough on Arafat, and making sure that the Palestinians kept their commitment to fight terrorism, Benyamin Netanyahu, the Likud party leader, eventually came to power. Some argue that this is a clear example of how the boomerang effects of one counter terrorism measure and the responding acts of terrorism, can indeed achieve political change, in this case, a political change which moved away from the peace process. On the other hand, it is impossible to know if these

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[554] Hass, Amira; Drinking the sea at Gaza, Hamish Hamilton, London, 1996, p.90.
[555] *Ibid.*
[556] Guardia, Anton La; War without end, Thomas Dunne Books, New York, 2001.

attacks would have been carried out regardless of the killing of the Engineer. This debate illustrates that there are different views on the advantages and vulnerabilities of this method, and will be explored in the next section.

5. 5. 2 Advantages of the method

As a counter terrorism policy, there are some advantages with the use of selective killings. First, the main aim of this method is to prevent future terror attacks. This aim is based on the belief that the killing of an operational leader will reduce the pool of experience and damage the infrastructure of the organisation to such an extent that they will no longer have the capacity to carry out another attack in the short-term. Not only is the leader killed, but also his skills and network are also gone. Additionally, it will disrupt the necessary preparation of an attack; the recruitment and training of potential new members, the development of future tactical methods, the acquisition, or production of weapons and the prevention of other logistical support activity. [557] Occasionally the method is enforced to prevent a specific attack and not necessary to disrupt the organization in general. Obviously, this is not effective in the long-term, because eventually junior members will learn from remaining senior members or they simply learn the hard way, from experience. However, what it does provide is a time lag. In contrast, the killing might provide the sufficient motivation necessary for escalating their activities.[558] Furthermore, as the main goal is to prevent future terror attacks, it is very difficult to prove that attacking a particular terrorist target will give protection from a new terror act.

Another advantage of using selective killings to counter terrorism is the method's design to limit civilian casualties and appearance of taking a hard line against terrorists. This is precisely the opposite of what Israeli counter terrorism methods are often accused of, namely collective punishment. Nevertheless, it is debatable if Israel really is interested

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[557] The Economist; "The consequences of selective killing", www.economist.com, accessed 4 August 2001.
[558] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.

in taking all precautions to reduce collateral damage, as the tactics of selective killings often include the detonation of remote-controlled bombs, the use of tank fire, sharpshooters, close-to-point-blank fire at roadblocks, missiles fired from helicopters or precision guided munitions from aircraft. Hence the methods often result in a number of innocent civilians being hurt or even killed. However, if there is collateral damage and killing of civilians, the consequence is normally less disastrous than a typical military reprisal. As Dr. Ely Carmon of the Israeli-based International Policy Institute for Counter-Terrorism said; "It is the most efficient and moral act of war. You are fighting directly those who are involved in terrorism, not bombing indiscriminately or using heavy weapons […] Here we have much more control, greater intelligence and the ability to act." [559]At the time, Deputy Defence Minister Efraim Sneh claimed that the method of selective killing was: "precise, effective, and just." [560]

A further argument for selective killings is that it is a form of punishment against those responsible for previous attacks and hence works as a deterrent. Humans naturally react to what they perceive as injustice, and have a need for revenge and punishment. The idea of punishment is also a cornerstone in deterrence. In this case it is those who are responsible for the terror that will pay the price, while the general public will be taught a lesson, so called public principles of deterrence. The Minister of Defence, Moshe Arens, explained it as follows: "This serves as a message to all terrorist organisations…whoever starts something with us, we will finish it for them. This must be made clear to all the gangs, terrorist organisations and their leaders."[561] Although seldom an aim in itself, another benefit of this method is a lift in morale of the Israeli public. Considering that the damage caused by terrorism is not necessarily physical, but rather psychological, a successful and daring counter terrorism operation might enhance the public's sense of security. Hence the public can restore their faith in the government and the fact that their army is capable of protecting them.

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[559] Shapiro, Samantha; "The year in ideas: a-z; announced assassinations", www.nytimes.com, accessed 9 December 2001.
[560] Jerusalem Report; "Surgical Strikes", 8 February 2001, www.jrep.com, accessed 8 February 2001.
[561] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p.104.

Finally, selective killings can demoralise the organisation's activists and supporters enforcing internal upheaval which could even end up in a power struggle. Within an organisation, each member usually has their own role to fulfil, and when a leader is killed, their role will not be filled immediately. This forces the organisation to allocate resources, manpower, and time to restore the situation to the way it was, or even to improve their ways for security reasons. The former counter terrorism advisor to the Prime Minister and now head of Mossad, Meir Dagen, stated: "The constant need to adapt will disrupt the militant's ability to operate."[562] Furthermore, with the knowledge that selective killings often rely on intelligence from an informant, the organisation might carry out an internal operation to 'purify' the organisation.[563] The constant fear of life could divert all the attention from operational planning, to defence planning. In turn, this could result in de-motivation within the organisation. However, the issue of motivation is complex. The practise of selective killings can also increase the motivation for revenge and thus counter attack, hence having a boomerang effect. These issues will be explored in the next section, in addition to the vulnerable points of the method.

5. 5. 3 The method's vulnerability

Although the method of selective killings clearly has some advantages, the method also reveals vulnerability. First, there is the question of whether killing individuals who have non-military or non-operational roles is legitimate. Micheal Ignatieff touched upon this issue when attempting to determine if selective killings could be a method of lesser evil. He argued that the method could be justified, but only against individuals indisputably engaged in terrorist activity against a democratic state, and even then only under certain conditions:

"(a) where less violent alternatives, like arrest and capture, endanger […] personnel or civilians; (b) where information exists that the targets in question are

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[562] O'Sullivan, Arieh; "IDF's soldiers' killing of another Hamas activists, spurs Palestinian charges of assassination", www.jpost.com, accessed 15 December 2000.
[563] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.

planning imminent attacks that cannot be stopped in any other way; and (c) where all reasonable precautions are taken to minimise collateral damage and civilian harm."[564]

Ignatieff's first criterion is essential in justifying the method as a lesser evil, and in most cases where assassinations have been carried out, the targeted individual held a operational role such as instigating the attack, deciding on the method of attack, recruiting, and training suicide bombers. Nevertheless, Yitzhak Rabin, then Minister of Defence, argued that the selective killings of terrorist leaders should not merely be limited to operational leaders:

> "My understanding of terror is simple: there is no solution based on a single blow, there is no campaign that can solve the problem. What is needed, using preventative strikes and other methods, is to reduce vulnerability. The second element is to mete out the maximum punishment to perpetrators and their handlers. I am not referring here to personal terror against someone, but rather to a viewpoint. We must strike not just at the field and operational level, but also the command, control, and financial systems."[565]

However, this opinion may vary, depending on how a terrorist organisation is regarded. For instance, an organisation can be considered a single entity, as believed by Yitzak Rabin, but could contain a violent wing responsible for terror attacks, to help achieve the organisation's common goal. According to this view, there is no reason to differentiate between individuals who have a non-military or non-operational role or not, because they are all working to enhance the organisation's capacity to perform terror attacks. However, an organisation can also be regarded as more complex, and the accountability of actions is less clear or absolute. For example, one individual can belong to the administrative branch thus holding a non-military role, but may also be responsible for providing the military branch with money for a specific attack. Hamas is not only a movement engaging in terror; they are also a socio-political movement. Furthermore, it becomes even more complicated when an individual involved in terror activity is simultaneously politically active; a politician or employee of the political establishment. Cabinet Minister Tzipi Livni claimed that: "Some of the Authority people have become part of the terrorist

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[564] Michael Ignatieff; "The Lesser Evil" Edinburgh University Press Ltd, Edinburgh, 2004, p.133.
[565] Ganor, Boaz; "Israeli Counter-Terrorist Policy" 1 January 1997, www.ict.il, accessed 13 March 2001.

organisations."[566] West Bank General Intelligence Chief Tawfik Tirawi was suspected of assisting in recruiting, arming, and dispatching terrorists to perpetrate attacks in Israel. Lists of potential suicide bombers' names that Israel had handed over to Tirawi with the demand they be arrested by the Palestinian Authority, were instead used by Tirawi to warn the terrorists.[567] Before the al-Aqsa Intifada, Darwazeh, a Hamas bomb maker, became acquainted with members of Arafat's Force 17 security unit as they guarded his cell at the Jeneid prison, in the West Bank city of Nablus. When he was released, he paid them to watch over his bomb making lab in Nablus, an arrangement that continued until Darwazeh was assassinated by Israel in July 2001.[568] On October 28, 2001, four Israeli women were gunned down at a crowded bus stop in the city of Hadera. Islamic Jihad claimed responsibility, but the two men who carried out the shootings were in fact active members of the Palestinian police force.[569] Muhammed Dahlan was the chief of the Preventive Security Service in Gaza, but was also suspected of being responsible for the bomb targeting a school bus just outside Kfar Darom on November 20, 2000, an incident that led to the death of two adults and serious injury of several young children. Additionally, Israeli security sources accused Dahlan's deputy, Rashid Abu Shabbak, of preparing the bomb. In retaliation for the Kfar Darom attack, the Preventive Security headquarters in Gaza was targeted, and Prime Minister Ariel Sharon openly called for Dahlan's assassination. Whether this threat was real or just a warning to satisfy the anger of the Israeli public is difficult to determine. These examples illustrate the complexity of the situation and the vulnerability of the selective killing method.

Another weakness of this counter terrorism method is the possibility of an international outcry in its aftermath. As Boaz Ganor points out, selective killings of terrorists usually draws international criticism, especially from countries that identify with the terrorists' cause or sponsor the organization, but also from other countries that

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[566] Eisenber, Daniel; "Arafat's dance of Death" Time Magazine, 24 December 2001. For future examples of this phenomena read Abu Toameh, Khaled; "Cooperation increasing between Hamas and Fatah", 7 August 2002, www.jpost.com, accessed 7 August 2002 and O'Sullivan, Arieh; "Arafat's terror link confirmed – again", 14 May, 2002 www.jpost.com, accessed 14 May 2002.
[567] Dudkevitch, Margot "PA intelligence chief implicated in terrorism", 12 April 2002, www.jpost.com, accessed 12 April 2002.
[568] Eisenber, Daniel "Arafat's dance of Death", Time Magazine, 24 December 2001.
[569] *Ibid.*

consider this type of counter terrorist activity illegitimate, in violation of international norms, and in contradiction to criminal law.[570] Hence, the response can influence regional stability. The killings are often executed on foreign soil or in non-sovereign areas, which could lead to diplomatic consequences or military complications if the combat force requires a rescue operation, which in turn might cause military conflicts between hostile forces. This was indeed the case when Israel attempted to kill Hamas member Khaled Meshal in Jordan. This operation had grave international and political consequences. Not only did Israel run the risk of compromising its international relations with Canada, but it also jeopardized its relationship with Jordan. The Mossad agents had arrived in Jordan with false Canadian passports. This was a violation of Israel's commitment not to use Canadian passports and documents when committing intelligence operations. As a result, the Canadian ambassador to Israel was called in for consultation.[571] This failed attempt resulted in a strained diplomatic relationship with Jordan, who had signed a peace deal with Israel only two years earlier. King Hussein told the Israeli government that if they did not provide the antidote to the chemical agent used in the attack, and if consequently Mash'al died, "Jordan would take many other measures"[572], including putting the Mossad agents on trial for murder, as well as suspending diplomatic relations. The Israelis obliged immediately.

A third vulnerability of selective killings as a counter terrorism method is that it depends heavily on good and current intelligence. Successful operations require accurate, preliminary, and real-time intelligence. Arguably the best tool for gathering intelligence is Palestinian collaborators. Because of the success that Israel has had in gathering intelligence from Palestinians, it has continually tried to increase its network of informers in areas under Palestinian Authority control. [573] One anonymous Palestinian official said: "There is a tremendous pressure on the Palestinians to collaborate. As closures continue and the economic hardship increases, some people crack and give in to Israeli

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[570] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[571] Omaar, Regeh; "The Mash'al affair –Israel pays a high price", Middle East International, 10 October 1997
[572] Ibid.
[573] Time; "The work of assassins: from both sides of the Intifada", Time Magazine, 15 January 2001.

blackmail."[574] In 1994, B'tselem estimated that there were about 6,000 collaborators on the payroll of the Shin Bet during the first Intifada.[575] Although collaborators provide good intelligence, the informant is often exposed and neutralized shortly after the actual selective killing. The state may therefore have to pay the price of losing a valuable source. One of the policies implemented by Israel to protect collaborators is to provide them with Israeli residency permits and relocate them to Israel. Considering there were 6,000 collaborators during the first Intifada, potentially 30,000 to 50,000 people were relocated to Israel.[576] It is not likely that the Israeli authorities intend to absorb this number of Palestinians. However, intelligence is not always reliable, and there have been situations where the Israelis have acted on bad intelligence and mistakenly killed the family of the target or killed more innocent civilians than calculated.[577] Increasingly, more and more innocent bystanders are killed as a result.[578] There are several possible reasons for this increase. It could be a result of a more indiscriminate modus operandi, a growing tendency of the terrorists to hide and mingle among the civilian public, simply bad intelligence, or a sign that the security committee has become more anxious and is less likely to wait for the right moment to strike.

This lack of control mechanism is an important criticism of selective killings and also shows the vulnerability of this method. Because the method depends so heavily on intelligence and secrecy, the committee which selects and validates all of the targets consists of people with power, i.e. the Prime Minister, the Chief of Staff and the head of the General Security Services.[579] Effectively, this makes them prosecutor, judge, and jury at the same time. Due to the sensitivity of the method, the only time they have to account for their judgements is in the democratic political elections, when they have to defend

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[574] The Financial Times; "Court asked to end Israel's policy of liquidation", The Financial Times, 9 January 2001.
[575] The Palestinian Human Rights Monitor, "Human rights and legal position of Palestinian "collaborators"", www.phrmg.org, accessed 9 January 2007.
[576] *Ibid.*
[577] On March 4, 2002, Israeli tanks fired at a civilian car in Ramallah in an apparent attempt to assassinate Hussein Abu Kwaik, a Hamas activist. He was not in the car at the time; instead his wife was transporting three of their children from school. The Palestinian Centre for Human Rights; "Assassination of Palestinians…An Israeli Official Policy", April 30 2002, www.pchrgaza.org, accessed 24 April 2004.
[578] The Palestinian Centre for Human Rights; "Assassination of Palestinians…An Israeli Official Policy", April 30 2002, www.pchrgaza.org, accessed 24 April 2004.
[579] Cannistraro, Vincent; "Assassination is wrong –and dumb", www.washingtonpost.com, accessed 30 August 2001.

and legitimise their decisions to the general public.[580] Notably, only individuals with an Israeli citizenship can vote, leaving out numerous Palestinians who might have a different view on the actions of the Israeli government. Therefore, this practice means the Israelis must trust the security committee blindly, and it offers no channels through which the Palestinians can be heard. The committee does not undergo any verification or offer adequate assurances that the method is used according to proper guidelines, or implemented with appropriate safeguards. The committee states that they cannot provide evidence used for targeting militants, as that information could endanger the lives of the intelligence sources. Consequently, this method simply depends on the authority's strength of character and values of the society they are defending. As always, and especially in this situation, it is vital for the general public to guide their leaders and serve as a control mechanism.

Finally, as mentioned previously, there is a risk that selective killings will result in motivating the organisation and therefore subsequent revenge attacks, often referred to as "the boomerang effect". According to this theory, a serious blow to a terrorist organisation is likely to be followed by an escalated response by the terrorists; hence nothing will have been gained from the counter terrorism method. The consequences of the killing of Yehiya Ayyash are often explained according to this theory. However, whether this boomerang effect actually exists is a matter of debate. Those who argue against it, claim that it is not the motivation which is the ultimate factor in deciding whether or not to execute an attack, but rather the group's operational capability. Meir Dagen, now director of Mossad, elaborated as follows:

> "There is always the wrong assumption that there is an unlimited source of manpower. A person who has operational capabilities, who has the ability to motivate and the experience is not something that can be built in one day. If you eliminate by killing, or arresting or deporting such a person, you are damaging the operational capability of the terror organisation."[581]

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[580] Dershowitz, Alan; The Case for Israel, John Wiley & Sons, Inc, New Jersey, 2003.
[581] O'Sullivan, Arieh; "IDF's soldiers' killing of another Hamas activists, spurs Palestinian charges of assassination", 15 December 2000, www.jpost.com, accessed 15 December 2000.

He subsequently declares that he does not believe that the 'boomerang effect' exists, but rather that the "terrorist organisation invented the boomerang effect to generate a deterrent balance against Israel […] and the attacks would have been perpetrated in any case, although perhaps at a different time and in a somewhat different fashion."[582] Others argue that the validly of the boomerang effect is not as clear cut, and although differentiating between the organisation's motivation and capability, they argue that these factors vary depending on the type of the organisation: "organisations whose motivation to perpetrate terrorist attacks at a particular point in time is higher than their capability to act upon that motivation (usually smaller groups with limited resources […]) and organisations for whom motivation is the factor that limits their attacks at a given time, rather than capability (usually larger groups […])."[583]

TABLE 4:[584]

Capability	Motivation	
	Higher than capability	**Lower than capability**
Damage to capability following action	The chance of a "boomerang effect" is low	There is a chance of the "boomerang effect", unless there is serious damage to the organisation's capability and it prevents them from acting on their motivation
No change in capability following action	The chance of a "boomerang effect" is low	High chance of the "boomerang effect" […]

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[582] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p.132.
[583] *Ibid.*
[584] *Ibid.,* p. 134

Regardless of whether the "boomerang effect" exists, there are supporters of the counter terrorism measure who consider the continued violence between Israelis and the Palestinians as a long-term struggle, with no expectation of peace in the short-term. This means that they do not fear retribution, as they feel this violence would happen in any case, and that there is no real prospect of genuine peace negotiations.

5. 5. 4. Hamas' reaction

The use of selective killings before the second Intifada prompted several reactions from Hamas. First, seeing as the practise depends heavily on intelligence, they are increasingly suspicious of unfamiliar faces and awkward accents. If they spot someone looking marginally out of place, they begin harassing the stranger with questions about his home village.[585] When Israel changed its practise and started recruiting and relying on collaborators, Hamas' frustration and anger turned towards these collaborators. Both the nationalistic groups, like Fatah, and the Islamic groups, such as Hamas and Islamic Jihad, demanded that the Palestinian Authorities take action and arrest and punish the collaborators, or else they themselves would take action.[586] Additionally, they appealed to the general public to turn in suspected informers.[587] This often resulted in a power struggle between the Palestinian Authority and the Islamists.[588]

Seeing as Israel appeared to target key members and leaders, Hamas' response to the selective killing of Damascus-based Khaled Mashaal, was to instruct the organisation not to disclose the name of his successor. Furthermore, there is some indication that Hamas, for a period, decided to have an interim collective leadership, effectively making it harder to pinpoint crucial members.[589] Additionally, certain members even obtained

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[585] Karmon, Ely.; "Hamas terrorist strategy: Operational Limitation and Political constrains", Middle East Review Affair, Vol. 4, no. 1, 2000.

[587] Lahoud, Lamia; "PA arrests 3 for aiding hit", 24 January 2001, www.jpost.com, Accessed 24 January 2001
[588] Lia, Brynjar; Building a Police Without a State: The PLO, the Donor Community, and the Establishment of the Palestinian Police and Security Forces, Unipub AS, Oslo, 2003
[589] The International Institute for Strategic Studies; "The Hamas Factor"; Strategic Comments, Vol. 10, Issue 4, 2004.

bodyguards.

Although the selective killings created a sense of uncertainty and chaos, and the feeling that the Palestinian Authority was not able to provide security for its public, it did not end the terror attacks. Hamas is a large organisation, and although Israel may cripple Hamas' tactical capacity and prevent terror attacks in the short-term, it is believed that the killing of selected members does not lower its capability significantly, and only increases its motivations for further attacks. Sheikh Ahmad Yassin said: "Israel planted the violence by killing innocent people, now Israel is harvesting the reaction."[590]

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[590] Jerusalem Post, 18 May 2001.

5. 6 Administrative detention

Administrative detention is defined as "the internment of a person by executive order without charge or trial",[591] during which no criminal charges are filed and where there is no intention of bringing the detainee to trial. Administrative detention can be the end result of single arrests. However, in many cases, administrative detention is the consequence of a mass arrest operation, and generally carried out after a bomb attack. The practice of mass arrests will be briefly addressed in this section, and the intentions of this counter terrorism method and the way it is practised, will be examined. The number of detainees subject to the policy of administrative detention is difficult to ascertain, possibly due to the political sensitivity of such numbers. However, it is still feasible to gain insight into the overall development of this measure, as outlined here. Additionally, some aspects of the juridical process will be included, to highlight some of the criticisms of this method. Finally, the manner in which Hamas has used their organisational skills and taken advantage of the time during imprisonment will be discussed.

Israel's counter terrorism method of administrative detention has created an academic debate on the legality of this method, and many articles have been written with an emphasis on human rights and international law. Seeing as this thesis does not seek to evaluate the legality of Israel's counter terrorism methods, reports from, and testimonies collected by human rights organisations, will be included in order to describe the practise of this method and the effect on Hamas.

In Israel, administrative detention is imposed on people suspected of harming the security of the state and of the public within the Green Line, in the West Bank and in Gaza. The use of this method by the Israeli military authorities is not a new practice. Administrative detention applied in Israel, Gaza, and the West Bank is based on Article 108 and 111 of the Defence Emergency Regulations which was enacted in September

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[591] Fox, James.; <u>Dictionary of International and Comparative Law</u>, Oceana Publications Inc., New York, 1992.

1945 by the British authorities then governing the Mandate of Palestine.[592] After Israel's conquest of the West Bank and Gaza in 1967, a state of martial law was declared in order to consolidate Israeli gains and effectively police the Palestinian population. This was followed by the issuing of the first Military Orders which are still in place 34 years later.[593] It is under these Military Orders, and not the Detention Law, that the vast majority of Israel's administrative detentions are carried out, together with the Military Order 1229 of 1988 of the West Bank, and Military Order 941 of 1988 of Gaza.

5. 6. 1 Arrests

Even after the 1993 peace agreement between Israel and the PLO, the Palestinians in Gaza and the West Bank have not been safe from indiscriminate arrests, as the violence and planning of terror attacks by Palestinians has also increased. By virtue of Articles 78 and 81 of Military Order 378, a soldier in the Israeli army has the legal right to search premises and arrest upon suspicion without a warrant.[594] The net result of being part of a mass arrest is often administrative detention. Military Orders do not require judicial review of an administrative detention order, and set no minimum period during which an appeal must be heard.[595] Military Order 378 also allows detention of up to 90 days without access to a lawyer. Access to family can be denied for an ever longer period of time.

After an attack on Israeli civilians, the government usually arrests a large number of Palestinian suspects, in the hope of finding the people responsible for these attacks, to show both the Palestinians and the Israeli citizens that these attacks are not acceptable and that the perpetrators will be held responsible, even if they have to turn every stone to

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[592] Mandela Institute for Human Rights; "Administrative detention"; www.mandela-palestine.org, accessed 26 October 2004.
[593] Guyatt, Nicholas; The Absence of Peace: Understanding the Israeli-Palestinian Conflict, Zed Books, London, 1998.
[594] Shehadeh, Raja; Occupier's Law: Israel and the West Bank, Institute for Palestine Studies, Washington D.C., 1985.
[595] Human Rights Watch; "Human Rights Watch Submission to the United Nation Human Rights Committee", 13 July 1998 www.hrw.org, accessed 27 October 2004.

find them. Following the Afula attack in 1994, Israel arrested 362 Hamas members within two days. After the series of suicide bombings in February and March 1996, Israel arrested at least 1,000 Palestinians from the West Bank. After the suicide bomb in Jerusalem in September 1997 carried out by Hamas, about 500 Palestinians were arrested in the West Bank, and a further 1,200 Palestinians in 1998 on security grounds alone.[596]

Although many Palestinians in Gaza and the West Bank now live under the Palestinian Authority administrative jurisdiction, it is Israel who is responsible for the internal security in the West Bank areas B and C. The Israelis can therefore impose curfews freely, search houses and arrest and detain Palestinians. Furthermore, an amendment to the Military Order 378 issued in 1994 authorized Israel to extend its powers to Area A, where the Palestinian Authority were meant to have sole responsibility for internal security.

5. 6. 2 Intention and practice

Israel claims that it uses administrative detention only as a security measure, "intended to enhance public order and safety by removing a person in question from a location in which he is expected or deemed likely to commit acts damaging thereto." [597] Additionally, the use of administrative detention is only to be implemented when "normal legal measures or less severe administrative measures have failed and there is therefore no other way to ensure security."[598] Nevertheless, many administrative detainees have never been issued a restriction order prior to detention. Although, in some cases the complete opposite has occurred, in that detainees have been given a restriction order *after* being released from administrative detention.

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[596] Note that these numbers do not include arrests made by the PA at the same time. Amnesty International, "Administrative detention: despair, uncertainty and lack of due process" www.amnesty.org, accessed 13 October 2000.
[597] Yahav, David, (editor); Israel, the "Intifada" and the Rule of Law, Israel Ministry of Defence Publications, Tel Aviv, 1993, p.104.
[598] B'tselem, "Prisoners of Peace: Administrative Detention During the Oslo Process", July 1997 www.btselem.org, accessed 27 October 2004.

"Khaled Deleisheh was detained administratively for four and a half years, from March 1989 to September 1993. Upon his release, he was given a six-month administrative order which prohibited him from leaving his town, El-Bireh, and prohibited him from leaving his home after sundown. Upon the expiration of this restriction order, in April 1994, Mr. Deleisheh was again detained."[599]

This practice makes it difficult to determine whether administrative detention is a preventive or punitive measure. According to then Chief Staff of IDF, Lipkin-Shahak, administrative detention is not meant to be a deterrent.[600] In the High Court of Justice, Y. Kahan claimed: "The purpose of administrative detention... is not to impose a punishment on a man for his actions, committed in the past, but to prevent the anticipated danger he poses in the future."[601]

It is precisely the prevention of future actions which prevents administrative detention from being substituted with a criminal trial. How can an individual be punished for something he has not yet done? The criminal justice system is essentially designed to punish individuals for past crimes. However, Israel consistently justifies administrative detention as a means to confine individuals who have committed crimes, but who cannot be tried under the normal framework of a criminal court, because the security forces do not wish to publicly disclose their evidence or witnesses for security reasons. This is the very nature of administrative detention, which is based on confidential material kept from the detainee and his lawyer, and only disclosed to the presiding judge. The law regulating administrative detention itself permits the President of the District Court, who is the authority entrusted by law, to review the legality of the detention orders, to:

"…accept evidence without the detainee or his representative being present and without disclosing the evidence to them if, after studying the evidence or hearing submissions, even in their absence, he is satisfied that disclosure of the evidence to either of them may impair state security or public security."[602]

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[599] *Ibid.*
[600] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[601] B'tselem; "Prisoners of Peace: Administrative Detention During the Oslo Process", July 1997 www.btselem.org, accessed 27 October 2004.
[602] Human Rights Watch; "Emergency Powers and Administrative Detention", www.hrw.org, accessed 18 July 2000.

The content of the confidential material determines the period of detention and its extension thereafter. Although the detainee supposedly can appeal the detention judgement, in practice this is difficult to do successfully as the detainee is not given a meaningful opportunity to defend himself/herself, seeing as the evidence is generally classified. The reliance on secret evidence, which the defence is not allowed to argue or protest against, demonstrates a total and unquestioning trust in Shin Bet. The danger is that the delegation of judgement from the court will fall into the hands of the intelligence services. In protest against the juridical proceedings, many Palestinian detainees have boycotted their right of appeal.[603]

The very reason for detaining an individual is that they constitute a danger to security. Following this logic, it is with the removal of the individual from society, that the individual no longer poses a threat. Nevertheless, this threat is precisely the argument that the military uses when applying for extensions of individuals already under administrative detention. For example, in the case of Khaled Deleisheh, who has been in detention since March 1994, both the military court judge and the High Court of Justice accepted the contention that Deleisheh represented a danger to the area, even when in detention, and extended his detention time.

> "The petitioner is a senior activist in the PFLP [Popular Front for the Liberation of Palestine] in Judea and Samaria. His activities - both when he is free and in administrative detention - are not just political. The classified information reveals that, even during his detention, the appellant engages in hostile activities, in addition to political activities, which lead to, or are likely to lead to, violence and danger to the security of the place."[604]

This suggests that 'danger to security' is a broadly used term. The way in which administrative detention is used in practise, even suggests that this term includes having a particular political opinion, although Israel has emphasized that this is not the case. "Everyone agrees that the political opinions of a person, however much they may be contrary to the opinions of the government and the overwhelming majority of the public,

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[603] *Ibid.*
[604] B'tselem; "Prisoners of Peace: Administrative Detention During the Oslo Process", July 1997 www.btselem.org, accessed 27 October 2004.

cannot constitute a basis for denying his freedom."[605] Furthermore, this is complicated further by the fact that Hamas is not only a military organisation, but also serves as a socio-political organisation. A member of Hamas is not necessarily both violent and a danger to the security. However, military judges ignore this by claiming that "political subversion is equally dangerous - if not more dangerous - than regular terrorism."

After the signing of the Oslo Accords in 1993, the 'political opinion' of an individual also included views on the peace process. First, Ahmad Qatamesh, from Ramallah, was arrested in 1992 and was handled by the criminal legal system. During the trial in 1993, the judge ordered that he be released on bail, arguing that the prosecutor had failed to provide evidence against him justifying his continued imprisonment. He was therefore scheduled for release ten days later. However, at that time, the Israeli military authorities decided instead to place Ahmad Qatamesh under administrative detention for six months. He stated that the general prosecutor offered to release him if he publicly supported the Middle East peace process. He refused to do so, believing that his political view was not enough to detain him. Ahmad Qatamesh's administrative detention order was renewed nine times. He was eventually released in April 1998, when he changed his mind about signing a pledge. His declaration was televised stating that he would not be connected to violent activity against Israel. By that time, he had been detained for five and a half years. Signing a declaration of non violence can function as a ticket to freedom. Administrative detainee Walid al-Ghoul, a Gaza resident, claimed that he was required to sign the following statement, as a condition to release:

> "I undertake to refrain from all violent and terrorist activity. I understand that my signature on this document is a condition for my release from prison. In addition I know that my release will take place as part of the peace process negotiations, which I support, between Israel and the PLO to implement the Declaration of Principles signed on 13.9.93."[606]

Al-Ghoul agreed to sign the first paragraph. However, he was not willing to sign the second, because he opposed the Oslo Process and because as a detainee, his political view

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[605] *Ibid.*
[606] *Ibid.*

should have no bearing on his detention. Al-Ghoul was not released.[607] Unlike Gaza detainees, none of the West Bank administrative detainees have been released in the context of the Oslo Accords, and therefore no releases have been made based on the signing of such a statement.

5. 6. 3 The numbers game

> "Yeah, yeah, yeah," Yitzhak Mordechai, the Israeli Defence Minister, speaking in the Knesset, "Administrative detention is not very nice. I agree. I know something about democracy and the rule of law and all that. But it is so effective a tool in fighting terrorism that we simply cannot, should not even think of giving it up."[608]

Hence Israel still continues to hold detainees. However, the numbers vary over time with the political mood.

Administrative detention was implemented shortly after the 1967 war, and the number of administrative detainees in 1970 was reportedly 1,131.[609] According to the Mandela Institute, between 1970 and 1979, 920 Palestinians were placed under administrative detention, but the numbers were reduced in the early 1980s as a result of international pressure.[610] After the implementation of the Israeli Cabinet's self-proclaimed 'Iron Fist' policy in August 1985, Israel made use of this measure again. With the outbreak of the first Intifada, administrative detention was a well established counter terrorism method. Israel acknowledged that 3–4,000 detainees, out of a total of 18,000, were held under administrative detention and arrested during the first year of the first Intifada.[611] However, since then it has been difficult to assess how many detainees have been held at any given time. Human rights organisations, the Palestinian Authority, as well as the Israeli government publish different numbers. This numbers game is partly a

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[607] *Ibid.*
[608] Amnesty International; "Administrative detention: despair, uncertainty and lack of due process", www.amnesty.org, accessed 13 October 2000.
[609] Playfair, Emma; Administrative Detention in the Occupied West Bank, LSM, Rahmallah, 1985.
[610] Mandela Institute for Human Rights; Administrative detention; www.mandela-palestine.org, accessed 26 October 2004.
[611] Al-Haq; Punishing a nation: Human Rights Violations During the Palestinian Uprising 1987- December 1988, South End Press, 1990.

result of different definitions and classifications, but it is also used to serve the political agenda. Detainees are viewed as a bargaining tool in the peace process in order to advance Israeli security. Justice Barak claimed that: "it is sufficient for me to say that the detention of the Appellants, when it comes to advance and protect State security, is lawful detention."[612] Often as a symbol of goodwill, Israel will release some detainees, or in response to Palestinians behaving unsatisfactory, there will be waves of mass arrests and the numbers of detainees will increase.[613] However, the focus of this section is on the use of administrative detention as a counter terrorism method, hence the numbers of individuals will only be used as a tool to examine the developing trends. The significance of the analyses of this measure is not diminished without the knowledge of the exact numbers of individuals being held at any given time.

During the negotiations of the Oslo Accords, both sides broadcast that Israel would release more Palestinian prisoners in the near future. On September 13, 1993, the day the Declaration of Principles was signed, it was stipulated that Israel held almost 300 Palestinians in administrative detention,[614] and there were no references in the Accord regarding the release of any detainees. By October, the detainees were feeling neglected, which, combined with government statements such as: "Releasing prisoners depends on the progress of the Peace Process"[615], did not help their uneasiness. With the signing of the Cairo Agreement on May 4, 1994, the release of detainees became more frequent. However, at the same time, the number of new detainees also rose steadily, as a result of more arrests. There were particular events which caused an increase in the numbers of detainees, usually the mass arrests after terror attacks. After the two bombings that killed 13 Israelis in Afula in April 1994, 500 Palestinians were arrested, and the number of administrative detainees tripled in ten days.[616] With the four suicide bomb attacks in Israel in February and March 1996, the number of detainees rose again and continued to

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[612] Human Rights Watch; "Human Rights Watch Submission to the United Nation Human Rights Committee", July 13 1998, www.hrw.org, accessed 27 October 2004.
[613] *Ibid.*
[614] B'tselem; "Prisoners of Peace: Administrative Detention During the Oslo Process", July 1997 www.btselem.org, accessed 27 October 2004.
[615] Amnesty International; "Five years after the Oslo Agreement: Human Rights sacrificed for "security"", www.amnesty.org, accessed 11 October 2000.
[616] From 119 to 333. *Ibid.*

do so throughout 1997.[617] It was not until 1998 that the number of Palestinians held in administrative detention began to decline. From 1999 to October 2001, the average number was less than 20. Nevertheless, the legal basis for administrative detention remained the same, which enabled Israel steadily to increase the use of the method, as demonstrated during the second Intifada.

5. 6. 4 The juridical process

The Minister of Defence has the authority to issue administrative detention orders in Israel and East Jerusalem, whereas military commanders can issue the same orders in Gaza and the West Bank (except for East Jerusalem, which was annexed by Israel in 1967). Military commanders are ordinarily empowered to detain individuals for periods of up to six months. However, prior to the expiry of the term, the detention order is frequently renewed and extended by additional six month periods, a process which can be continued indefinitely. Moreover, as a result of the October 1994 suicide bombing in Dizengoff Street, Israel prolonged the period of incommunicado while in detention. For six months after the bombing, lawyers of Palestinian detainees reported that it had become the norm, rather than the exception, to be denied access to detainees for 25-30 days and that detainees were being held for 40 to 140 days without access to their families.[618]

Since the signing of the 1993 peace accords, Israel has been transferring detainees from centres located in Gaza and the West Bank to ones inside Israel[619], and a special detention facility was even set up at Ketziot.[620] The combination of this policy and Israel's use of closure has had a profound impact on prisoners. First, lawyers from Gaza

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[617] Human Rights Watch; "Human Rights Watch Submission to the United Nation Human Rights Committee", July 13 1998, www.hrw.org, accessed 27 October 2004.
[618] Amnesty International; Five years after the Oslo Agreement: Human Rights sacrificed for "security", www.amnesty.org, accessed 11 October 2000.
[619] Human Rights Watch; "Human Rights Watch Submission to the United Nation Human Rights Committee", July 13 1998, www.hrw.org, accessed 27 October 2004.
[620] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.

and the West Bank are unable to visit their clients in Israel without going through the complex permit application process, and furthermore, during total closures, they cannot even enter Israel. This means that in practice, only Israeli attorneys are able to visit their Palestinian clients, leaving hundreds of Palestinian detainees without legal representation or at least representation they feel comfortable with. Additionally, Israel does not allow Palestinian attorneys, regardless of whether they hold a permit, have East Jerusalem identity cards and licenses issued by the Israeli Bar Association or by an official Israeli governmental body such as MATAK, to visit detainees in Israeli prisons.[621] Secondly, the closure creates complications for family members trying to visit detainees. Even when a total closure is not in place, and family members (usually women, since it is far more difficult for men, particularly young ones, to obtain permits) are able to obtain permits, the trip to Israel is nevertheless much more time-consuming and challenging than to a facility in the West Bank. Moreover, it can be difficult to obtain prompt information about detainees' conditions or their whereabouts.

Israel did review their laws and the use of administrative detention which resulted in an amendment on June 6, 1999. It stipulated that a detainee should stand before a judge during the first ten days of detention. The order stated that it was in the judge's power to cancel the administrative detention order, to confirm it, or reduce the period. If the order was confirmed, an automatic review should take place after three months. It was also legislated that at detention hearings, the government may withhold evidence from defence lawyers on security grounds. Furthermore, it was decided that the detainee has the right to appeal the ruling before a court martial, and lastly before the High Court of Justice.[622] Hence it would appear that these amendments are making the method more lenient. However, military officers still have authority to issue orders that contradict the judge's ruling, and they are not obliged openly to show the evidence in court, leaving detainees still fumbling in the dark while trying to defend themselves.[623] Each administrative detention order contains an explanation of the reason for detention. The

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[621] US Department of State; "The Occupied Territories: report on Human Rights Practices for 1997", www.state.gov, accessed 17 July 2000.
[622] Amnesty International; "Five years after the Oslo Agreement: Human Rights sacrificed for "security"", www.amnesty.org, accessed 11 October 2000,
[623] As is in the case of Khled Jaradat discussed below.

reason provided is normally standard: "being a Hamas activist whose activity threatens the security of the area." Or simply "being a senior activist." [624] This explanation is often the only information provided to the detainee regarding the reason for their imprisonment.

It has become more evident during the Oslo Period, that the length of detention has increased, and the length has not changed since the juridical review in 1999. An increasing number of detainees are given multiple consecutive detentions, with over forty percent of them detained for more than one year. Of these, eleven detainees have been held in administrative detention for over three years, without ever knowing when they might be released. B'tselem, a human rights organisation, supports these findings and claims that over half of the administrative detainees have had their detention order extended at least once.[625] This is a worrying trend for two reasons. First, it is during the detention that the detainee is interrogated. In such interrogations, the Security Service systematically uses methods of torture or causes other types of ill-treatment.[626] The fact that an extension of detention follows after an interrogation, suggests that this measure may be used when interrogators fail to obtain a confession from which they could base a criminal indictment. The case of the detained Khled Jaradat serves as an example. In his case Shin Bet confirmed to the courts that he was not suspected of being involved in any violent activities. Nevertheless, Khalid Jaradat was re-detained in 1998, only a week after his release from an eighteen-month long administrative detention. He stood before the Israeli High Court of Justice three times, the latest time on July 19, 1999, and in each case the Court dismissed his appeal after examining the confidential report. This time his detention period was extended for the fifth time. The uncertainty of not knowing a release date is very emotionally draining for the detainees and their families. Tzahi Hanegbi, former Israeli Minister of Justice stated: "To be imprisoned without knowing why,

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[624] B'tselem; "Prisoners of Peace: Administrative Detention During the Oslo Process", July 1997 www.btselem.org, accessed 27 October 2004.
[625] *Ibid.*
[626] B'tselem, "The Interrogation of Palestinians During the Intifada: Ill-Treatment, 'Moderate Physical Pressure' or Torture?", March 1991 and B'tselem, "Torture During Interrogations: Testimony of Palestinian Detainees, Testimony of Interrogators"*,* November 1994, www.betselem.org, accessed 26 October 2004.

without being able to find out what the charges against you are—what could be worse? But security makes it necessary, no matter how unpleasant."[627]

5. 6. 5 Hamas takes advantage

Hamas has again shown its ability to adapt to circumstances by managing to take advantage of this preventative and punitive counter terrorism method. The detainees are all held in special centres. These detention centres also work as a training ground for Hamas.[628] Here individuals from Gaza and the West Bank, who most likely would never meet, often form a close bond. Due to the screening based upon affiliation to an organisational structure, similar to the internment system used in Northern Ireland, Hamas and other Palestinian groups have the opportunity to share and learn from each others experience, invent and exchange new tactics, as well as to recruit new young members. By comparing their experiences and analyzing their mistakes, the prisoners are able to advise their successors on how to avoid falling into Shin Bet's traps. Networking also takes place which results in the re-formation of terrorist cells and the continuation of violence on the outside. The Hamas infrastructure within the centres was so well organised that its command centre periodically operated out of Israel's prisons, with the detainees passing instructions via their visitors. The main method of message communication among the security prisoner population is the '*ashgar*'. The ashgar is a written message transmitted on transparent paper, usually written in cramped handwriting on both sides of the page. The thinness of the paper makes it possible to fold several times.[629]

Moreover, the prisoners not only formed a community on the inside. The families of prisoners were united on the outside of the prison as well. Whole organisational

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[627] B'tselem; "Prisoners of Peace: Administrative Detention During the Oslo Process", July 1997 www.btselem.org, accessed 27 October 2004.
[628] Ehud Ya'ari; "Israel's prison academies: the Palestinian uprising can almost be called a product of the Israeli prison system" The Atlantic, Vol. 264, no. 4, 1989.
[629] Israeli Prison Service, "Security Prisons in Israel", www.ips.gov.il, accessed 15 April 2007.

structures were created to take care of the families who had family in prison.[630] Essentially, the organisation aimed to take good care of its members. This is a vital part of Hamas' charity work, but also its recruitment method. Once released, the detainees wrote booklets on how to prepare potential future detainees for interrogation and the probable incarceration to follow. These publications described in detail the methods used to break the detainees, and suggested ways of countering them. They also warned that prison cell mates might be informers and described how the Israelis went about recruiting Palestinian newcomers to work for them.[631]

While inside, members of Hamas take advantage of their organisational strengths, largely inherited from the practices of the Muslim Brotherhood. The emphasis is on providing both political and religious education. Husam, a former detainee, describes his internment as 'a political prison', where inmates received political indoctrination from fellow inmates, sang banned nationalistic songs, and celebrated Palestinian political holidays. "We are a political people, inside prison and outside. All our experience is politics."[632] He further said that; "We had many books inside that they don't have outside the prison. Your family can bring you books and change the first pages, make it the Koran or something so the policeman looks and says okay. We read all about the revolutions in the world."[633] The detainees come to the centre as illiterates and leave with a broad education. Each day a symposium is held to discuss the content of that morning's newspaper, and many inmates like Husam study English and Hebrew; "You must learn your enemy's language to know what he says."[634] However, politics and language are not the only things that are taught. Prisoners who have attended officers' courses in one of the Arab states give lessons on the use of explosives, arms, topography and field craft, military tactics and history.

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[630] Hiro, Dilip; <u>Sharing the Promised Land</u>, Coronet Books, London, 1996.
[631] Ehud Ya'ari; "Israel's prison academies: the Palestinian uprising can almost be called a product of the Israeli prison system" <u>The Atlantic</u>, Vol. 264, no. 4, 1989.
[632] Hiro, Dilip; <u>Sharing the Promised Land</u>, Coronet Books, London, 1996, p.370.
[633] Shipler, David K.; <u>Arab and Jew –Wounded Spirits in a Promised Land</u>, Penguin Books, London, 2002, p.390.
[634] *Ibid.*

This multifaceted educational system results in the detainees leaving the centre more self-assured and committed to their cause, than when they arrived. "When you lock up hundreds of angry people together and lump in the hard men with the kids and the first offenders, it doesn't take a genius to predict the consequences."[635] Because they keep in contact with the outside through notes smuggled in by family members, when they return, they are quickly reabsorbed into the Palestinian underground.[636] Ironically, individuals who have served time in a detention centre can obtain a higher social status in their own society as they served their time like a man, and suffered for their organisation and their people. Furthermore, one effect is certain; due to the conditions and political environment, the detainees who entered with just a mild dislike for the Israelis, leave with hatred. "Even if I were to be imprisoned fifty times I would not give up the struggle for Palestinian national rights. Jail has a great effect on your personality when you are young. It made me stronger."[637]

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[635] Horovitz, David; A little too close to God –the thrills and panic of a life in Israel, Random House, London, 2000, p.111.
[636] O'Sullivan, Arieh; "Hamas issued orders from Israeli jails'", 26 November 1998, www.jpost.com, accessed 4 September 2002.
[637] Hiro, Dilip; Sharing the Promised Land, Coronet Books, London, 1996, p.370.

5. 7 Interrogation methods

In a war between states, and particularly in the fight against terrorism, information is a vital factor. The academic literature on counter terrorism places emphasis on the importance of current and accurate intelligence. The methods which are used during interrogation in order to obtain the information are therefore very significant. This presents the following dilemma: breaching the human rights of the suspected terrorist with respect to torture and physical harm, versus the possibly of obtaining vital information that could allow security forces to prevent terrorism and save human lives. In most societies, the question of whether physical pressure or torture should be used during interrogation is theoretical, as part of a moral discussion. However, this has been an issue throughout Israel's various governments and illustrates the sensitivity of the use of the method and difficult relationship between the government and the entire executive branch, and between the legislative and the judicial branches. Then deputy Defence Minister Ephraim Sneh explained:

> "It's very nice to have a very liberal legislation. It's good in Scandinavia, in Western Europe, maybe North America. But in this part of the world, where we fight so bitterly with terrorism, it's such a burden that it's almost irrelevant to the reality that we live in."[638]

Torture is not generally acceptable in a democratic society, but if a counter terrorism policy is required and has to be developed, this issue can cause quite a dilemma for the government. This is also reflected by the kind of terminology used to describe torture. As Israel acknowledges this, it uses the term 'physical pressure' to describe its various interrogation methods, while the Palestinians and the international community would refer to it as torture. Perhaps, this might explain why torture is frequently discussed in academic circles. This section relies on academic books and articles as a source of information, in addition to testimonies and reports by human rights organisations based

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[638] Hockstader, Lee; "Israel's Court Bars Abuse of Suspects", www.washingtonpost.com, accessed 7 September 1999.

on statements from individuals who claim to have been tortured, in order to explore which kind of methods Israel has been, and presumable still is, practicing.

5. 7. 1 The Landau Commission

In May 1987 the Landau Commission was created, named after its chairman, former High Court Chief Justice Moshe Landau. The need for such a committee came as a consequence of the 'Nafsu Episode'. Izat Nafsu was an IDF army lieutenant convicted in 1980 of treason.[639] He had had contact with a terrorist organisation who had tried to threaten him and force him into working for them. Nafsu refused to give in to their threats, but did not report his meeting with the organisation's representative to his superiors.[640] In April 1987 Nafsu appealed his conviction of treason to the Supreme Court, which ruled that Shin Bet had used unethical interrogation methods to obtain Nafsu's confession and that Shabak officers had presented a false testimony to the military tribunal that had convicted him.[641] The Supreme Court emphasised the need to define rules for interrogation procedures, and as a result, the Commission was established.

Their task was to examine how a human rights-based society should respond to the prospect of using non-lethal torture in highly charged situations and to define the "boundaries of what is permitted to the interrogator and mainly what is prohibited to him."[642] On October 30, 1987, the commission concluded that there were three ways of solving the dilemma of preserving the very existence of the state and its citizens, and maintaining a democracy;

> "'The first is to allow the security services to continue to fight terrorism in 'a twilight zone which is outside the realm of law'. The second is 'the way of the

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[639] Shabak, www.fas.org, accessed 8 April 2007.
[640] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[641] Federation of American Scientists; "Shabak" www.fas.org, accessed 8 April 2007..
[642] Uildriks, Niels; "Torture in Israel", Human Rights Review, Vol. 1, Issue 4, 2000.

hypocrites: they declare that they abide by the rule of law, but turn a blind eye to what goes on beneath the surface.' And the third, 'the truthful road of the rule of law' is that the 'law itself must insure a proper framework of the activity' of the security services in seeking to prevent terrorist acts." [643]

However, there is a fourth solution, which the Commission did not take into consideration; i.e. not to allow torture under any circumstance, even if a terror attack might occur as a consequence. The commission work was concluded with their guidelines, the so called 'Landau Rules'. Here they stated that "pressure must never reach the level of physical torture or maltreatment of the suspect, or grievous harm to his honour, which deprives him of his human dignity".[644] However, they further concluded that Shin Bet could not thwart terrorist acts efficiently without using pressure during interrogations. Thus, the use of moderate physical force should be allowed, if non-violent psychological pressure does not achieve its purpose, especially when 'pressure' could deter greater evil in events they called ticking bomb cases.[645] Effectively, this sanctioned the use of 'psychological pressure' and 'moderate physical pressure'. A secret appendix specifies what is permitted[646] and grants Shin Bet employees immunity from criminal liability if they are acting "in good faith and in a reasonable manner in the course of carrying out their duties".[647]

Before exploring and analysing the legal aspects and some of the moral dilemmas a democracy faces with respect to interrogation methods in an effort to counter terrorism, a description of kinds torture Israel has previously permitted is necessary.

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[643] Dershowitz, Alan; Why Terrorism Works, Yale University Press, New Haven, 2002, p.150.
[644] Uildriks, Niels; "Torture in Israel", Human Rights Review, April-June Vol. 1, issue 4, 2000.
[645] A ticking bomb case is when the security services know that an attack will happened in the near future, but have no further information or intelligence regarding when, where and how such an attack will occur. A detailed discussion of the concept of ticking bomb cases will follow. Uildriks, Niels; "Torture in Israel", Human Rights Review, April-June Vol. 1, issue 4, 2000.
[646] Morris, Benny; Righteous Victims, John Murray, 1999, p.601.
[647] Human Rights Watch; "Human Rights Watch Submission to the United Nation Human Rights Committee", July 13 1998, www.hrw.org, accessed 27 October 2004.

5. 7. 2 Practices

Reports by human rights organisations often make a link between the occurrence of torture and the fact that suspects of political crimes can be held in administrative detention. While being held in administrative detention the interrogators operate in a context of near absolute power. Amnesty International claims that between 270 and 1,900 annual administrative detention orders were issued from 1996 to 1998.[648] The Israeli human rights group B'tselem estimates that the security services interrogate approximately 1,000 to 1,500 Palestinians a year, using methods that constitute torture in 85 percent of the cases.[649] Based on testimonies collected by these human rights organisations, there appear to be three main intentions with using torture as an interrogation method. First, the security services want to prevent a terror attack, especially in situations with a limited timeframe and referred to as 'ticking bomb' cases. Secondly, they wish to obtain a written confession, to be used as evidence (sometimes the only evidence) in the military courts. The detainees may end up incriminating themselves, and they are frequently pressured into giving information about others, who in turn can be convicted on the basis of third-party confessions. Since there is often a lack of other evidence, such confessions can be vital in getting convictions.[650] Thirdly, according to B'tselem, the security services also torture individuals who are not even suspected of any crimes, possibly to persuade them to become collaborators.[651]

Specific methods of physical pressure

Despite the fact that the Landau Report guidelines have never been made public, thousands of Palestinians have described certain methods, in testimonies to human rights

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[648] Amnesty International; "Administrative detention: despair, uncertainty and lack of due process", www.amnesty.org, accessed 13 October 2000.
[649] B'tselem; "Torture", www.btselem.org, accessed 8 April 2007.
[650] Amnesty International; Five years after the Oslo Agreement: Human Rights sacrificed for "security", www.amnesty.org, accessed 11 October 2000.
[651] Hockstader, Lee; "Israel's Court Bars Abuse of Suspects", www.washingtonpost.com, accessed 7 September 1999.

organisations and in Israeli courts[652], which include "moderate physical pressure" and in some court hearings the security services have actually confirmed their use. These methods include:[653]

Tiltul (Hebrew) *Hazz* (Arabic) – means violent shaking, where the detainee is held by the collar to forcefully and repeatedly shake the suspect's torso back and forth, causing the neck and head to dangle and vacillate rapidly. According to expert opinion, this method often causes serious brain damage, harms the spinal cord, causes the suspect to lose consciousness, vomit and urinate uncontrollably, and suffer serious headaches.[654]

Shabe - a combination of methods including prolonged sleep deprivation while shackled in painful positions, hooding (a type of sack covering your head, which often smells of old vomit and urine, so the detainee loses the sense of time and place) and exposure to continuous disorderly music, played at an extremely high volume (Shin Bet says this tool hinders the suspects from communicating with each other). Two examples of these positions are 'kindergarten chairs' and 'pipe-shackling'. The former entails the use of small chairs with low backrests, where the height of the seat is twenty centimetres or eight inches off the ground, and where the seat is tilted forwards towards the ground. The detainee's hands are tied behind the chair, and placed inside the gap between the chair's seat and the back support, and the detainee is forced to sit like this for days at a time. The latter method involves shackling the detainee to an immovable object fixed to the wall, forcing him to remain hunched over, unable to stand upright or sit down for long periods of time. Normally detainees are interrogated and deprived of sleep for five days at a time and allowed to sleep during Friday and Saturday (the shabbat).

Gambaz ('the frog') - the detainee is forced to squat, on the tips of the toes with the arms tied behind the back, for a long period of time. Beating is the punishment for losing balance.

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[652] Especially the case of The Public Committee Against Torture in Israel et al. versus The Government of Israel et al. from 1994.
[653] Human Rights Watch; "Israel's Interrogation of Palestinians from the Gaza and West Bank", 1994, www.hrw.org, accessed 11 October 2000.
[654] Uildriks, Niels; "Torture in Israel", Human Rights Review, April-June Vol. 1, issue 4, 2000.

Khazana (in Arabic, 'closet') - the detainee is held in a cupboard-sized room for days.

Psychological pressure - includes threats of death, indefinite detention, being driven to insanity, maiming, or sexual abuse to themselves or family members. One practice is described as the 'gas pedal', where the interrogator sits on his desk and rests his boot on the crotch of the detainee, whose hands are cuffed behind him. The interrogator then presses his foot down when the detainee does not cooperate. This often follows with threats that it makes them sterile.

Other methods of torture, such as beating, exposure to extreme temperature differences, refusal to use the toilet and severe sleep deprivation, have all been denied by the Israeli authorities, but are frequently reported by detainees. Detainees also report having suffered severe time restrictions for eating or going to the toilet (or even refused). At some interrogation centres, to add to the humiliation, they are forced to do both simultaneously in the rank toilet stall.[655]

The moral dilemma

The Israeli Supreme Court supported the findings of the Landau Commission when they ruled in 1994 that 'physical pressure', including the methods described above, were not unlawful. According to the state of Israel, these methods did not constitute torture. One of the reasons that allowed such a ruling, is that the ambiguousness of the term. The Geneva Convention Against Torture defines torture as being:

> "any act by which severe pain or suffering, whether physical or mental, is
> intentionally inflicted on a person for such purposes as obtaining from him or a
> third person information or a confession, punishing him for an act he or a third

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[655] This is continually stated by all the major human rights organisations reports that have gathered several interviews and compared them over time. Human Rights Watch; "Israel's Interrogation of Palestinians from the Gaza and West Bank", 1994, www.hrw.org, accessed 11 October 2000, and Amnesty International; "Administrative detention: despair, uncertainty and lack of due process", www.amnesty.org, accessed 13 October 2000.

person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person action in a official capacity."[656]

In 1994, the Supreme Court upheld the right of Shin Bet to use 'special measures' and 'force' on Palestinian prisoners, with accordance to the Landau Commission rules. The meaning of 'increased physical pressure' was not specified, and it is still unknown what these pressures actually included. These authorisations were given by a special ministerial committee, headed by the Prime Minister, and they were renewed every three months.[657] Having to obtain permission from the ministerial committee was meant to restrict these methods, especially with respect to violent shaking. However, it is debatable as to whether the practice was actually "restrictive", as highlighted by Prime Minister Rabin in 1995 when he said that shaking had been used as an 'exceptional' measure, against 8,000 detainees.[658] Due to the increase in terror attacks, the ministerial committee agreed in 1996 to increase the length of its permissions from three months to six. One of the major reasons for this continuation was the security services' persuasive argument to the ministerial committee on August 6, 1996, where they reported that 48 terrorist attacks had been foiled in the past six months as a result of 'special' interrogation methods, including the practice of violent shaking.[659]

In 1999, the Supreme Court re-viewed the interrogation methods, and they revoked or diminished the hardship of several of them. First, violent shaking was not included as a legal interrogation method. Human rights groups and attorneys representing individual detainees claimed the practice of shaking was the harshest, and they continually challenged the practice before the Israeli Supreme Court. The second method of interrogation, which was declared illegal, was the frog position. The court deemed this

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[656] U.N. General Assembly; "Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment", 12/10/1984, www.un.org, accessed 12 October 2000.
[657] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[658] Uildriks, Niels; "Torture in Israel", Human Rights Review, Vol. 1, issue 4, 2000.
[659] Amnesty International; Five years after the Oslo Agreement: Human Rights sacrificed for "security", www.amnesty.org, accessed 11 October 2000.

method as humiliating and damaging to human dignity. Furthermore, the court did not accept the use of placing a bag over the suspect's head while awaiting interrogation, because it could cause suffocation and is unnecessary in preventing suspects from having eye contact with each other. Notably, the latter ruling did not include covering the eyes. Also, the court added that sleep deprivation should not be enforced and finally, the court prohibited the playing of loud music.[660]

Nevertheless, the Supreme Court still recognised that there might be cases where an interrogator was convinced that the only way of securing information to save the lives of others, was through physical pressure. If an interrogator violated the rules and engaged in 'torture', the court was prepared to accept arguments as a plea in mitigation, even though the court would not excuse or justify the torture itself, as it remained a criminal act.[661] At the same time, the Court also stated that if the suspect was harmed in any way during an interrogation conducted according to the instructions, the interrogator could not be held accountable in court.[662] With this recognition, the court sought to reconcile that there had been cases, in Israeli history, where physical methods of interrogation had actually saved lives, with a prohibition against torture under all circumstances. This ruling opened a debate as to what was legal in the case of a 'ticking bomb'.

In a so called 'ticking bomb' case, the security services have a lead regarding a future terror attack, but do not have sufficient intelligence to prevent it. Torture then becomes a choice amongst unreasonable alternatives:

> "The classical hypothetical case involves the train engineer whose breaks become inoperative. There is no way he can stop his speeding vehicle of death. He can either do nothing, in which case he will plough into a busload of schoolchildren, or he can swerve onto another track, where he sees a drunk lying on the rails. (Neither decision will endanger him or his passengers). There is no third choice. What should he do?"[663]

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[660] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[661] Michael Ignatieff; The Lesser Evil, Edinburgh University Press, Ltd, Edinburgh, 2004, p.140.
[662] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007.
[663] Dershowitz, Alan; Why Terrorism Works, Yale University Press, New Haven, 2002, p.132.

Lipkin-Shahak, former Chief of Staff, had no doubt about the effectiveness of applying physical pressure in 'ticking bomb' cases. However he pointed out another dilemma:

> " I have no doubt that a "ticking bomb" justifies interrogations that employ physical pressure, if that is the only way to prevent the "ticking bomb" from exploding and killing innocent civilians. The question is whether this is a "ticking bomb" when, how, do you know, and this is the dilemma… Maybe it will go on ticking for two more months and you have a month to prevent the explosion? Therefore, the dilemma is extremely complicated."[664]

Once a society has opened up to the idea of using physical pressure, the limitations on its usage can become complicated. For instance, what is an acceptable number of dead or injured people, in order to allow torture, or physical pressure, on one person? Once the method of torture is sanctioned, even if only in 'ticking bomb' cases, the situation might be used as an excuse to widen the practice. How near in the future must this alleged terror attack take place, in order for it to be classified as a 'ticking bomb' case? "Authorising torture is a bad and dangerous idea that can easily be made to sound plausible. There is a subtle fallacy embedded in the traditional 'ticking bomb' argument for torture to save lives."[665] Consequently, a broader definition of what constitutes a 'ticking bomb' case might be applied, to enable the systematic use of physical pressure in counter terrorism. Furthermore, the following argument is often used "pain is a lesser and more remediable harm than death; and lives of a thousand innocent people should be valued more than the bodily integrity of one guilty person."[666] Should it? Once a society authorises torture, it will become more difficult to limit its use in the future. These questions have led to the policy of regulating the practice of torture through the judicial process, rather then maintaining an unrealistic ban. Professor Dershowitz argued:

> "The real issue, therefore, is not whether some torture would or would not be used in the ticking bomb case – it would. The question is whether it would be used openly, pursuant to a previously established legal procedure, or whether it would be done secretly, in violation of existing law."[667]

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[664] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p.166.
[665] Philip Heymann, former Deputy Attorney General. Dershowitz, Alan; Why Terrorism Works, Yale University Press, New Haven 2002, p.131.
[666] Dershowitz, Alan; Why Terrorism Works, Yale University Press, New Haven, 2002, p. 144.
[667] *Ibid.*, p. 151.

His suggestion was to construct a legal system, where police authorities would apply to a judge for a 'torture warrant'. Anyone found torturing outside the terms and conditions of the warrant would be guilty of a criminal offence. However, does the law have enough power to control process? Derzhowitz's suggestion was partly carried out by Israel from 1992-1995, with the establishment of the ministerial committee and the requirement of showing just cause. Although the committee transferred some of the responsibility from the interrogating officer to the committee, it did not answer any of the questions raised above, nor did it define the boundaries and limitations.

Professor Aharon Barak, the president of the Israeli Supreme Court, summed up the legal aspect and the moral dilemma, when he commented on Israel's court verdict of 1994:

> "We are aware that this decision does not ease dealing with that reality [of terrorism]. This is the destiny of democracy, as not all means are acceptable to it, and not all practices employed by its enemies are open before it. Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the Rule of Law and recognition of an individual's liberty constitutes an important component in its understanding of security. […] Deciding these applications weighed heavy on this Court. […] We are not isolated in an ivory tower. We live the life of this country. We are aware of the harsh reality of terrorism in which we are, at times, immersed. Our apprehension that this decision will hamper the ability to properly deal with terrorists and terrorism, disturbs us. We are, however, judges."[668]

Again, Professor Barak's statement illustrates the battle between the legal aspect and the moral dilemma that the use of physical pressure or torture represents to a democratic society. Even thought the intended result of these methods is clear; to prevent further terror attacks, the consequence for a democracy might be a skewed view on the value of human life.

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[668] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p.172.

Does it work?

The way torture is legitimised and the intention behind it is as a preventative counter terrorism method. However, one of the many arguments against the implementation of torture is that torture does not work. The information given is tainted and thus useless, and many confessions are false because the individual will say anything in order for the torture to stop. Nevertheless, it can be argued that sometimes torture does work. Besides, one could contend that no method of crime prevention is always successful. However, when discussing the effectiveness of torture in the framework of counter terrorism, the very best result is a very short-term victory. In a campaign of terrorism, preventing one attack may simply result in the planning of another terror attack. However, would it make any difference if the imminent terror attack was with the use of weapons of mass destruction?

When examining the predicament of whether or not a liberal democracy should implement torture as a counter terrorism method, there are several important moral dilemmas which are in conflict with each other. A liberal democratic society has several duties.[669] First, a responsibility for the safety and security of its citizens. This might require the use of torture if that is the only way to prevent a terror attack. Secondly, to preserve civil liberties and human rights. This will require renouncing torture as a legitimate part of the legal system. Some would argue that although torture might be *necessary* in a given situation it could never be *right* and as such should be used, but not be legitimized by the court and the legal system. However, this contradicts with the third duty: to be an open society in order to be held accountable for its actions. Citizens cannot carry out their duty to approve or disapprove of governmental counter terrorism policy if they are unaware. Which duty is to be chosen when they clearly are in conflict with each other?

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[669] Dershowitz, Alan; <u>Why Terrorism Works,</u> Yale University Press, New Haven, 2002, p.151.

"If we do not torture, we compromise the security and safety of our citizens. If we tolerate torture, but keep it off the books and below the radar screen, we compromise principles of democratic accountability. If we cerate a legal structure for limiting and controlling torture, we comprise our principled opposition to torture in all circumstances and create a potentially dangerous and expandable situation." [670]

It is faced with these choices that Israel's collective consciousness of feeling under siege and constantly lacking security will play an enormous part in deciding what to choose. Particularly in the past, but even today, Israelis enjoys a special relationship of trust with their security services which might make them less suspicious of methods and less scrupulous when it comes to holding them accountable.

However, the damage of torture is not only affecting the individual who feels the pain or the society which implements it, it also damages the decision maker and the interrogator psychologically. No one should have to decide when torture is or is not justified, and no one should be ordered to carry it out. Michael Ignatieff argues that:

"Torture exposes agents of a democratic state to an ultimate moral hazard. The most plausible case for an absolute ban on physical torture in every circumstance is related precisely to this issue of moral hazard. An absolute prohibition is legitimate because in practice such a prohibition relieves a state's public servant from the burden of making intolerable choices."[671]

Democracies have choices; but the real question can be whether or not they can survive the choice of introducing torture.

5. 7. 3 Possible consequences for Hamas

A key requirement for counter terrorism being successful is information which can lead to the break up of terrorist cells or prevent terror attacks. The use of physical pressure or torture during interrogations plays a role in obtaining this kind of information.

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[670] *Ibid.*
[671] Michael Ignatieff; The Lesser Evil, Edinburgh University Press Ltd, Edinburgh, 2004, p.142

Hamas is aware of this and has implemented certain measures to minimise the security risk that Israeli counter terrorism methods pose on their operational ability and organisational structure.

The most obvious way of minimising the risk of being tortured, is of course by not getting caught in the first place, which is an obvious result if a suicide bomb attack is successful. In addition, in the event that a suicide bomber is intercepted and apprehended, it is likely that the individual will have limited knowledge of the organisation as a whole. Moreover, their operational commitment might be boosted, knowing what awaits them if caught. They will not surrender, even when they know they will die, because instead of being in Israeli custody and exposed to torture, they perceive the outcome as a more honourable way to die, namely in battle.

One way of limiting the damage from any released information, is by structuring the organisation to meet the threat. This can be done by creating autonomous cells that act independently, but who take orders from the central leadership when necessary. Above all, Hamas has to stick to the 'need to know' principle. Interrogation is a struggle against time, and torture is a method of shortening this time period. The interrogators, especially in a ticking bomb case, need information quickly. The terrorist on the other hand, wants to endure and prolong the time for as long as possible, in order to obstruct the security services from preventing the terror attack, and to provide more time for his cell to take the necessary precautions. Hamas understands that in order for time to be gained in such situations, they need to prepare and train their members psychologically. For example, Hamas publishes leaflets on how to deal with Israeli pressure while in detention.

Furthermore, Hamas plays on the feelings of loyalty, because no one wants to disappoint fellow members or the organisation as a whole. This places an emphasis on honour and the ability to withstand the pressure as a true man. The focus on loyalty is also reflected in the way in which Hamas deals with traitors. Hamas has established a

group[672] to collect information about collaborators who work for the Israelis, and to enforce an internal jihad within the Palestinian society. With the knowledge that any punishment by Hamas will be far worse than Israelis, a detainee's determination might be increased. This type of punishment creates its own set of deterrent values and therefore challenges the effects of Israeli torture. [673] Colonel Talal Dweikat of the Palestinian General Intelligence proclaimed: "If the collaborator thought of his family, he would never have accepted [becoming an informant]."[674] Hamas' intimidation and torture methods are often more effective, since they are more brutal and frequently fatal. There have been instances where the body of a collaborator has being dragged behind cars and damaged beyond recognition. Normally, hospitals refuse to treat the injured collaborator, and families are not allowed to bury the body in a cemetery. Furthermore, families will loose their jobs, sisters will not get married, and collaborators' children will always be stigmatized as the devil's.

However, evidently, the torture reconfirms the hatred that Hamas and the Palestinian society feel towards the Israelis. Experience of torture could be used by Hamas in propaganda. Showing evidence of torture, creating lectures where personal experiences are shared, are easy tactics. Domestically, this could ultimately lead to a future radicalisation and increase the recruitment pool. Internationally, it could create an outrage against the Israelis, which again could influence Israel's politics.

Above all, an individual who has suffered physical pressure or torture will most likely question values others have on human life. Negative personal experience will always crystallise feelings of disgust. One victim of torture remembered: "what was worse than the memory of the pain was the moral shock of seeing other human beings reducing him to a carcass of meat. Torture destroyed, once and for all, the trust necessary for living among fellow human beings."[675]

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[672] *Munazzamat al-jihad wal-da'wa*, abbreviated *Majd* (Arabic for glory) Mishal, Shaul and Sela, Avraham; The Palestinian Hamas, Vision, Violence and Coexistence, Columbia University Press, New York, 2000, p.34.
[673] Andenæs, Joh.; Straff, almenprevensjon og kriminalpolitikk, Universitetsforlaget, 1990.
[674] Newsweek; "Internal betrayal", Newsweek, 17 January 2002.
[675] Michael Ignatieff; The Lesser Evil, Edinburgh University Press, Ltd, Edinburgh, 2004, p.143.

6. Israel's counter terrorism methods, 2000-2006

"Hamas is not a few hundred. It's a popular movement. It is rooted in the society. So if you kill those few hundred, you will get more hundreds."[676]

This chapter will examine closely some methods in the repertoire of Israel's counter terrorism policy used by the Israeli government during the period 1992 to 2000. This is an interesting time period because it was the beginning of the al-Aqsa Intifada and marked the end of the peace process years. The outbreak of the al-Aqsa Intifada did not leave Israel as surprised and ineffective as did the pervious Intifada. This time Israel had learned its lessons and started implementing counter terrorism measures early. Israel also understood that the battle was not only fought in the streets, but also in the media, and her policy considered the impact of the media when some of the counter terrorism methods were implemented. However, by 2002 most of the counter terrorism methods that were used during 1992-2000 were re-enforced. Some of these had changed their character somewhat in addition to the introduction of a new method: the construction of the fence. The aim of this chapter is to give an update on how these same counter terrorism methods were consequently practised. Furthermore, many of these methods had the same impact on Palestinian society and Hamas as they had during 1992-2000. It is not the aim of this chapter to repeat this impact, but rather to explore whether the methods changed, and, if so, how.

This chapter will follow the structure of chapter 5: the first counter terrorism method to be examined is the permit system. However, this time, seeing as the permit system and the closure policy are so interlinked, they will be studied together. As explored in chapter 5, the permit system and closure policy have a variety of different consequences for Palestinian society, and Hamas in particular. These range from being an obstacle to receiving education, difficulties with family reunions, and general freedom of movement. For Hamas these policies mean that it is more of a challenge to acquire weapons, to

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[676] According to Ghassan Khatib who is a former peace negotiator and Palestinian activist. Todd Shields and D.W. Miller; "Crusade of terror", U.S. News & World Report, Vol. 117, no. 17, 1994, p.44.

smuggle terrorists into Israel, and to co-ordinate its operations. However, the main consequence of the permit system and the closure policy was the devastating effect it had on Palestinian society. Seeing as Hamas is a multifaceted organisation, the poor conditions strengthen Hamas' position in Palestinian society.[677] That is why this chapter will concern itself with the economic effects the permit system and closure policy have on Palestinian society. This chapter will then study how Israel has re-enforced counter terrorism methods such as deportation, house demolition, selective killings, and administrative detention. However, this chapter will not examine what kind of interrogation methods Israel has been using throughout this time period. The reason for this is that there has been no official change in its practise. Yet, it is likely that the number of 'ticking bomb' cases has increased in parallel with the increase in violence, and thus one might speculate what that entails with respect to the use of physical pressure or torture. Nevertheless, at this time, there are hardly any systematic reports that can clarify this, and therefore it becomes a challenge to examine the development of this counter terrorism method.[678] Instead, this chapter will examine a new controversial method which Israel introduced in 2002, when it started building the fence as a separation barrier between the West Bank and Israel. This chapter will include this method and will explore the reasoning behind it, its effectiveness, and consequences for Palestinian society, and debate what this might entail for the future.

However, before exploring these methods, it is important to have some background information in order to understand the social-political situation within which they exist. Therefore, these initial remarks will include a brief introduction to the al-Aqsa Intifada.

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[677] This is already eluded to throughout this thesis, but will also be further explored in chapter 7.
[678] It is worth noting that B'tselem did publish one report concerning methods of interrogation in April 2007 which has the working title: "Utterly Forbidden; the torture and ill-treatment of Palestinian detainees" and are to be found on their web site: www.b'tselem.org.

The al-Aqsa Intifada

The Palestinian Intifada was sparked off by a controversial visit by Israeli opposition leader Ariel Sharon, with a Likud party delegation, on September 28, 2000, to the Temple Mount, the site of the Al-Aqsa Mosque in Jerusalem, and a place disputed by Israelis and Palestinians. The compound is the holiest site in Judaism, and the third holiest site in Islam for the majority of Muslims. The stated purpose of Sharon's visit to the mosque compound was to check complaints by Israeli archaeologists that Muslim religious authorities had vandalized archaeological remains beneath the surface of the mount during the conversion of the Solomon's Stables area into a mosque. Sharon's impending visit was officially announced and approved in advance by many Palestinian officials including Arafat himself, though prior to it some people on both sides protested, because of his controversial political stance. His visit was condemned by the Palestinians as a provocation and an incursion, as were his armed bodyguards that arrived on the scene with him. Critics claim that Sharon knew that the visit could trigger violence, and that the purpose of his visit was political; Sharon won the February 2001 elections in a landslide. On September 29, 2000, the day after Sharon's visit, following Friday prayers, large riots broke out around Old Jerusalem and in the days that followed, demonstrations erupted all over the West Bank and Gaza. However, this new wave of violence had much deeper causes, most notably the frustration of Palestinians with the failed peace process and the deteriorating economic situation in the territories. In essence, the Oslo peace process failed because the Israelis did not trust the Palestinian Authority to fulfil its security obligations and halt terror attacks, and the Palestinians remained convinced that Israel would never voluntarily cede the West Bank and Gaza. Sakhr Habash, a member of Fatah's Central Committee, gave an interview to the Palestinian Authority newspaper where he commented on the reason behind the outbreak of the Intifada:

> "The Intifada did not break out in order to improve our bargaining ability in the negotiations, nor as a reaction to Sharon's provocative visit to Al-Haram Al-Sharif: this was only the spark. It was accumulated in the depths of our people and was bound to explode in the face of Barak's government because of the political

problem that was put off for more than a year and a half -- the problem of independence."[679]

In comparison to the first Intifada, the new uprising is dominated by armed actions against the Israeli army, the settler population, and Israelis living inside the 'Green Line'. Whereas the first Intifada was characterised by mass civil mobilisation, the al-Aqsa Intifada is an uprising that rests upon the participation of a minority, even though it has support from the majority. From the start, Fatah took the lead in the uprising, and a national and Islamic high committee was established to coordinate the activities of all groups. However, with time, Arafat's party no longer had control over the revolt, which was increasingly characterised by operations led by Hamas and Islamic Jihad. If Ehud Barak's government had already put huge means into tackling the Intifada, the accession to power of Ariel Sharon in February 2001 considerably intensified the repression. Prime Minister Sharon generalised the policy of extermination of Palestinian activists, through numerous selective killings, and large-scale military operations into autonomous Palestinian zones. The huge offensive of the Spring of 2002, in response to a wave of suicide bombings that left many Israelis dead at the beginning of the year, targeted the structures of the Palestinian Authority and its leader Yasser Arafat. Sharon had decided to render the Palestinian leader irrelevant. All the West Bank cities were reoccupied and the army proceeded with the systematic destruction of the infrastructure and of the material and social fabric of Palestinian life.

Following Palestinian leader Yasser Arafat's death in late 2004, Mahmud Abbas was elected president of the Palestinian Authority in January 2005. A month later, Israel and the Palestinian Authority agreed to the Sharm el-Sheikh Commitments in an effort to move the peace process forward. In September 2005, Israel withdrew all its settlers and soldiers and dismantled its military facilities in the Gaza Strip and four northern West Bank settlements. Nonetheless, Israel controls maritime, airspace, and most access to the Gaza Strip. A November 2005 Palestinian Authority-Israeli agreement authorised the

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[679] Palestinian Facts; "What started the al-Aqsa Intifada", www.palestinianfacts.org, accessed 15 April 2007.

reopening of the Rafah border crossing between the Gaza Strip and Egypt, under joint Palestinian Authority and Egyptian control.

Hamas was a latecomer to the al-Aqsa Intifada. For four months, the uprising was mostly dictated by Fatah, especially by its vanguard Tanzim organisation. Hamas only fully entered the uprising when Sharon was elected as Israel's Prime Minister in February 2001. Despite the fact that Hamas had carried out attacks inside Israel before Sharon took office, it was after he won the election that Hamas took the qualitative turn towards suicide bombings in Israel. During the al-Aqsa Intifada, Hamas led the Palestinian resistance movement in terms of the volume of attacks, and the number of Israelis they killed.[680] Hamas increased its popularity by 60 percent in the first three years of the al-Aqsa Intifada, emerging as a powerful equal to Fatah in parts of the West Bank and exceeding them in Gaza.[681] In March 2005, Hamas joined its main secular rival, Fatah, and eleven other Palestinian organisations in endorsing what came to be known as the Cairo Declaration, whereby it agreed to halt attacks on Israel for the rest of the year, participate in the coming Palestinian parliamentary elections, and to commence discussions about joining the PLO. In January 2006, Hamas won a majority 74 out of 132 parliamentary seats in the Palestinian Authority parliamentary elections.[682] The political success of Hamas was a strategic accomplishment for the organisation; it legitimised their claims as representatives of the Palestinian people and brought international attention to their victory. The victory of Hamas also marked the triumph of Islamic fundamentalism over national secularism. The Palestinians' move away from a secular-nationalist ideology and towards one that promotes *jihad*, is a dangerous situation for Israel. Due to its label as a terrorist organisation, the main difficulty for the newly elected Hamas government will be in dealing with Western policy makers. The Hamas government faces grim political consequences, as many Western democracies also adhere to a doctrine of not negotiating with terrorists. In doing so, they have cut off economic aid and political

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[680] Esposito, Michele K.; "The Al-Asqa Intifada: Military Operations, Suicide Attacks, Assassinations, and Losses in the First Four Years", Journal of Palestine Studies, Vol. XXXIV, no. 2, 2005.

[681] Palestinian Center for Policy and Survey Research, www.pcpsr.org, accessed 3 May 2007.

[682] Pina, Aaron D.; "Fatah and Hamas: The New Palestinian Factional Reality," CRS Report for Congress, 3 March 2006, www.fas.org, accessed 8 December 2006.

support to terrorist regimes. In Palestine, this may only serve to intensify, and further radicalise, the resistance movement.

6. 1 Permit system and closure policy

As explored previously, the extensive permit system and closure policy has numerous effects on the Palestinian society. These effects include; restrictions on family reunifications, the prevention of families visiting others under administrative detention, the creation of an economic as well as social differences between the West Bank and Gaza, the sense of pressure on the Palestinians to become informers, an influence on the Palestinians' right to an education, but most of all, in everyday life, a restriction on everyone's freedom of movement. In addition to these significant consequences, the permit system and the closure policy affect the Palestinians' economy on a large scale. It is this situation that will be examined here, as it ultimately creates a condition in which Hamas attracts local support due to its social politics. Therefore, this section will begin with an update on the practise of the permit system and the closure policy during the years from 2000 to 2006, followed by an assessment of the economical consequences for the Palestinian society. However, it becomes increasingly clear that the outbreak of the al-Aqsa Intifada has also contribute to the decline of the economic development during this time period. It is therefore difficult to separate which developments are linked to the Intifada and which developments are solely due to the permit system and closure policy. This section will not attempt to make such a distinction, because arguably they are interconnected, and isolating one factor will only present one part of the total picture. Furthermore, the limitations which the permit system and closure policy have on Hamas' military operations, have not changed during this period, although seeing as the closure policy has intensified, it has only represented a tougher challenge for Hamas. However, since these limitations were studied in detail in chapter 5, the aim of this section is to focus on the economical effects and its impact on Hamas as an organisation. Therefore, in this section the manner in which Hamas and its Islamic NGO's have positioned themselves in the Palestinian society will be examined. Finally, this raises the question whether or not the permit system and closure policy are merely security measures or if they are political tools? Although, there is no concrete answer to this, one argument will

be explored which suggests that the permit system and closure policy can be viewed in different lights.

An update on the permit system and closure policy

In response to the severe violence that accompanied the beginning of the al-Aqsa Intifada, Israel imposed a total closure on the West Bank and Gaza on October 8 2000 for several months prohibiting Palestinians from moving between the West Bank and Gaza and Israel, and between the West Bank and Gaza. The total closure was finally lifted, but the general closure has remained in effect since then and Israel has also periodically imposed total closures.[683], When Israel previously lifted the total closure, there were many Palestinians who entered Israel in search for work, even if they did not have a working permit. This situation has apparently changed. B'tselem reports that the perimeter fence around the Gaza is now guarded by military forces, who have a tendency to open fire whenever they identify someone trying to smuggle themselves through the fence and into Israel. As a result, very few Palestinians now enter Israel from Gaza without a permit. In the West Bank, Israel is constructing a fence, which has greatly reduced the possibility of avoiding the closure of the West Bank, and soldiers and Border Police stationed in the 'seam zone'[684] have further minimized violations of the closure.

In addition to closure, Israel has enforced curfews. Although curfews were enforced even before the al-Aqsa Intifada, their usage has been increased, especially during Israel's numerous large-scale military operations. A curfew often means a total lockdown of a Palestinian town. During curfews, Palestinian residents remain under sustained house arrest, 24 hours a day, in some cases for days and weeks on end. Curfews

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[683] It is difficult to obtain information on how many days a total closure was imposed throughout this period when, however, in 2005, Israel imposed a total closure for 132 days, and for 78 days during the period January-July 2006. B'tselem; "Crossing the Line: Violation of the Rights of Palestinians in Israel without a Permit", March 2007, www.btselem.org Accessed 15 April 2007.

[684] The fence runs so far inside the West Bank, that large areas of fertile farmland and whole Palestinian villages have become caged between the fence and the Green Line, in enclaves usually referred to as 'seam zones'.

may be lifted briefly for a few hours to allow residents to get food, water, and supplies, however, businesses are closed, the streets are empty, and life tends to come to a complete standstill. Lifting the curfew allows the civil administration to maintain utilities and provide services before the curfew is re-imposed. What does present a problem is that the IDF often re-impose the curfew without notice to the population or Palestinian Authority.

There have been claims that the IDF spreads deliberate confusion over when closures will be lifted and for how long. These claims are based on incidences when the Israeli government radio has reported that the curfew was lifted until 6 pm, whereas soldiers on the ground were re-imposing the lockdown at noon. At other times, army jeeps with loudspeakers have driven through the streets at 2 pm telling people to return home within ten minutes, when the relaxation of the curfew had previously been announced to end at 5 pm. Soldiers at the checkpoint will announce one curfew time, while the District Coordinating Office will state another.[685] This inconsistency causes chaos as civilians rush to return home and creates constant insecurity. In the spring of 2002, following an escalation of violence, the IDF launched 'Operation Defensive Shield' and 'Determined Path' which transformed many towns and villages into restricted military zones, with residents sustained, often for 24-hours, or for days at a time. At times, almost 900,000 West Bank residents in 74 communities were under curfew.[686] This freezes the society and halts any productions, hinders everyone from going to work or school, and makes it difficult to obtain any form of permits for after the lifting of the total closure.

Furthermore, there is still no clear policy regarding the number of Palestinians who get working or travel permits, nor does there seem to be an official procedure for applying for one. Not only is a permit cancelled when a total closure is imposed, but Israel sets a quota, which changes from time to time, on the number of Palestinian

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[685] Hanieh, Adam; " West Bank Curfews Politics by Other Means**,** 24 July 2002, www.merip.org, Accessed 8 February 2007.
[686] American Friends Service Committee; "A siege on Palestinian life", www.afsc.org, Accessed 19 December 2006.

workers permitted to enter Israel. When the quota is met, no more permits are granted, even to persons who meet the required conditions. Usually the individuals are not told whether they did not obtain the permit due to something in a personal file, or if the quota simply was full. Therefore many Palestinians are still facing uncertainty in their everyday lives, which makes it hard to plan for a future.

Figure 1: Palestinian workers employed in Israel, in percentage, 1995-2005[687]
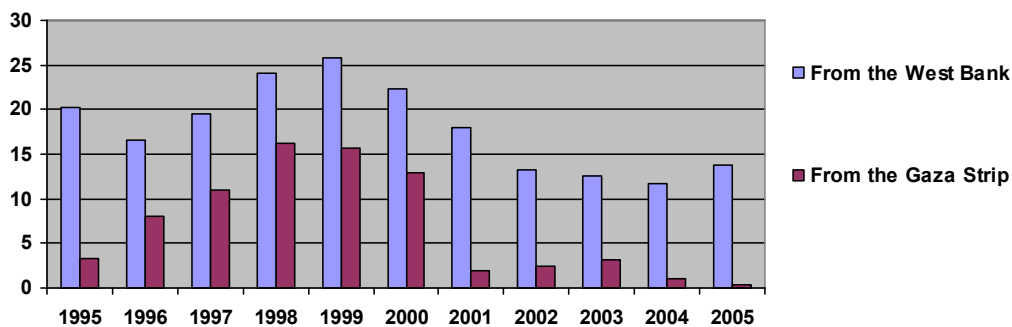
At the beginning of the al-Aqsa Intifada, the entry of workers without permits from the West Bank and Gaza into Israel fell drastically. Furthermore, when the total closure was imposed on October 8 2000, the movement of workers from Gaza into Israel ceased completely. Entry of workers into Israel from the West Bank stopped almost totally during the first two weeks of the closure, after which a limited number of workers entered without permits, the numbers varying.[688] As discussed previously, due to the difficulties with obtaining a work permit for Israel and the high rate of unemployment in the West Bank and Gaza, many Palestinians have resorted to work in the settlements. However, since the beginning of the al-Aqsa Intifada, the employment of Palestinians by the Israeli settlements has almost totally stopped. Before the al-Aqsa Intifada, B'tselem estimated that around 110, 000 Palestinians worked in Israel and the settlements, i.e. 22

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[687] Palestinian Central Bureau of Statistics; "Percentage of Palestinian workforce employed in Israel", www.pcbs.gov.ps, Accessed 20 December 2006.
[688] How many permits are given varies. An estimates fluctuates from 5, 000 to 20, 000, changing from period to period and depending on the source of the estimate. "Despite the Closure, 20,000 Palestinians Enter Israel to Work," 9 November 2000, www.haaretz.com Accessed 18 December 2006.

percent of the Palestinian workforce in the West Bank and Gaza.[689] There seem to be two primary reasons for this decline; firstly, the internal closure that prevents workers from leaving their homes and reaching the settlements. Secondly, many settlements prohibit Palestinians from entering their communities due to security reasons.[690]

As part of the disengagement plan that was implemented in 2005, the Israeli government has decided to gradually decrease the number of entry permits issued to Palestinians, and that, in the beginning of 2008, no Palestinians will be allowed to enter Israel to work.[691] This decision has only contributed to an already devastating economic situation in the West Bank and Gaza.

6. 1. 1 Economic effects

The economy of the West Bank and Gaza is relatively small and unusually vulnerable to external shocks. A further decline in the social and economic situation of the West Bank and Gaza, took place as a result of the al-Aqsa Intifada, which was in itself a reaction to the continual social and economic hardship in Palestine following the Oslo Accords. During the last quarter of 2000, the Palestinian border with Israel was in effect closed for 72 days, restricting Palestinian exports and imports and impeding Palestinian workers from reaching their place of work, and thus their source of income, in Israel, Israeli Settlements and Industrial Zones.[692] Moreover, internal movement within Gaza and the West Bank was restricted. According to UNSCO 2001 Report, "severe internal closure" was in effect for 52 days in the West Bank and 10 days in Gaza and an additional "partial" internal closure was in place for 40 days in the West Bank and 75 days in Gaza.[693] These closures affected Palestinians from all factors of life, businessmen, merchants, farmers, and so forth, restricted from reaching their workplace,

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[689] B'tselem; "Restriction of Movements", www.btselem.org Accessed 18 December 2006.
[690] B'tselem; "Crossing the Line: Violation of the Rights of Palestinians in Israel without a Permit", March 2007, www.btselem.org Accessed 15 April 2007.
[691] Ministry of Finance; "General Information" June 2005, www.mof.gov.il, Accessed 18 December 2006.
[692] UNSCO; The Impact on the Palestinian Economy of the Recent Confrontations, Mobility Restrictions and Border Closures UNSCO, Gaza, 2001.
[693]*Ibid.*

or selling their goods thus reducing their income. Consequently, there has been less demand for goods and services produced in the domestic economy, generating a further decrease in production and employment. The most direct economic hardship was the loss of an estimated 75, 000 Palestinian jobs in Israel; thus affecting 750, 000 workers and family members.[694]

The massive losses to the Palestinian economy were estimated at USD 186.2 million during the 22-day period of closure between 28 September—19 October 2000.[695] These losses are catastrophic to an economy where an annual gross domestic product is dependent on external incomes and resources. As of September 2001, the economic situation in Palestine had not become any better. On the contrary, further deprivation, confrontation, closures and restrictions define the current situation. In October 2001 following the events of the assassination of the Israeli Minister for Tourism, Rehavan Zeevi by the Popular Front for the Liberation of Palestine (PFLP) who claimed responsibility, Israel intensified the imposition of the strict buffer zone along the northern and north-western borders of the West Bank, tightened internal closures, especially in the West Bank, and increased the number of military incursions into various Palestinian towns and villages. [696] Despite the fact that confrontation and violence have had a destructive impact on the Palestinian economy, it is the Israeli closure policies that are the most damaging.

The World Bank had already warned in 2004 that Palestinians were suffering "the worst economic depression in modern history".[697] The bank attributed this situation to the Palestinian loss of so much agricultural land to Israeli settlements, and to the fence, their reduced ability to export goods because of closures and travel restrictions, and the inability of many people to reach workplaces. The World Bank warned that unless Israel's restrictions on the freedom of movement and goods were overhauled, the "disengagement" would have "very little impact" on Gaza's economy and "would create

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[694] *Ibid.*
[695] *Ibid.*
[696] *Ibid.*
[697] World Bank; "Palestinian Economy and the Prospects for its Recovery", December 2005, www.worldbank.org, Accessed 20 December 2006.

worse hardship".[698] The consequences of Israel's permit system and closure policy are evident, as shown in figure 2.

Figure 2: Real GDP per capita measured by percentage change, 1999-2006:[699]
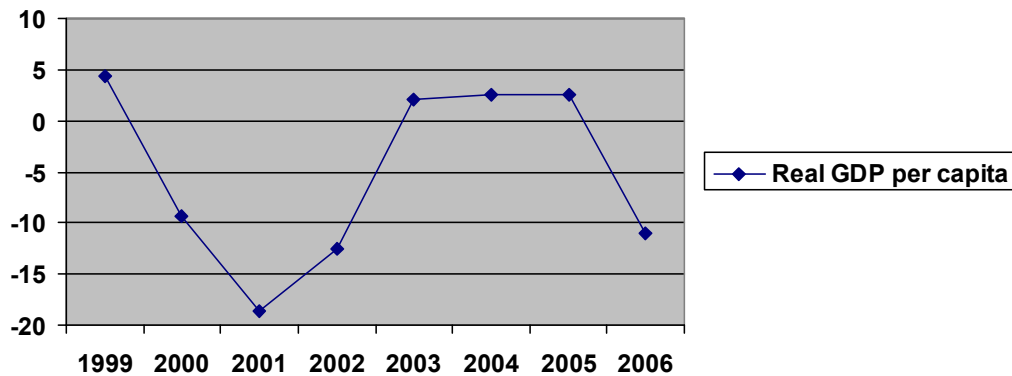
According to the trends in Real GDP (Figure 2), it is clear that Israel's methods have a devastating effect on the Palestinian society. Notably there are two periods which stand out. The first period is between 2000 and 2001, this was a period of severe crisis caused by the outbreak of the al-Aqsa Intifada and the enforcement of total closure and the suspension of Israeli revenue transfers. The second period is from 2003 to 2005, when the GDP per capita stabilized and gradually increased. This development occurred despite of Israel's large-scale military operation 'Operation Defensive Shield' and 'Operation Determined Path'. However, the stabilization and increase in GDP per capita must be seen in the context of the Israeli release of revenue transfers. Furthermore, figure 2, also illustrates the sharp decline of GDP per capita in 2006. This is probably a consequence of the Israeli and international ban, in an attempt to deal with the Palestinian Authority as a result of Hamas winning the election.

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[698] *Ibid.*
[699] World Bank; "West Bank and Gaza; Economic Developments in 2006 –a first assessment", March 2007, www.worldbank.org, Accessed 20 April 2007.

Unemployment and poverty

Since the outbreak of al-Aqsa Intifada, there have been various factors that have influenced the Palestinian economy. Obviously there is the Intifada itself, the total closure that followed, the decrease of work permits given, the Israeli siege on Palestinian towns and villages as a consequence of large-scale military operations, are all factors which effect the unemployment rate and therefore the poverty rate.

Figure 3: Rate of unemployment in the West Bank and Gaza, in percentage, 1999-2006[700]
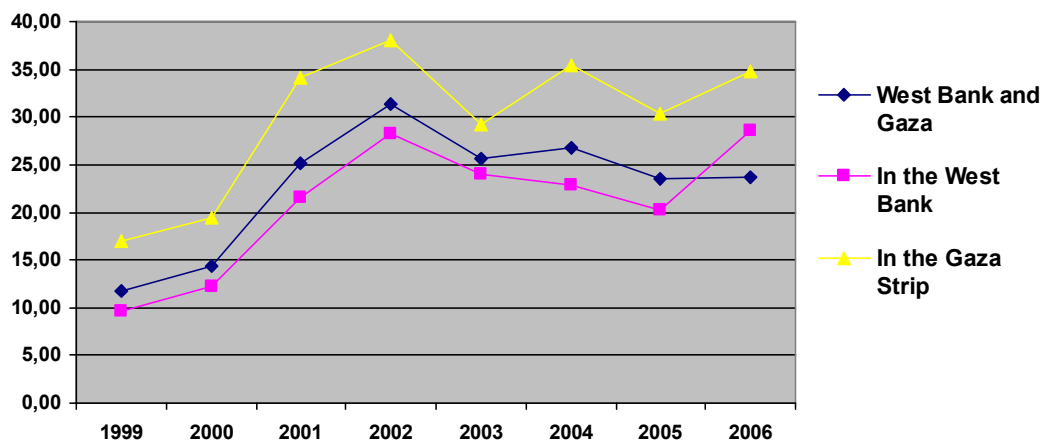
As illustrated in figure 3, the unemployment rate in the West Bank and Gaza in the third quarter of 2006 was around 24 percent. However, the unemployment rate only shows the number of people seeking, but not finding, work. As discussed previously, due to the unpredictable process of obtaining Israeli working permits, and not actually being able to get to work as a result of closures, there are many Palestinians who have simply given up looking for work. If these individuals are included, it is estimated that the unemployment rate is around 30 percent.[701] Unemployment is particularly high among young people; around 39 percent of persons aged 20-24 were unemployed in the first quarter of 2005[702]

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[700] *Ibid.*

[701] B'tselem; "Crossing the Line: Violation of the Rights of Palestinians in Israel without a Permit", March 2007, www.btselem.org Accessed 15 April 2007.

[702] 32.3 percent in the West Bank and 53.7 percent in Gaza. World Bank; "Palestinian Economy and the Prospects for its Recovery", December 2005, www.worldbank.org, Accessed 20 December 2006.

and in the age group 25-29, nearly 26 percent were unemployed.[703] Given the low wages, the average daily wages per worker are NIS 78.2 and NIS 68.8 in the West Bank and Gaza respectively, a person who has a job is not ensured a proper livelihood.[704] The low wages, combined with the high level of unemployment result in many Palestinians living below the poverty line. It is difficult to measure the number of people living in poverty, as statistics have different criteria, and there does not seem to be any data collected though the years for comparison to get a sense of the development. Still, B'tselem made some estimates from 1999 to 2004, which, although might not be coherent with other statistics from specific years, do offer a sense of direction and also illustrate the differences in the development between the West Bank and Gaza.

Figure 4: Rates of poverty in the West Bank and Gaza, in percentage, 1999-2003[705]
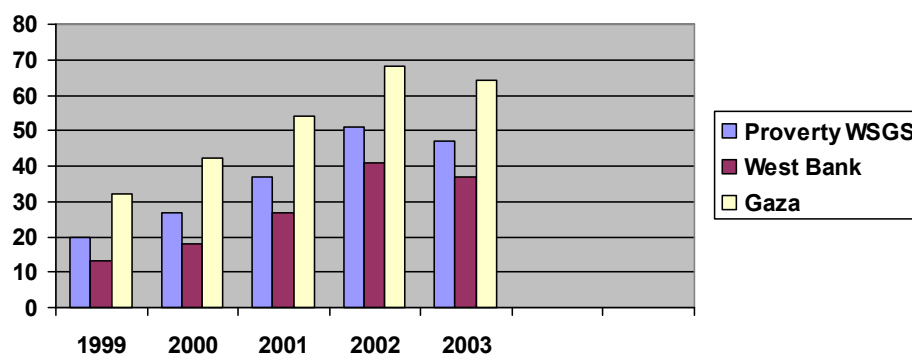
The al-Aqsa Intifada and the closures and permit restrictions that followed have seriously influenced the number of people who are living in poverty. The CIA fact book claims that around 45 percent of those living in the West Bank are living in poverty, in Gaza the numbers are around 63 percent.[706] The World Bank estimates that the poverty rate for both the West Bank and Gaza for 2006 was 67 percent.[707] This illustrates the long term

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[703] 20.5 percent in the West Bank, 37.1 percent in Gaza. *Ibid.*
[704] Palestinian Central Bureau of Statistics; "Average daily wages 2006", www.pcbs.gov.ps, Accessed 20 December 2006.
[705] The poverty line here is calculated based on daily per capita income below $2.1. B'tselem; "Restriction of Movement", www.btselem.org, Accessed 18 December 2006.
[706] CIA Fact Book; "Gaza Strip" and "West Bank", www.cia.gov, Accessed 18 December 2006.
[707] World Bank; "Palestinian Economy and the Prospects for its Recovery", December 2005, www.worldbank.org, Accessed 20 December 2006.

effect of the permit system and the closure policy, and it shows that despite the gradual decrease in intense violence during the al-Aqsa Intifada, the poverty level has not followed suite, instead it has only increased, irrespective of the emergency donor aid that the Palestinian Authority has received. This situation only amplifies the Palestinian dependency on Israel and leaves many Palestinians desperate for a livelihood in order to support themselves and their dependents, thus forcing many of them to enter Israel without a permit. Again, it is difficult to obtain the specific numbers of Palestinians who enter Israel without a working permit. However, according to the World Bank, in 2005 there were around 18, 800 Palestinians who had Israeli working permits, furthermore, 18, 600 Palestinians were in Israel without a permit, almost the exact number.[708] The figures published by the Israelis on the number of Palestinians apprehended without a permit in 2005 was 148,417.[709] Minister of Internal Security, Avi Dichter stated that from January to June 2006, Israel has caught 51, 000 Palestinians in Israel without a valid working permit.[710]

Import/export

As a consequence of the closure policy, commercial crossing points along the West Bank's and Gaza's borders with Israel, Jordan, and Egypt are closed which severely damage the Palestinian import and export trade, which is illustrated in Figure 5. Futhermore it also paralyzes many manufacturing processes that depend on imported materials. These effects are an especially heavy burden because of the Palestinian economy's great dependence on foreign trade, which comprises some 80 percent of the

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[708] *Ibid.*
[709] It should be noted that the figures relate to the number of times a person was caught, and some persons were caught more than once. Boarder Police; "Summary of 2005 Work Year – Border Police," www.police.gov.il, Accessed 20 December 2006.
[710] Gidon Alon, "Dichter: From Beginning of Year 51,000 Persons Staying Illegally in Israel have been Caught," 15 June 2006, www.haaretz.com, Accessed 19 December 2006.

GDP.[711] Furthermore, the closing of crossing points also harms the internal trade between the West Bank and Gaza.

Figure 5: Import and Export in percentage change, 1999-2006:[712]
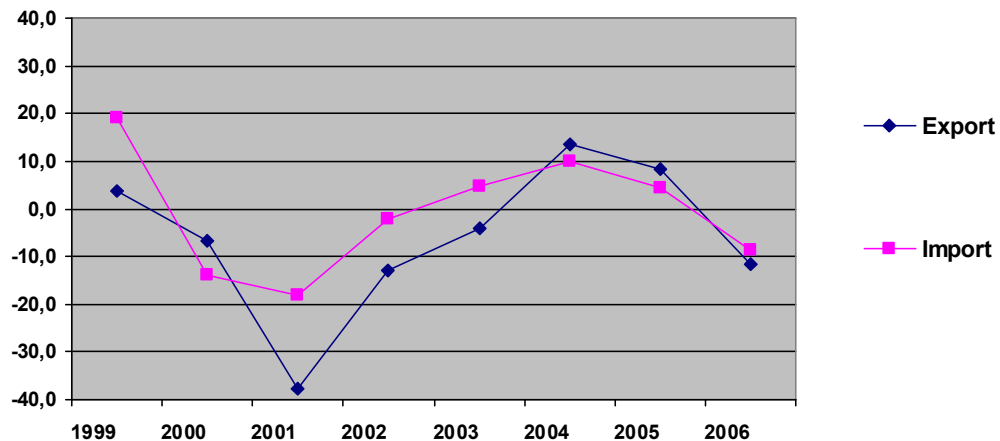
Although the Israeli armed forces left Gaza in 2005 as part of the disengagement plan, Israel continues nevertheless to have complete control over the movement of goods to and from Gaza. Since the beginning of the al-Aqsa Intifada, Israel has required that all exports from Gaza, and almost all imports to the Strip, must cross through the Karni Crossing. This crossing is subject to strict procedures and inspections, which are rather time consuming. Additionally, when Israel receives warning of attempts to smuggle arms or attackers through the crossing, or is faced with other security reasons, Israel closes the crossing partially or completely. When this occurs, Palestinian manufacturers and merchants have virtually no way of conducting foreign trade. They are unable to plan and commit to a time schedule, they pay large sums for storing the goods due to the delay in crossing, and they suffer extensive losses on goods that spoil before reaching their destination.[713]

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[711] World Bank; "Palestinian Economy and the Prospects for its Recovery", December 2005, www.worldbank.org, Accessed 20 December 2006.
[712] World Bank; "West Bank and Gaza; Economic Developments in 2006 –a first assessment", March 2007, www.worldbank.org, Accessed 20 April 2007.
[713] B'tselem; "Crossing the Line: Violation of the Rights of Palestinians in Israel without a Permit", March 2007, www.btselem.org Accessed 15 April 2007.

The increase in unemployment and poverty, and import and export restrictions, and the general decline of the Palestinian economy, all show that the Israeli permit and closure policy has an adverse effect on the daily lives of people within the West Bank and Gaza. Many families are left to depend on charities and aid, in order to survive.

6. 1. 2 Hamas

The al-Aqsa Intifada has made the humanitarian situation in the West Bank and Gaza significantly worse. Two months into the Intifada, the Palestinian Ministry of Social Affairs, Intissar al-Wazir, stated there were about 200, 000 people in need of emergency assistance.[714] The economic hardship felt among the civilian population is a double edged sword, as it also promotes radicalism among the young, who constitute more than half of the West Bank and Gaza population. Families without a source of income reduce their consumption to the bare minimum for survival, and they live on savings, if they exist. The longer the crisis continues, the number of families without an income and without savings increases, and these people must, therefore, rely on the support from extended family, charity work and the Palestinian Authority. As mentioned previously, the Palestinians discovered that the Oslo Accords, the peace process and the establishment of Palestinian Authority did not result in economic growth, and hopes of a better future were not fulfilled. In the year 2000, 45 percent of the Palestinians said that their living situation had deteriorated in the wake of the peace process. 41 percent stated that the situation had not changed at all.[715] To some extent, this lack of development, and the general decline in the Palestinian economy, resulted in Hamas' position being strengthened, as well as confirming its pessimistic opinion of the Oslo Accords. A member of the Palestinian Oslo team negotiations, Hassan Asfour, said: "The closure

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[714] Press statement by Palestinian Ministry of Social Affairs, 25 November 2000, www.pmic.gov.ps, Accessed 29 March 2007.
[715] United Press International; "Palestinians support fighting despite hardships"15 November 2000, www.upi.com, accessed 15 November 2000.

policy, for the time of Oslo onward, has created unemployment, bitterness, and despair that have driven thousand of Palestinians into the arms of Hamas".[716]

These developments occurred at a time when the Palestinian Authority's ability to provide social services was collapsing. Many Palestinians have become sceptical to the Palestinian Authority's handling of financial affairs, and it was, and still is, widely believed that corruption within the Palestinian Authority is not only common, but also widespread. An opinion poll released on June 16 1997 showed that 63 percent of Palestinians believed that the Authority was affected by corruption, and 57 percent expected it become even more so in the future.[717] However, Hamas has been able to fill the empty role as a result of the weakened Palestinian Authority. A few days after Hamas won the election in January 2006, Attorney-General Ahmed al-Meghani, who had been appointed by Abbas to straighten out the financial situation, announced that an investigation by the Palestinian Authority had established that at least $ 700m had been "squandered or stolen" in resent years, with large amounts "transferred into personal accounts here and abroad."[718] The corruption was so pervasive and deeply rooted that the total amount of plundered funds "may be billions of dollars."[719] The contrast between the modest life styles of Hamas' leaders and the more opulent preferences of many of the PLO, and between the integrity and efficiency of the Islamic social welfare apparatus on the one hand and the corruption on the other, were among Hamas' most potent assets. Hamas argues that financial aid given to the Palestinian Authority is eaten up by Arafat's many security services and fills the pockets of the 'political winners of Oslo', instead of strengthening the social network. Hamas spokesman, Mushir al-Masri, addressed the findings of al-Meghani and stated that "One of Hamas' top priorities is to chase and bring to justice all the corrupt officials who stole public money and amassed huge wealth."[720]

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[716] Savir, Uri; The Process, Vintage Books, New York, 1998.
[717] Usher, Graham; "Israel plays with fire in the territories", Middle East International, 27 June 1997.
[718] Blanche, Ed; "Clamping down on Corruption", The Middle East, Issue 368, June, 2006.
[719] Ibid.
[720] Ibid.

Hamas uses this situation to argue its case against the Oslo Accords and show their particular pessimism towards the peace process in general.[721] "People see how the Palestinian Authority cheats and extorts and becomes rich. … What is the point of trying to do the right thing when the only reward for doing so is more suffering?"[722] This situation alienates people from the Palestinian Authority, and instead, Hamas welcomes them with an excessive social network, which is grounded and legitimised in history, tradition and religion. Hamas also receive a natural respect from the Palestinians in general, since Hamas is considered a true 'insider'. Hamas did not flee during the Intifada years, instead they shared the hardship and took lead in resisting the Israelis.

> "As long as Yasir Arafat and the Palestinian Authority fail to translate Israel-Palestinian peace negotiations into tangible territorial achievements and economic benefits, Hamas will be able to continue playing its role as the guardian of Islam and the champion of authentic Palestinian aspirations."[723]

Furthermore, Hamas relies on a long tradition of charity, an idea which came from the Muslim Brotherhood. Hamas also maintains a reputation of being fair and unselfish in financial matters,[724] as opposed the Palestinian Authority, who are considered with growing mistrust as corrupt and self serving.

According to Sara Roy, in 1999, Islamic institutions "comprised anywhere from 10-40 percent of all social institutions in the Gaza Strip and West Bank" and "directly reached tens of thousand of people and impacted hundreds of thousand more". [725] It is generally believed that Hamas is far more influential within the social welfare sector than any other Palestinian political organisation, including the Palestinian Authority. Although there are no official or exact figures on the number of Hamas social welfare

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[721] Hroub, Khaled; Hamas Political Thought and Practice, Institute for Palestinian Studies, Washington D.C. 2000.

[722] Roy, Sara; "Crisis Within: The Armed Struggle for Palestinian Society", Critique, no.17, 2000, p.13.

[723] Mishal, Shaul and Sela, Avraham; The Palestinian Hamas, Vision, Violence, and Coexistence, Columbia University Press, New York, 2000, p. xi.

[724] Hroub, Khaled; Hamas Political Thought and Practice, Institute for Palestinian Studies, Washington D.C. 2000.

[725] Roy, Sara; "The Transformation of Islamic NGOs in Palestine", Middle East Report, No. 214, 2000, p. 25.

organisations, it is believed the number lies somewhere between 70 and 100.[726] After the outbreak of the al-Aqsa and the bankruptcy of the Palestinian Authority, the Islamic NGO's and charitable organisations are the major service providers, covering about 60 percent of the total beneficiaries from regular and emergency programs. In second place is UNRWA, who reaches around 34 percent, and the Palestinian Ministry of Social Affairs who manage to cover around 6 percent.[727] In May 2004, it was estimated that one in every six Palestinians received social services in various forms from Hamas.[728]

Although there is no doubt that Hamas is popular in the Palestinian society (the election result in January 2006 proved this), it does not automatically follow that this popularity transcends in to recruitment for Hamas' military operations. It has not been proven that Hamas' handouts are conditioned on political or military support. In her research, Sara Roy found that "all heads of Islamic institutions interviewed adamantly maintained that anyone, regardless of their social-economic, religious or political background, could participate in their programs".[729] The independent Palestinian legislator Abu-Amr echoed this view: "Hamas will not jeopardise their social institutions in this manner. That is their strength their existence."[730]

However, Hamas faces additional challenges in the future. Following the establishment of the Hamas government in March 2006, Israel has decided to stop transferring the tax money initially collected for the Palestinian Authority, back to them.[731] Without this major source of revenue, the Palestinians fell into a severe fiscal

[726] International Crisis Group; "Islamic Social Welfare Activism in the Occupied Palestinian Territories: A Legitimate Target?", 2 April 2003, www.crisisgroup.org, Accessed 29 March 2007.
[727] *Ibid.*
[728] The International Institute for Strategic Studies; "The Hamas Factor"; Strategic Comments, Vol. 10, Issue 4, 2004..
[729] Roy, Sara; "The Transformation of Islamic NGOs in Palestine", Middle East Report, No. 214, 2000, p. 25.
[730] International Crisis Group; "Islamic Social Welfare Activism in the Occupied Palestinian Territories: A Legitimate Target?", 2 April 2003, www.crisisgroup.org, Accessed 29 March 2007.
[731] Government Decision 4705, of 19 February 2006, on *The Palestinian System following the Elections in the Palestinian Authority – Israeli Policy in Light of the Swearing- in of the Palestinian Legislative Council.* As stated above, Israel is not the only state that ceased handing over monies to the Palestinian

crisis and now have difficulty paying the salaries of the 150,000 employees, which about one-quarter of the population in the West Bank and the Gaza Strip is dependent on.[732] Furthermore, the Palestinian population will undoubtedly feel an economic hardship since the international community does not recognise the Hamas led government, meaning that they too freeze all aid to the Palestinian areas.

6. 1. 3 Is the permit system and closure policy merely a political tool?

Knowing that closure results in a decrease in economic growth for the individuals and the society as a whole, and that such a lack of development is creating an environment where Hamas is thriving, why does Israel persist with this method? Even Rabin and Peres would partially agree with Tore Bjørgo's study on the root causes of terrorism, where he highlights the link between lack of economic development and terrorism;

> "they [Rabin and Peres] arranged for financial aid, which was coordinated with the Prime Minister Bureau, for the purpose of raising the standard of living in Gaza and justified that aid by stating that it was a part of the fight against terrorism."[733]

Despite being aware of these effects, the Rabin government was still enforcing the permit system and closure policy. Why? Could the answer lie in that the Israeli government, as a democratic government, has to be seen as actively doing something to hinder terrorism, and constantly seeking to increase security and protect its people? Maybe the answer can be found in the more complex process of a peace process? When entering a peace negotiation, it can be useful to have "freedom of movement" and "an increase in

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Authority under Hamas leadership. Israeli Ministry of Finance; www.mof.gov.il Accessed 20 December 2007.
[732] B'tselem; "Crossing the Line: Violation of the Rights of Palestinians in Israel without a Permit", March 2007, www.btselem.org Accessed 15 April 2007.
[733] Savir, Uri; The Process, Vintage Books, New York, 1998, p. 20.

economic prosperity", as tools in order to trade. Is the permit system and closure policy first and foremost a political tool instead of a security measure?

If indeed the implementation of the closure policy and the permit system prevent terror attacks, thus creating security for Israel, then this action would be a logical one. It is reasonable to assume that these measures do prevent the execution of some terror attacks, and have a limited and short term deterring effect. However, in the long term it has been shown that Hamas, possibly due to its multifaceted organisation, becomes more popular, creates dependencies, and is able to channel anger and despair toward the Palestinian Authority and Israel, thus planting seeds for the next cycle of violence. Awad, who lives in Gaza exemplified:

> "I was marching in the demonstrations here against terrorism, I felt sad when I saw the mothers and fathers of those killed in Israel [by the suicide bombers]. But when I saw my kid was dying, and I saw the Israelis were behind it by refusing to let him cross their land, it gave me proof they are still living the mentality of the occupation, not the mentality of peace. In those days, if anyone had come to me and asked me to be a suicide bomber, I would have done it. And I am one who has supported the peace very much!"[734]

It is peculiar that even Israeli Foreign Minister Shlomo Ben-Ami realises this effect of the permit system and closure policy, when he said that the limitations of movement in Gaza and the West Bank have turned the areas "into a boiling pot which just feeds the violence further…"

Furthermore, although these measures have implemented now for a considerable number of years, they do not seem to have affected terrorism significantly. Time has shown that neither the permit system nor the closure policy can keep a sophisticated and determined terrorists out of Israel, and they do very little to deter and disrupt the terrorist infrastructure itself. This was exactly the case on February 14 2001. A 35 year old Palestinian from Gaza, who had worked for the Egged bus company for five years transporting day-labours from Gaza to Israel, drove into a group of soldiers and civilians waiting at an IDF hitchhiking post in the busy 'Tempo' intersection close to Holon, south

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[734] Doughty, Dick; "Listening in Gaza", Journal of Palestine Studies, Vol. 25, no. 4, 1996, p. 8.

of Tel Aviv, killing eight and wounding 17. The driver had been security cleared two weeks prior to this incident. Hamas claimed responsibility for the terror attack, although there was some speculation as to whether it was a separate spontaneous action.[735]

Even if this and other terror attacks were truly actions of separate individuals, there are other incidents where the terrorist groups already have 'soldiers' ready and waiting inside Israel, so they can take action even when a closure has been imposed. The most important and longest closure is known as the 'spring closure', since it was imposed in January 1996 and lasted, intermittently, until July the same year.[736] On January 5, the Israelis closed the borders to Gaza, in fear of retaliation for the assassination of Ayyash 'the Engineer', and continued to close down Gaza and the West Bank on February 12. This closure was then extended for three, days due to security concerns related to the end of the 40 mourning period for the killing of Ayyash, which ended on February 24[737]. The very next day, suicide bombings in Jerusalem and Ashkelon were carried out by Hamas, killing 25 and injuring 80.[738] The government immediately placed Gaza and the West Bank, including the self-rule areas, once again under closure. Exactly one week later, on March the 3rd, while the closure was still in effect, another suicide bombing on a bus in Jerusalem claimed 19 lives and injured ten people. This terror attack was also claimed by Hamas.[739] It was followed by a fourth suicide bombing in a shopping area in Tel Aviv on the subsequent day, leaving another 12 people dead and 126 injured.[740] These attacks shook the state of Israel, and prompted some of the most restrictive measures ever carried out during closure. The Israeli government declared Gaza and the West Bank, including the self-rule areas, military zones. For the first time, this resulted in an internal closure where movement within the West Bank was also prohibited. In addition, 465 towns and villages of the West Bank were separated by Israeli military checkpoints, effectively placing more than 1, 3 million residents under town arrest.[741]

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[735] ICT, "Eight Dead in Hit and Run Terrorist Attack in Israel" www.ict.org.il, Accessed on 5 October 2002.
[736] Arab-Israeli Chronology, Middle East Journal, Vol. 50, no. 3, 1996.
[737] Farsakh, Leila; "Under siege", Middle East Report, no. 217, 2000.
[738] Arab-Israeli Chronology; Middle East Journal, Vol. 50,no. 3, 1996.
[739] Ibid.
[740] Ibid.
[741] Farsakh, Leila; "Under siege", Middle East Report, no. 217, 2000.

"Closure doesn't prevent terror attacks", says Likud MK and former Shin Bet official, Gideon Izra. "In the last two years [1994/1995], no Palestinian with a work permit has even been connected to a terror attack. Closure is simply a means of punishment."[742] And this is how the Palestinians perceive it, a collective form of punishment, despite closure being widely regarded as a remedy for terrorist attacks by most Israelis. [743] The argument that closure works as a form of collective punishment, rather than a security measure, was highlighted by the closure used after the Baruch Goldstein massacre. Under international law, the Israelis have a responsibility to not only protect the citizens of Israel, but also the citizens living in Gaza and the West Bank. On February 25 1994 the settler Baruch Goldstein entered the Hebron Haram al-Ibrahimi mosque, which also serves as a synagogue, with an M16 automatic rifle, killing 29 worshipers and wounding 250 others.[744] The Israeli soldiers that were guarding one of the exits, heard the shots, but panicked and instead of helping Palestinians out of the mosque, closed the door. Goldstein was killed when the crowd finally overmanned him and beat him to death with a fire extinguisher and their bare hands.[745] The Israeli government reacted to the carnage in Hebron by placing the 120, 000 Palestinians residing in the town, under curfew, and Israeli patrols operated under shoot-to-kill orders to contain the riots which broke out all over the place. But amazingly, Kiryat Arba, the home of the fanatical followers of Kahane and the unrepentant friends of the assassin, was not placed under curfew.[746] Israel did, however, impose a closure on the Palestinians of Gaza and the West Bank after the massacre, even though the victims had all been Palestinian. This was supposedly done in order to protect the settler population against the possibility of Palestinian reprisals. Yet in the cases of Palestinian attacks against

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[742] Usher, Graham; "Closure, Likud style", <u>Middle East International</u>, 2 August 1996.

[743] That was what happened on 14 February, 2001, when a thirty-five year old Palestinian from Gaza, who had worked for the Egged bus company for five years transporting day-labours from Gaza to Israel, drove into a group of soldiers and civilians waiting at an IDF hitchhiking post in the busy 'Tempo' intersection close to Holon, south of Tel Aviv, killing eight and wounded seventeen. The driver had been security cleared two weeks prior to this incident. Hamas claimed the terror attack; although there was speculation as to whether it was an individual spontaneous action.

[744] Aburish, Said K; <u>Arafat, from Defender to Dictator</u>, Bloomsbury Publishing, New York, 1998..

[745] Horovitz, David; <u>A Little Too Close To God - the thrills and panic of a life in Israel</u>, Random House, New York, 2000.

[746] Aburish, Said K; <u>Arafat, from Defender to Dictator</u>, Bloomsbury Publishing, New York, 1998.

settlers, Israel had not previously restricted settler movement in order to protect the Palestinian population against potential reprisals. In March 1994, Rabin spoke at a Labour party conference and openly admitted that 120, 000 Arabs were being "held hostage by 400 Jews".[747]

Then the West Bank Preventative security service Chief, Jibril Rajoub, stated: "the Palestinian Authority could do more if Israel lifts the closure and give the Palestinian people hope, and that it would lead to the peace process being renewed."[748] Regardless of the motivation behind this statement, it is notable that the permit system and closure policy are perceived as tools used in a highly complicated political process. Another example illustrating that these measures are not merely used for security, but are valuable as political tools in the peace process, is when Israel sealed off Jericho for six days after the Jerusalem bus bombing claimed by Hamas, on August 21 1995, which killed five and wounded 60. The alleged reason was that the Palestinian Authority refused to hand over two Hamas activists suspected of being involved in the Jerusalem operation. Largely on the basis of evidence supplied by Israeli security, the Palestinian Authority had not only arrested the suspects, but, on August 24 1995, acting with extraordinary speed, decided to sentence them in one of Arafat's new state security courts. The two were tried at night without defence and sentenced to seven and twelve years respectively for 'hurting the interest of the Palestinian Authority.'[749] Israeli security suspected that the quick sentencing was a Palestinian Authority strategy, designed to avoid extradition procedures. This is possible, but as the then Israeli justice minister, David Liba'I noted, once the two had begun to serve their sentence, it was the Palestinian Authority's right to turn the Israeli request down. So the Israelis changed their reason for imposing the closure; the closure was not imposed because of the two activists had already been sentenced, but because there was a third Hamas activist who was 'wanted', at large in Jericho.[750] "Every

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[747] *Ibid.*, p. 271.
[748] Lahoud, Lamia; "PA: Closure only worsening situation", www.jpost.com , 18 January 2002.
[749] Usher, Graham; "Squeezing out the last drop", Middle East International, 8 September 1995.
[750] *Ibid.*

day the Israelis have a different reason for the closure"[751] said the Palestinian Authority's head of Preventative Security in Jericho, Jibril Rajub at the time.

Israeli journalist Amira Hass expressed her view on the permit system and closure policy:

> "With time, what had originally been an ad hoc military-bureaucratic measure crystallized into a fully conscious Israeli strategy with a clear political goal: separation between the two peoples with an *appearance* of political separation, but with only one government—Israel—having any effective power to shape the destinies of both."[752]

In her view, these counter terrorism measures are about taking control; not only control over security, but also more importantly control over financial development, state development and Palestinians as individuals and as a society. This control will have social ramifications that will effect the development of the Palestinian society in years to come, and it will give Israel certain control of its own political outcome. One can assume that Israel uses these measures with three ulterior motives; firstly, it creates the illusion of security, that the state is not powerless against terrorism, but has a policy on how to deal with the threat. It has a minor short-term effect, a threat will be sealed in a confined area. However, most likely it is only kept there, thriving in an atmosphere where it will only come back with a stronger force. Secondly, closure can be used as punishment to enforce a political situation that may change the political playing field into Israel's favour, which further constitutes the third issue; the measures play a small, but delicate role in a highly complex peace process. Thus, the permit system and the closure policy can be used as tools in a situation where Israel can achieve three goals with two measures.

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[751] *Ibid.*
[752] Hass, Amira; "Israeli closure policy: An ineffective strategy of containment and repression", <u>Journal of Palestinian Studies,</u> XXXI, no. 3, 2002, p. 7.

6. 2 Deportation

Up to several years before the al-Aqsa Intifada, the use of deportation as a punitive action, dropped significantly in comparison to the years after the first Intifada. With the outbreak of the al-Aqsa Intifada and the increase in violence, Israel again reinforced the policy of deportation; first, as a consequence of the siege of the Church of Nativity, Bethlehem, and secondly, as a continual policy to move individuals from the West Bank to Gaza. It is these two practises will be examined further in this section. Furthermore, this section will also show how the deportation of 415 Islamists to Lebanon still has ramifications to this day, which initially became evident during the al-Aqsa Intifada.

The Church of Nativity

From March to April 2002, Israel carried out 'Operation Defensive Shield', large-scale Israeli military incursions into the West Bank. As part of 'Operation Defensive Shield', Bethlehem was invaded in an apparent effort 'to root out militants'.[753] On 1 April 2002, Israeli tanks surrounded Bethlehem. In early May, Bethlehem was the last West Bank city which had occupying forces still present in the wake of the operation. On 2 April 2002, approximately 200 Palestinians fled from the Israeli forces into a church. Israel sieged to the church for 39 days, during which many civilians and policemen left, some of whom were taken into Israeli custody. By early May 2002, of the people still present in the Church were 39 Palestinian men wanted by Israel, various civilians, clerics and policemen, including the Governor of Bethlehem Muhammad al-Madani, and 11 people who sneaked into the Church on 2 May i.e. ten foreign activists of the International Solidarity Movement and Carolyn Cole, a photographer of the Los Angeles

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[753] IDF, "Agreement to the End of Negotiations at the Church of Nativity", 9 May 2002, www.mfa.gov.il, Accessed 6 January 2006.

Times.[754] The negotiations over how to end the siege were arduous and broke down several times. Besides the Palestinian and Israeli negotiation teams, those involved included clerics from the Church of the Nativity and officials from the USA, the EU and the Vatican. Finally, an agreement was reached to end the siege. The details of the agreement were never made official, but it did result in the transfer of the 39 Palestinians from the Church on May 10 2002.[755]. 26 of them were taken to Gaza and the remaining 13 by bus to the airport, where they flew to Cyprus. In contrast, the Palestinian policemen and civilians were released. Later the same day, the ten International Solidarity Movement activists were removed from the Church by Israeli police. The EU tried to come up with a solution for the 13 deportees in Cyprus, and on May 21st they finally found host countries for 12 of them. Italy and Spain took three each, Greece and Ireland took two each and Belgium and Portugal took one each. However, the 13th man, Abdallah Daoud, described by Israel as "the most wanted of the wanted", proved to be more difficult to find a host country. He was eventually received by Mauritania on 25 November 2002.[756] The total length of these deportations are unclear, however, since then, the EU has extended the 12 Palestinians' permits and enabled them to stay within their designated EU states. According to human rights organisation, al-Haq, as of April 2006, the twelve Palestinians continue to live spread out across Europe.[757]

Deportation from the West Bank to Gaza

A few months later, in the summer of 2002, in an attempt to fight the increasing violence, Israel decided to force family members of terrorists to transfer from the West Bank to Gaza. Israel did not call it deportation, but instead presented the measure as 'assigned residence'. The intention was that by targeting these families, Israel would be

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[754] Palestine Facts; What happened at the Church of Nativity in April 2002?", www.palestinefacts.org, Accessed 6 January 2006.

[755] IDF, "Agreement to the End of Negotiations at the Church of Nativity", 9 May 2002, www.mfa.gov.il, Accessed 6 January 2006.

[756] Al-Haq; "Israeli deportations and forcible transfers of Palestinians out of the West Bank during the Second Intifada", April 2006, www.alhaq.org, Accessed 6 January 2006.

[757] *Ibid.*

deterring future attacks. It was argued that even a Palestinian who did not care about his own life, would be disconcerted by the harm that could be brought upon his family in the event of an attack.[758] On March 9 2002, Prime Minister Ariel Sharon instructed security forces to begin preparations for expelling the families of suicide bombers from the West Bank to Gaza and told them: "do not hesitate, this will contribute to deterrence".[759] On 1 August 2002, the military commander of the West Bank issued Amendment No. 84, modifying Article 86 of the Military Order No. 378 (1970), in order to allow for expulsions to the Gaza Strip. Article 86 (B) (1), as amended, gave the military commander the power to require a person "to live within the bounds of a certain place in the West Bank or Gaza."[760]

The first example of this type of deportation happened towards the end of the summer of 2002 and shows how deportation is practised. On July 17 2002, two suicide bombers killed five people and injured close to 40 near the old bus station downtown Tel Aviv.[761] Consequently, several arrests were made and in July 2002, Israel arrested 21 family members of the suicide bombers. Among them was Kifah Ajouri, brother of the wanted Ali Ajouri, and Abd-al-Naser Asida, brother of the wanted Nassr Asida.[762] On 4 August, the Military Commander issued a new order to expel Intisar Ajouri, the sister of Kifah and Ali Ajouri who had been in detention since she was arrested on 3 June that year, for up to two years. The three Palestinians appealed this decision, but it was rejected by the Appeals Committees, however, on 13 August they appealed to the High Court, which issued an interim order preventing their removal to the Gaza Strip until further notice. However, on 3 September 2002, the Court delivered its judgment which accepted Israel's argument that this was a measure of 'assigned residence' rather than forcible transfer, and confirmed the deportation of Intisar and Kifah Ajouri to Gaza for two years

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[758] Israeli Foreign Ministry, "The Movement of Terrorists' Family Members from the West Bank to Gaza", 21 July 2002, www.mfa.gov.il, Accessed 6 October 2006.
[759] Harel, Amos; Singer, Roni; Kra, Baruch; "IDF set to target Hamas networks" Haaretz, August 2 2002, www.haaretzdaily.com Accessed 3 August 2002.
[760] Israeli Foreign Ministry, "The Movement of Terrorists' Family Members from the West Bank to Gaza", 21 July 2002, www.mfa.gov.il, Accessed 6 October 2006.
[761] "Israel's history of bomb blast", BBC news, www..bbc.co.uk Accessed 18 July 2002.
[762] Israel to deport militants' family" BBC news July 19 2002, www.bbc.co.uk Accessed 20 July 2002. See also Harel, Amos; Singer, Roni; Kra, Baruch; "IDF set to target Hamas networks" August 2 2002, www.haaretzdaily.com Accessed 3 August 2002.

with a re-evaluation after six months,[763] but blocked that of Abd-al-Naser Asida who was not deemed a sufficient threat.[764] On 4 September 2002, Kifah and Intisar Ajouri were taken to an Israeli military base in the West Bank, where they were given half an hour to say goodbye to their families before they were expelled to Gaza. They were given 1,000 shekels each, blindfolded and driven into the Gaza Strip in two armoured vehicles before being dropped off in an orchard on the edge of the Israeli settlement Netzarim. They did not know where they were, but met Gaza Palestinians who helped them reach the offices of the Palestinian Centre for Human Rights in Gaza City. During the first four months, the Ajouri siblings lived in a Red Cross bomb shelter in Gaza City, until they obtained better housing provided by the Palestinian Authority.[765]

How extensively this method is used, is not certain, as the government do not publicise the number of people they have deported. But, although the human rights organisations operate with different numbers, they are approximately the same. According to human rights organisation al-Haq, as of April 2006, a total of 28 Palestinians have been deported from the West Bank to Gaza, and B'tselem states that 32 Palestinians have been deported. They further indicate that the use of this method was at its peak in 2002 and 2003, but has then since declined. This is in accordance with the number of suicide attacks which dropped significantly in 2004 and has continued to do so.[766]

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[763] Ahmed Ali Ajouri had sent a suicide bomber to attack Tel Aviv's old central bus station in July the same year. His sister had sewed his explosive belt and his brother had arranged a hiding place and kept guard while terrorist activities where carried out. Reinfeld, Moshe and Alon, Gideon; "Court okays 'relocating' two to Gaza", Haaretz, September 4 2002, www.haaretzdaily.com Accessed 5 September 2002.

[764] B'tselem; "Deportation of family members to Gaza", www.btslem.org, Accessed 6 January 2007.

[765] Al-Haq; "Israeli deportations and forcible transfers of Palestinians out of the West Bank during the Second Intifada", April 2006, www.alhaq.org, Accessed 6 January 2007.

[766] The number of suicide bombings in 2001 was 35, in 2002 there were 60, in 2003 there were 26, in 2004 there were 15, in 2005 there were 15 and in 2006 there were 5. Israeli Ministry of Foreign Affairs; Victims of Palestinian violence and terrorism since September 2000", www.mfa.gov.il, Accessed 9 January 2007.

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6. 2. 1 The intention behind the method

Along with the legalisation of deporting individuals from the West Bank to Gaza, came several restrictions that revealed the intentions behind this method. The Israeli High Court explicitly stated that deterrence alone was not a lawful basis for deportation. Furthermore, the High Court also emphasises that, "one may not assign the place of residence of a person who is not innocent and did carry out acts that harmed security, when in the circumstances of the case he no longer presents any danger."[767] This restriction applies regardless of if the transfer would deter others from committing similar acts. The judgement clearly states that deportation is only lawful as a preventative measure. The Attorney-General stated that expulsions would only be legal where there is clear evidence that the person endangers state security, and that the order will prevent the danger and not just a blood relation of such a person.[768] However, once the element of prevention exists, the choice of method for deterrence might be taken into account. On the basis of these regulations enforced by the High Court, it might be difficult to understand the Court's decision to deport Intisar and Kifah Ajouri. All the allegations against them were related to past acts when they assisted their brother, who is now dead. The state did not consider if the two sisters constitute a future danger, nor is the matter of future danger mentioned in their judgment. In the hearing before the Military Appeals Committee in Intisar case, an Israeli security agent even admitted that he would not recommend placing Intisar in administrative detention.[769] The argument that the relatives were actively involved in harming state security was only raised at a later stage, after the hearing before the High Court had begun.

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[767] Israeli Foreign Ministry, "The Movement of Terrorists' Family Members from the West Bank to Gaza", 21 July 2002, www.mfa.gov.il, Accessed 6 October 2006.
[768] Israeli Foreign Ministry, "Announcement from Attorney-General's Office", 21 July 2002, www.tinyurl.com , Accessed 9 January 2007.
[769] Kenneth Mann, "Judicial Review of Israeli Administrative Actions Against Terrorism: Temporary Deportation of Palestinians from the West Bank to Gaza", Middle East Review of International Affairs, Vol. 8, no. 1, 2004.

Besides arguing that the deportation per se is against the Geneva Conventions, critics of the High Court judgment raise many other issues that cast doubt over the intention behind this method. Assuming that these individuals are a danger to the security of Israel, why not charge them and let them stand trial? Why does Israel want to deport them rather than place them in administrative detention where they are constantly monitored? For the critics it seems odd that Israel chooses to deport them from the West Bank, an area where Israel has almost total control, to Gaza, where the individuals are much harder for the Israelis to survey. These questions lead to the assumption that deportation is in fact not a preventative method for securing Israel security, but rather the intention is to punish the individuals in order to work as a general deterrent. Justice Minister Meir Sheetrit, when commenting on the expulsion policy, said: "People ought to know that if they perpetrate a terrorist attack, their families and supporters will be truly hurt."[770] This kind of argument is supported by the fact that deportation to Gaza is perceived as a punishment by the Palestinians. Although the court legally defines Gaza and the West Bank as a 'single territorial unit'[771], in practice, due to Israel's closure and permit policy, it does not function as a unit, and the chances of seeing relatives outside of Gaza are slim. The prospect of being deported to Gaza, instead of abroad, struck a cord amongst the Palestinians. For example: a father from Hebron who feared that his son was on the verge of committing a suicide operation, reported him to the Israelis. He claimed he did so in fear of the rest of his family being expelled to Gaza by the Israelis.[772] This reaction to the deportation policy is of course welcomed by the Israelis and illustrates their intentions with this counter terrorism method. Then Foreign Minister Ehud Barak claimed that: "Deportation is not a punishment. It is a deterrent to further attacks."[773]

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[770] Tracy Wilkinson, "Israel Faces Court Test of Deportation Plans", 6 August 2002, www.latimes.com, Assessed 6 January 2007.

[771] Reinfeld, Moshe and Alon, Gideon; "Court okays 'relocating' two to Gaza", Haaretz, September 4 2002, www.haaretzdaily.com Accessed 5 September 2002.

[772] Harel, Amos; "Shin Bet: threat of house demolition deterring bombers" Haaretz, August 2 2002. www.haaretzdaily.com Accessed 3 August 2002.

[773] O'Sullivan, Arieh; "IDF blows up home of suicide bomber", 21 March 1996, www.jpost.com, accessed 24 September 2002.

6. 2. 2 The ramification of the 1992 deportation seen in al-Aqsa Intifada

As discussed previously in section 5.3 in this thesis, the deportation of 415 Islamists in 1992 had serious ramifications for the Israeli society, and it also contributed to the development of Hamas as a military organisation, its relationship with the international press, but the incident further influenced the politics in the Palestinian society. Although many of the consequences of this incident were seen in the years immediately after it, the total extent of this deportation did not become clear after Israel withdrew from Lebanon at the start of the al-Aqsa Intifada.

The relationship between Hamas and Hizballah came into light again with the Israeli withdrawal from southern Lebanon in May 2000. Hizballah had again appeared on the Palestinian arena; for a period they were working tightly with the Islamist within the West Bank and Gaza itself. In an interview with Al-Hayah al-Jadidah on April 9 2001, Jamal Mansour, an Hamas leader from the West Bank, acknowledged that "the experience of Hizballah has been a unique experience that has enriched the struggle experiences of our people . . . Hizballah has become a symbol and not just a mere affiliation in the Palestinian arena."[774] Hizballah's deputy secretary, General Naim Qassem, confirmed this mutual relationship when he stated: "It is our duty to be by [the Palestinians'] side and offer them all types of support".[775] During this time their relationship was evident inside the West Bank and Gaza, symbolized by the yellow Hizballah flag often seen among the crowd of protesters at the time, alongside Hamas' green flag. Hizballah-owned TV station 'al-Menar' is not only the second most popular TV station in the West Bank and Gaza, but often it is the first to deliver cutting edge news on a new Islamic attack. Since the outbreak of the al-Aqsa Intifada, a new trend has commenced; the growing cooperation of all parties, both the Islamic and non-Islamic, and the even to some degree the Palestinian security forces, in the armed struggle against

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[774] Paz, Rubin; "Iran: More Fuel on the Israeli-Palestinian Fire" 1 May 2001, www.ict.org Accessed 15 October 2001.
[775] Rathnesar, Romesh; "Season for revenge" Time Magazine, 8 April 2002.

Israel.[776] This has created an environment where Hizballah has found it easier to "broker unity among various Palestinian groups and to recruit Palestinians inside the territories to undertake Hizballah-led terrorist activity of their own."[777] One example was the third attack which took place since the al-Aqsa Intifada and was claimed by Hizballah-Palestine: a bombing in Petah Tivka, injuring five on May 6 2001. Both Islamic Jihad and Hizballah-Palestine claimed the responsibility for one of the largest suicide bombings during the al-Aqsa Intifada, known as the 'disco bombing' in Tel Aviv on June 1 2001, killing 21 and injuring 120. Sheikh Hassan Nasrallah, Hizbullah's leader, phoned Islamic Jihad leaders in the territories afterwards to offer his personal congratulations on the successful blow against the 'Zionist enemy.'[778]

Furthermore, there are other modus operadi which are typical Lebanese tactics, which were hardly used in Israel prior to the al-Aqsa Intifada. Two examples of such tactics are roadside attacks, which have shown complexity and organisational skill[779], and the bombing and destruction of an Israeli Merkava III tank.[780] Moreover, the Israelis knew they had cause for concern in February 2001, when they discovered a Hizballah cell led by Colonel Masoud Ayad, which was part of Force 17 (as in Arafat's personal security service). This showed not only the deep integration between Hizballah and the Islamic partners, but also between Hizballah and the Palestinian Authority.[781]

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[776] Abu Toameh, Khaled; "Cooperation increasing between Hamas and Fatah", 7 August 2002, www.jpost.com, accessed 7 August 2002.

[777] Paz, Rubin; "From Tehran to Beirut to Jerusalem Iran and Hizballah in the Palestinian Uprising" April 2 2001 www.ict.org Accessed 15 October 2001.

[778] Rudge, David; "Beachfront Bombing Bomb horror hits Tel Aviv Disco" 4 June 2001.

[779] "The first stage of the attack –the explosion –attracted more potential victims, who were then shot at. Three terrorists prepared well for the ambush, according to military and security sources, dressing in dark fatigues that looked like IDF uniforms, carrying the American made M-16 rifles the IDF uses rather than the AK-47 assault rifles common among PA security services, and triggered a large bomb on a Dan bus that was not armoured." Jerusalem Post; "Lebanon tactics' worry IDF", 13 December 2001, www.jpost.com, 13 December 200.1

[780] February 2002 a Merkava III tank was destroyed by an eighty kilo, probably c-4, bomb. This has never been accomplished before and showed a new level of expertise. Arieh O'Sullivan; "80% of attacks foiled – IDF officer" 20 February 2002 www.jpost.com, accessed 20 February 2002.

[781] He was shot dead by Israeli air force helicopters, accused of organising mortar attacks as well as smuggling arms and drugs. "IDF gunships kill Arafat bodyguard with Hezbollah ties" 13 February 2001 www.haaretz.com, accessed 13 February 2001. Sheikh Ahmed Yassin himself, swore that his death was vowed to be avenged by Hamas. "Our blood will not be spilled in vain". Margot Dudkevitch; "Shooting escalates in territories" 14 February2001, www.jpost.com, accessed 14 February 2001

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6. 3 House demolition

Since the beginning of the al-Aqsa Intifada, Israel has responded to Palestinian attacks in several different ways. They have conducted large-scale military operations into the West Bank and Gaza, including the destruction of homes and places of business. They have increased the security around settlements and their military camps, meaning they have also demolished houses around them so that these areas become easier to defend. During the period of 2000-2006, Israel has also started the construction of a separation fence. As a consequence of this defensive action, Israel has demolished houses and agricultural land. Additionally, several years before the al-Aqsa Intifada, the number of suicide bombers had increased and hence so did the use of the demolition, although Israel had not used this method much since 1998. However, as a response to the increase of suicide bombers during the al-Aqsa Intifada, Israel re-instated this policy.

This section will give an introduction to how the policy of house demolition has played a part in Israel's counter terrorism policy since the outbreak of al-Aqsa Intifada. Because the hindering or deterring of suicide bombers is seen by the Israelis as a particular challenge, this section will focus on how the policy of house demolition plays a role in countering suicide bombers. Although the exact number of houses which are destroyed by this practice is difficult to obtain, it is possible to get an impression. This section relies on B'tselem's figures which are probably not exact or correct, but give a useful indication of the scale of the use of this method.

As discussed previously, during 1992 to 2000, house demolition was used to remove houses that Palestinians had built illegally, i.e. without a building permit. This method was especially implemented in the West Bank and corresponded with a time when very few building permits were given. It is estimated that approximately 1,300 Palestinian homes have been demolished in the West Bank in the past six years, due to the lack of the required building permits.[782] Furthermore, the vast majority of Palestinian requests for building permits in Area C are still being rejected. According to B'tselem

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[782] Amnesty International; "Road to Nowhere", www.amnesty.org, Accessed 15 April 2007.

337 Palestinians submitted building permit applications in the West Bank during 2003, of which 290 were rejected.[783] Even though this practice was continued during 2000-2006, the number of rejections have decreased. Different human rights organisations have suggested that this is because Israel now carries out the majority of house demolitions as a result of 'security concerns', instead of 'building without a permit'. Additionally, Israel has carried out large-scale military operations including the demolishing of houses, hence there has been no 'need' to demolish houses under the pretence that they were illegally built.[784]

6. 3. 1 Security reasons

The 'security reasons' essentially include the protection of settlements and the road network that settlers use, the military camps, the construction of a separation barrier with the building of a fence and the attempts to reduce violence by destroying houses which militant might take refuge in or use as a base often done under large-scale military operations. It is estimated that between 2000 and 2004, around 60 percent, meaning around 2, 500 of demolished houses, are demolished under this pretext, affecting around 24, 000 people living in the West Bank and Gaza.[785]

Since the beginning of the al-Aqsa Intifada, Israel has employed a policy of house demolition, uprooting of trees, and destruction of agricultural areas in the West Bank and Gaza. The policy is implemented in areas near the Israeli settlements, on both sides of the bypass roads along which the settlers travel, and near army positions, and along the Egyptian border. An IDF Spokesperson explained the policy as follows:

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[783] B'tselem; " Through no faults of their own; Punitive House Demolitions during al-Aqsa Intifada", November 2004, www.btselem.org , Accessed 7 March 2007.
[784] See Amnesty International; "Road to Nowhere", www.amnesty.org, Accessed 15 April 2007, and Al-Haq; "Israeli's Punitive House Demolishing Policy; Collective Punishment in Violation of International Law", 2003, www.alhaq.org, Accessed 6 March 2007 and Human Rights Watch; "Missing Rafah, Mass Home Demolitions in the Gaza Strip", www.hrw.org, Accessed 6 March 2007.
[785] B'tselem; " Through no faults of their own; Punitive House Demolitions during al-Aqsa Intifada", November 2004, www.btselem.org , Accessed 7 March 2007.

"The roads in Judea and Samaria [West Bank] and in Gaza constitute one of the main friction centres where intensive combat events have taken place in the last few months. The IDF is, of course, required to deal with these combat events and to provide protection to these who use the said roads, both soldiers and civilians."[786]

These comments indicate that this policy is part of Israel's defence strategy. Part of this strategy is the creation of so called 'security strips' around places where Israeli civilians or security forces are situated. One example of this was the demolishing of houses in the Rafah refugee camp in Gaza in January 2002. The Egyptian border area is densely populated, and Rafah's refugee camps lie along the border, which contain Israeli army posts. B'tselem assesses that the IDF demolished houses and destroyed agricultural land along a 16, 5 kilometres strip near the border. The width of the strip varied, in some locations, 350-500 meter wide, in other places, 40-50 meter wide strip.[787] The former Chief of Command in the South, Yom Tov Samiah, explained that,

"these houses should have been demolished and evacuated a long time ago, because the Rafah border is not a natural border, it cannot be defended… Three hundred meters of the Strip along the two sides of the border must be evacuated… Three hundred meters, no matter how many houses, period."[788]

Regarding the same operation, Prime Minister Ariel Sharon stated:

In Rafah, the system is to smuggle through tunnels, and these tunnels are deep – from twelve to eighteen meters. Israel has to take all the necessary steps to stop the smuggling of weapons… No doubt the narrow corridor that we have there does not allow us to stop it."[789]

House demolition in Gaza has also been carried out around the road network which leads to the military post Morag, around the Israeli settlement of Kfar Darom and the border surrounding the Israeli Netzarim settlement. In the latter, the IDF destroyed a 500-700 meter wide strip of land. Furthermore, along 700 meters of road leading from the

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[786] Amos Harel, "This Time, the Chief of Staff Keeps his Lips Sealed," 28 December 2000, www.haaretz.com, Accessed 7 March 2007.
[787] B'tselem "Policy of Destruction; House Demolishing and destruction of Agricultural Land in the Gaza Strip", February 2002, www.btselem.org, Accessed 7 March 2007.
[788] B'tselem "Policy of Destruction; House Demolishing and destruction of Agricultural Land in the Gaza Strip", February 2002, www.btselem.org, Accessed 7 March 2007, p. 5.
[789] Israeli Ministry of Foreign Affairs; "PM Sharon on the IDF Action in Rafah: Effort to Stop Smuggling of Weapons by the Palestinians," 13 January 2002, www.mfa.gov.il, Accessed 8 March 2007.

settlement to the sea, the IDF destroyed a 400 meter strip on both sides of the road. The IDF also built a one-and-a-half kilometre road for the settlers that go directly to the Karni crossing. On both sides of this road, the army uprooted trees and destroyed crops along a strip of around 300 meters.[790] However, the most intensive large-scale destruction of houses and land took place under the Israeli military offensives. The first major military operation of this nature was carried out in March 2001. Code named 'Operation Bronze,' the plan was designed to bulldoze Palestinian land, quarantine troublesome areas, restrict Palestinian movement and strengthen Israeli settlements.[791] From February 2002 through to October 2004, the IDF conducted 13 major operations and incursions into Palestinian population centres, of which 'Operation Defensive Shield' and 'Operation Determined Path' were conducted in February to May 2002. During both operations, the Israeli military systematically damaged or destroyed homes, commercial properties, educational institutions, and hospitals. The largest single demolishing operation carried out by the Israeli army was probably in the Jenin refugee camp, in the north of the West Bank, in April 2002. In the space of a couple of days, the army completely destroyed the al-Hawashin quarter and partially destroyed two other quarters of the camp, making about 4,000 people homeless. The army said that the destruction in the refugee camps was justified by the presence of members of Palestinian armed groups.[792] The IDF Spokesperson stated that, "The purpose of these exposing acts is not to punish the Palestinian populations, but rather to provide a solution for a specific and defined security need."[793] It might have contributed to increased security for the settlements and the Israeli soldiers, but the destruction of houses and agricultural land has only contributed to an already grave economical situation. The total Palestinian losses from the damage are estimated to be between $3, 2 billion and $10 billion.[794] Due to the closure policy and the limited number of Israeli working permits issued, the agricultural sector has become one

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[790] B'tselem "Policy of Destruction; House Demolishing and destruction of Agricultural Land in the Gaza Strip", February 2002, www.btselem.org, Accessed 7 March 2007.

[791] Esposito, Michele K.; "The al-Aqsa Intifada: Military Operations, Suicide Attacks, Assassinations, and Losses in the First Four Years", Journal of Palestine Studies, Vol. XXXIV, No.2, 2005.

[792] Amnesty International; "Road to Nowhere", www.amnesty.org, Accessed 15 April 2007.

[793] B'tselem; " Through no faults of their own; Punitive House Demolitions during al-Aqsa Intifada", November 2004, www.btselem.org , Accessed 7 March 2007, p. 23.

[794] Health Development and Information Project; " Four Years of Intifada; Statistical Overview", 29 September 2004, www.hdip.org , Accessed 6 March 2007.

of the few sources of income for many people who living in Gaza. Therefore, when the agricultural land is destroyed, it only worsens the situation, especially for those who lose their house and their income.

In addition to house demolishing being used as a tool to protect the settlements and their road network, and the large scale military operations that followed in the al-Aqsa years, house demolishing was also a consequence of a defensive action Israel undertook in 2002. Sharon's government decided to start building a fence which would serve as a separation barrier. The fence is in average sixty meters wide and is projected to be 703 kilometres long. In areas where the construction of the fence has been completed, military orders have created a buffer zone of 150-200 metres on the Palestinian side in which new construction is prohibited.[795] With the start of the construction of the barrier, Israel began to issue demolition orders and demolish homes in Palestinian communities near the fences route. According to Amnesty International, Israel has issued about 280 demolition orders in these communities.[796]

Suicide bombers

On July 31 2002, a suicide bomber attacked the Hebrew University in Jerusalem, killing nine and wounding 85. Hamas took the credit for the bombing. The same day, at a meeting of the Political-Security Cabinet, an official decision was made to renew the policy of demolishing houses belonging to the family of suicide bombers and those who aid them.[797] In practice though, this policy was not renewed untill October 2001, during the IDF's operations in Area A in the West Bank. The first house demolishing in response to a suicide attack during al-Aqsa Intifada, took place already on October 23 2001 in Qalqiliya. The IDF demolished the home of Hassan Khutari, who undertook the suicide bombing at the Dolphinarium in Tel Aviv in July of that year. The next day, in

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[795] UN OCHA; "Preliminary Analysis of the Humanitarian Implications of the April 2006 Barrier Projections," 7 July 2006, www.ochaopt.org, Accessed 9 January 2007.
[796] Amnesty International; "Road to Nowhere", www.amnesty.org, Accessed 15 April 2007.
[797] Israeli Ministry of Foreign Affairs; "Terrorist Bombing at Hebrew University Cafeteria", www.mfa.gov.il, Accessed 8 March 2007.

Tulkarm, the army demolished the home belonging to the family of Raid al-Karmi, who was suspected of killing two Israeli civilians. That same day, during IDF operations in Beit Rima, they demolished three houses, in which Palestinians suspected of attacks on Israelis, lived. [798] Since then, Israel has continued with house demolishing as a response to suicide attacks, and it is estimated to constitute around 15 percent of the total number of houses which are demolished.[799]

Figure 6: Number of houses which were demolished due to suicide bombings[800]
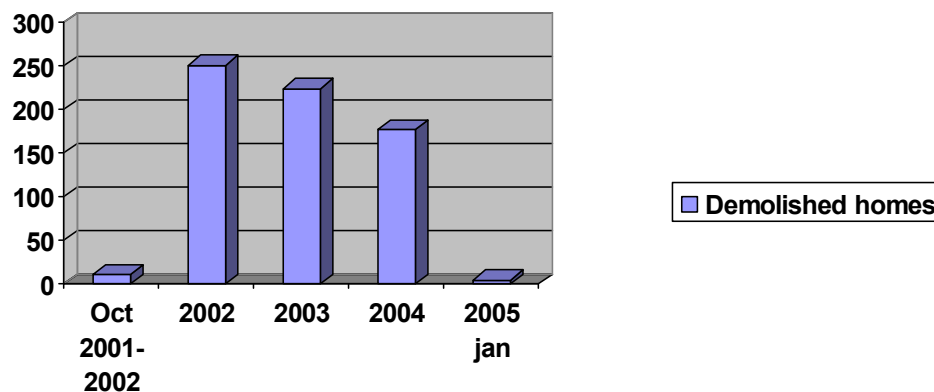
The decision made by the Political-Security Cabinet, and the reports made by the media, give the impression that Israel's policy is directed only against Palestinians who are directly involved in attacks that caused many Israeli casualties. However, Israel's policy is much broader than that. Although the use of this method during 1992-1998 was not strictly limited to the suicide bombers' family homes, during the al-Aqsa Intifada it became more apparent that Israel demolished houses belonging to individuals irrespective of their level of involvement in the attacks, the planning, the dispatching of the bombers or general assistance. For example, on September 17 2003, the IDF forces demolished the house in which Mahmud Ali lived. According to a statement of the IDF Spokesperson

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[798] Al-Haq; "Israeli's Punitive House Demolishing Policy; Collective Punishment in Violation of International Law", 2003, www.alhaq.org, Accessed 6 March 2007.

[799] B'tselem; " Through no faults of their own; Punitive House Demolitions during al-Aqsa Intifada", November 2004, www.btselem.org , Accessed 7 March 2007.

[800] Based on data collected by B'tselem; "House Demolishing", www.btselem.org , Accessed 7 March 2007.

that day, "he was involved in three attempts to dispatch suicide-terrorists." On 5 October 2003, the army demolished the house in which Amjad Abidi lived, after which the IDF Spokesperson announced that "he was involved in assisting in many terrorist attacks."[801] Additionally, it seems that this method is no longer restricted to fighting suicide bombers, but now also includes other kinds of attacks on Israel, regardless of if there are any fatalities or not. According to B'tselem's figures, 66 percent of the demolitions were directed at the families of suspects who carried out attacks, while 34 percent were directed at those involved in other ways and 40 percent of the demolitions were in response to attacks in which no Israeli was killed.[802]

There are two other issues that have become more apparent during the al-Aqsa Intifada; the destruction of houses surrounding other houses already scheduled for demolision, and the issue of pre-warning demolition orders. In many instances, the IDF also destroyed houses adjacent to the house originally targeted. These cases involved both apartments in the same building as the suspect's apartment, and adjacent buildings. Although destroying only one apartment in an apartment building might be challenging for the Israelis, previous policy has been to seal the house rather than to destroy it. Additionally, the fact that there have been so many of theses cases, makes this practise stand out. B'tselem estimated that since the beginning of the al-Aqsa Intifada, the IDF demolished 295 adjacent homes, i.e. about one-half of all homes demolished, in which 1,286 persons lived.[803] Furthermore, contrary to the practice in 1992-1998, and since the policy was renewed in 2001, the IDF has generally not issued demolition orders, and has not warned the occupants before demolishing their homes. Al-Haq reports that the IDF gave prior warning in only seventeen cases, representing three percent of the total.[804] As a result, the occupants cannot appeal the decision, or prepare to remove valuables from the house or make other living arrangements. Most of the demolitions take place at night, and the occupants are only given a few minutes to remove their possessions from the house.

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[801] Israeli Ministry of Foreign Affairs; "Demolishing houses in Suicide Cases", www.mfa.gov.il, Accessed 7 March 2007.
[802] B'tselem; " Through no faults of their own; Punitive House Demolitions during al-Aqsa Intifada", November 2004, www.btselem.org , Accessed 7 March 2007
[803] *Ibid.*
[804] Al-Haq; "Israeli's Punitive House Demolishing Policy; Collective Punishment in Violation of International Law", 2003, www.alhaq.org, Accessed 6 March 2007.

Israel justifies its failure to give prior warning on the grounds that the warning is "liable to endanger our forces, and cause the action to fail, because warning will enable the enemy to booby-trap the houses scheduled to be demolished, ambush our troops taking part in the action, and the like."[805] However, Israel has publicly stated that they have reinforced the house demolition practice as a consequence for suicide bombings. By doing this, Israel also send a warning, meaning that in some cases, families have anticipated that their house will be demolished. Thus, the soldiers arrive at the house marked for demolition and are surprised to find that the occupants have already removed the contents. As previously argued, Israel has stated that they want the family, and often a random audience, to watch the destruction as an added deterrent value, but which in this case, the Israelis will not successfully obtain.

An assessment of the method

The method of house demolishing has a variety of consequences for the Palestinians. The initial trauma of losing their home is only the first issue that the families have to cope with. The family unit is disrupted, as some families are forced to split up and live separately; their living conditions decline sharply as a result of the family's loss of property; and family members suffer from feelings of being uprooted and of instability. Moreover, research on the psychological effects indicates that house demolitions have a substantial post-traumatic effect, felt primarily by children. Serious financial difficulty also follows, a situation which is hard to improve due to Israel's closure policy and working permit system. As a remedy to this situation, Hamas has a policy of supporting the families of suicide bombers. In the second Intifada, the provision of financial aid almost became a competition between Hamas, reportedly Arafat and Saddam Hussein. Allegedly, Arafat extended financial help to the families and relatives of Palestinians killed or injured during the second Intifada. The sums ranged between

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[805] B'tselem; " Through no faults of their own; Punitive House Demolitions during al-Aqsa Intifada", November 2004, www.btselem.org , Accessed 7 March 2007, p.11.

$5,000 and $25,000 for each family.[806] Additionally, the Palestinian Authority and Saddam Hussein have given substantial economic support to families whose sons or daughters had been killed or detained by the IDF, or died as suicide bombers. At an event organized by the pro-Iraqi Arab Liberation Front (ALF), four families each received a check for $10,000 in honour of their sons' deaths. According to Palestinian sources, at least fifty families from the Hebron region benefited from Saddam's generous handouts.[807] The Palestinian Authority reportedly intercepted a sum of $420, 000 from Saddam Hussein, which was on its way to families of Palestinians killed in the second Intifada.[808] A Palestinian Authority official stated: "They [Hamas] are spending a lot of money. They are also paying more than Arafat. That's why their power is growing. People see that Hamas has more money, so they turn to it for assistance."[809]

As previously shown, this method has been used in an effort to counter suicide attacks, and the underlying intention behind this method is that harm to family members will deter Palestinians from attacking Israelis. Attorney Shai Nitzan, former head of the Special Functions Division in the State Attorney's Office, argued before the High Court that house demolitions are "intended, among other reasons, to deter potential terrorists, as it has been proven that the family is a central factor in Palestinian society."[810] Although Hamas' policy has most likely decreased the deterrent value of Israel's house demolishing method, there was a consensus among Israeli officers that "harming families has been proven to be an effective policy."[811] In its attempt to prove the deterrent value, the defense establishment announces occasionally that Palestinians have turned in relatives out of fear of their house being demolished. Examples of this is include; firstly, an arrested seventeen-year-old who told Shin Bet in July 2002 he had been approached by Islamic Jihad wanting him to be a suicide bomber, but had refused because he was

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[806] Tomaeh, Khaled Abu; "PA, Hamas compete over aid to Gazans", www.jpost.com , Accessed February 11 2003.
[807] Tomaeh, Khaled Abu; "Iran aided Islamic Jihad Attack", www.jpost.com, November 17 2002.
[808] Tomaeh, Kahled Abu; "PA confiscates Saddam's donations for 'martyrs', demolished homes" www.jpost.com, Accessed, 4 January 2003.
[809] Tomaeh, Khaled Abu; "PA, Hamas compete over aid to Gazans", www.jpost.com , 11 February 2003.
[810] Moshe Reinfeld; "IDF to High Court of Justice: Terrorist Organizations Admit that Expulsions Deter", 27 August 2002, www.haaretz.com, Accessed 6 March 2007.
[811] Then head of General Security Service, Avi Dichter, Aluf Benn; "Actions against Families of Suicides: Expulsion and Confiscation of Property," 1 August 2002, www.haaretz.com, Accessed 6 March 2007.

afraid his family home would be destroyed.[812] Secondly, in August 2002 a Palestinian woman turned herself in to Israel Defence Force troops at a checkpoint near Jenin. She claimed that she was afraid that her parent's home would be demolished if she went through with her intended suicide attack.[813] Thirdly, in the April of 2003, Hamas terrorist operatives in Tul Karem planned a suicide attack in an Israeli civilian area during the Passover holiday. During IDF operations in Tul Karem, several members of the terror cell were apprehended, who released the name of the potential suicide bomber to Israeli authorities. Following pressure applied by his family members, who feared that their home would be destroyed as a result of the bombing, the potential suicide bomber turned himself into the IDF authorities at a nearby checkpoint.[814] Fourthly, on the 21st of October, 2004, IDF forces demolished the houses of two terrorists, who were responsible for the terrorist attack on Highway 6, in June, 2003. In this terror attack, a young girl, named Noam Leibowitz, was murdered and three of her relatives were injured. The house of another wanted Palestinian Islamic Jihad terrorist, Tarek Ahmad A-Karim Hassin, who was also involved in this attack, was not demolished due to the fact that his relatives assisted in his arrest and the seizure of the weapon which was used.[815] Despite examples like these, the effectiveness of this policy has started to decline. This was one of the issues that Brigadier General Ariyeh Shalev studied, when he wrote a book examining the effect house demolishing had on the level of violence during the first Intifada. He found that the number of violent events did not diminish following house demolitions, and at times even rose.[816] This has contributed to doubts among defence officials and politicians whether or not this measure prevents terror attacks. In an interview with a senior defence establishment official, he said that: "in most cases, certainly where residents of the refugee camps are involved, our measures do not work. As for those who carry out the suicide attacks, the supply is greater than the demand."[817]

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[812] Rudge, David; "2 would-be suicide bombers surrender", 2 August 2002 www.jpost.com, Accessed 2 August 2002.

[813] Harel, Amos; "Shin Bet: threat of house demolition deterring bombers", 2 August 2002 www.haaretz.com , Accessed 2 August 2002.

[814] Israeli Ministry of Foreign Affairs; "Demolishing houses in Suicide Cases", www.mfa.gov.il, Accessed 7 March 2007.

[815] *Ibid*.

[816] B'tselem, "Demolishing of Houses", www.btselem.org , Accessed 12 October 2000.

[817] Felix Frisch, "Statements on the War against Suicides – Trite," 14 August 2003, www.ynetnews.com, Accessed 7 March 2007

On 17 February 2005, Shaul Mofaz, the former Israeli Minister of Defence, approved the recommendation of a military committee to end punitive demolitions of Palestinian houses. Moshe Yaalon, former IDF Chief of Staff, asked the committee to examine whether the practice accomplished its stated goal of deterring Palestinian involvement in attacks on Israelis. The committee found no proof of effective deterrence and they considered that the method was more likely to fuel hatred than serve as a deterrent.[818] However, the Ministry did not exclude the re-introduction of the measure should the security situation become drastically worse.

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[818] Diakonia, "House demolishing policy", www.diakonia.se Accessed 14 February 2007

6. 4 Selective killings

Although there was a decline in selective killings after 1996, the method was nevertheless used as a tool by the Israelis, and its use in fact increased with the outbreak of the al-Aqsa Intifada. Between September 2000 and December 2002, 443 Israeli civilians were killed in terror attacks.[819] This escalation quickly demanded a dramatic response from the Israeli government. The al-Aqsa Intifada had begun like the first Intifada; with large-scale clashes between Israeli soldiers with heavy military machinery and Palestinian rioters with stones in their hands. However, the second uprising, inspired by the Israeli withdrawal of southern Lebanon in May 2000 as a direct consequence of Hizballah's tactics, quickly changed its modus operandi to that of a Lebanese-style guerrilla warfare. From the shelter of anonymity given by a crowded street, Palestinian gunmen and suicide bombers mounted attacks on soldiers and civilians alike. The IDF tried to break the Palestinian resistance by sending its troops in to suppress crowds of demonstrators. However, this led to the death of many Palestinians and resulted in some of the most disturbing media images of the uprising, which created a public relations disaster for Israel. The international community was clearly horrified. The UN Security Council, among other international institutions, were extremely critical of the IDF for its excessive use of force, a criticism that was based, in part, on the extensive media coverage of the region.[820] In order to curb the violence, while simultaneously lowering the tone of criticism, the IDF re-adopted a policy of selective killings. In a media environment that allows the broadcast of military operations as they unfold, the selective killings policy promised fewer civilian casualties and less provocative video footage in comparison to the original response. Regardless of the attempt to improve the PR, the method of selective killings also resulted in strong international criticism of Israel which reinforced the international sympathy for the Palestinians.

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[819] Stein, Yael; "By any Name Illagal and Immoral", Ethics and International Affairs, Vol. 17.1, 2003.
[820] Richburg, Keith; "Israelis confirm assassinations used as policy, key Palestinians targeted", www.washingtonpost.com , Accessed 8 January 2001.

Additionally, there was a domestic dispute over how to use the method. The military put pressure on the politicians to include several Palestinian Authority politicians on the target list, which lead to an argument in the Israeli Security cabinet.[821] When Sharon was elected, he solved the situation by promising to continue pursuing the more restrained policy, while changing its strategic focus and allowing for an increase in the selective killings of the militant field commanders.[822] In an attempt to install the policy of selecting killing with a degree of legitimacy, the Judge Advocate General of the IDF, Menachem Finkelstein, issued in February 2002 three conditions governing the use of the method. Firstly, the Palestinian Authority must ignore appeals for the arrest of the target. Secondly, the Israeli security services must conclude that it would be impossible to affect an arrest without the Palestinian Authority's help. Thirdly, the killing must be carried out only to prevent an imminent or future terrorist attack and not out of revenge or as a reprisal.[823] The Israeli High Court supported these conditions and on January 29 2002, the Court stated their opinion when they rejected calls for an end to the policy of selective killings.[824] It seemed that the Israeli public agreed with the Court; a poll conducted in July 2002 by the Tami Steinmetz Center for Peace Research at Tel Aviv University found that 70 percent of the Israelis that were questioned supported the policy of selective killings.[825] Furthermore, in December 2006, the Israel Supreme Court rendered the 2002 decision, effectively meaning that the Israeli security forces could continue carrying out selective killings on the condition that every incident was examined separately.[826]

6. 4. 1 Incidences of selective killings and the aftermath

During the al-Aqsa Intifada, Israeli military forces killed dozens of suspected terrorists

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[821] United Press International "Israel accelerates assassinations", www.upi.com, Accessed May 12 2001.
[822] Keinon, Herb; "Security cabinet decides to step up targeted killings" 5 July 2001, www.jpost.com, accessed 5 July 2001..
[823] David, Steven; "Israel's Policy of Target Killings", Ethics and International Affairs, Vol. 17.1, 2003
[824] Ibid.
[825] The Tami Steinmetz Center for Peace Research; "Peace index –the fence", www.tau.ac.il/peace, Accessed 8 February 2007
[826] Israel's Ministry of Foreign Affairs:"Israel Supreme Court decision on targeting terrorist operatives", www.mfa.gov.il, Accessed 20 December 2006

affiliated with Islamist terror organisations. The exact number of Palestinians that were assassinated varies depending on the source. According to the Journal of Palestine Studies, during the first four years of the al-Aqsa Intifada, the Israelis assassinated a total of 273 individuals and killed an additional 170 bystanders during assassination attempts.[827] The Israeli human rights organization, B'tselem reported that from 29 September 2000 through to 14 March 2006, 338 Palestinians were killed, although only 215 Palestinians were the actual targets of selective killing.[828] According to the Journal of Palestine Studies, during the al-Aqsa Intifada, the IDF killed 119 Hamas members, 96 affiliated with the al-Aqsa Martyr's Brigade or al-Fatah, 35 PIJ members and 23 from either the PFLP, PA intelligence or another affiliation.[829] The UN's Human Rights Watch estimated that in 2005, over 20 Palestinians were killed in selective killings.[830]

Sheikh Salah Shahada, a founding member of Hamas, was one of those who Israel selected as a target during the al-Aqsa Intifada. In July 2002, Israel used an F-16 jet to drop a one-ton bomb on the apartment block where he was staying. Shahada was killed in the explosion, as were 15 other people including seven children, and more than 140 people were injured and twelve houses were destroyed.[831] With so many casualties, it clearly did break the intent of minimising 'collective punishment'. This resulted in an international condemnation and a domestic outcry as 300, 000 Palestinians turned up for the funerals of the dead.[832]

Yet the most famous case was probably the killing of Sheikh Ahmed Yassin. First, Israel attempted to kill him in September 2003, when Israeli F-16's dropped a quarter-ton bomb in the Gaza Strip. This incident was perceived to be retaliation for a Hamas attack on a

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[827] Esposito, Michele K.; "The al-Aqsa Intifada: Military Operations, Suicide Attacks, Assassinations, and Losses in the First Four Years", Journal of Palestine Studies, Vol. XXXIV, no.2, 2005.
[828] B'tselem; "Statistics; Fatalities", www.btselem.org , Accessed 24 April 2004.
[829] Esposito, Michele K.; "The al-Aqsa Intifada: Military Operations, Suicide Attacks, Assassinations, and Losses in the First Four Years", Journal of Palestine Studies, Vol. XXXIV, no.2, 2005.
[830] Human Rights Watch, "Human Rights Watch World Report 2005", www.hrw.org, Accessed 14 December 2006
[831] Hroub, Khaled; "Hamas after Shaykh Yasin and Rantisi", Journal of Palestine Studies, XXXIII, no. 4, 2004.
[832] Silke, Andrew; Retaliating Against Terrorism", Terrorists, Victims and Society: Psychological Perspectives on Terrorism and its Consequences, John Wiley & Sons, Ltd, West Sussex, England, 2003.

ship in the Israeli port of Ashdod. Hamas' attack killed ten Israeli civilians, but was actually designed to kill several hundred more. The incident provoked the Israeli government into targeting all of Hamas' leadership.[833] On September 10 2003, only three days later, Israel also tried to kill Mahmud Zahar, who was a veteran Hamas member.[834] This time Israel bombed Zahar's home, however, ended up killing his son and bodyguard instead. The Israelis were more successful in their efforts when they on March 22 2004, launched a Hellfire missile into the al-Sabra neighbourhood in Gaza City,[835] killing Sheikh Yassin and seven others as he was leaving a Gaza mosque after the early morning prayer.[836] Three years earlier, he had commented on Israel's selective killing policy stating that:" [If] I am killed there will arise a thousand like me."[837] Due to Hamas' well structured organisations with clear rules on how to elect a new leader, his death did not impact Hamas' operational capability in the short term. Yassin was replaced with Dr. Abd al-Aziz Rantisi only a few days later. Rantisi announced that Hamas had opened a special account with Israel, calling the selective killing of Yassin a declaration of war on Islam.[838] However, Rantisi became Israel's new victim of the selective killing measure and was killed on April 17 2004, when Israel fired seven rockets from an Apaches helicopter directed at his car. The revenge for Yassin's death never came to pass.

Despite having removed two important members of Hamas, the Israelis did not halt their selective killing policy, instead they aimed their efforts towards other members of Hamas, and even carried out operations abroad. In September 2004, Izz el-Deen al-Sheikh Khalil was killed when a bomb ripped through his car in Damascus, where he had lived since his 1992 expulsion from Israel to Lebanon. Khalil was a senior Hamas operative in Damascus where he helped plan major suicide attacks in Israel and was responsible for smuggling arms into the Gaza Strip from Egypt. Although Israel never took responsibility, it was widely suspected that Mossad orchestrated it. Israel still

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[833] Esposito, Michele K.; "The al-Aqsa Intifada: Military Operations, Suicide Attacks, Assassinations, and Losses in the First Four Years", Journal of Palestine Studies, Vol. XXXIV, no.2, 2005
[834] Among other things, he was one of the 415 Islamist who was deported to Lebanon in 1992.
[835] Al-Jazeera, "Game Time in Gaza," www.aljazeera.com, Accessed 6 March 2006
[836] Jayaram, Rajiv; "Yassin's killing: Possible Impact", www.observerindia.com, Accessed 24 April 2005
[837] Al-Jazerra; The life and death of Sheik Yassin, www.english.aljazeera.net, Accessed 24 April 2004
[838] Philips, Melanie; The killing of Sheik Yassin, www.melaniephillips.com Accessed 24 April 2004

believes Hamas leaders operate freely in Syria. Deputy Defence Minister, Zev Boim, stated that "Syria is responsible for terrorism against Israel and will not be immune to our counter-terrorism activities".[839] Israel also turned their attention towards Adnan al-Ghoul, who, besides from being a bomb maker, supposedly was the leader of Hamas' militant brigade, the 'Izz ad-Din al-Qassam Brigades'. He and his assistant Imad Abbas were both killed on October 21 2004, when an Israeli helicopter fired missiles at the car in which they were travelling.

Arguably these killings were done on the basis of four considerations. Firstly, although this might result in an increase of terror acts, Hamas was already viewed as radical and Israel assessed that it could not become even more so. Secondly, by restricting the method of selective killings only to the lower or middle level operatives, it might give the Hamas leadership the impression that they were untouchable. Thirdly, Rantisi was considered to be the most significant opponent to the Palestinian Authority, thus his death would strengthen the Palestinian Authority vis-à-vis Hamas. Fourthly, it is believed that these assassinations were a political move by Sharon, who was on the verge of launching his 'Gaza first' pullout plan. The killings were intended to stop Palestinians from believing that Israel was acting out of weakness, to cripple Hamas' operationally so that it could not use Gaza as staging area for attacks in Israel, and to ensure the potency of Israel's military deterrent, even after withdrawal.

6. 4. 2 Consequences and considerations

Some critics believe that this method is a medicine much worse than the sickness. Andrew Silke points out that as long as the terror organisation enjoys local support and is viewed as their representative, the method of selective killings will not halt the use of terrorism. He argues that it is not that the killed individual is not important, but rather due to the boost of support and sympathy, which ultimately leads to an increase of motivation.

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[839] World Tribune; "Israel Credits Mossad for Death of Hamas Leader in Damascus", www.worldtribune.com, Accessed 15 April 2007.

"When Israel kills Hamas members and imposes other sanctions on Palestinian communities, it increases the sense of perceived injustice –particularly in cases where there is high loss of innocent life- driving more recruits into extremist groups and facilitating increased sympathy and support for these groups not only within the West Bank and Gaza but further a field among the nations of the world."[840]

Ghassan Khatib, director of Jerusalem Media and Communication Center, seconds this and explains: "It is a harmful policy and will backfire. It doesn't deter the people. The Israelis are just fuelling the Intifada."[841] In some ways they are right. These killings raised international attention and condemnation, as well as enforcing a hatred of the Israelis throughout the Middle East. Funeral marches in Gaza were an impressive, and staged, show of force by Hamas. According to a poll taken by the Palestinian Center for Research and Cultural Dialogue, after Yasin's and Rantisi's death, 31 percent of Palestinians in Gaza and the West Bank would vote for Hamas, compared to only 27 percent for Fatah, meaning Hamas was for the first time the most popular movement in the West Bank and Gaza.[842]

The method of selective killings even influenced the Egyptian-led truce negations in November and December of 2002 between Fatah and Hamas. These talks resulted in a paper suggesting a unilateral truce (*hudna*) for one year on a trial basis. In return, it was asked that Israel declare an immediate end to its selective killings policy or at least commit to doing so if the terror attacks stopped. The Israelis, however, did not comply, which resulted in Hamas rejecting Egypt's appeals to put military activities on hold, and instead the opposite happened as Hamas declared an intention to resume military action. Rantisi explained that a unilateral declaration to end military attacks "means a victory for Sharon's brutal policies… [and] will be understood by Israel as a declaration of

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[840] Silke, Andrew; Retaliating Against Terrorism", <u>Terrorists, Victims and Society: Psychological Perspectives on Terrorism and its Consequences</u>, John Wiley & Sons, Ltd, West Sussex, 2003, p 230.
[841] O'Sullivan, Arieh; "IDF's soldiers' killing of another Hamas activists, spurs Palestinian charges of assassination", December 2000, www.jpost.com Accessed 14 March 2001.
[842] IISS Strategic centre; "The Hamas Factor", www.iiss.org/strtcom ,Vol. 10 , Issue 4 , 2004.

defeat."[843] The termination of the selective killing method was also used as a prerequisite for a ceasefire, prior to the Sharm el-Sheikh Summit in February 2005.[844] However, as a reaction to a suicide bombing in Netanya, and the rocket and mortar firing on Jewish targets inside Gaza in July 2005, Israel reassumed their selective killings and killed Hamas' military commander Said Siyyam.[845]

With the killings of Yasin and Rantisi, Hamas entered a new phase. The death of Rantisi was possibly the most serious loss, despite Sheikh Yasin's great influence and prestige. Yasin was already ill and old and not expected to live long. Therefore, his death could even be considered a gain for Hamas, seeing as it sparked a negative reaction in the international community and influenced their view on the legitimacy of Hamas. On the other hand, by killing Rantisi, Hamas lost a skilful organiser, a leader, and a good speaker, who held an unquestioned legitimacy as being one of the original founders of Hamas.

Following the attempted assassination on Rantisi, Hamas' spokesman and head of the movement's political leadership issued instructions to his activists not to travel in private cars, through fear of Israelis attempting to kill them in the process. "Injuring the mujahaddin became very easy for the Zionist adversary and its agents because of improper use of vehicles. In the past 26 hours Israel has succeeded in killing six activists from the Izzadin al-Kassam Brigade by targeting their cars."[846] Furthermore, Hamas, knew the value of being the man in the street, and took extra precautions as a result of the selective killings. They were less visible, constantly changing their whereabouts and routine and no longer so accessible to the media and those outside of their close circle.[847] Some Hamas members have even asked the Palestinian Authority to take them into

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[843] Hroub, Khaled; "Hamas after Shaykh Yasin and Rantisi", Journal of Palestine Studies XXXIII, no. 4, 2004, p 27.
[844] CNN; "Israel to end Target Killings", www.cnn.com, Accessed 3 February 2005
[845] Silver, Eric; "Killing of Hamas commander threatens ceasefire", 18 July 2005, www.news.independent.co.uk, Accessed 9 January 2007.
[846] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p. 128.
[847] Hroub, Khaled; "Hamas after Shaykh Yasin and Rantisi", Journal of Palestine Studies XXXIII, no. 4, 2004.

custody for their own safety.[848] Hassan Youssef was one of the Hamas leaders who took many precautions due to the selective killing policy. He scheduled meetings at the last minute and held meetings in the back streets of Gaza. The window to his office usually faced into an interior courtyard, and he kept the window covered so Israeli helicopters could not fire missiles through the windows.[849]

The constant killings of individuals representing the 'old school' also arguably paved the way for a new and younger generation of leaders. This generation grew up during the first Intifada, experienced the disappointment of the unfulfilled desires of the peace process and became active in the al-Aqsa Intifada. It is therefore not difficult to assume that the new leadership is more radicalised. At the same time, there is some evidence that the new generation is more pragmatic, since it has been involved in peace talks, as in for example Egypt, and has agreed to a ceasefire. It should not be assumed that the elements of radicalisation and pragmatism exclude one another. This combination is possible with Hamas' ideology of tasber [sic] and da'wa.

To the Israelis, the operational benefits from killing militant leaders are believed to outweigh the political cost of Palestinian and international outrage. The Israeli government spokesman at the time, Avi Pazner, commented in the aftermath of Sheikh Yasin's and Rantisi's killings: "By eliminating this threat to peace we will improve chances for a better Middle East. We are convinced that in a few days the situation will calm down."[850] The Israelis claimed that these selective killings had two particular effects; firstly, the media images of blown-out Israeli buses and dead civilians made the international community become more sympathetic towards the Israelis, rather than the Palestinians, and minimized the international criticism. Secondly, it is argued that the increase of terror attacks was only short term and selective killings are a highly effective pre-emptive method. There is nearly a consensus among Israel's defence officials that

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[848] O'Sullivan, Arieh; "IDF's soldiers' killing of another Hamas activists, spurs Palestinian charges of assassination", December 15 2000, www.jpost.com Accessed 14 March 2001.
[849] Williams, David and Hockstader, Lee; "Palestinian leaders adapt to life altered by Israeli threats", 8 December 2001, www.washingtonpost.com Accessed 14 March 2001.
[850] Dudkevitch, Margot; "Sheikh Ahmed Yassin Killed in Airstrike", 22 March 2004, www.jpost.com, Accessed 22 March 2004.

selective killings are the "most effective and least injurious way" to deter Palestinian terror attacks.[851] Because there is not an unlimited pool of operatives and leaders, and once the know-how is eliminated, the organisation will be affected in the long run, regardless of a sudden and short term increase in terror acts. Israeli officials believe that selective killings have a particularly severe impact on tightly compartmentalised groups like Hamas, the elimination of key figures in the group's hierarchy can throw its operations into chaos, as cells find themselves cut off from each other and are unable to re-establish contact: "There are no headquarters, files, computers, radio equipment or organizational memory […] removing one activist can handicap or destroy a cell."[852] Such actions also reduce the initiative of the terrorist, making them defensive. Israeli Prime Minister, Ariel Sharon, has explained: "The plan is to place the terrorist in varying situations every day and knock them off balance so that they will be busy protecting themselves." [853]

Despite these arguments, an example from the past highlights the question of effectiveness, with the luxury of hindsight. General Aharon Yariv, the originator of 'Operation Wrath of God',[854] gave this opinion:

> "I'm not sure that assassinating a leader here or there will bring us anywhere nearer to peace. But if it a clear case that by removing this personality you can deal a mortal blow to your enemy that will bring him to the table, that's something else. But that doesn't happen very often."[855]

It can be argued that even though 'Operation Wrath of God' did succeed in killing leaders, operational members and influential members of Black September and the PLO, it did not have a long term success. Despite the fact that terror attacks did drop and Black September after 1979 was not a force to be reckoned with, the situation did not improve in the long term. Instead Israel felt compelled to invade Lebanon twice, in the late 1970s

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[851] Luft, Gal; "The Logic of Israel's Target Killings", The Middle East Quarterly, Vol. X, No. 1, 2003.
[852] Ibid.
[853] Ibid.
[854] The operation launched as a response to the terror attack during Olympics in Munich 1972.
[855] Silke, Andrew; Retaliating Against Terrorism", Terrorists, Victims and Society: Psychological Perspectives on Terrorism and its Consequences, John Wiley & Sons, Ltd, West Sussex, 2003, p 221.

and early 1980s, in an effort to destroy the PLO and its bases.[856] There were no signs of the PLO being deterred by the selective killing method used forcefully by the Israelis.

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[856] Morris, Benny; <u>Righteous Victims,</u> John Murray, London, 1999.

6. 5 Administrative detention

The use of administrative detention saw a decrease from 1998 to 2001. This was probably due to the relatively low level of terror attacks in the same period. However, with the outbreak of the al-Aqsa Intifada, and the increase in terror attacks, Israel once again used administrative detention as a tool to counter terrorism. When this method was re-introduced, little changes had been made with regard to why it was implemented, or in terms of how it was carried out. Due to the large extent that this method was used, the effect on Palestinian society and Hamas intensified, and apparently, the effects were of the same nature as those previously discussed in chapter 5. Therefore, in order not to repeat oneself, the aim of this section is not to analyse the effects on Palestinian society, but simply to provide an update on the few changes Israel has made regarding the implementation of administrative detention.

An individual could either be detained as a consequence of a large sweep of arrests, or Israel would specifically detain one individual they deemed to pose a security threat. Prior to the al-Aqsa Intifada and the peace process, Israel would often use its undercover units to infiltrate villages and to arrest and question individuals. In this way, the Israelis were able to mingle with the Islamists and make more precise arrests. However, due to the peace process and the outbreak of the Intifada, such operations became increasingly difficult as Palestinians became more suspicious of individuals who did not fit into the fabric of Palestinian society. For example, there are speculations that the two Israelis who were lynched by an angry crowd in Ramallah on October 12, 2000, were indeed members of an elite undercover unit present to arrest Palestinian demonstrators.[857] Israel had to adjust to the new security situation and change its tactics. With the outbreak of the al-Aqsa Intifada, Israel started launching large-scale military operations into the West Bank and Gaza, and would arrest people using a fish-net method. An example of this was the 'Operation Defensive Shield' which was launched on March 29, 2002, in response to a terrorist attack during the Israel Passover holiday.

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[857] Rabbani, Mouin; "The Year 2000: Palestinian Frustration at Boiling Point", 29 December 2000, www.geocities.com, accessed 27 October 2004.

Israeli soldiers imposed curfews and moved from house to house looking for suspects. When it ended on April 21, over a period of one year 4,258 Palestinians had been placed under administrative detention.[858] According to Defence Minister Binyamin Ben-Eliezer, the information gained from the interrogation of these detainees helped Israel thwart 86 percent of attempted bombings.[859] Furthermore, during 'Operation Defensive Shield', Israel claimed to have arrested or killed all Hamas terrorists in the West Bank who had mastered the formula for making homemade explosives, which would have meant a serious blow to the organisation. Yet, Hamas bomb makers from Gaza soon infiltrated the West Bank and began producing explosives, revitalizing the organisation.[860] Many of those detained as a result of this military operation were then released, and other individuals were detained as a consequence of 'Operation Determined Path', which was launched on June 18, 2002. By October 2002, there were over 1,050 Palestinians in administrative detention.[861]

The Israelis have a policy of administrative detention in order to curtail terrorist attacks. The use of administrative detention was reduced significantly prior to the al-Aqsa Intifada, but was dramatically increased shortly afterwards. It has proven difficult to attain how many individuals have been detained and for how long. The fact that, due to the nature of the large-scale arrests, many are detained for a short period of time does not help. Therefore, if one is to look at the yearly statistics, it is not known whether or not these statistics include these variables. However, having said that, it is still useful to present some numbers, as these will indicate a trend. Until September 2000, the number of administrative detainees was four. By the end of 2000, this number became 17. Towards the end of 2001, there were 45 administrative detainees, and as previously mentioned, in October 2002 this number had dramatically decreased to 1,050. It seems that the number of detainees increased as the level of violence increased; by the end of

[858] Operation Defensive Shield - Frequently Asked Questions, www.miftah.org, accessed 14 April 2007.
[859] Rees, Matt; "The terror that will not quit", Time, 1 July 2002.
[860] Tucker, Jonathan; "Strategies for Countering Terrorism: Lessons from the Israeli Experience, Journal of Homeland Security, 2003, www.homelandsecurity.org/newjournal, accessed 17 April 2007.
[861] Palestine Monitor; "Administrative Detention", www.palestinemonitor.org, accessed 15 April 2007.

2004 there were over 850[862] and Amnesty International reports that, as of March 14, 2006, over 600 Palestinians were being administratively detained.[863]

Some changes in the practice

When Israel re-introduced this method during the al-Aqsa Intifada, it did so without any major changes. However, some changes have occurred, which include the number of days a detainee can be held before seeing a judge, the deportation of some detainees to Gaza, and the changing practise regarding visitation.

Under Israeli military regulations a Palestinian can be detained for up to twelve days without the Israeli military informing the detainee of the reason for his/her arrest and without being brought before a judge. Military Order 1500, issued on 5 April 2002, increased this period of time to 18 days. Furthermore, the army is also not obliged to inform the detainee's family of their arrest or the location of their detention.[864]

A new practise regarding administrative detention was initiated during the al-Aqsa Intifada, which was connected to the expanded practise of the counter terrorism method of deportation. As previously explored, during the al-Aqsa Intifada Israel introduced the practise of deporting individuals to Gaza. At the end of 2003, 21 administrative detainees had been deported to Gaza. However, the extent of this practise is unclear. The deportations were called 'assigned residences' and were implemented through Israeli military regulations. Deportation, abroad or to another region of the West Bank or Gaza, following detention can be ordered as a result of either a military or High Court ruling or as a political compromise.[865]

Additionally, Israel also changed its practise regarding visitation. Until the outbreak of the al-Aqsa Intifada, family visits to prisons took place without any particular

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[862] Addameer; "Administrative Detention", www.addameer.org, accessed 15 April 2007.
[863] Amnesty International; "Administrative Detention", www.amnesty.org, accessed 2 January 2007.
[864] Addameer; "Administrative Detention", www.addameer.org, accessed 15 April 2007.
[865] *Ibid.*

difficulty or restriction. The difficulties began the month after the Intifada started, when Israel imposed many restrictions on movement, primarily in the West Bank. By the end of October, family visits had ceased completely. Although the possibility of visitation is slowly being loosened again, Israel has started imposing age restrictions, which differ from time to time. Until July 2005, Israel did not permit visits to prisoners by sons, daughters, brothers, and sisters who were between 16 and 35 years of age.[866] This sweeping restriction was removed in January 2006, and requests by these persons are now handled in the special framework relating to "persons forbidden entry on security grounds."[867] Palestinian detainees are therefore isolated from the outside world and their families

There seems to be continued support for using administrative detention as a method in Israel's counter terrorism policy. Meir Dagan, the director of Mossad, offered his view on the effectiveness of administrative detention:

> "I think there is no choice. It is not possible in the State of Israel to operate without administrative detention. It is one of the best tools that we have for making use of intelligence information without revealing it to the other side."[868]

Chief Staff of the IDF, Lipkin-Shahak seconds Meir Dagan's view and states:

> "It is obvious to you that administrate detention prevents an attack, frustrates an attack. Therefore, I see it as effective and appropriate even today. But here too, it is necessary to talk about the appropriate degree."[869]

These statements refer to the destruction of the organisation as a consequence of having members placed in administrative detention, as well as the intelligence gained from the detainees which will lead to the decrease of the organisation's capacity. However, as explored in chapter 5.6, the question is whether this decrease in short-term capacity is worth the strengthening of the Palestinians' motivation for resistance in the long-term.

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[866] B'tselem; "Barred from Contact; Violation of the Right to Visit Palestinians Held in Israeli Prisons", September 2006, www.btselem.org, accessed 15 April 2007.
[867] *Ibid.*
[868] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p.222.
[869] *Ibid.*

6. 6 The fence

The idea of a fence separating Israelis and Palestinians is, in some respects, an admission of failure, a product of a realization that terrorism cannot be eradicated. Additionally, the fact that it is being built, is a consequence of the end of a peace process which did not result in a final settlement. Israel has stated that the intention of building the fence is as a defensive action which is aimed at preventing terrorists from entering Israel proper. Furthermore, Israel emphasises that it is only meant as a temporary measure, and should not be interpreted as a permanent boarder between Israel and a sovereign Palestinian state. This is, however, precisely what the Palestinians fear will become the outcome of this measure. The fence also has other functions for the Israelis in addition to being a defensive action. There is also the issue of the settlement policy, securing that a future Israeli state is a Jewish state, and it also raises the question of a two-state solution. For the Palestinians, it severely limits their freedom of movement which again influences their economic development, weakens family ties and results in loss of land. All of these issues will be discussed in this section. Furthermore, this section will illustrate that the consequences the fence might have for Hamas are much the same as those resulting from the closure policy. However, seeing as the fence sparks the debate of the two-state solution, the position of Hamas will briefly be addressed in this context.

Firstly, however, it is important to clarify what is meant by the term 'fence'. In this thesis, the term 'fence' should be understood as a generic term for a physical barrier that will assume different forms in different locations. In places where Jewish and Palestinian population centres are close to each other, it might be a high concrete wall that will not only prevent terrorist infiltration, but also give protection against light arms fire. In other places, it will be an electronic fence. The way this fence is constructed will be discussed after an introduction on how the idea of its construction initially came about.

The idea of dividing Arabs from Jews is not a product of the al-Aqsa Intifada, however, it is an old idea that originated from the British government's 1937 Peel Commission report on Palestine. A decade later, the 1947 UN partition resolution called

for the establishment of Arab and Jewish states in Palestine, linked by some form of economic union. However, in modern times, it was Yitzhak Rabin who was the intellectual father of the current fence. After the introduction of suicide bombers as a tactic, Rabin established the Shahal Commission in 1995. The purpose of the Commission was to discuss how to build a security barrier separating Israelis and Palestinians.[870] A fence was constructed around Gaza to coincide with the handover of control to the Palestinians, under the Oslo Accords. However, the work of the Commission died with Rabin in November 1995. The notion of disengagement was revived, when Ehud Barak came to power in 1999. His campaign slogan was "We are here and they are there".[871] But, ironically, it was not until Sharon was elected that the building of the fence took place. Sharon was known to be committed to the settlement policy, and as such had long agreed with the settlers that a fence would create a de facto Palestinian state in the West Bank and would mean abandoning those settlements that ended up on the wrong side. However, in February 2002, after one year in office, Sharon declared his support for the barrier. Any resistance that existed in the government, was swept aside after twelve suicide attacks in the following month which left 80 killed.[872] On April 14 2002, Sharon announced that the government had decided to establish "security buffers zones" between Israel and the Palestinian territories. Construction began two months later.[873]

The construction

About three percent of the actual fence consists of concrete, as a physical barrier, a wall, whereas the rest of the construction is a chain-link fence equipped with monitoring sensors and surveillance equipment. This fence might cover an area of five kilometres in width and include physical obstacles, monitoring systems and security

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[870] Forgione, Fabio; "The Heaven Behind the Wall; A story of 'security human rights violations", www.phrmg.org, Accessed 9 January 2007.
[871] Baskin, Geershon; "Walls and Fences: Consequences for Israel and Palestine", Palestine-Israel Journal of Politics, Economics and Culture, Vol. 9, Issue 3, 2002.
[872] Nofal, Mamdouh; "The Political and Security Complications of the Israeli Separation Fence", Palestine-Israel Journal of Politics, Economics and Culture, Vol. 9, Issue 3, 2002.
[873] *Ibid.*

services kept on high alert. In areas where the construction of the fence is complete, military orders have created a buffer zone of 150- 200 metres on the Palestinian side in which new construction is prohibited.[874] Passage into Israel is supposed to be only possible through check points. In May 2006, out of a projected total of 703 kilometres, 362 kilometres of the Wall had been constructed and a further 88 kilometres was under construction.[875]

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[874] UN OCHA; "Preliminary Analysis of the Humanitarian Implications of the April 2006 Barrier Projections," 7 July 2006, www.ochaopt.org, Accessed 9 January 2007.
[875] Al-Haq; "The Wall in the West Bank", www.alhaq.org, Accessed 8 February 2007.

Map 1: The black boarder indicates where the fence was completed in 2004 and the red line indicates where the fence is planned to be built further.[876]

The maps outlining the position of the fence surprised many, as they showed that the wall was not following the 'Green Line', the 1967 border between the West Bank and Israel.[877] Instead, it deviates from this line in such a way that it encircles Palestinian

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[876] Israel Ministry of Forgein Affairs; "Security Fence", www, mfa.gov.il Accessed 14 February 2007.
[877] Al-Haq estimates that only 20 percent of the fence does follow the Green Line. Al-Haq; "The Wall in the West Bank", www.alhaq.org, Accessed 8 February 2007.

towns and villages, cutting off communities and families from each other, separating farmers from their land and Palestinians from workplaces, education and health facilities and other essential services. The total route of the fence runs for some 700 km, twice the length of the Green Line, which is 320 km long.[878] In some places the fence is built up to 20 km east of the Green Line, and because much of the fence runs so far inside the West Bank, large areas of fertile farmland and whole Palestinian villages have become caged between the fence and the Green Line, in enclaves usually referred to as 'seam zones'. In October 2003, they were declared as special military areas for an indefinite period of time. At the time, the area included about 9 Palestinian villages, populated by 5,200 persons, and ten Israeli settlements, inhabited by 22, 000 settlers.[879] Palestinians who live in these 'seam zones' now require permits, which are valid for a year, from the Israeli authorities, to continue to live in their homes.[880] If this permit is not obtained, it means that the family lives in an illegal building which could be the target of house demolishing. Additionally, Palestinians living on either side of the fence must obtain Israeli permits to pass through a designated gate in the fence.[881] According to the UN, as of September 2006, approximately 40 percent of applications were denied.[882] As a consequence, the day to day life of Palestinians has been even further complicated, as their limited freedom of movement affects travelling to work, seeing family, access to heath facilities and schools. Human rights organisation, al-Haq, confirms that there is an increasing tendency to grant permits only to registered land owners and their direct descendants. This results in the exclusion of most of the workforce in labour-intensive Palestinian agriculture. Furthermore, those who actually do obtain a permit, face several obstacles; the specific gate which the permit is intended for may be far away, have limited and irregular opening hours, and farm vehicles or tools are frequently not allowed to pass, severely restricting the movement of agricultural produce.[883] As a result, more and more land in the 'seam zone' is not being cultivated. In accordance with the law

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[878] Forgione, Fabio; "The Heaven Behind the Wall; A story of 'security human rights violations", www.phrmg.org, Accessed 9 January 2007.
[879] Al-Haq; "The Wall in the West Bank", www.alhaq.org, Accessed 8 February 2007.
[880] Amnesty International; "Road to nowhere", www.amnesty.org, Accessed 15 April 2007.
[881] *Ibid.*
[882] UN; "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967", 5 September 2006, www.un.org, Accessed 9 January 2007.
[883] Al-Haq; "The Wall in the West Bank", www.alhaq.org, Accessed 8 February 2007.

which applies in the West Bank, land not registered or cultivated for three consecutive years can be declared 'state land' and ultimately confiscated. According to al-Haq and Amnesty International, much of the land in the 'seam zone' has already been declared 'state land' by the Israeli authorities.[884]

6. 6. 1 The purpose of the fence – security or final border?

Due to the fact that the fence is a physical barrier segregating Arabs who live in the West Bank from the Israel's proper, there are concerns that Israel's purpose of building this fence is not to enhance security, but rather to make 'irreversible facts on the ground' that would ultimately lead to a permanent boarder. Israel maintains that the construction of the barrier is a temporary measure with the main purpose of protecting the Israeli civilian population, in reaction to numerous suicide bombing attacks originating from the West Bank.

During the al-Aqsa Intifada, it became clear that the bombers home was often in close proximity to the target. There are several examples of this; for instance, in the beginning of 2003, three individuals on separate occations went seven miles from Tulkarm in the West Bank to commit three murders in the Israeli town of Netanya, and on another occasion, seven individuals travelled two miles from Bethlehem to Jerusalem to murder eight others.[885] Head of Boarder Police, Israel Yitzchak, spoke about the expectations this fence would fulfil: "With this fence, we'll be able to stop 100 percent of terrorist infiltrations."[886] Many Israelis shared his optimistic calculation. An opinion poll in 2003 showed that 83 percent of Israelis were in favour of the construction of the fence,

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[884] Al-Haq; "The Wall in the West Bank", www.alhaq.org, Accessed 8 February 2007 and Amnesty International; "Road to nowhere", www.amnesty.org, Accessed 15 April 2007.
[885] Zuckerman, Mortimer; "Building a freedom fence", www.usnews.com, Accessed 15 February 2004
[886] Baskin, Geershon; "Walls and Fences: Consequences for Israel and Palestine", Palestine-Israel Journal of Politics, Economics and Culture, Vol. 9, Issue 3, 2002.
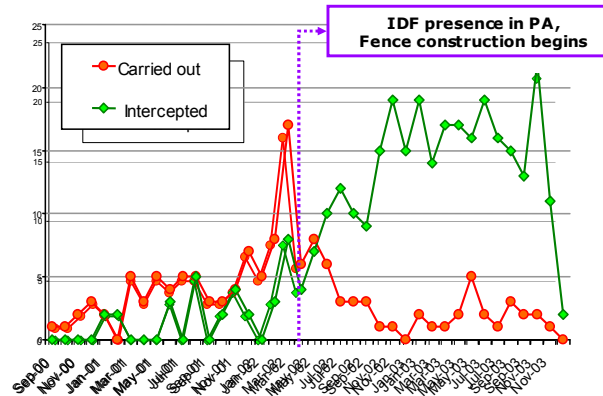
and 63 percent believed that the fence would significantly reduce terror.[887] Those who are in favour point out that the fence around Gaza has been a successful preventative measure in the al-Aqsa Intifada. According to Avi Dicher, head of Shin Bet, not one suicide bomber has entered Israel from Gaza since the al-Aqsa Intifada.[888] Many Israelis regard this as a proof that a fence can stop terrorism. And figures produced by the IDF confirm that the fence has been an effective defensive action which has not only deterred terrorist organisation from carrying out attacks, but also prevented attacks. In the course of the 11 months that passed between August 2003 and the end of June 2004, the IDF reported a over a 90 percent drop in the number of terrorist attacks: an average of 26 terrorist attacks a year prior to the construction of the security fence, compared to three terrorist attacks a year after the security fence was constructed.[889] Additionally, it was not only the number of attacks that had decreased, but also the fatalities; a drop of over 70 percent in the number of fatal casualties i.e. an average of 103 people killed a year prior to the construction of the security fence and the establishment of the buffer zone, compared to 28 people killed a year after the security fence was constructed.[890]

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[887] The Tami Steinmetz Center for Peace Research; "Peace index –the fence", www.tau.ac.il/peace/, Accessed 8 February 2007.
[888] Baskin, Geershon; "Walls and Fences: Consequences for Israel and Palestine", Palestine-Israel Journal of Politics, Economics and Culture, Vol. 9, Issue 3, 2002.
[889] Intelligence and Terrorism Information Center at the Center for Special Studies; "The Security Fence and the Buffer Zone as a Successful Obstacle to Terrorism", July 2004, www.terrorism-info.org.il, Accessed 9 February 2007.
[890] Intelligence and Terrorism Information Center at the Center for Special Studies; "The Security Fence and the Buffer Zone as a Successful Obstacle to Terrorism", July 2004, www.terrorism-info.org.il, Accessed 9 February 2007.

Figure 7 [891]:

Effectiveness of the Fence

The fence **substantially improves** the ability of the Israeli Defense Forces (IDF) to **prevent the infiltration** of terrorists and criminal elements into Israel.

One conclusion that can be interpreted from this figure is that the fence is most effective in intercepting terror attacks, however, the number of incidents where the IDF managed to intercept is high showing that the fence did not discourage the terror organisation from wanting to carry out operations. In contrast, Israel managed to raise the barrier so high that the terror organisations no longer had the capacity to penetrate the fence. The fact that the security forces managed to intercept these suicide bombers, means that the terrorists are usually arrested and thus there is the opportunity to interrogate them in order to learn more about their organisations, which again could lead to more arrests, confiscation of weapons and perhaps ultimately, to a future reduction in their capacity. Furthermore, it dramatically reduces the Palestinians' advantage in the media war. The construction of the fence, contributes to the end of televised pictures of Israelis fighting terrorists on the West Bank with tanks and helicopter gunships, which gave sympathy for the Palestinians.

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[891] Israeli Ministry of Foreign Affairs; "The anti-terrorism fence", www.securityfence.mfa.gov.il, Accessed 9 January 2007.

One way for Hamas to continue sending suicide bombers through the fence into Israel, is to rely on women to smuggle explosives or become suicide bombers themselves. Although, this has been done in the past, it is not an unproblematical approach, as it challenges a religious and cultural view, and by doing so it risks public support. Other ways in which Hamas could continue their military resistance activity, is to recruit Israeli Arabs to be suicide bombers, although this scenario does not solve the problem of how they would obtain the explosives. It is possible that the reason the fence has lead to a reduction in suicide attacks, is that Hamas has chosen to change its modus operandi to, for example, using mortars and Qassam rockets. The Qassam is designed to fly over the barrier and strike Israeli targets on the other side. The Qassams were first fired at Israeli civilian targets in October 2001, however, due to their short range, all landed inside the Gaza Strip. But Hamas managed to improve their rockets and the first Qassam to land in Israeli territory was launched on February 10, 2002, and on March 5, 2002, the Qassam struck for the first time an Israeli city –Sderot. Reportedly, the total number of Qassam rockets launched exceeded 1, 000 by June 9 2006.[892]

Despite the statistics supporting that the fence significantly reduces acts of terrorism, the Palestinians have different views on the purpose of the fence. Essentially, the Palestinian-Israeli conflict remains a dispute about land. The Palestinian position on the border issue is simple: the international borders between the states of Palestine and Israel shall be the armistice cease-fire lines, in effect on June 4, 1967. The Palestinians fear that this security measure is simply a method to create 'facts on the ground' with which Israel can bargain should it again enter negotiations to resolve its conflict with the Palestinians, and the Palestinians argue that the route of the fence just proves this point. Israel is moving the fence to include several West Bank settlements and other areas the Israeli army wants to patrol. The construction of the fence did spur a political debate in Israel on the futility of retaining remote settlements in the West Bank. Sharon did indicate he would make concessions and evacuate certain settlements in the West Bank. A list of 17 settlements to be evacuated was published in the Israeli press, but these

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[892] Global Security; "Qassam Rockets", www.globalsecurity.com, Accessed 9 January 2007.

settlements were smaller, isolated ones. [893] Even so, Israel did unilaterally withdraw settlers from Gaza as part of the disengagement plan, as well as small areas of the northern West Bank, amounting to around 8, 500 settlers or almost two percent of the entire settler population. Nevertheless, settlers continue to move into the West Bank, which in 2006 contained approximately 445, 000 settlers, resulting in an increase in the total number of settlers after July 2004.[894]

Palestinians also made the point that a fence that costs so much to build, it is estimated that about $1, 5 billion has been allocated for the first two stages of the project,[895] cannot be a temporary fence, and because of the route it follows, creates a permanent boarder. However, the Israelis upheld their position by arguing two aspects; firstly, since Israel does not agree with the status of the 'Green Line' as the borderline between Israel and Palestine in a future two state solution, but rather argues that borders have still to be negotiated in future peace agreements, the route of the barrier consequently does not violate any Israeli obligations.[896] Secondly, even if the 'Green Line' served as the borderline between the two future Israeli and Palestinian states, the route of the barrier would not constitute a political statement of Israel's future territorial claims, since the barrier is solely built for security reasons and the route defined on this basis, and not for political reasons. Furthermore, if the 'Green Line' were the route of the barrier, it would in fact be politically motivated.[897]

The two-state solution

Although Israel states that the fence is temporary, and not a political fence, many of the Israelis in favour of the fence have interpreted the barrier as an act of recognition by Israel, that a two-state solution is inevitable. The concept of the two-state solution was re-introduced at the start of the peace process, however, no final agreement has been

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[893] Amnesty International; "Road to nowhere", www.amnesty.org, Accessed 15 April 2007.
[894] Al-Haq; "The Wall in the West Bank", www.alhaq.org, Accessed 8 February 2007.
[895] Global Security; "Security Fence", www.globalsecurity.org Accessed 8 February 2007.
[896] Forgione, Fabio; "The Heaven Behind the Wall; A story of 'security human rights violations", www.phrmg.org, Accessed 9 January 2007.
[897] *Ibid.*

reached during these negotiations. Although the concept is widely supported in Israel, a poll showed that 78 percent of Israelis are in favour,[898] others in Israel oppose it, especially members of the political extreme right wing. Their view is that Israel should consist of the biblical Israel, which includes parts of Syria, the West Bank and Gaza, and believe that only when Jews rule over this land, the Messiah will return. Nevertheless, annexing the West Bank and Gaza is not an option that the right wing embraces either, because this would result in a enormous demographical shift, which ultimately could result in Israel no longer being a Jewish state. Therefore, one could argue that apart from security, demography has been the second most important factor contributing to Israeli support for the fence. More and more Israelis have started to realize that if partition does not happen soon, within a decade Jews will be a minority in a de facto bi-national state. Before Ehud Olmert became Prime Minister, he stated:

> "There is no doubt in my mind that very soon the government of Israel is going to have to address the demographic issue with the utmost seriousness and resolve. More and more Palestinians are uninterested in a negotiated two-state solution, because they want to change the essence of the conflict from a struggle against 'occupation' in their parlance, to a struggle for one-man-one-vote. That is, of course, a much cleaner struggle, a much more popular struggle –and ultimately a much more powerful one. For us, it would mean the end of the Jewish state."[899]

To remain Jewish and democratic, Israel needs to avoid absorbing areas or population groups that will undermine its Jewish majority. Despite the million immigrants who came to Israel from the former Soviet Union in the last decade, and despite government subsidies that encourage ultra-Orthodox Jews to have more children, the percentage of Jews among Israeli citizens dropped from 82 percent in 1985 to 78 in 2000, amounting to 3,8 million in 1985 and 4,9 million.[900] In contrast, there are today more than eight million Palestinians in Greater Palestine; 1,4 million in Israel, 1,4 million in Gaza, 2,4 million in the West Bank and 3,6 million in Jordan. In 30 years or so, they will double to 16 million, not counting the relatively large concentrations of refugees in Lebanon and

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[898] The Tami Steinmetz Center for Peace Research; "Peace index –the fence", www.tau.ac.il/peace/, Accessed 8 February 2007.
[899] Hilal, Jamil; "Palestine: the last colonial issue" in Hilal, Jamil; Where Now for Palestine? The Demise of the Two-State Solution, Zed Books, London, 2007.
[900] According to Israel's Central Bureau of Statistics there were 3 570 200 Jews among 4 266 200 Israeli citizens in 1985. In 2000 the there were 4 955 400 Jews among 6 369 300 Israeli citizens. Population databank, Central Bureau of Statistics, www.cbs.gov.il, Accessed 24 November 2007.

Syria.[901] The idea of disengagement from Gaza and the limited withdrawal from the West Bank were efforts to halt the development towards bi-nationalism. It became clear during the 17th Knesset election, held on March 28 2006, that the majority of Israeli leaders and the public preferred Israel to be an ethnic-Jewish state, even at the cost of withdrawing from parts of the West Bank and Gaza.[902] The disengagement suggested that the Palestinians were now free to construct their state on the territory from which the Israelis had withdrawn.

On 8 March 2006, two weeks before the Israeli general election, then Acting Israeli Prime Minister Ehud Olmert, stated that "the course of the fence - which until now has been a security fence - will be in line with the new course of the permanent border."[903] Then Justice Minister Tzipi Livni said in November 2005 that the separation fence would serve as "the future border of the state of Israel."[904] These clear statements by the two top officials in the current Israeli government demonstrated their intent to bring Israel's border in line with the fence.

The PLO has since 1988 accepted the concept of a two-state solution, and this became clear with the signing of the Oslo Accords. However, Hamas' approach was different; Hamas' Charter implies an outright rejection of the very idea of a two-state solution.[905] The Charter presents a "historic" vision with the goal of total liberation of Mandatory Palestine, but in practise it has implicitly accepted the goal of a two-state solution, to be reached by negations, in keeping with the UN resolutions. If such a solution cannot be reached, Hamas has long maintained its only option is "resistance against occupation until liberation." Hamas co-founder, Ismail Abu Shanab, has even admitted that: "we cannot destroy Israel. The practical solution is for us to have a state

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[901] CIA Fact Book, "West Bank" and "Gaza" www.cia.gov, Accessed 12 January 2005 and Central Bureau of Statistics, "Population growth" www.cbs.gov.il, Accessed 12 January 2005.
[902] Ghanem, As'ad; "Israel and the 'danger of demography'", in Hilal, Jamil; Where Now for Palestine? The Demise of the Two-State Solution, Zed Books, London, 2007.
[903] Aluf Benn & Yossi Verter: "Ehud Olmert: Permanent borders within four years", www.haaretz.com, Accessed 9 March 2006.
[904] Yuval Yoaz; "Justice minister: West Bank fence is Israel's future border", www.haaretz.com Accessed 1 December 2005.
[905] The Hamas Charter, Article 11.

alongside Israel."[906] But Hamas refrains from declaring any short-term strategy, which is why Hamas was opposed to the Oslo peace process.

In June 2006, all the Palestinian organizations, except Islamic Jihad, signed a document calling for a political settlement of the Israeli-Palestinian conflict, based on the creation of a Palestinian state beside the state of Israel. The document restricted the area of armed resistance to the West Bank and Gaza only, and left the question of official recognition of the state of Israel unanswered. It appears to be a decision which enjoys public support. According to a 2006 poll conducted by the Jerusalem Media & Communication Centre in the West Bank and Gaza, "46, 6 percent of respondents favour a two-state solution for the Arab-Israeli conflict."[907] But what kind of state can this become for the Palestinians? These areas are subjected to high rates of unemployment, poverty, economic stagnations and highly restricted freedom of movement of goods and people, which the Israeli counter-terrorism method has significantly contributed to.

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[906] Gunning, Jeroen; "Peace with Hamas? The Transforming Potential of Political Participation", International Affairs, Vol. 80, Issue 2, 2004, p. 241.
[907] Jerusalem Media & Communication Center; "Two-state solution" September 2006, www.jmcc.org, Accessed 9 January 2007.

7. Have these sets of counter-terrorism methods worked?

"Even if terrorism could not be beaten, it does not follow that it should not be fought".[908]

Unlike conventional warfare, a decisive victory in the fight against terrorism is rare. Therefore it might be difficult to ask the true purpose of counter terrorism, and assessing the effectiveness of a country's counter terrorism procedure becomes a challenge. Is it considered a success when the number of terror attacks decline? Is it still considered a success when the number of terror attacks increases the following year? Or when the lethality of each attack drops? Is it a success when the Israeli public fears terrorism less then before? Or is it when terrorism no longer is regarded by the Palestinian public as a legitimate method to achieve political goals? When addressing if the counter terrorism methods explored in this thesis have been successful or not, it is insufficient to merely consider the drops in the number of terror attacks. Although this type of quantitative indicator is useful, qualitative indicators will also be considered in this thesis in to try to show the bigger picture. These factors combined will give an indication as to whether Israel's counter terrorism policy results in an effective counter terrorism equation.

There are several quantitative indicators that expose the effectiveness of a counter terrorism method. The reduction in a terrorist organisation's capacity can be broken down in several indicators; the freedom of movement, how well organised they are, how resilient they are to the loss of a leader, their ability to recruit and train new members, how well they adapt to counter measures and their ability to obtain financial means and weapons. However, ultimately a reduction in one of these abilities will be reflected in their capability to carry out attacks in the long term. Therefore in this thesis, the main

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[908] Herren, Eric; Counter Terrorism Dilemmas, 15 April 2002, www.ict.org.il, Accessed 16 September 2002.

criterion within the quantitative indicator that will be assessed, is the overall number of terrorist incidents. Hereunder, in order to capture the asymmetry of terror attacks, reductions or increases in the lethality of the attacks will also be assessed, as this might indicate the extent of the terrorist organisation's capacity.

In addition to these quantitative indicators, there are several qualitative indicators which expose the effectiveness of counter terrorism methods. These include the morale of the people suffering from terrorism, decisions of terrorists to alter their modus operandi, decisions to alter their targets, the degree of willingness to pursue methods other than terrorism, the level of motivation and degree of local support for the terror organisation and the morale within the terrorist group. This thesis will focus on three indicators, to assess their effectiveness as counter terrorism methods; Hamas' decision to alter its modus operandi, its change of the operational theatre, and the battle over hearts and minds. With respect to the latter, the Israeli public's attitude towards terrorism and the peace process will be explored and degree of local support for Hamas amongst the Palestinians and their attitude towards the peace process in general.

Finally, this chapter will attempt to draw a conclusion as to whether the Israelis have been successful or unsuccessful with their counterterrorism efforts according to the quantitative and qualitative indicators.

7. 1 Quantitative indicators of effectiveness

Intuitively, quantitative indicators are a logical method of determining whether or not terrorist incidents have increased or decreased, and are an initial source of information to determine whether or not counterterrorist measures have been successful. Quantitative indicators can be used to measure counterterrorism's effectiveness using a time-series analysis.[909] The logic of this approach is simple, and stems from the idea that the main goal of a counter terrorism policy is to reduce the amount of terror violence. Therefore, if the level of terrorist activity is plotted over time and against a particular policy indicator, it should be possible to decide whether the policy is, or is not, effective.

This method, however, relies heavily on statistics, which presents several challenges. In general there will always be issues regarding the availability and quality of the data, but this becomes even more apparent in social sciences with respect to measuring human behaviour and cause and effect. Statistics are more difficult to use for illustrating changes in human intentions, feelings or wishes. Furthermore, statistics do not take into account other social issues, such as political mood, ideology, resentment and hatred. Therefore it is more problematic measuring effectiveness of the counter terrorism methods by merely relying on statistics. A successful counter terrorism policy results not only in a reduction of the number of incidents or fatalities, it can also be measured using other parameters such as fluctuations in local support, or changes in morale amongst the terrorist- targeted public, the operational theatre and so forth. These indicators are more qualitative and harder to generate statistics from. However, when a quantitative method is used carefully, without drawing unqualified conclusions, and combined together with a qualitative method, it can give an indication of whether a counter terrorism policy is effective or not.

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[909] For an example of this method see Hewitt, Christopher; The Effectiveness of Anti-Terrorist Politics, University Press of America, Lanham, 1984.

This section will rely on statistics from the MIPT Terrorism Knowledgebase. MIPT integrates data from the RAND Terrorism Chronology and RAND-MIPT Terrorism Incident databases; the Terrorism Indictment database; and DFI International's research on terrorist organisations. There are two reasons for only including statistics from MIPT here; firstly, it is relative easy to explore how they have solved the challenges mentioned above, as their definitions are stated on the website, and secondly, there is the obvious advantage that the numbers originate from a single source.

It is important to be aware of the methodogical challenges that arise when using these statistics. First of all, there must be clear definitions, of for example, terrorism, terrorist groups and the constitution of a terrorist attack. Furthermore, how should acts that no one has claimed responsibility for be classified? Also, as mentioned in the introduction, terrorist organisations often behave in a 'non-linear' fashion. This means that time-series data alone might give a skewed picture of the effectiveness of a counter-terrorism method, in that there are fewer ways of controlling for the influence of other factors. Another problem is that it is impossible to know how many incidents were actually stopped by Israelis before the incidents took place. For instance, the Israelis may have thwarted a greater number of incidents in 2005 than in 2004, although the total number of incidents in 2005 increased. Moreover, the data on attempted and thwarted terror attacks is limited, and thus it is difficult to obtain a correct picture.[910] Despite these shortcomings, examining the quantitative indicators can reveal interesting trends, some of which will be explored in the next section.

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[910] As an example, from September 2000 through May 2004 there were 274 attempted terrorist attacks, out of which only 142 bombs actually blew up. The remaining 132 bombers were captured by Israeli security personnel before they acted. Kimhi, Shaul and Shemuel Evan; "Who are the Palestinian Suicide Bombers?" Terrorism and Political Violence, Vol. 16, no. 4, 2004.

Overall Level of Terrorist Incidents

When trying to determine if a counter terrorism policy has been successful, it is natural to turn to statistics in order to see if the amount of terror incidences has decreased over time. If this is the case, it is tempting to conclude that the counter terrorism policies have been successful. In this respect, there have been 'ebbs and flows' in the number of general terrorist attacks from 1992 through to 2006.

Figure 8: Terror incidents in Israel and the West Bank and Gaza, 1987-2006:[911]

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[911] Numbers are collected from MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007
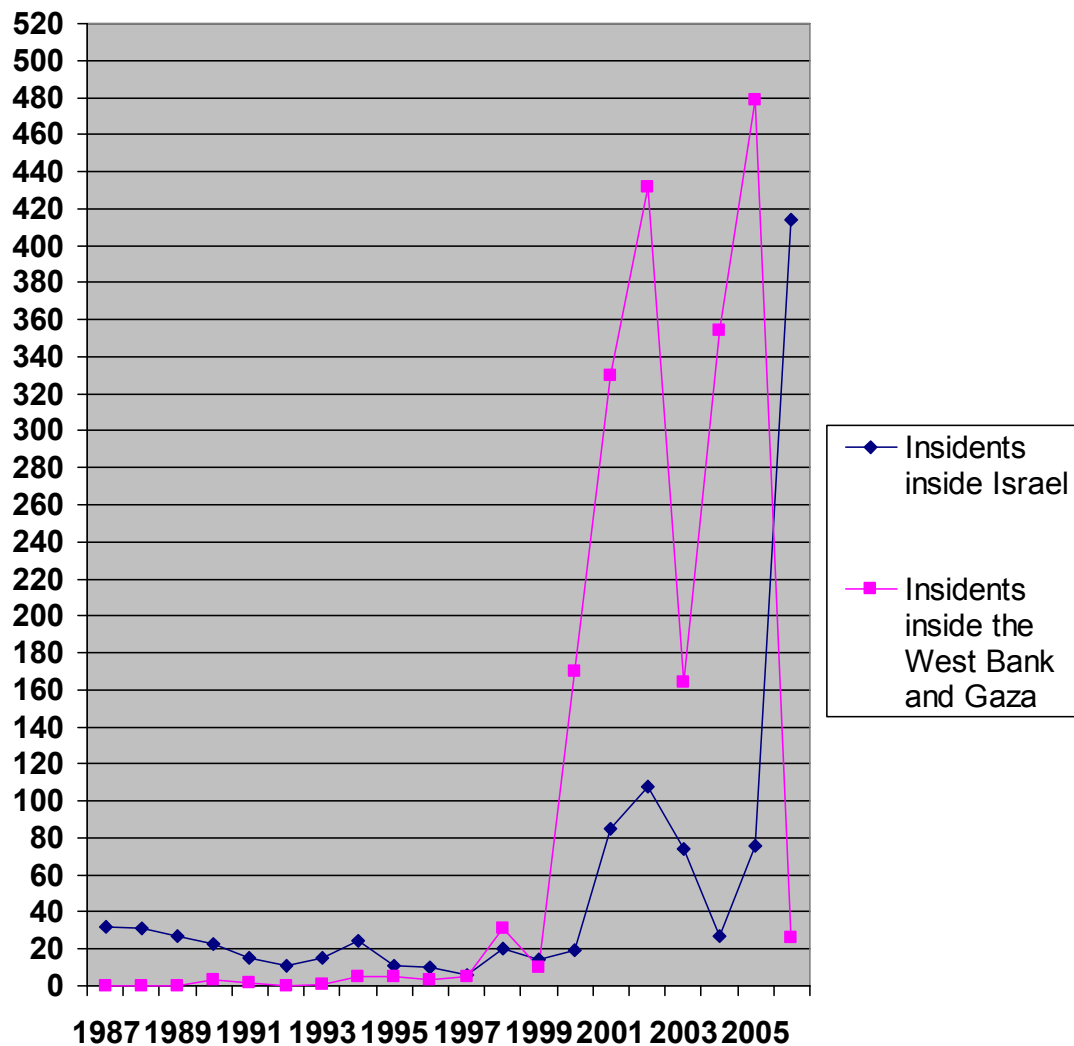
When commenting on this development, it is important to remember there are many different kinds of groups responsible which have contributed to this development. However, seeing as Hamas is the main focus of this thesis, it is useful to isolate the incidences Hamas has been responsible for.

Figure 9: Incidents by Hamas, 1989-2006:[912]

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[912] MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007.
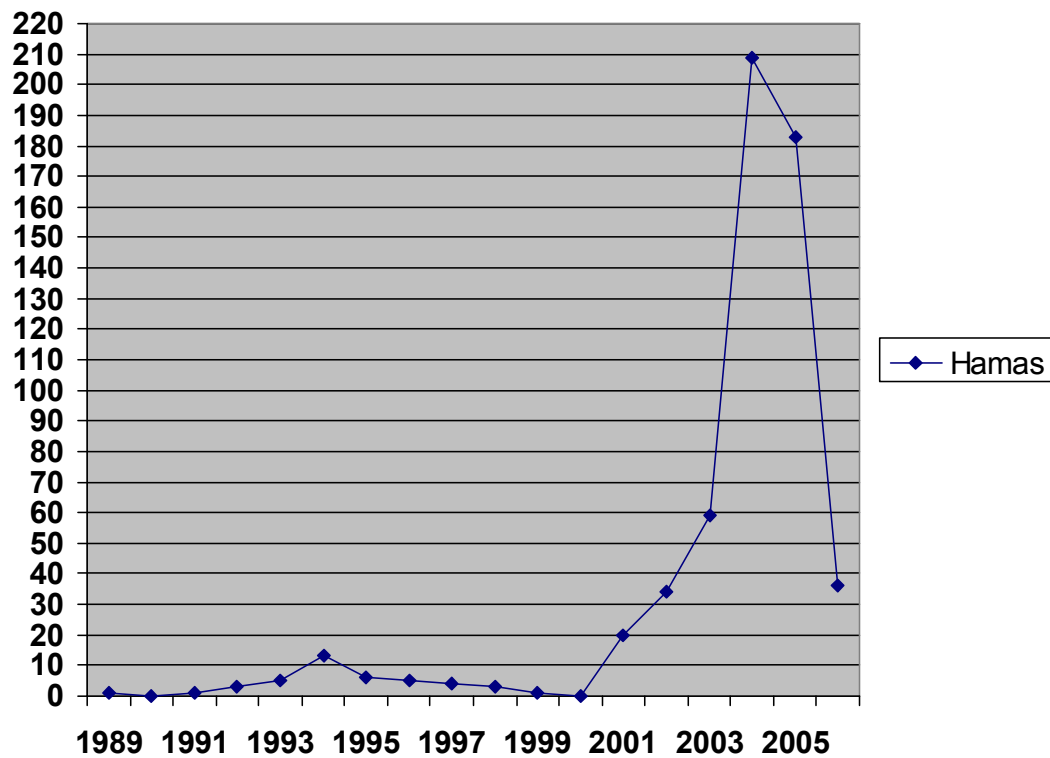
These incidents also include suicide bombers, but if the suicide bombers are separated from the data, the curve looks as follows:

Figure 10: Total Incidents of Suicide Bombers in Israel and those carried out by Hamas, 1993-2006:[913]

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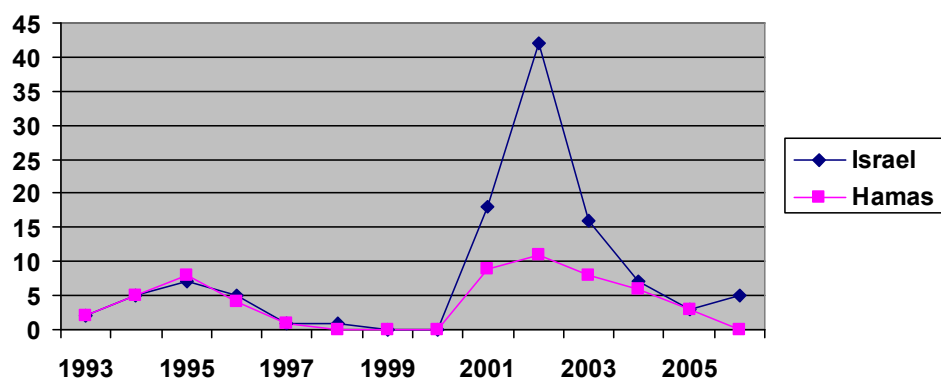
[913] MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007.

These statistics give several pieces of information. Firstly, it is possible to see when the amount of incidents reached its high. During the years of the peace process, the years 1994 and 1998 stand out, in which the number of incidents were 24 and 20 respectively. However, it is not until the al-Aqsa Intifada, that a sharp increase of incidents is apparent, with a peak in 2002 with 108 incidents and in 2006 with 414. It is also worth noting that the level of violence during the al-Aqsa Intifada was much higher than during the first Intifada (1987-1993). The first Intifada had a total number of 154 incidents, with an average of 22 incidents a year. In contrast, during the al-Aqsa Intifada through to the end of 2006, the total number of incidents is 803, with an average of nearly 115 incidents a year. This verifies that the level of violence was significantly higher during the al-Aqsa Intifada years. This data alone suggests the following; that either the Israelis altered their counter terrorism policy in 2000/2001 and the change was not as successful as the previous counter terrorism policy, or that the counter terrorism policy during the peace process years was not successful in the long term.

Secondly, by purely evaluating the number of terrorist incidents, year by year, it appears that the terror incidents dropped as the signing of the Oslo Accords approached. This development could indicate that the Israeli counter terrorism methods were much more successful in 1993 than in the previous years. However, with 24 incidences in 1994, 13 of which Hamas was responsible for, 1994 was one of the most violent years in that timeframe. This development suggests that despite the success of Israel's counter terrorism in 1993, it did not decrease the terrorist organisations capacity in the long run. It was during this period Israel introduced measures like the permit system, the closure policy and demolishing houses belonging to the family of suicide bombers, and by the end of 1993, most of the 415 deported Islamist had returned. However, it is also likely that the counter terrorism methods used in 1993 did not prove to be effective against suicide bombings, which were introduced as a common modus operadi in 1994.

Thirdly, it is also notable that the second highest peak of incidences during the peace process years came after a relatively long period of few incidences. This period

ended in 1998, when there were a total of 20 incidences, of which Hamas was responsible for three. These statistics alone indicate that Israel's counter terrorism measures which were introduced in 1996 and continued in 1997, managed to reduce the terrorist organisation's capacity throughout 1997.

Fourthly, the curve clearly shows that it was not until the outbreak of the al-Aqsa Intifada that the number of incidences significantly rose and reached its first peak in 2002, with 108 incidences, Hamas was responsible for 34 of those. Israel responded in the same year by carrying out two large scale military operations, 'Operation Defensive Shield' and 'Operation Determined Path' which led to the siege of large areas of the West Bank. The year 2002 was also the year when Israel re-introduced the selective killings measure and deportation, and increased its use of administrative detention, in addition to the initial construction of the fence. According to the numbers, these counter terrorism methods seemed to have been successful, as the violence started to drop in 2003 and were at an all time low in 2004, with the numbers of incidences in Israel at 27. However, these measures did not seem to have a long lasting effect as the number of incidences increased again and reached an all time high in 2006, with the number of incidences in Israel was 414.

Fifthly, it is interesting that Hamas has at times played the leading role in the development of terror incidences, but at other times has been more moderate. In 1994, 1995, 1996 and 1997, Hamas was responsible for around half of the attacks in Israel, suggesting they were at the forefront of the fight against Israel. However, in 1998, the year when Israel experienced a peak with 20 terror incidences, and in 1999 and 2000 had 14 and 19 incidences respectively, Hamas' activity was very moderate; carrying out respectively three, one and no attacks. Throughout 2001-2003, Hamas did not play the major role, although they were definitely active. This changed to some extent in 2004 and 2005, when Hamas again strengthened its position by carrying out 209 and 183 terror attacks respectively in the West Bank and Gaza, as well as in Israel. This changed drastically in 2006, the year they won the election, when they were responsible for 36 of the 440 attacks which took place in the West Bank, Gaza and Israel. This shift indicates

that Israel's counter terrorism measures were very effective against Hamas throughout 1998-2000, had a moderate effect throughout 2001-2003, and were ineffective in 2004-2005, only to become very successful again in 2006. On the other hand, the periods when Hamas is more moderate coincide with instability and Hamas needing to re-evaluate its strategy, especially after the outbreak of the al-Aqsa Intifada. Therefore the lull in terror attacks does not necessary reflect an effective counter terrorism policy, but rather the need for assessing internal strategies.

Finally, the data suggest that suicide bombings were the main modus operandi during the peace process years. This changed in 1998, when only one out of the 20 incidences was a suicide attack out. From then on, despite the increase of suicide bombers in 2001-2003, this was not the main modus operandi. Furthermore, it is interesting to see that during the peace process it was Hamas who was responsible for most of the suicide attacks, and that this changed during 2001-2003. It is difficult to draw any conclusions about the effectiveness of counter terrorism methods against 'suicide bombing' as a method. However, in 2002 there were 42 suicide bombers and the following year this was reduced by more than 50 percent, and in 2004 the number was again reduced by half.[914] This could suggest that the counter terrorism measures which were especially intended to counter suicide bombers, such as the building of the fence which started in 2002, the demolishing of houses belonging to the families of suicide bombers and the deportation which was re-introduced in 2002, were successful and had a long term effect.

Injuries and Fatalities

A second quantitative indication of whether a counter terrorism strategy or policy has proven successful or not, is a decline in the number of casualties and deaths due to

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[914] In 2003 the number of suicide bombers were 16 and in 2004 the number was 7. MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007.

terrorist incidents. Using the same data as in figure 8, but presenting only the numbers of injured and the fatalities in Israel, the West Bank and Gaza, the curve looks as follows:

Figure 11: Number of injuries and fatalities in Israel and in the West Bank and Gaza, 1986-2006:[915]
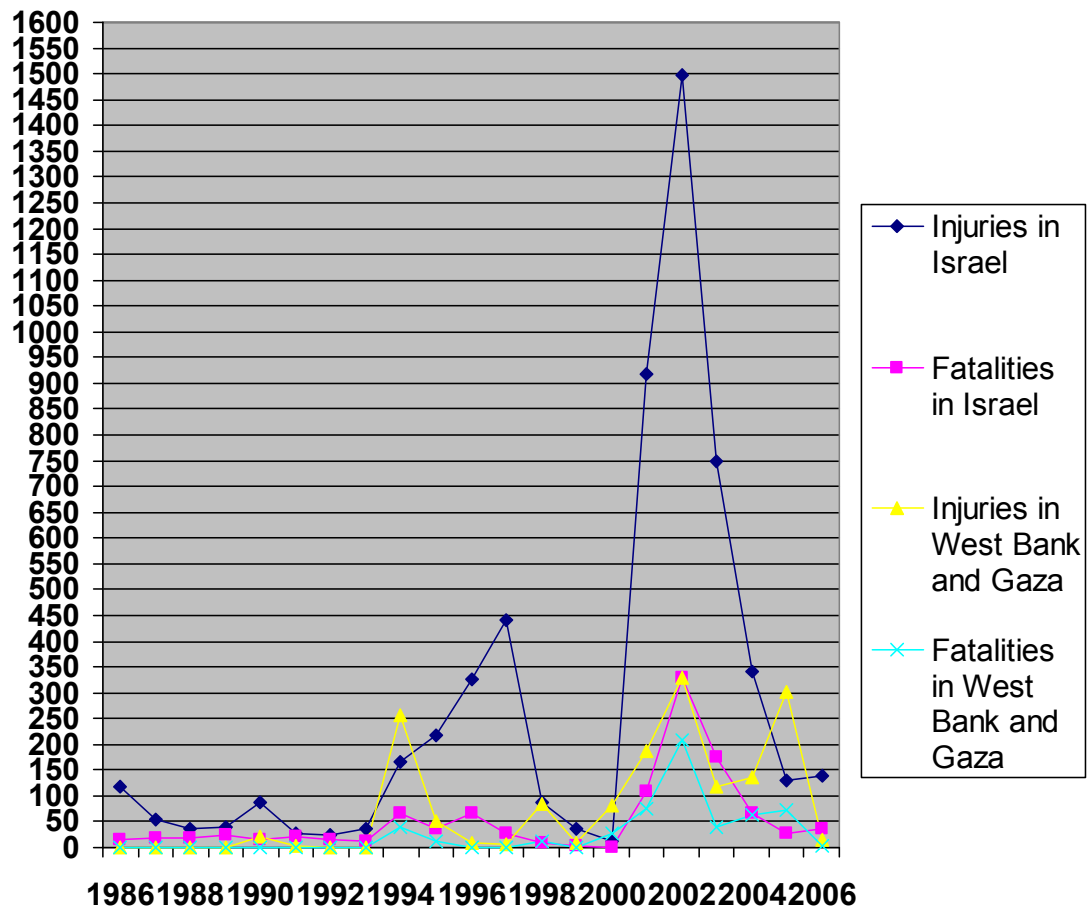
In this context, it is also useful to present the data which demonstrate the number of injuries and fatalities of Hamas' terror attacks throughout the years, as shown in figure 9.

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[915] MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007

Figure 12: Number of injured and fatalities due to Hamas' terror attacks, 1987-2006:[916]
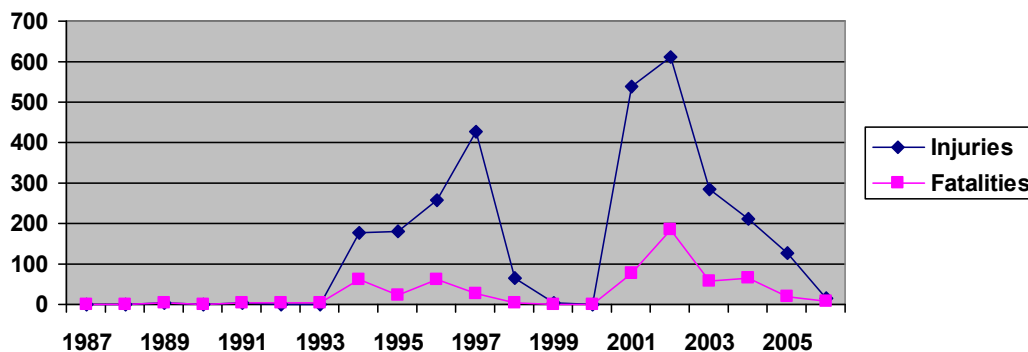
There are several observations that can be made from these statistics. Firstly, the years during which the terrorism was most deadly can be determined. During the years of the peace process, it was 1994 and 1996 that were most deadly as 67 and 65 individuals were killed respectively, based on the number of fatalities within Israel. During the al-Aqsa years, the year 2002 was worst, with 329 individuals killed. With respect to fatalities inside the West Bank and Gaza during the peace process years, the year 1994 clearly stands out with 40 individuals killed. During the al-Aqsa years, it was the year 2002 that had the most fatalities with 209 individuals killed. By simply considering this data, it seems that the counter terrorism measures were much more effective during the peace process years. Furthermore, it is also worth noting that 1994 and 2002 were the most deadly years in both areas. This can either indicate that there were many incidents in Israel and in the West Bank and Gaza during these years, or that the capacity of the terrorist organisation was particular strong during those years, either due to increased support or due to a lack of effective counter terrorism measures. It is also interesting that the years which were most deadly were also the years when the numbers of incidents were at their highest. Additionally, with respect to Israel's counter terrorism measures, it was precisely in 1994 that suicide terrorism was introduced as a common modus operandi, which clearly represented a challenge for Israel, and it took a while to counter it

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[916] MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007

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effectively. 2002 was the year in which Israel launched an extensive counter terrorism policy, which naturally would have taken time in order to have an effect.

Secondly, the number of fatalities should be viewed in connection with the number of suicide bombers. By doing this, it would seem that the years 1994-1996 had the highest rate of suicide bombers during the peace process years, and 2002 in the al-Aqsa Intifada years. It is therefore also possible that the high fatality rate is connected to whether suicide bombers were used or not as a modus operandi.

Thirdly, it is worth mentioning that during the peace process years, it was in 1994 and 1996 that Hamas was at its most deadly, killing respectively 61 and 60 individuals. During the al-Aqsa Intifada years, Hamas caused the highest number of fatalities in 2002, by killing 185 individuals. This corresponds with the general trend, as the highest numbers of fatalities were in 1994, 1996 and 2002. Additionally, 2002 was a peak year with respect to the incidents of suicide bombers that Hamas were responsible for, i.e. eleven suicide bomber operations. Furthermore, the year 1994 in which Hamas was at its most deadly, also corresponds with the fact that the number of incidents peaked in this year. However, this was not the case in the years 1996 and 2002, meaning that in these particular years, Hamas carried out fewer attacks, but these were much more deadly. This indicates that although the counter terrorism methods were successful in decreasing the number of terror attacks, they were in fact more deadly. This example illustrates the challenges in answering whether a counter terrorism policy is successful or not, as it will depend on how, as in this case, Israel defines success.

Fourthly, the data show that the years with the highest number of injuries inside Israel were 1997 during the peace process years, and 2002 during the al-Aqsa Intifada years, when 442 and 1, 498 individuals were injured respectively. Inside the West Bank and Gaza, most people were injured was 1994 and 2002, closely followed by the year 2005, when 256, 330 and 302 individuals were injured respectively. The peak in 2002 is not so surprising, considering this was also the year with the highest number of fatalities and the year with the highest number of incidents. However, 1997 is perhaps more

interesting. The peak of total number of injuries corresponds with the years in which Hamas caused the highest number of injuries. In 1997 and 2002, Hamas injured 428 and 612 individuals respectively. Again, it is the year 1997 that is the odd one out, since it does not correspond with the most deadly years i.e. 1994, 1996 and 2002, nor the years during which they carried out the highest number of incidents, i.e. 1994 and 2004. A possible explanation for this is that the terrorist organisation consciously decided to continue spreading fear, but realised they could achieve this without killing quite so many individuals. Perhaps a more likely reason is that despite the decline in its capability, the terrorist organisation wanted to carry out terror attacks even though it knew that its bombs were not as powerful. If this was the case, it means that the counter terrorism methods indeed managed to reduce the capability of the terrorists.

Finally, a decline in the number of injuries or fatalities will not necessarily correspond with a decline in the overall number of terrorist incidents, as one incident may injure a wide number of individuals. For this reason, in order to assess the effectiveness of counter terrorism, it is important to look at "the number of deaths related to the number of incidents."[917] Using that approach, there is a remarkable decline in the average number of fatalities per terrorist incident in Israel from 2001 through to 2005. The ratio of fatalities to incidents for each of the major terrorist organisations peaked in 2002, and each declined significantly in the years following, despite increases in the number of incidents during the same period. This data suggests that Israel have not only been successful in countering the volume of attacks, but that they may have been able to thwart the effectiveness of the attacks, which again indicates that they have succeeded in reducing the terror organisation's overall capability.

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[917] Bonner, David; "United Kingdom: The United Kingdom Response to Terrorism", Terrorism and Political Violence, Vol. 4, no. 4, 1992, p.200.

7. 2 Qualitative indicators of effectiveness

A second method of analysing a nation's counter terror measures is the assessment of their qualitative effectiveness. Due to the very nature of these types of indicators, they are difficult to quantify. The quantitative indicators give information on the effectiveness of counter terrorism in the light of statistics. However, the counter terrorism policy might have other consequences for a terrorist organisation that will not be illustrated in this data, hence it is useful to assess both the quantitative indicators together with the qualitative indicators. As mentioned previously (chapter 7.1), three indicators will therefore be examined here to assess the effectiveness of counter terrorism methods; Hamas' decision to alter their modus operandi, its change of the conflict theatre, and the battle over hearts and minds. This last indicator will reveal the Israeli public's attitude towards terrorism and the peace process, and finally the level of motivation and degree of local support for Hamas amongst the Palestinians in general.

Alterations in the modus operandi

One method of evaluating how counter terror measures have had an impact on an organisation is to look for alterations in terrorist modus operandi. However, before drawing any conclusions, it is important to realise that a terrorist organisation changes its tactics for many different reasons. The change of tactics can be influenced by both internal and external factors. Internal factors might for example include a political shift within the organisation. The members of the organisation may calculate that in order to obtain their goals, they need to shift their tactics, whether it is a temporary change or a lasting one. This could involve increasing their level of violence (i.e. suicide bombers) or reducing it (i.e. an end to the use of bombs), depending on how the organisation reads into the political situation and what they want to achieve. Such change can also be as a result of a self confined ceasefire, or as a result of internal de-moralisation. The external

factors that might result in a change of modus operandi include pressure from the local population that the organisation supposedly represents, an agreed ceasefire with the 'enemy', or a change of the organisation's capacity in that it has been either weakened or strengthened.

Figure 13: Terrorist Incidents by Tactics, conducted by Hamas, 1991-1999:[918]
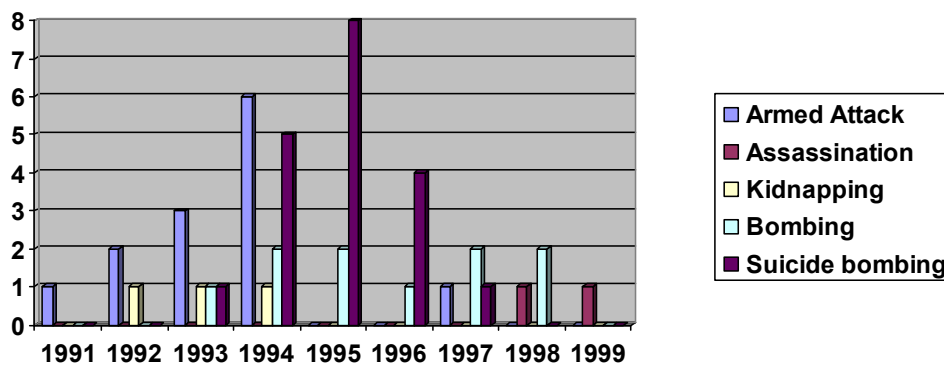
Figure 14: Terrorist Incidents by Tactics, conducted by Hamas, 2000-2006:[919]
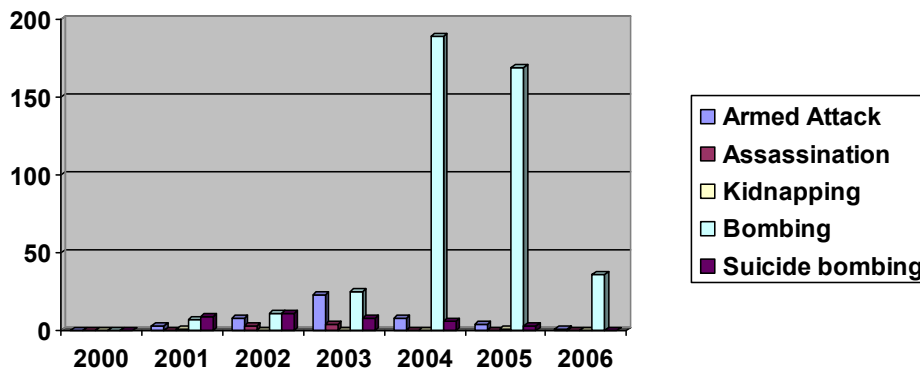
As illustrated in figure 13, Hamas started using armed attacks as its main tactic, however by 1994 this was replaced by suicide bombing. According to the statistics, this could imply the following; that either Hamas did not have the intention of carrying out suicide bombings during 1991-1994, or that Israel's counter terrorism policy was very

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[918] MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007
[919] MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007

effective in countering suicide bombings, but less effective at hindering armed attacks. However, when combed with the knowledge of Hamas as an organisation,[920] the main reason why armed attacks were used as a tactic is that the organisation did not have the intention nor the capacity to conduct suicide bombing on a large scale before 1994.

In general, it is interesting that Hamas used kidnapping as a modus operandi in 1992-1994, but did not use this tactic again until 2001 and 2005. Kidnapping can require a larger organisational structure and a strong codex of secrets, in order to hold the individual captive for a longer period of time. Additionally, when using kidnapping the organisation balances on a fine line between receiving support from the local community or in contrast condemnation, by the simple fact that it is easier to identify and sympathise with one single person. Not to mention the fact that the pressure from the international community and the Israeli government becomes stronger for the same reasons. The aim of kidnapping has often been to secure the release of Israeli prisoners, and it might be that Hamas has managed to obtain that goal by using other means.

During the peace process, the overall use of bombing as a modus operandi was quite low, however, this tactic became more popular with the outbreak of the al-Aqsa Intifada and its use dramatically increased in 2004 and 2005. This could indicate that bombings as a tactic were successful. It could also be an indication that the other methods were costly, or difficult to implement, or that the Israelis became successful at thwarting armed attacks, assassinations and kidnappings, but were less successful at stopping bombings.

The change in tactics indicates organisational adaptation or adjustments, and the range of the various tactics is in itself a testament to the capability of Hamas. It also shows the diverse number of tactics the counter terrorism policy is faced with.

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[920] See also chapter 5.3 Deportation. The tactic of suicide bombing was learned from Hizballah as an aftermath of the deportation of 415 Islamist in 1992. Furthermore, Hamas claims that they had no intention in suicide attacks as a tactic before the 1994 Baruch Goldstein masaqare in Hebron.

Change of the operational theatre

One of the goals of counter terrorism might include moving the operational theatre as far away from the 'home' as possible. This goal is also one of the principles in Israel military doctrine, explored previously in chapter 3. In this manner, the government achieves two things; firstly, it might reduce the fatality rate among its citizens. Secondly, it reduces the psychological impact terrorism has. As mentioned previously, one of the reasons why terrorism has such an impact is that it brings the violence into its own backyard, and which ultimately might enhance the demand amongst the public to make political concessions in favour of the terrorist organisation. In order to assess whether the Israeli counter terrorism policy has been successful in changing the operational theatre, it is again necessary to refer to figure 8, here copied once more in.

Figure 8: Terror incidents in Israel and the West Bank and Gaza, 1987-2006:[921]

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[921] Numbers are collected from MIPT Terrorism Knowledgebase, www.tkb.org, Accessed 24 April 2007.
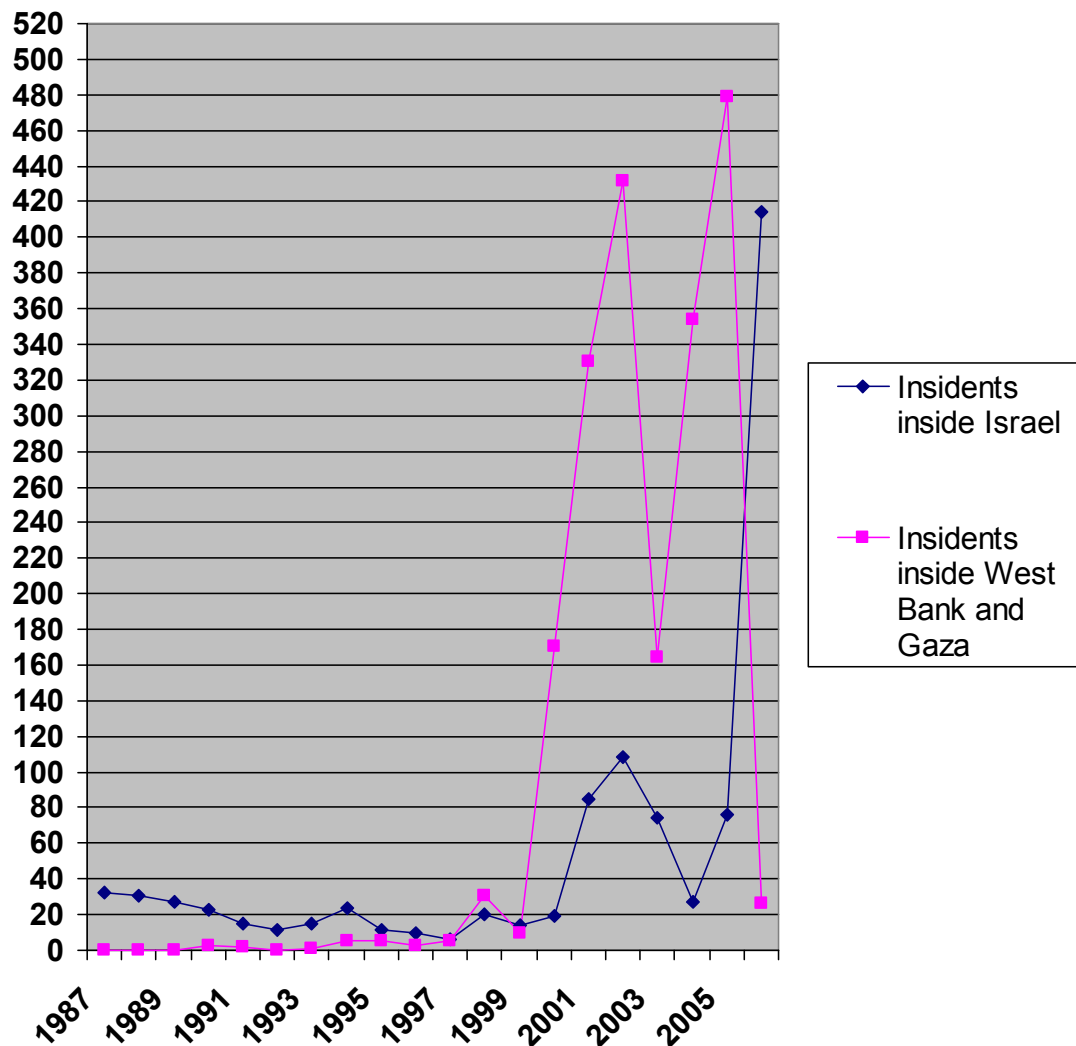
This figure implies that the main theatre of the conflict over time has moved from inside Israel to the inside of the West Bank and Gaza. This trend seems to begin in 1998, when 20 incidences occurred in Israel compared to 31 in the West Bank and Gaza. This development was fully noticeable from 2000-2005, but in 2006 it shifted again, when 414 incidences occurred inside Israel in comparison to 26 inside the West Bank and Gaza. These numbers alone might suggest that the Israeli counter terrorism methods have been very effective from the outbreak of the al-Aqsa Intifada. However, there could also be an alternative explanation for this change. Seeing as the numbers of Israeli settlements have increased throughout the years, it is possible that the terrorist organisation was

specifically selecting these settlements as their targets. This could have been done in order to place the question of the legitimacy of the settlement in the forefront, so that the Israelis would question the 'cost' of having settlements inside the West Bank and Gaza. Another explanation is that Israel immediately imposed total closure when the al-Aqsa Intifada broke out. Depending on the interpretation, this could either mean that Israel became more effective at upholding the closure policy, or, despite the fact that the terrorist organisations are accustomed to this method, it might have proven difficult to adapt to this measure considering the large numbers of incidents. In addition to enforcing the closure policy, Israel started building the separation barrier in 2002. This could have contributed to the change in the operational theatre.

Nevertheless, this change is not reflected in the number of fatalities. The data in figure 5 also indicate that the fatality rate inside Israel is more or less the same as inside the West Bank and Gaza, and this is despite of the drastic increase in terror incidents inside the West Bank and Gaza. This could imply that the counter terrorism policy reduced the terrorist organisation's capacity to conduct large scale attacks, but were unsuccessful in hindering the number of attacks. If so, this suggests that the terrorist organisation was not demoralised by Israel's counter terrorism attacks, but rather determined to continue their attacks, regardless of the limited fatality rate.

Hearts and minds

As public support is critical for any terrorist organisation, it is also vital in any long-term counter terrorism strategy. "Counter-terrorist forces can win the battle but loose the war, if citizens are afraid to use public transportation or to go to crowded places."[922] The winner of the battle over hearts and minds is according to Boaz; "the side that is more successful in reinforcing the endurance of its population"[923] Therefore, the effectiveness of counter terrorism operations can also be evaluated based on the cost in

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[922] Ganor, Boaz; "A New Strategy Against the New Terror", 25 April 1998, www.ict.org, accessed 27 October 2001.
[923] *Ibid.*

morale, both among their own population but also the cost in moral among the population which supports terrorism.

Terrorism has certain elements which specifically affect the targets in a psychological way, which again naturally influences the morale of the target population. From a counter terrorism policy point of view, there are several ways to reduce this psychological effect. This section will, therefore, start by exploring these dimensions. In an effort to assess the effectiveness of Israel's counter terrorism, the morale of the Israeli –and Palestinian public will be examined further. However, measuring a public's strength in morale entails some challenges, as morale is not something to be measured quantitatively. Still, one solution is to use the social attitudes towards the peace process and the general political views, as a barometer of the morale in the general population. Therefore, this section will use opinion polls and the direction of the political situation as indicators of the effectiveness of Israel's counter terrorism methods.

Psychological aspects of terrorism

The terrorist organisations rely on the psychological effect a terror attack has, and as such these attacks represent a type of psychological warfare. Terrorists know that they are incapable of defeating the military forces of the country they are fighting, and therefore the focus is directed towards gaining the attention of the civilian population. If public reaction to terrorism was rational, there would be little fear among Israelis. As a result of the various efforts made by intelligence services, military, and secret-police, Israeli authorities and the Israeli public themselves, terrorism leads to on average 54 deaths[924] in Israel each year. In comparison, this is two or three times the number of ordinary murder victims. Furthermore, over 200 people on average commit suicide, in recent years approximately 425 people have died annually in traffic accidents. All in all, terrorism is clearly not as deadly as one might envision.[925]

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[924] From 1987 until 2006 there have been 1073 killed in terror attacks in Israel.
[925] Ironically, the toll rose after the Oslo accords. From the signing in 1993 to the outbreak of the second Intifada, a total of 205 Israeli civilians and ninety-seven soldiers were killed, and 2, 244 civilians and 1, 376 soldiers wounded. The first year of the Intifada took the lives of 177 Israeli Jews and 566 Palestinian

But terrorism plays on emotions, it nourishes fears and steals from the promise of normality, and it disrupts everyday life so as to harm the target country's ability to function. This threat undermines the ability of the civilian population to live a normal life. In order to have an effective counter terrorism procedure, it is evident that the civilian population has to learn to cope with terrorism and not be mentally affected by it. If they become seriously affected, two things can happen: 1) the people become so scared that they will demand a change in politics, 2) the people start to think that the terrorists' claims might be legitimate, and thus 'give in to terrorism'.[926] Therefore the aims of such a program should be to internalise awareness among the civilian population that terrorism is something that 'has to be lived with,' yet without accepting its existence. The program should enable pupils to learn about terrorism, understand the operational strategy of terrorists, their motives and objectives.

Israel has understood this aspect, and therefore decided to educate and include the general public in order to counter terrorism. Everyone in Israel accepts having their bags searched before entering malls, universities, and other public areas. Israelis are trained to be aware of packages left in public places and are alert to suspicious activities. This mentality has helped both to counter terrorist attacks, as well as increased the sense of security among the public, with the simple fact that they feel empowered. Much of Israel's success in thwarting terrorist bombings can be attributed to public awareness.[927] The majority of explosive devices placed in public sites such as bus stations, supermarkets, and shopping centres have been discovered by civilians who were able to alert the police before the bombs went off. Public alertness has been encouraged by police advertisements on television and in other media, but the main reason for this high-level of awareness has undoubtedly been due to the Israeli public's identification of the struggle against terrorism.

Arabs. In comparison, the death toll from traffic accidents rose to just over 500 a year. Shipler, David K.; Arab and Jew –Wounded Spirits in a Promised Land, Penguin books, 2002, p. 12.
[926] Hoffmann, Bruce and Morrison-Taw, Jennifer; "A Strategic Framework for Countering Terrorism", 1992 www.rand.org, accessed 6 May 2007.
[927] Merari, Ariel; "Israel's Preparedness for High Consequence Terrorism", BCSIA Discussion Paper 2000-30, John F. Kennedy School of Government, Harvard University, 2000, www.bcsia.ksg.harvard.edu, accessed 6 October 2003.

In the battles over hearts and minds, there is the terrorist organisation who is trying to de-moralise the targeted population on the one side, and the government which is trying to strengthen the morale of its population on the other. Regardless of which side one is on, the media plays a critical role. In modern democratic societies, mass media plays several different roles, it conveys information to the public, interprets events, and brings (or removes) issues to the public agenda. Under these circumstances, the media plays a substantial role in influencing and shaping public opinion, and hence governments' decisions. The media also serves as a mediator between the public and their leadership. Furthermore, the media has the capacity to multiply the impact of terrorist activities and convey their message in a way that terrorists are themselves incapable of. Terrorist organisations use the media in three different ways. Firstly, the terrorist organisation uses the media to spread pre-recorded materials, i.e video testaments of suicide terrorists. These testaments can also be used as a recruitment tool in order to recruit new suicide bombers. Moreover, such videos also instil fear and intimidate the targeted population, while reminding the target audience that the security services were unable to prevent their actions.[928] Secondly, terrorist organisations also grant interviews with the media. This is often done so as to provide a platform for them to convey their message simply and directly.[929] Thirdly, the coverage of public demonstrations, such as parades and funerals, serve as a constant reminder of the terrorist organisation's presence, which again increases the anxiety of the targeted population.[930]

This is naturally another side to this situation, in that the media has its own interests. The media considers terror attacks a good news story that sells well. Therefore efforts are made to cover attacks as quickly, and in as much detail as possible, often broadcasting live footage from the scene of the incident, which are continuously replayed afterwards. Consequently, their interests often correspond. However, the media has a clear opportunity to utilize its resources to lessen the effectiveness of terrorism by

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[928] Pries-Shimshi, Yael; "Creating a Citizenry Prepared for Terrorism: Education, Media, and Public Awareness", www.ict.org.il Accessed 3 April 2007.
[929] *Ibid.*
[930] *Ibid.*

creating hostility towards terrorist organisations, compelling decision-makers' attention to the subject of terrorism, and raising public awareness of terrorism. Additionally, the media can therefore frame terror attacks as a (rather unfortunate) element of everyday life, rather than a life-stopping event for the targeted population. This can weaken the terrorists' goals and strengthen the counter terrorism policy.

A barometer on Israeli social attitudes

The Israelis' attitude towards the Oslo peace process can be used as one indicator of their overall morale. The Oslo Peace Index is a project run by the Tami Steinmetz Center for Peace Research, and started in June 1994. Its purpose is to monitor how the Israeli public - Jews and Arabs - perceives the relations with the Arab states and the Palestinians and to measure the attitude toward the Oslo peace process. These attitudes are illustrated in figure 14

Figure 14: Oslo Peace Index, measured in percentage:[931]
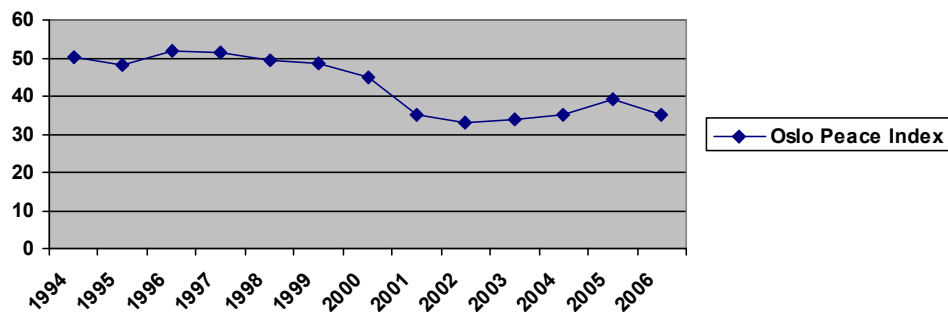
Interesting this figure shows that the support for the Oslo peace process seemed to be relatively steady from 1994 to 1999. This support was present despite of the introduction of suicide bombings as a tactic in 1994 and the general peak of numbers of incidents in 1994 and the continuing terror attacks until 1997. Furthermore, the decrease in the number of incidents from 1997 to 1999, did not seemingly have any effect on the attitude towards the peace process, if anything there was a slight reduction in support. This might be due to the difficulties of keeping the morale and hope up for a long period of time.

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[931] The Tami Steinmetz Center for Peace Research; "The Peace Index", www.tau.ac.il/peace, accessed 21 March 2007.

This was also the time when the Oslo peace process originally was expected to be finalised, but the reaching of an agreement proved unsuccessful. However, overall this development would indicate that the morale among the Israelis was relatively high and thus the counter terrorism was a success. After the outbreak of the al-Aqsa Intifada, the development of the Israelis' attitudes towards the peace process was somewhat different. In 2001 the Oslo peace Index had fallen 13 percent since 1999 and it continued to decline, although a slight increase was detectible in 2005, an increase of four percent, before it dropped back down to the level in 2004. It seems that the high level of terror incidents did have a de-moralising effect on the general public. However, the slight increase of support towards Oslo in 2005 could have reflected a reaction to the death of Arafat, who died in November 2004. The Israeli government viewed him as a major obstacle for peace, and Sharon had proclaimed that he did not have a negotiator partner. Besides, 2004 was also the year where the founder of Hamas, Sheikh Ahmed Yassin and his replacement Abd al-Aziz Rantisi died as a result of Israel's selective killing. However, by 2006 Hamas had won the election and the prospect of a peace process had deteriorated.

For investigating some of the Israelis' social attitudes during the al-Aqsa years further, the Jaffa Center for Strategic Studies (JCSS) public opinion polls, is a good indicator. Much of the Israeli public opinion remained unchanged during the first few years of the al-Aqsa Intifada. For instance, the JCSS's data shows that in 2001, 60 percent of Israelis believed a Palestinian state would be established within the next five years. That number only increased by one percent by 2003.[932] Similarly, Israelis' perception of public safety and bureaucratic competence only vary by a few percentage points during the first few years of the al-Aqsa Intifada. On the other hand, there was a large shift in the Israeli public opinion on the government's policy on the West Bank and Gaza. In 2002, 57 percent of Israelis thought the government policy was "too soft;" 9 percent thought it was "correct" and 34 percent thought it was "too harsh." One year later, only 29 percent thought the policy was "too soft;" 13 percent thought it was

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[932] Arian, Asher; "Israeli Public Opinion on National Security 2002", www.tau.ac.il/jcss, accessed 20 March 2006.

"correct" and 58 percent thought it was "too harsh."[933] This shows that, within a one year period, nearly one-quarter of the Israeli population started to believe their government's policy in the West Bank and Gaza was "too harsh." In these surveys, the second largest shift in public opinion came when they were asked whether the peace process should be abandoned or not, even if it might lead to war. In 2000 this figure was 24 percent; by 2002 this number had gone up to 27 percent and fallen to 18 percent by 2003. In a one year period, between 2002 and 2003, nearly one in ten Israelis changed their mind on the issue of whether the peace process should be abandoned. More believed that it should *not* be abandoned.[934]

These indications suggest that Israelis became much more militant after the beginning of the al-Aqsa Intifada. 41 percent said they were prepared to make fewer concessions to the Palestinians than before the Intifada. During the years of the first Intifada, from 1987 to 1993, 20 percent claimed that they had become more militant. The rest stated no change.[935] Furthermore, these polls show that from 1999 to 2002 92 percent were worried that they or a member of their family would fall victim of a terrorist attack, compared with 85 percent in 2001, 79 percent in 2000, and 68 percent in 1999. Furthermore, 78 percent said that Israeli citizens' personal security had deteriorated since the beginning of the peace process.[936] This indicates that the fear factor has risen, hence the effectiveness of counter terrorism policy could be assessed as unsuccessful.

A barometer of Palestinian attitudes

The social attitudes among the Palestinian society are equally important when assessing the effectiveness of counter terrorism. In this section the changes in Palestinian attitudes will be evaluated, based on opinion polls conducted by The Jerusalem Media and Communications Center (JMCC) and the Palestinian Center for Public Policy and

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[933] Arian, Asher; "Israeli Public Opinion on National Security 2002", www.tau.ac.il/jcss, accessed 20 March 2006
[934] *Ibid.*
[935] *Ibid.*
[936] *Ibid.*

Survey Research (PCPSR), with respect to Palestinians' hopefulness of the future, as well as assessing general support for Hamas.

After Israel and the PLO signed the Oslo Agreement in 1993, Hamas' popularity became a barometer of the political discontent with the peace process and with the Palestinian Authority. This is clear from the number of terrorist incidents from year to year, as illustrated in figure 9. This development suggests that as the signing of the Oslo Accords approached, the terror incidents dropped. This could indicate that the Israeli counter terrorism methods were much more successful in 1993 than in the previous years. However, this is often attributed to the fact that the Oslo Accords brought hope for a better future. When the Oslo Agreement was signed in 1993, two-thirds of Palestinians immediately supported it.[937] Their expectations were high; Oslo was supposed to usher in the end of the occupation, the establishment of an open and democratic political system, and a quick improvement in economic and living conditions. However, with the peace process Israel also enforced a much stricter permit system and closure policy, which contributed to the realisation that the Oslo Accords were not going to fulfil the high expectations, or at least not immediately. And in 1994, Hamas was responsible for 13 out of a total of 24 incidents. In fact 1994 was one of the most violent years during the peace process, which correlates with the fact that this was also the year when Hamas introduced suicide bomber as a modus operadi. Additionally Hamas' capacity had been strengthened by the return of the 415 deported Islamists. In response to this development, Israel introduced some of its counter terrorism measures, such as the demolishing of houses belonging to the family of suicide bombers and selective killings. It would appear that Israel's counter terrorism policy has been successful in decreasing the support for Hamas. Palestinian popular approval of the Oslo peace process peaked at 80 percent in early 1996, with the support for Fatah at its highest, and the support for terror attacks decreased to 20 percent. At the time Israeli military withdrawal from towns and villages was taking place, and the Oslo Accords seemed to be producing results. What is interesting is that despite the loss of popular support, Hamas still goes ahead and continues with its terror attacks. Although few incidents occurred in 1997, there was a peak again in 1998, with a

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[937] Shikaki, Khalil; "Palestinians Divided", Journal of Foreign Affairs, Vol. 81, no. 1, 2002.

total of 20 incidents, of which Hamas was responsible for three. Notably the increase in terror incidences in 1998 conceded with some development in the peace process. In 1997 the Hebron Agreement was signed and with the signing of the Wye Agreement in 1998 Israel withdrew from 13 percent of the West Bank. One explanation for the relatively low number of incidents during this time period, was the Likud government with Netanyahu as Prime Minister and its tough stand on terrorism. Likewise it could be argued the low level of violence was not due to Israel's counter terrorism policy, but rather the terror organisations knew that Likud would not pursue the peace process with less sincerity and less concessions than the pervious Labour government had. When the Likud government showed signs of pursuing the peace process after all, with the signing of the Hebron Agreement in 1997 and the Wye Agreement in 1998, the violence rose again in an effort to derail the peace process. This development suggests that although the Israeli counter terrorism methods were able to successfully decrease Hamas' support, the policy was not effective in curbing Hamas' motivations or their capability to carry out terror attacks.

The Jerusalem Media and Communications Center (JMCC) and the Palestinian Center for Public Policy and Survey Research (PCPSR) have collected data on the trends in Palestinians' attitudes during the al-Aqsa Intifada, and the data is available for the timeframe between 2000 and 2005. Two questions that JMCC asked the Palestinians consistently during 2000 through to 2005 include: "In general how optimistic or pessimistic do you feel towards the future?" and "Do you strongly support, somewhat support, somewhat oppose, or strongly oppose the continuation of the al-Aqsa Intifada in the West Bank and Gaza Strip?" There were only slight variations in the Palestinians' responses to the questions over time. According to the data collected by the centre, the Palestinians felt most pessimistic about the future in December 2003. They felt most optimistic about the future in December 2005, but the data was relatively unchanged. Palestinian responses to the second question also varied, but over time, support for the al-Aqsa Intifada waned slightly and opposition increased marginally. In contrast, according to PCPSR, there was a dramatic shift in Palestinian public support for the groups conducting the terrorist incidents. Palestinian public support for the more radical Islamic political parties was approximately 17 percent in 2000, before the al-Aqsa Intifada. That

figure increased to 35 percent by the summer of 2004.[938] During the same period, support for Arafat's secular Fatah party decreased from 37 percent to 28 percent.[939] This suggests that during the al-Aqsa Intifada the Islamist groups gained more legitimacy and popular support with the Palestinian masses.

This increasing legitimacy and popular support can be contributed to the fact that Hamas carried out many of the most devastating attacks against Israeli targets during the al-Aqsa Intifada. At the same time, the immobilisation of the Palestinian Authority institutions, their ineffectiveness in protecting the population from Israeli military assaults, and the growing economic hardship, only increased the demands for services offered by Hamas. Hamas increased its popularity by 60 percent in the first three years of the al-Aqsa Intifada, emerging as a powerful equal to Fatah in parts of the West Bank and exceeded them in Gaza.[940] The reason for Hamas' popularity is not difficult to find. At a time of unprecedented hardship, humiliation, and despair, as Palestinians see that all they have gotten of the historic concessions made by their leadership is massive destruction of the dismemberment of their remaining lands, Hamas is seen as the voice of Palestinian dignity and the defence of Palestinian rights. As Israel continues its counter terrorism policy, Hamas is seen as the force that refuses to capitulate. As explored throughout this thesis, Hamas also benefits from its long history of providing extensive welfare assistance and services to all Palestinians "without distinction as to religious belief or political affiliation."[941] And while high Palestinian Authority officials mostly live in varying degrees of luxury and separately from the people, Hamas leaders in contrast live among the people and are seen as sharing the hardships; its reputation for clean conduct, modesty, and honesty has been pointedly contrasted with the conduct and corruption of many Palestinian Authority officials.

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[938] Shikaki, Khalil; "The Future of Palestine", Foreign Affairs, Vol.83, no. 6, 2004.
[939] *Ibid.*
[940] Palestinian Center for Policy and Survey Research, www.pcpsr.org, Accessed 3 May 2007.
[941] International Crisis Group; "Islamic Social Welfare Activism in the Occupied Palestinian Territories: A Legitimate Target?", Middle East Report, no. 13, 2 April 2003, www.crisisgroup.org, Accessed 6 June 2003.

It is safe to conclude that Israel's counter terrorism policy was not successful in decreasing the support towards Hamas. The most evident example of this is the legislative council elections of January 25 2006 when Hamas won 74 out of the 132 parliamentary seats, comprising 44 percent of the popular vote and 56 percent of the seats, while Fatah won 45 seats, compromising 42 percent of the popular vote and 34 percent of the seats in the council.[942] They won the election despite the numerous deaths of both political -and military leaders and key operational members, as a result of Israel's selective killing method.

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[942] Pina, Aaron D.; "Fatah and Hamas: The New Palestinian Factional Reality," CRS Report for Congress, 3 March 2006, www.fas.org, Accessed 8 December 2006.

7. 3 Final remarks

It is difficult to state whether or not the Israelis' counter terrorism strategies and tactics, as a whole, have been successful or unsuccessful. The quantitative and qualitative measures of effectiveness indicate several trends.

First of all, the high level of incidents, fatalities and injuries during the al-Aqsa Intifada indicate three possibilities; either that Israel altered their counter terrorism policy in the beginning of the al-Aqsa Intifada, that the counter terrorism methods which were first implemented during the peace process were unable to reduce the terrorist organisations' capacity in the long run, or alternatively, the nature of the violence had changed and the counter terrorism methods where no longer sufficiently effective at countering this new threat.

Interestingly, the data does suggest that Israel's counter terrorism methods which were especially tailored to counter suicide bombers, were relatively successful and had a long term effect. This was especially true during the al-Aqsa Intifada. Since the building of the fence which started in 2002, and methods such as the demolishing of houses belonging to the families of suicide bombers and the deportation were re-introduced in 2002, the number of suicide bombers has decreased. However, this success did contribute to the terrorist organisation changing its modus operandi. During the same period, the data clearly illustrate that bombings dominated as a preferred tactic.

One of the goals of counter terrorism might include moving the operational theatre as far away from the 'home' as possible. In this respect, based purely on the data, Israel's counter terrorism policy has been successful. In terms of the battle over hearts and minds, the Palestinian public opinion shifted during the al-Aqsa Intifada in favour of the more radical, Islamic organisations. Likewise, during this timeframe, there were no

solid decisions by the terrorist organisations to abandon their strategies. This indicates that the organisations did not disintegrate, but that they remained active. Israeli public opinion remained relatively unchanged, but a significant proportion of the Israelis believed that their government's actions were "too harsh."

There is little reason to assume that any of the tactics the Israelis have used will undermine the will of resistance fighters in the long run. Therefore, Israel's counter terrorism policy is a clear indication that successful tactical measures are not necessarily strategically successful. In order for tactical measures to be successful, there must also be a parallel strategy that addresses the root causes of the conflict.

8. Conclusion

"One thinks that every problem has a solution. Well, this problem doesn't have a solution.
Maybe you can control it, contain it, keep it from blowing up. But solve it? Never…" [943]

The main focus of this thesis is to examine Israel's counter terrorism methods and to debate its effectiveness. For this reason, terrorism as a concept has been examined and the study has revealed that terrorism is a violent method used to achieve political goals. One of the main aspects of terrorism is it psychological effect on the targeted population. Additionally, although this thesis has not explored the root causes of terrorism in great detail, it has acknowledged that one of the preconditions of terrorism can include poor social-economic situations, disputes over land area and/or sovereignty and a lack of recognised human rights. This characterisation of terrorism alludes to what a counter terrorism policy should include. Counter terrorism should be understood as a series of methods designed to decrease a terrorist organisation's capacity and its intention to perpetrate terror attacks. Obviously, seeing as the incentive of terrorism is found in the political sphere, terrorism can most likely be resolved in this setting. However, this might include having to resolve a controversial issue at the cost of a heavy political concession. Therefore, the main aim of counter terrorism cannot be total eradication of terrorism, but rather a reduction in the damage caused by terrorism. In an effort to clarify the goals of the Israeli counter terrorism methods, Yitzhak Rabin stated that: "The goal we set ourselves in the campaign against terror is not one of elimination, but to minimize our vulnerability and delivery of the strongest possible blows against terrorists…"[944]

By drawing upon certain historical aspects of Israel's security issues, this thesis has shown how Israel uses its military doctrine of war in order to set guidelines for its counter terrorism policy. By studying the evolution of Israel's counter terrorism strategy,

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[943] Aaron Auerbach
[944] Ganor, Boaz; "Israeli Counter-Terrorist Policy: 1983-1999" 1 January 1997 www.ict.org.il, accessed 13 March 2001.

this thesis has revealed three factors which have continuously been included in this strategy; offensive -, defensive -, and punitive actions.

In order to explore the consequences and effectiveness of Israel's counter terrorism methods, this thesis has included an assessment of eight measures enforced by Israel. Although, as shown in this study, the categorisation of these eight measures is not always evident, it is arguable that three of the measures can be defined as defensive actions (the permit system, methods of interrogation and fence), three of the measures as punitive actions (the closure policy, deportation, and house demolishing) and two of the measures as offensive actions (the selective killings and administrative detention).

By viewing the counter terrorism equation**,** the

> "principle dilemma in fighting terrorism is the fact that the more successful one is in carrying out actions that damage the terrorist organisation's ability to perpetrate attacks, the more we can assume that their motivation will only increase."[945]

Thus an effective counter terrorism policy needs to decrease a terrorist organisation capacity, and their intentions. By studying the scope of these counter terrorism measures, it becomes clear that although these measures do reduce the capacity of Hamas and as such have prevented certain attacks or incapacitated Hamas' military wing for a short period, they have had a limited effect in the long run. This was confirmed by assessing the effectiveness of counter terrorism with qualitative indicators. By adapting to constraints, reinventing ways to perpetrate attacks, and developing strategies to minimise the effect of Israel's counter terrorism method, Hamas has proven a good example, illustrating the flexible and diverse nature of such organisations. One reason for Israel's counter terrorisms limited long term effects is the fact that Hamas utilises both its socio-political and violent jihad aspects, which are made possible by its overall ideological concepts of tasber and da'wa.

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[945] Ganor, Boaz; The Counter-Terrorism Puzzle; A guide for decision makers, Transaction Publishers, London, 2007, p. 41

However, the Israel's counter terrorism methods have consequences far beyond reducing the terrorist organisation's capacity. The Palestinian society as a whole has been affected by these methods, and one consequence of Israel's counter terrorism policy has been the creation of a totally dependent, unproductive and captive Palestinian economy, with total Israeli control of trade, natural resources (land and water), urban planning, investment, movement of individuals and goods, and the Palestinian boarders. Furthermore, most of the Palestinian families have had one family member arrested, detained, pressured and/or killed as a consequence of Israel's measures. These consequences deepen the root causes for terrorism and increase the motivation to continue resistance. This was confirmed when assessing the effectiveness of counter terrorism by using qualitative indicators. The aforementioned consequences have provided Hamas with sufficient political legitimacy to continue terror. Hamas' popularity, not military activity, is its real strategic and future asset. The indefinite stream of suicide bombers has kept Hamas' image strong as the hard fighting resistance movement that does not capitulate even in the face of a full on war against Israel. When asked if there are any conditions under which Hamas will freeze its armed struggle, Abd al-Aziz Rantizi answered "An end of the occupation –nothing else. Until the occupiers leave, we'll continue our struggle." [946] As long as the Palestinians feel that they are without hope of a meaningful withdrawal, the resistance will remain the most popular alternative. Although destroying Hamas as an organisation is difficult, it is not impossible, but destroying the idea of resistance is.

In answering what constituted a successful counter terrorism policy, then IDF Chief of Staff Moshe Ya'alon, clarified: "If we end the confrontation in a way that makes it clear to every Palestinian that terrorism does not lead to agreements that will improve their strategic position." [947] The politics of Hamas' acts of terror and Israel's counter terrorism methods will most likely be sustained until a legitimate solution for peace is reached. Until then, the central issue is political positioning. The intermediate solution for Hamas might be to consolidate its position amongst Palestinians, utilising its ideology of

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[946] Shafi, Haider Abdel: "Interviews from Gaza", Middle East Policy Journal, Vol. IX, no. 4, 2002.
[947] Haaretz; "Haaretz interview with IDF Chief of Staff Moshe Ya'alon" 29 August 2002 www.haaretz.com, assessed 29 August 2002.

Jihad. The intermediate solution for the Israelis might in turn be management and containment. However, the use of terror and counter terrorism methods "can polarise relations between communities and destroy the middle ground of political bargaining and compromise".[948] Thus, assuring that the conflict continues without any real hope of a lasting solution.

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[948] Wilkinson, Paul; "The Role of the Military in Combating Terrorism in A Democratic Society" Terrorism and Political Violence vol. 8, No. 3, 1996, p. 2.

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