

Report

Clan conflicts in the Palestinian Territory



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SUMMARY

Clan conflicts and conflict resolution outside the formal justice system are widespread in the Palestinian Territory, especially in Gaza and the Hebron district in the West Bank. This is partly because the court system and police forces set up by the Israeli occupying power lacked credibility. In addition, the Palestinian authority made use of and encouraged the informal justice system. During the last Palestinian uprising, the clans in Gaza increasingly armed themselves, formed clan-based militias and engaged in clan feuding using firearms. Hamas managed to put an almost complete stop to the armed feuding between clans after its takeover in Gaza in June 2007. However, some of the clans are still armed and are an important power factor.

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1. INTRODUCTION

Family and clan conflicts, and conflict resolution outside the formal justice system, are widespread in the Palestinian Territory. During the last Intifada, the clans in Gaza increasingly armed themselves and clan feuds were conducted using firearms. The clans have also been drawn into party politics and the armed conflicts between the various Palestinian factions.

This thematic report provides a description of the clan structures, the clan conflicts and mechanisms for conflict resolution in Palestinian society. An account of the development of the clan conflicts over the past ten years is also provided, with the emphasis on the changes that took place in the Gaza Strip in connection with Hamas's takeover of power in June 2007.

The material in the thematic report is partly based on publicly available information, in the form of written publications and online publications, and partly on interviews with researchers and representatives of international organisations and local human rights organisations conducted as part of a fact-finding mission to Israel and the West Bank from 2 to 9 March 2008. The fact-finding delegation consisted of Dominic M. O'Fahey from the Directorate of Immigration (UDI), Jannike Eggen from the Immigration Appeals Board (UNE) and Aslak Vardund from Landinfo. In addition, Landinfo has interviewed two Palestinians from the Gaza Strip who live in Norway and have experience of how the clan system works. These sources wished to remain anonymous, as did one of the interviewees from the fact-finding mission, and their names are therefore not included in this report.

2. THE CLAN SYSTEM IN THE PALESTINIAN TERRITORY

2.1 PALESTINIAN FAMILY STRUCTURE

The remnants of old clan and tribal structures are still found many places in the Middle East. In some areas, the structures remain relatively intact. In others, they have taken on new forms. There are also areas in which the tribal structures have disappeared altogether. In the Palestinian Territory, tribes or tribal confederations only exist among the Bedouins, but smaller clan structures also exist among the settled population that constitutes the majority of the Palestinian population.¹ The settled population (Arabic: *hadari*) are organised into individual households (Arabic: *bayt*, pl. *buyut*) that are part of extended families (Arabic: *aila*, pl. *ailat*). The extended families in turn are part of family associations or clans (Arabic: *hamula*, pl. *hamail*). Hamail vary in size from a couple of dozen or a few hundred individuals to many thousands. The members of a hamula do not necessarily need to be related, but the various extended families (*ailat*) in the hamula are often connected through a common tribal father, fictive or real, dating back five or six generations (Crisis Group 2007, p. 1; Dawood 2003, p. 133).

The system of hamail exists in all parts of the Palestinian Territory, but their influence and significance for the individual members varies from place to place and from hamula to hamula. In general, the system has greatest influence in the Gaza Strip and in the Hebron district in the southern part of the West Bank (Birzeit University 2006).

The hamula are often led by one individual, a *mukhtar* (pl. *makhatir*). In rural districts, the usual practice has been that the mukhtar of the largest and most powerful hamula is also the mukhtar for the whole village.² The Palestinians who had to flee from Israel in 1948 brought these structures with them to their new settlements. In many cases, refugees from certain villages have settled together in particular areas within the refugee camps. One consequence of this is that there are now various 'villages' with their own hamail and makhatir within one and the same refugee camp.³

¹ The Palestinian population can be divided into two distinct groups: Bedouins (Arabic: *badawi*) and settlers in urban and rural areas (Arabic: *hadari*), of which the latter is by far the larger group. There are few Bedouins in the West Bank, but in the Gaza Strip they are around 25% of the population. The Bedouins in Gaza are divided into six large tribal confederations (Arabic: *saff*, pl. *sufuf*), which consist of several tribes (Arabic: *ashira*, pl. *ashair*) (Crisis Group 2007, p. 1).

² The direct translation of the term *mukhtar* is 'the chosen one' or 'the preferred one', and it is often used as the designation for a village chief or village mayor.

³ Among Palestinians, a distinction is made between the population in the West Bank and the Gaza Strip who are normally described as inhabitants (Arabic: *muwatin* pl. *muwatinun*), and refugees from the war in 1948 (Arabic: *laji* pl. *lajiyun*). In the Gaza Strip the refugees are approximately two thirds of the population. There are inhabitants and refugees among both the Bedouins (*badawi*) and the settled populations (*hadari*) (UNRWA 2008).

The members of a hamula often live in the same geographical area, whether in the same village or in the same city neighbourhood. It is also common for members of a particular hamula to work together in the same occupation or line of business, and for new workers to be recruited from the same family or hamula. Thus, many hamail also act as a welfare system or social security network (Crisis Group 2007, s. 6).⁴

2.2 HONOUR, INTERNAL JUSTICE AND CLAN CONFLICTS

In today's Palestinian society, conflicts between individuals can escalate into conflicts between hamail. In such conflicts, the use of internal justice outside the formal judicial system is widespread. Crisis Group describes the system thus:

Kinship networks operate a self-regulatory system, whose driving forces are preservation of the clan's honour (sharaf) and reputation, and the interests of individual members – which are not always consistent. Clan ethics require the defence of its members, offering protection in a society where the formal judiciary has at best partial reach. The obligation is underpinned by an 'all for one, one for all' covenant of honor (mithaq sharaf). The mithaq, which can be a document many pages long, is signed by the leaders of individual clan families and serves as a constitution of sorts. (Crisis Group 2007, p.7.)

Conflicts between clans can often be triggered by mere trivialities. According to a Palestinian from Gaza resident in Norway, who was interviewed by Landinfo in January 2008, there are recent examples from Gaza of clan conflicts resulting in the loss of human life being triggered by insulting comments following a traffic accident.

The rationale behind escalatory conflicts of this kind is that an insult aimed at one member of the hamula or clan must be avenged (*thar*) by inflicting as great or greater insult on the other party. This can trigger a spiral of violence due the unwillingness of either party to be the first to back down. The maintenance or restoration of the hamula's honour is a central factor in conflicts. Signs of weakness or submission are equated with loss of the hamula's collective honour (Crisis Group 2007, p.7).

⁴ The word *hamula* can be translated as 'to carry' or 'to bring', and it has the connotation of help and assistance that men from the same hamula are obliged to provide for each other (Dawood 2003, p. 133).

2.3 THE TRADITIONAL CONFLICT RESOLUTION SYSTEM

In parallel with the official court system, a traditional conflict resolution system has been developed based on members of a clan in conflict attempting to negotiate a resolution through a mediation committee (*lajnat islah* pl. *lijan islah*). The committees are made up of representatives of the clans or persons in question and persons they appoint. A number of different committees may be involved in attempts at mediation concerning one and the same issue. Normally the clans will appoint a mediator (Arabic: *rajul islah* pl. *rijal islah*), who is independent of the two clans, to negotiate and, if necessary, chair a mediation committee. There is a separate group of men who are knowledgeable about traditional law (*urf*) who specialise in this kind of conflict resolution. The status of a mediator (*rajul islah*) is associated with specific families and is often passed down from father to son (Birzeit University 2006; Crisis Group 2007, p. 8).

The mediation committees and mediators attempt to mediate between the clans in order to reach conciliation (*sulh*). They base this mediation on traditional law (*urf*), which differs from official law. According to a Palestinian from Gaza with experience of working in the mediation committees, whom Landinfo interviewed in January 2008, the traditional court is based on a number of different legal sources. The most important sources are pre-Islamic traditions, Bedouin traditions or Bedouin tribal law and Sharia, i.e. Islamic law, in addition to existing formal legislation.

The conciliation negotiations are conducted through a specific process that involves various ritualised stages. The first stage is a ceasefire (*hudna*). According to tradition, this will last three and one third days. During this period, the parties will announce that they are ready to find a solution to the conflict. The ceasefire is followed by a so-called *atwa* in which the perpetrator's clan admits guilt and states that it is ready to pay restitution. Often, parts of the finally agreed restitution are also paid during an *atwa*. An *atwa* can also be renewed at a later point in time. According to tradition, an *atwa* limits the other party's possibility of taking revenge, but there are a number of examples from Gaza of this not being practised. An *atwa*, in turn, provides an opportunity to enter into negotiations to put a final end to the conflict (*sulh*). A *sulh* is normally concluded with a final agreement (*kifala*) being written, signed and distributed to the parties who then swear to uphold the agreement (Birzeit University 2006, p.152-153; Crisis Group 2007, p. 8).

2.4 MEDIATION AND THE “THE IMPOSITION OF PENALTIES”

A mediation committee can, together with the parties involved, agree on restitution or blood money (*diya*). Agreement can also be reached whereby punishment is ‘imposed’ on the party deemed to be the guilty party. The most common form of punishment, which is normally imposed together with a reduced amount of damages, is expulsion from the guilty person's neighbourhood (*jawla*). Another common form of punishment is imprisonment in one of the Self-Government Authority's jails or in a private ‘prison cell’. Corporal punishment may also be administered, although this is rarely officially sanctioned by the mediation committees. In the Gaza Strip, the level of damages is around \$30,000 for involuntary manslaughter, \$60,000 for involuntary manslaughter without expulsion (*jawla*) and \$90,000 for murder (Crisis Group 2007, p. 9).

3. THE DEVELOPMENT OF THE CLAN SYSTEM OVER THE LAST TEN YEARS

Clan conflicts and traditional conflict resolution have existed for a long time, but they have changed over time in line with social and political developments. Changing regimes have favoured certain clans at the expense of others, and this has influenced the development of the clan structures. Similarly, periods of relative lawlessness due to the lack of a strong presence of a central power have increased the influence of traditional conflict resolution (Birzeit University 2006; Crisis Group 2007).

3.1 THE ISRAELI OCCUPATION

During the period from the Israeli occupation of Gaza and the West Bank in 1967 to the First Intifada, which broke out in 1987, the importance of the traditional conflict resolution system grew as a result of the population losing faith in the occupying power's official court system (Birzeit University 2006). At the same time, however, the clan structures and the traditional upper class's authority were undermined by the possibility of earning money by working in Israel. This benefited the refugee families, not least (Crisis Group 2007, p.2).

3.2 THE FIRST INTIFADA (1987-1993)

The First Intifada increased the need for the traditional conflict resolution system. The political leadership of the insurrection, the Unified National Leadership of the Uprising (UNLU), called for a boycott of the institutions of the occupying powers, including the courts and the police. Palestinian police officers working for the Israeli Police in the occupied territories were encouraged, and subsequently forced, to resign their positions, and the need for an alternative to the formal law enforcement system resulted in an important role for the traditional conflict resolution system, readily assisted by the Palestinian paramilitary resistance groups, which stood ready to enforce the decisions of the committees (Birzeit University 2006, p. 36; Lia 2006 p.45-46). Conflict resolution was further formalised during the First Intifada, and the number of people involved in conflict resolution rose. The first conflict resolution committees (*lijan islah*) date from this period. At the same time, the Intifada led to a power shift within the traditional conflict resolution system from the families who had traditionally been associated with this kind of practice to the conflict resolution committees led by the Palestinian resistance groups. New social groups became involved in the committees and the importance of family and inheritance decreased at the expense of affiliation to the resistance struggle. These new committees became particularly involved in cases in which one of the parties in a conflict had been accused of collaboration. In time, separate committees were also established to review cases of extrajudicial executions, as this had become a growing problem (Birzeit University 2006, p. 37; Lia 2006, p. 47, 74).

3.3 THE PALESTINIAN SELF-GOVERNMENT AUTHORITY

In a study by Birzeit University (2006), some of the interviewees involved in conflict resolution stated that their influence declined after the Self-Government Authority took over, as a result of the introduction of a new formal system of law enforcement. At the same time, there can be no doubt that the Self-Government Authority cooperated with and assisted the conflict resolution committees in a number of ways. The mediation committees were given official papers to make their work easier and the new police forces helped enforce the committees' decisions.

In 1994, President Yasser Arafat established the 'Tribal Affairs Department' which was intended to monitor the traditional system of resolving conflicts. A central mediation committee was also established as well as specialised departments in the different counties with special expertise in traditional law (*urf*). In Gaza, the Self-Government Authority even started paying blood money (*diyya*) in order to pacify local unrest and to form ties of loyalty (Birzeit University 2006, p. 37-38; Crisis Group 2007, p. 2-3).

The new security services became increasingly dependent on family networks. The police and security services started to contact the hamula more often when planning to make arrests in order to make their work easier. Another sign of dependence on the clan system was the fact that many of the leaders in the Self-Government Authority preferred to recruit members from their own hamula to the service or department they led. This led to the different services being associated with and dominated by the hamail (Crisis Group 2007, p. 3).

3.4 THE SECOND INTIFADA (FROM 2000)

During the Second Intifada, which broke out in 2000, the level of violence increased dramatically both between Israeli military forces and the Palestinians and also among the Palestinians themselves. The Palestinian infrastructure and Palestinian self-government institutions were destroyed as a result of Israeli military operations and bombing in the Palestinian Territory. This diminished the power and influence of the police and the security services, and the work of the courts came to a standstill. This indirectly led people to rely even more on the work of the mediation committees than they had previously. However, the Intifada also had negative consequences for people involved in traditional conflict mediation because various militia groups started to interfere in the work of the mediation committees in an attempt to influence the outcome of the mediation (Birzeit University 2006, p. 38; Al-Mezan 2007, p. 8).

3.4.1 The Palestinian elections

The Palestinian local elections in 2004 and 2005 and the general election to the Palestinian Legislative Council in 2006 helped increase the influence of the hamail because political groups tried to secure the vote of the clan leader, and thereby also the clan members' votes. These attempts failed but they helped to reinforce the power of individual clans as, in many cases the clan leaders 'sold out' and thereby also sold the votes of their own clan members to the highest bidder. On the Gaza strip, political parties included candidates from the big clans on their lists in order to secure the clans' votes. The clan members' political persuasions were not necessarily the same as the mukhtar's, but many still felt a moral duty to vote for their own clan leader (Crisis Group 2007 p. 4, 9).

3.4.2 The arming of the Hamail

During the Second Intifada, huge quantities of handguns were distributed among the civilian population. The Self-Government Authority's inability to maintain law and order led many people to take the step of acquiring a handgun as a means of defending themselves. Because of the destruction of Palestinian police stations by the Israelis, police officers were ordered to take their service weapons home. This in turn led to these weapons being used to defend the interests of the police officers' families. On the Gaza Strip, this was how powerful hamail became armed and became, in reality, family-run militias. The Self-Government Authority's attempt to discipline police officers and members of the security forces involved in family feuds failed, as the police officers had a greater sense of loyalty to their clans than to the self-government forces.

Many clan leaders in Gaza gradually lost their power and influence at the expense of younger clan members who did not have the same reservations about using weapons. Clan conflicts were previously solved by negotiations between the clans' elders. If negotiations failed, the worst case scenario was fighting in which people beat each other up with sticks. The Second Intifada changed all this. Family feuds in Gaza were now fought in the streets using automatic weapons and RPGs. Even hamail that were not in the habit of becoming involved in violent family feuds now found that young clan members were taking up arms and involving themselves in conflicts on their own terms (Crisis Group 2007, p. 3-4; Al-Mezan 2007, p. 8-15).

On the Gaza Strip, the armed youth of the hamail formed their own militias in order to defend their interests vis-à-vis the Self-Government Authority and other hamail. A trend developed whereby the armed youth brought weapons with them to negotiations in order to intimidate their opponents. The militias also started securing public services for members of their own clans, which the Self-Government Authority was no longer able to provide, e.g. electricity and phone lines for their neighbourhoods and access to health services. These services were often obtained by threatening to use weapons (Crisis Group 2007, p. 10-11).

Many clan-based militia members on the Gaza Strip sold their services to more than one client, including to the political parties and their militia groups.⁵ Other clans became involved in criminal activity such as smuggling, collecting protection money, kidnapping and even contract killings. Others exploited the state of lawlessness to sack or seize public property; this was particularly widespread following the evacuation of the Jewish settlements on the Gaza Strip in 2005. Regular attacks were also carried out on public institutions. Some families also threatened and attacked the courts in order to try to force the release of their own clan members. Foreign nationals were also kidnapped in order to gain concessions from the authorities. The courts largely gave in, which meant that the authority of the Self-Government Authority was reduced even further (Crisis Group 2007, p. 3-4, 11; Al-Mezan 2007, p. 12-20, 25).

The conflict between Hamas and Fatah and their active attempts to recruit the clan-based militias into their own ranks helped draw the clans into the political conflict in a way that meant that individual clans strongly identified with either one party or the other (Crisis Group 2007, p. 12). According to social analyst Muin Rabbani, whom Landinfo spoke to during its fact-finding trip to the Palestinian Territory in March 2008, a clan will, however, never totally identify with a specific political party or a specific militant group. Clans, political groups and militant groups may overlap but are never totally identical.⁶

3.4.3 The Mecca Agreement – March 2007

In March 2007, Fatah and Hamas signed the so-called Mecca Agreement in which they agreed to a ceasefire and to the establishment of a coalition government. The ceasefire failed, and the conflict between the two parties flared up again and culminated in Hamas taking over power in Gaza in June that year (Europa World Plus 2008). Many hamail, however, played a moderating role in the time after the Mecca Agreement. Clan leaders from the same areas met and signed agreements in support of the Mecca Agreement that also prohibited their own clan members from participating in armed clashes with the clan's neighbours. The result of this was that many clan-based militia groups refrained from participating in the unrest in June (Crisis Group 2007, p. 12).

⁵ Well-known examples are the The Popular Resistance Committees (PRC), which were established by Fatah's former leader Jamal Abu Samhadana from the Abu Samhadana clan in Rafah, and Army of Islam, established by Mumtaz Dughmush from the Dughmush clan in Gaza City. Mumtaz Dughmush previously worked for the 'Preventive Security' security service, but left the organisation and helped found PRC in 2000 of which he became deputy leader. In 2005, he and his supporters left PRC and formed Army of Islam. Military forces from Hamas, PRC and Army of Islam carried out a joint attack inside Israel in summer 2006 in retaliation for the killing of Jamal Abu Samhadana. The attacks resulted in the much-publicised kidnapping of the Israeli soldier Gilad Shalit (Crisis Group 2007, p.11). Army of Islam was also responsible for kidnapping the British BBC journalist Alan Johnston, who was only released after immense pressure from Hamas after they assumed power in Gaza in summer 2007 (Europa World Plus 2008).

⁶ The Army of Islam and the Dughmush clan do overlap. Similarly, the Hillis clan in Gaza is associated with Fatah and the Kilani clan on the West Bank with DFLP, but there are also cases, according to Muin Rabbani, in which members belong to other political groups.

3.4.4 The clan system after Hamas took over power in Gaza

In June 2007, the military wing of Hamas, the al-Qassam Brigades and Hamas's Executive Force managed to take control of the Gaza Strip and suppress all military resistance by Fatah and other groups, including clan-based militias. Hamas immediately concentrated on putting a stop to the innumerable blood feuds among the clans. After members of the Bakr clan shot at Executive Force guards outside a hospital in Gaza City, Hamas surrounded the Bakr clan's neighbourhood in Gaza city, shut off the water and electricity supply, stopped food entering the area and killed nine of its members. Several of the clan leaders fled to Egypt by boat, and those who were left had to surrender and hand over their weapons. This humiliation served as a warning to other clans to refrain from putting up resistance to Hamas. In a similar episode a few weeks later, Hamas forced the Army of Islam, which has close ties to the Dughmush clan in Gaza City, to release the British BBC journalist Alan Johnston (Crisis Group 2007, p. 15).

Hamas also launched a major crime-fighting campaign on the Gaza Strip. Weapons were also collected from individuals. Clans that opposed Hamas were forced to hand over their weapons. Militia groups that carried weapons in public were stopped. At the same time, unauthorised check points were removed. Groups demanding payment for safe transport on certain stretches of road were stopped. Violent feuds between clans were also stopped, and those involved had their weapons taken from them and were imprisoned (Crisis Group 2007, p. 16).

For the first time, Gaza was being run by local forces that did not have to support or favour certain local clans in order to hold on to power. The members of Hamas were also highly disciplined and often put the party before their families or clans (Crisis Group 2007, p. 17). This can be seen in the context of the movement's ideology, which favours Sharia law above traditional tribal law (Birzeit University 2006). Crisis Group describes the phenomenon in the following manner:

Indeed, Hamas cadres – often trained in religious institutions – espouse an ideology which is not just independent of but hostile to clan loyalties. On theological grounds, Islam is their family, or brotherhood; on social and political ones, the movement has no patience for rival hierarchies. (Crisis Group 2007, p. 17.)

Despite the fact that Hamas had both military and political control over the whole of the Gaza Strip, it was unable to do anything about the clan structures and the influence of some of the strong hamail. Several clans have kept their weapons, and there have been several reports of incidents in which the police and security forces have been unable to carry out arrests in the neighbourhoods of certain hamail without their consent (Crisis Group 2007, p. 19).

In September 2007, there was a violent clash between the Executive Forces and members of the Hillis clan in Gaza City following an attempt by the Executive Forces to arrest Hillis members. The clashes ended with the parties signing a formal ceasefire in which Hillis agreed not to carry weapons in public and to hand in certain weapons and vehicles that were registered in the Self-Government Authority's name. In return, no members of the clan were arrested (Crisis Group 2007, p. 19).

According to an employee of one of the international organisations in Gaza whom Landinfo spoke to on its fact-finding trip in March 2008, Hamas now upholds 'red lines' which the clans and their members are not permitted to cross. The clans are not permitted to challenge Hamas's authority in Gaza. They are forbidden from participating in drug smuggling or other forms of criminal activity, and they are not allowed to participate in the armed resistance against Israel. Many of the clans are still armed, however, and they are a real power factor. Hamas has therefore had to give close consideration to when it is wise to exert power in relation to the clans.

According to Nicolas Pelham of Crisis Group whom Landinfo spoke to during its fact-finding trip in March 2008, there have been no clashes between Hamas forces and armed clans after the Hillis confrontation in autumn 2007. There were, however, minor skirmishes with members of the Dughmush clan around New Year. In November and December 2007, the phenomenon of clan conflicts being fought with weapons re-emerged in Gaza, although not to the same extent as in the period preceding Hamas's takeover of power in June 2007. According to an overview prepared by the Palestinian Human Rights Monitoring Group (PHRMG), at least nine of the deaths resulting from the use of weapons in February and March 2008 were related to clan conflicts (PHRMG 2008).

4. THE EXTENT AND SCOPE OF CLAN CONFLICTS AND CONFLICT MEDIATION

The strong position of the informal justice system in the Palestinian community is due in part to the failure of the formal court system and judicial authorities to function adequately. By comparison, informal conflict mediation is often quick and efficient. The mediators are accessible and only take small commissions. The courts, on the other hand, often have long case-processing times and a backlog of criminal cases. As described in the previous sections, the courts have also been subjected to and given in to pressure from powerful clans and have thereby suffered further damage to their reputation. The complaints of aggrieved parties will more often be successful and they will experience some form of justice by turning to the informal conflict mediation system instead of reporting the matter to the police (Crisis Group 2007, p. 8). Furthermore, it is not unusual that conflict mediation takes place through a combination of the traditional system and the public authorities (Birzeit University 2006).

According to an employee at one of the international organisations in Gaza, this changed somewhat after Hamas seized power in Gaza in June 2007. Hamas has succeeded in reforming the courts of law. All criminal cases are now heard by a court reasonably quickly, and the courts are working through the backlog of cases left by their predecessors

4.1 THE EXTENT OF THE CLAN CONFLICTS

As described in the previous sections, the informal conflict mediation system is very common in the Palestinian Territory. The phenomenon exists everywhere, but is currently particularly prevalent on the Gaza Strip and in Hebron on the West Bank. According to Muin Rabbani, conflict mediation in Hebron is a long and well-established tradition, and conflicts rarely end in violence and blood vengeance. The clan leaders have also put a great deal of effort into ensuring that the conflict between Hamas and Fatah does not develop into clan conflicts, as witnessed in Gaza.

As described above, violent conflicts between clans increased in scope during the course of the last Intifada. The Al-Mezan Center for Human Rights (2007) has summarised the human costs of the armed clashes between Palestinians in Gaza in the period 2003 to 2006. The figures clearly show an increasing trend from 18 dead and 111 injured in 2003, to 252 dead and 1,226 injured in 2006. Al-Mezan estimates that a total of 90 persons died and 336 were injured as a direct consequence of family feuds between 2003 and 2006.

As mentioned, Hamas has, to a large extent, succeeded in combating lawlessness in Gaza, including clan conflicts resolved through the use of weapons. An overview drawn up by the Israeli human rights organisation B'Tselem shows that the number of Palestinians killed as a result of domestic Palestinian conflicts decreased dramatically after Hamas took over power in Gaza in June 2007 (B'Tselem 2008). Clan conflicts involving the use of weapons have not disappeared altogether however. As already mentioned, clan conflicts were again being resolved through the use of weapons towards the end of 2007 and at the start of 2008, although not to the extent seen prior to Hamas' takeover of power in June.

4.2 THE TENDENCY OF DIFFERENT GROUPS TO RESORT TO VIOLENCE

According to a Palestinian interviewed by Landinfo in January who had worked in conflict mediation committees in Gaza, certain clans in Gaza are more prone than others to view blood vengeance as a valid alternative. The social standing and education of clan members play an important role in this context. People with higher social status and a higher level of education are less likely to resort to blood vengeance because it is incompatible with their attitudes and their concept of right and wrong. A study carried out by Birzeit University (2006) shows that social status affects how conflicts develop and how they are resolved. The size of the hamula, its financial position and its connections with the Self-Government Authority or political fractions all contribute to determining the outcome of a conflict (Birzeit University 2006, p.108). Social analyst Muin Rabbani, however, advised against oversimplifying the picture. Despite the fact that certain clans and clan leaders have a reputation for resorting to violence more often than others, 'peaceful' clans may also find themselves involved in conflicts.

4.3 WHO IS AT RISK OF CLAN-BASED VIOLENCE?

When blood feuds break out between clans and mediation is unsuccessful, it is not necessarily the person or persons who started the conflict who risk reprisals from the other party. The code of honour that the hamail abide by requires the other party to sustain as grievous or more grievous harm in order for honour to be restored (Crisis Group 2007, p. 7). According to Shawan Jabarin in Al-Haq, it is more or less irrelevant who in the clan is killed as long as the reprisal is deemed to be equal to or more grievous than the harm suffered by the other party. There are examples in which a conscious decision has been made to select the member of the other party's family with the highest education and social status in order to inflict the greatest possible harm.

4.4 THE INFORMAL JUSTICE SYSTEM AND HONOUR-RELATED VIOLENCE AGAINST WOMEN

People involved in the traditional form of conflict mediation (*rijal islah*) rarely get involved in cases within families, but focus instead on conflicts between families or clans. The traditional conflict mediation system does not, therefore, lend itself to protecting women from violence within families. The traditional conflict mediation system is, however, often brought in cases involving so-called 'honour killings' i.e. cases where a woman risks being killed as a result of being deemed to have tarnished her family's reputation through her behaviour. In some cases, the conflict mediators will attempt to negotiate a solution whereby the family guarantees the woman's safety, or they find a relative who will take the woman in and protect her. But it is also evident that the male conflict mediators often sympathise with the men in the family and their understanding of the concept of honour, which does not serve to protect vulnerable women (Human Rights Watch 2006, p. 70-71).

5. REFERENCES

5.1 WRITTEN SOURCES

- Birzeit University, 2006. *Informal Justice: Rule of Law and Dispute Resolution in Palestine. National Report on Field Research Results*. Birzeit University. Available at: http://lawcenter.birzeit.edu/iol/en/index.php?action_id=211 [downloaded 22 January 2008]
- B'Tselem, 2008. *Statistics. Fatalities*. Jerusalem: B'Tselem. Available at: <http://www.btselem.org/English/Statistics/Casualties.asp> [downloaded 2 July 2008]
- Crisis Group, 2007. *Inside Gaza: The Challenge of Clans and Families*. Brussels: Crisis Group (Middle East Report No. 71). Available at: <http://www.crisisgroup.org/home/index.cfm?id=5234> [downloaded 22 January 2008]
- Dawood, 2003. The 'state-ization' of the tribe and the tribalization of the state: the case of Iraq. In: Jabar & Dawod (ed). *Tribes and power. Nationalism and ethnicity in the Middle East*. London: Saqi.
- Europa World Plus, 2008. *Palestinian Autonomous Areas, Recent History*. [online charge service] Routledge. Available at: <http://www.europaworld.com/entry/ps.hi> [downloaded 12 February 2008]
- Human Rights Watch, 2006. *A question of security. Violence against Palestinian women and girls*. New York: Human Rights Watch, November. Available at: <http://www.hrw.org/reports/2006/opt1106/> [downloaded 2 July 2008]
- Lia, Brynjar, 2006. *A Police Force without a State. A History of the Palestinian Security Forces in the West Bank and Gaza*. Reading, UK: Ithaca.
- Al-Mezan Center for Human Rights, 2007. *Jungle of Guns and Law of the Jungle*. Jabalya, Gaza Strip: Al-Mezan Center for Human Rights. January. Available at: http://www.mezan.org/site_en/resource_center/mezan_publications/detail.php?id=159 [downloaded 30 January 2008]
- PHRMG, 2008. *List of Palestinian death by gunfire*. Jerusalem: PHRMG. Available at: http://www.phrmg.org/phrmg%20documents/Gunfire%20tables/Tables/gunfire_english.htm [downloaded 2 July 2008]
- UNRWA, 2008. *Gaza Refugee Camp Profile*. Gaza: UNRWA. Available at: <http://www.un.org/unrwa/refugees/gaza.html> [downloaded 18 January 2008]

5.2 ORAL SOURCES

- Jabarin, Shawan. Head of Al-Haq. Ramallah, 5 March 2008.
- Pelham, Nicolas. Analyst in the Crisis Group. Jerusalem, 9 March 2008.
- Rabbani, Muin. Social researcher linked to Fafo. Al-Ram, 4 March 2008.
- An employee of one of the international organisations with a presence in Gaza who wished to remain anonymous. Jerusalem, March 2008.
- Palestinian from the Gaza Strip resident in Norway who wished to remain anonymous. The person in question has worked, among other things, on conflict mediation in Gaza. Oslo, January 2008.
- Palestinian from the Gaza Strip resident in Norway who wished to remain anonymous. Oslo, February 2008.