

**INSIDE GAZA:  
THE CHALLENGE OF CLANS AND FAMILIES**

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## INSIDE GAZA: THE CHALLENGE OF CLANS AND FAMILIES

### EXECUTIVE SUMMARY

Throughout Gaza's history, its powerful clans and families have played a part whose importance has fluctuated with the nature of central authority but never disappeared. As the Palestinian Authority (PA) gradually collapsed under the weight of almost a decade of renewed confrontation with Israel, they, along with political movements and militias, filled the void. Today they are one of the most significant obstacles Hamas faces in trying to consolidate its authority and reinstate stability in the territory it seized control of in June 2007. Although they probably lack the unity or motivation to become a consistent and effective opposition, either on their own or in alliance with Fatah, they could become more effective should popular dissatisfaction with the situation in Gaza grow. There are some, as yet inconclusive, indications that Hamas understands this and is moderating its approach in an attempt to reach an accommodation.

It has been six months since Hamas took control of Gaza, and, despite recent suggestions of possible reconciliation talks with Fatah, the geographic split of Palestinian territories risks enduring. Israel's tightening siege and continued conflict between Hamas and the Ramallah-based government have imposed exceptional hardship on Gazans, seriously crippling the Islamists' ability to govern and fostering popular dissatisfaction. As a result, Hamas is focused on more achievable priorities, including restoring law and order after a period of tremendous chaos.

The role of clans and families is central to this task. Over recent years, their growing influence has been a double-edged sword. By providing a social safety net to numerous needy Gazans in a time of uncertainty, they helped prevent a total collapse, yet they simultaneously contributed to the mounting disorder. Although they have filled the void resulting from the judiciary's breakdown, they have done more than most to promote lawlessness.

Many observers have likened Gaza to a failed state. A number of powerful clans have formed militias, and some of their leaders have become warlords. The symbiotic relationship between clans and rival movements (Fatah, Hamas and the Popular Resistance Committees) escalated conflict among the latter by adding the dimension of family vendetta. In the final years of Fatah's rule and during the

turbulent national unity government from March to June 2007, such clans established near autonomous zones with their own militias and informal justice and welfare systems – a process facilitated by Israel's unilateral withdrawal in 2005.

Since its takeover, Hamas has dramatically reduced the chaos. It introduced measures designed to restore stability, banning guns, masks and roadblocks. Those steps won praise from much of the population and, under different political circumstances, might even have garnered international support, since donors had strongly urged many of them in the past. The belief by some that the siege somehow will lead to Hamas's overthrow is an illusion. The Islamists in many ways have consolidated their rule, and the collapse of the private sector has increased dependence on them. They also benefit from a substantial reservoir of popular support.

Still, economic deprivation, Hamas's virtual monopoly on power and its harsh methods have generated discontent, which, in the absence of alternatives, finds a principal and natural focal point in the clans and families. They provide sustenance, protection, power and patronage and have shown the capacity to resist central authority whenever necessary and fuel conflict whenever needed. In recent months, they have lowered their profile but they have also established red lines: they will neither be disarmed by Hamas nor lose control over their neighbourhoods without putting up a fight.

For Hamas, this presents a straightforward dilemma. Determined to impose order and consolidate its rule, it has sought to crack down on unruly clan- and family-based networks – all the more so since some have rallied to Fatah's side. But facing popular dissatisfaction as well as an effective boycott from other international, regional and local forces, it cannot afford to risk blowback by pushing core Gazan constituencies to the sidelines. There are signs – early and insufficient – that Hamas is getting the message, recognising it has alienated important segments of the population and acknowledging that families, with arms, numbers and loyalty, are there to stay.

Ultimately, effective governance and any sustainable resolution of the crisis in Gaza will require political reconciliation between Fatah and Hamas and territorial unity with the West Bank, as well as a ceasefire with Israel (including an end to the firing of rockets from Gaza and Israeli military operations) and an end to the siege. In the meantime, however, Hamas could do much to preserve order and improve ultimate prospects for stability by taking steps to cease brutal measures, broaden participation in its rule and – beginning by compensating for their losses in vendettas and factional warfare – reach a workable arrangement with Gaza’s families.

**Gaza/Jerusalem/Brussels, 20 December 2007**

## INSIDE GAZA: THE CHALLENGE OF CLANS AND FAMILIES

### I. INTRODUCTION: THE DYNAMICS OF CHANGE

Over the past six decades, war, displacement, occupation and conflict repeatedly have reconfigured the role and influence of kinship networks in Palestinian society. These networks fall broadly into two categories. For the 75 per cent of the Gazan population which is sedentary (urban or rural) in origin, it consists of individual households (*bayts*) that together form families (*a'ilas*) grouped together in extended clans (*hamulas*).<sup>1</sup> The Bedouin (*badu*), who trace their roots to a (semi)-nomadic past and comprise some 25 per cent of the local population, are categorised differently. The Gaza Strip is home to six of their confederations (*saffs*), each consisting of a dozen or more tribes (*ashiras*).<sup>2</sup>

Many of Gaza's more influential families owe their position to a ruler's patronage. The Dughmush, for example, hail from Anatolia and migrated to Palestine during the Ottoman era (1516-1918),<sup>3</sup> while the Masri ("Egyptian") typically trace their lineage to officers and officials who participated in the Egyptian conquest of Gaza during the 1830s. Britain, which ruled Palestine from 1917 to 1948, similarly co-opted families by appointing their members to local office; several *mukhtars* (family headmen) interviewed by Crisis Group in 2007 attributed their position to such an initial British appointment.<sup>4</sup>

<sup>1</sup> See "Informal Justice: Rule of Law and Dispute Resolution in Palestine", Institute of Law, Bir Zeit University, 2006, p.140.

<sup>2</sup> Gaza's *saffs* include the Hayawat, Tarabeen, Tayaha, Ijbara, Azazma, and Jahalin. Crisis Group interviews, Dara'an Birjis Wihaidi, specialist on Palestinian Bedouin culture, Gaza City, September 2007 and Abdullah Abu Samhadana, governor of Middle Governorate, Deir al-Balah, September 2007.

<sup>3</sup> Crisis Group interview, Salah Dughmush, *mukhtar* (family headman), Gaza City, February 2007.

<sup>4</sup> "Each occupier promotes new families. The British patronised the Shawwas and appointed them mayors of Gaza City in the 1920s. They bestowed large tracts of land upon Fraih Abu Middain [grandfather of the Palestinian Authority's first justice minister of the same name], transforming him into a big *mukhtar* as a reward for his role in leading British forces around Turkish defences during the battle for Gaza City during World War I", Crisis Group interview, Said Maqadma, director, Palestinian Centre for Democracy and Conflict Resolution, Gaza City, July 2007. Others argue that the British formalised existing realities

The 1948 war fundamentally altered Gaza's social dynamics. Within a year, the native population of some 80,000 – henceforth known as *muwatinun* (citizens) – was reduced to a minority by the arrival of approximately 200,000 refugees (*laji'un*). The population imbalance has intensified over time; of the Gaza Strip's 1.4 million current inhabitants, over three quarters are registered refugees.<sup>5</sup>

Although most refugees stemmed from rural communities where the clan system was entrenched, their networks were fragmented and weakened by the chaos of war and displacement. Clans were physically dispersed; defeat and the loss of land stripped elders of authority and a primary instrument of patronage, while widespread destitution reduced socio-economic inequalities.<sup>6</sup> The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) further levelled society by providing refugees with health care, education and social support. As *mukhtars* lost their authority, competing allegiances based on politics, religion and alternative social bonds strengthened commensurately.

Among native Gazans, eager to preserve their social and political pre-eminence and ensure that the more numerous newcomers who worked their properties did not end up owning them, the power of kinship networks increased. Perhaps more than any other factor, family affiliation marked the division between these two groups. The post-1948 tension between the *muwatinun*, who aspired to maintain their predominance in status, land and wealth, and the refugee community, which strove for a different order reflecting its size and suffering, forms the backdrop to much of Gaza's internal political evolution. Inevitably, clan politics played their part in this larger question.

more than they created new ones, Crisis Group interview, Isam Silasim, historian, Gaza City, October 2007.

<sup>5</sup> "Gaza", United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), at [www.un.org/unrwa/refugees/gaza.html](http://www.un.org/unrwa/refugees/gaza.html).

<sup>6</sup> "The *nakba* [Catastrophe of 1948] destroyed the refugees' social hierarchy. All were poor without land assets, but equal. The *mukhtar* remained, but lost authority. A new generation was born which did not know the old hierarchy and had not experienced the old power structure", Crisis Group interview, Omar Shaaban, economist, Gaza City, March 2007.

Clan loyalties, whether among native Gazans or refugees, were further encouraged by external actors. Since 1948, Israel has viewed the refugee community, and particularly the Gaza Strip refugee camps, as breeding grounds for radicalism and irredentism. After its 1967 occupation, it sought to forge connections with leading native families as well as conservative refugee *mukhtars* to help manage its rule.<sup>7</sup> According to an Israeli intelligence officer stationed in Gaza during the 1970s, “Israel maintained the system, handpicking many *mukhtars* and paying their salaries. In problems between the *hamula* and the [Israeli] government, the *mukhtar* was the address. Those with land used to cooperate with Israel because they had something to lose”.<sup>8</sup>

Paradoxically, while propping up the old order, Israel’s economic policies during the 1970s and 1980s undermined the very system it sought to perpetuate. Unemployed refugees rather than landowning natives were the main beneficiaries of its growing demand for unskilled labour, and the resulting flow of wealth into the Gaza Strip – further augmented by widespread migration of skilled workers to the Gulf States – unwittingly upset Gaza’s social hierarchy, affecting power relations between the two communities and within individual clans. Gaza’s notables found their power and authority challenged by the upwardly mobile and financially enfranchised, who looked to the Palestinian Liberation Organisation (PLO) and its various factions rather than their traditional leaders to improve their social and political lot.<sup>9</sup>

The growing imbalance between the political order and economic reality was clearly manifest in the 1987-1993 intifada, a rebellion against both Israeli and traditional authority. According to a former Israeli intelligence officer, “popular committees took control of the streets, not just from Israel but from the *mukhtar*”.<sup>10</sup> As mediator between Israel and the local population, the *mukhtar* was exposed to the charge of collaboration, and at least ten were executed by Palestinian militants.<sup>11</sup>

<sup>7</sup> Israeli intelligence officers divided Gaza’s society into four groups: landowning oligarchic families in the towns; smaller agricultural families in the villages; refugees from the towns and villages south of Jaffa; and Bedouin of nomadic origin. “Each of these groups considers itself top of the pyramid”, Crisis Group interview, former Israeli intelligence officer in the Gaza Strip, Ashkelon, May 2007.

<sup>8</sup> Crisis Group interview, former Israeli intelligence officer, Tel Aviv, May 2007.

<sup>9</sup> The *mukhtar*’s authority over kinsmen working in Israel was eroded by the labourer’s geographical separation and economic independence. “Some said, ‘I’m richer than the *mukhtar* and more powerful – why don’t I decide’”, Crisis Group interview, Omar Shaaban, economist, Gaza City, March 2007.

<sup>10</sup> Crisis Group interview, former Israeli intelligence officer in the Gaza Strip, Ashkelon, February 2007.

<sup>11</sup> Brynjar Lia, *Police Force Without a State* (Reading, 2006), p. 55. Yet, just as Israeli policies unwittingly undermined the

## II. THE CHANGING FORTUNES OF KINSHIP NETWORKS

### A. THE PALESTINIAN AUTHORITY AND CLAN POLITICS

The influence of clan politics was both weakened and strengthened with the 1994 establishment of the Palestinian Authority (PA). The capital influx accompanying the Oslo process sparked a real estate boom, accelerating refugee relocation to wealthier neighbourhoods and further blurring longstanding geographical and social divides. The expanding PA bureaucracy gave Gazans an additional escape from the old socio-economic order and a new source of allegiance beyond the clan and its leaders.

At the same time, Gaza’s new rulers treated kinship networks much like their predecessors.<sup>12</sup> In search of local legitimacy and support, as well as leaders who could help it stabilise its rule, the Palestinian leadership courted prominent families and absorbed not just their scions but also – by enabling the latter with the powers of patronage – many of their members into the PA’s nascent institutions. In 1994, Yasir Arafat issued a presidential decree establishing a Department of Tribal Affairs to oversee the informal justice system;<sup>13</sup> authorised a central committee for *islah* (customary conflict resolution); and established specialised departments in the governorates versed in *urf* (customary law).<sup>14</sup> In an attempt to reduce local unrest, the PA also began paying *diya* (blood money) to resolve blood feuds, setting a precedent for pay-offs that some families later would turn into a business.<sup>15</sup> A recent study concluded

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power of families, the intifada unintentionally revived the role of tradition. The rebellion against Israeli and clan leaders left the activists in power but unable to establish an administrative system. The new community leaders thus reverted to *urf* (customary law), to adjudicate disputes.

<sup>12</sup> “Arafat revived the *hamula* [extended clan]. Many *mukhtars* were bought by him, in part to help the PA gain control over territory under its jurisdiction”, Crisis Group interview, Palestinian analyst, Gaza City, January 2007.

<sup>13</sup> “Before Arafat established the judicial authority, he established a tribal authority, replete with funding and its own magazine”, Crisis Group interview, Fatah leader, Gaza City, March 2007.

<sup>14</sup> Crisis Group interview, Abdullah Abu Samhadana, governor of Middle Province, Gaza, September 2007.

<sup>15</sup> “In the 1980s, family disputes focused on minor conflicts between neighbours and social relations. The payment of *diya* [monetary compensation] was simply a mark of respect – most people would hand the money back. But in the 1990s, the *diya* became a kind of business, and what had served as deterrent became a profit-making enterprise”, Crisis Group interview, Said Maqadama, Gaza City, July 2007.

that the period witnessed “the consolidation of the concept of tribalism into PA society”.<sup>16</sup>

Similarly, the security sector increasingly relied on kinship connections. When making arrests, police appealed to the family headman to facilitate peaceful surrenders. Key PA leaders preferred bodyguards from a single clan to win loyalty, acquire protection and deter potential assailants fearful of sparking clan vendettas. Security commanders often recruited kinsmen, until over time whole families became associated with particular agencies: the Masris from Beit Hanun were linked to General Intelligence under its commander, General Mohammed Masri;<sup>17</sup> the National Security Forces (NSF) under General Suleiman Hillis were known to recruit heavily from his clan, as was the Criminal Investigation Department, operating under his cousin, Brig-Gen. Adel Hillis.<sup>18</sup> The Kafarna and Abu Hassanein families held prominent intelligence posts, while the Abu Samhadana clan, centred in Rafah, was well-represented in southern Gaza’s security agencies.

But by co-opting families and playing on family rivalries, PA leaders and institutions became increasingly enmeshed in a web of patronage. Governance was ever more rooted in clientelism and competing allegiances.

## **B. THE 2000 UPRISING AND THE RISE OF CLAN POWER**

If the first intifada undermined clan power and leaders, the second revived them.<sup>19</sup> As the PA’s security establishment and ability to govern were in effect destroyed by Israel and much of the population reduced to poverty by years of escalating siege, kinship networks revamped their coping mechanisms. With the legal system in ruins, the informal sector filled the void, adjudicating cases ranging from trespass to homicide. Israel’s repeated aerial bombardments and armoured incursions also were responsible for a key shift in Gaza’s power balance: the weaponisation of families. According to a former PA police officer:

When Israel destroyed the police stations during its incursions, in order not to lose weapons security

personnel were instructed to safeguard them by taking them home. Thereafter the PA’s weapons were put to use defending family interests as much as those of the Authority.<sup>20</sup>

Virtually overnight, families became repositories of significant arsenals, dramatically augmenting their firepower and ultimately transforming some clans into substantial militias. A Palestinian academic observed: “Fighting Zionism became a cover for expanding family influence. It was like a mafia”.<sup>21</sup>

The fraying of PA power bolstered families’ relative clout and highlighted the conflicting loyalties of its security personnel. PA attempts to discipline security force members who participated in family feuds were met with roadblocks at key intersections until court-martialled relatives were released. The scion of a powerful Beit Hanun clan said, “imprisonment doesn’t work. Families will take hostages and hold them until their relatives are released”.<sup>22</sup> Families raided prisons and courtrooms to retrieve relatives standing trial. And family militias became independent agents, jettisoning their nominal allegiance to the PA and selling their services to other operators, including the Islamic Resistance Movement ( Hamas ). In May 2007, the Khan Yunis governor said, “the security force personnel are more loyal to their families than to the security apparatus”.<sup>23</sup>

The death in November 2004 of Yasir Arafat, the consummate patriarch who held the body politic together through a maze of patronage networks, further eroded the PA’s ability to control centrifugal forces such as clans that were strengthening as a result of the uprising. Arafat’s successor, Mahmoud Abbas, and his finance minister, Salam Fayyad, put an end to many of the perks and payments that had underpinned Arafat’s rule but they could not bring the disparate elements under PA control.

## **C. ISRAEL’S GAZA DISENGAGEMENT AND FACTIONAL CONFLICT**

To maintain and fund their patronage networks, local security commanders plumbed alternative sources of revenue. Israel’s 2005 disengagement from the Gaza Strip

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<sup>16</sup> “Informal Justice”, op. cit., p. 120.

<sup>17</sup> Discontent over his appointment was said to have been one of the factors behind the Masri family’s ongoing feud with the Kafarna, Crisis Group interview, Palestinian intelligence officer, Beit Hanun, February 2007.

<sup>18</sup> Crisis Group interview, Palestinian intelligence officer, Beit Hanun, May 2007. The appointment of Suleiman Hillis as commander of the National Security Forces in 2005 did much to enhance the clan’s clout.

<sup>19</sup> For an analysis of the impact of the second intifada on kinship networks, see Crisis Group Middle East Report N°32, *Who Governs the West Bank? Palestinian Administration under Israeli Occupation*, 28 September 2004.

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<sup>20</sup> Crisis Group interview, former North Gaza chief of police, Beit Hanun, February 2007. He estimated his clan obtained 2,000 machine guns.

<sup>21</sup> Crisis Group interview, Palestinian academic, Gaza City, October 2007.

<sup>22</sup> Crisis Group interview, clan leader, Beit Hanun, May 2007.

<sup>23</sup> “The main reason for the security chaos is that there’s no centralisation of the security forces. So many were recruited, and it led to a great accumulation of arms. No one could implement the law so people took the law into their own hands”, Crisis Group interview, Usama Farra, Khan Yunis, May 2007.

– without a coordinated, formal handover to the PA – left a vacuum and stimulated a rush for abandoned property and resources. According to a prominent journalist in Gaza, “the factions took some of the settlements, and individual families took other parts. There was a new occupation of Gaza, and the PA didn’t benefit. Increasingly, families were in charge”.<sup>24</sup>

The intensification of the Hamas-Fatah struggle precipitated by the 2004-2005 municipal elections and the 2006 Palestinian Legislative Council (PLC) elections expanded the space for clan influence. In an attempt to stave off Hamas’s electoral gains, the PA (including its security forces) went on a recruitment campaign, which not only failed to achieve its purpose but also strengthened the power of families able to manipulate it; in a number of cases, family headmen peddled their constituents – their kinsmen – to the highest bidder.

During this period, the more unruly clans also extended involvement in lucrative businesses, such as smuggling, and less savoury activities, including the imposition of safe passage fees on Gaza’s roads and the kidnapping of journalists.<sup>25</sup> Determined to redress grievances such as dismissal from public sector employment or demotion, and seeking to extort jobs, services or land,<sup>26</sup> clan militias (but not them alone) attacked the Palestinian Legislative Council,<sup>27</sup> PA ministries and the Central Election Commission headquarters, as well as security installations and personnel.<sup>28</sup> The PA rarely intervened.<sup>29</sup>

The phenomenon also highlighted another factor – the ascendancy of “approximately ten clans” in the Gaza Strip, which derived their power on the basis of their heavy involvement in the informal economy and ability to amass and deploy weapons.<sup>30</sup> These were deeply resented by the traditional elite families, which derived their power from a combination of status, wealth and position but found these assets increasingly irrelevant – and themselves marginalised – in Gaza’s growing chaos.

Faced with the PA’s collapse, internal conflict and Israeli-imposed siege, kinship networks came under growing demands from their members.<sup>31</sup> In the prevailing chaos, clan elders appeared to lose control. According to a scion of a powerful north Gaza clan, “the management is breaking down and spinning out of control. We are the biggest family here with thousands of men under arms – and we’ve entrusted our family affairs to an old man who cannot concentrate and make decisions. Our elders are out of their depth”.<sup>32</sup> Led by younger men quicker to the trigger, family feuding spread. Whereas kinsmen had resolved disputes over a cup of coffee or at most with sticks and knives, they were now fielding automatic weapons and rocket-propelled grenades.<sup>33</sup> Even wealthy trading families which prided themselves on brain over brawn lost control over their sons:

We never had weapons, but about two years ago a powerful neighbouring family opened fire, and we realised we needed a deterrent. They were all armed, and we had nothing. Younger family members started accusing the elders of not defending the family name. It was the opposite – we were trying to preserve our standing and our reputation as a merchant family – but the gun

<sup>24</sup> Crisis Group interview, Palestinian commentator, Gaza City, September 2007.

<sup>25</sup> The abduction of two Fox television journalists in August 2006 is said to have set the standard for the ransom of expatriate journalists at \$1.2 million, Crisis Group interviews, diplomats, Jerusalem, May 2007.

<sup>26</sup> Instances abound. On 27 March 2007 Dughmush gunmen took over the ministry of agriculture, demanding jobs, Crisis Group interview, Palestinian observer, Gaza City, March 2007. In mid-April, armed men raided an UNRWA health centre in Gaza City, opening fire and beating staff from the job creation program, Crisis Group interview, UN official, Gaza City, April 2007.

<sup>27</sup> When in April 2007 a Dughmush militiaman mistakenly shot and killed a boy from the Abu Sharkh clan, his relatives protested “groups that were taking advantage of the lack of security to spread chaos among the Palestinian people”, then stormed Gaza’s PLC building while in session and opened fire, “Family of Murdered Boy Breaks into PLC Building and Shoots”, Maan News Agency, 24 August 2007.

<sup>28</sup> For instance, in April 2007, a member of Abbas’s Presidential Guard – the most professional and disciplined PA security force – denied entry to a Palestinian at the Rafah crossing. His relatives shot the guard dead, Crisis Group interview, UN official, Gaza, April 2007.

<sup>29</sup> “Jungle of Guns, Law of the Jungle, 2006 Human Rights Report”, Al-Mezan Centre for Human Rights, Gaza City, 2007, p. 17.

<sup>30</sup> Crisis Group interview, Palestinian journalist, Gaza City, December 2007.

<sup>31</sup> After Hamas’s victory in the 2006 elections, Israel suspended transfer of customs revenues to the PA on goods entering Palestinian territories, which hitherto had comprised the bulk of all PA revenues. Although these were renewed following Hamas’s takeover in Gaza and President Abbas’s appointment of Prime Minister Salam Fayyad in Ramallah in June 2007, Israel has since imposed a ban on exports from Gaza and sharply curtailed supply. The U.S. imposed restrictions on financial dealings with Hamas authorities and led Western donors in suspending projects and severing direct aid to government-run institutions. For further background see the website of UN Office for the Coordination of Humanitarian Affairs, [www.ochaopt.org](http://www.ochaopt.org).

<sup>32</sup> Crisis Group interview, Gaza City, January 2007. “It isn’t the *mukhtars* who are taking the decisions, but the young thugs who have learned to form networks of family members who are forming their own centres of gravity”, Crisis Group interview, Palestinian journalist, Jerusalem, May 2007.

<sup>33</sup> “Disputes once settled by a beating now turn into killing sprees”, *The Economist*, 7 September 2006.



culture has become a badge of family honour, and so we relented and they formed their militia.<sup>34</sup>

Aggravated by the battle over diminishing resources, the annual toll related to clan fighting surged. Clashes, less than a handful in the 1980s,<sup>35</sup> skyrocketed in 2006: human rights monitors recorded 214 battles or acts of revenge, 90 killings and 336 injuries attributable to family feuds, a 50 per cent increase over the previous year, which itself had been a record.<sup>36</sup> Schools were not immune; at Jamal Abdel-Nasser Secondary School in Gaza City's Shuja'iya quarter, rival student assemblies rapidly degenerated into gang warfare in which battle lines were largely defined by family affiliation. Schoolboys smuggled guns into the cafeteria, and a child's eyes were poked out. "We couldn't stop children entering with weapons", stated a local teacher.<sup>37</sup> In April 2006, older boys broke into the school, opened fire and wounded eight, including a teacher protecting a child who had been stabbed in the head. Neither police nor clan elders intervened.<sup>38</sup>

Clan elders appeared overpowered in their struggle to preserve family cohesion. A non-governmental organisation (NGO) worker said, "family ethics are unravelling. Parents can no longer control their sons, who wield more power than they do".<sup>39</sup> Among larger clans, fractures in kinship networks emerged along both generational and family lines; with half the population under sixteen, young men formed their own power centres, often attracted by lucrative offers for their services. In 2006 Mumtaz Dughmush, a 30-year-old member of the Dughmush clan, established an independent militia with young kinsmen, espousing a radical jihadist discourse and practicing forms of vigilantism which challenged the traditional hierarchy. Calls by clan elders, including his cousin, the *mukhtar*, to respect family codes of hospitality and release kidnapped BBC reporter Alan Johnston were ignored for months in 2007.<sup>40</sup>

<sup>34</sup> Crisis Group interview, merchant from prominent Gaza family, Gaza City, July 2007.

<sup>35</sup> Crisis Group interview, Said Maqadama, director of the Palestinian Centre for Democracy and Conflict Resolution, Gaza City, July 2007.

<sup>36</sup> "Jungle of Guns", op. cit. Kidnappings in Gaza, not solely attributable to families, increased from zero in 2003 to 39 in 2005 and 123 in 2006, of which nineteen victims were foreigners.

<sup>37</sup> Crisis Group interview, school teacher, Gaza City, September 2007.

<sup>38</sup> Crisis Group interviews, secondary school students, Shuja'iya Quarter, Gaza City, April 2007.

<sup>39</sup> Crisis Group interview, Said Maqadama, Gaza City, July 2007.

<sup>40</sup> "I told Mumtaz [Dughmush], 'You're religious. If your religion says hold Johnston, hold him. But if your religion says it's *haram* [prohibited] to kidnap someone who didn't come with a gun and didn't come to kill and is here to help Palestinians, then let him go'", Crisis Group interview, Salah Dughmush, Gaza City, September 2007. "Johnston's capture affected the standing of the

## D. BETWEEN THE 2006 ELECTIONS AND HAMAS'S 2007 SEIZURE OF POWER

Amid spiralling lawlessness and a tightening Israeli siege, the 2006 Hamas election victory and subsequent U.S.-led sanctions accelerated the emigration of expatriate and local investors, as well as businesses.<sup>41</sup> The cessation of foreign subventions to the donor-reliant PA, whose employees accounted for almost half of the Gaza Strip workforce and whose services encompassed most of the population, further crippled its ability to meet constituent needs and drove them to alternative sustenance mechanisms. A UN official noted: "The reorientation of aid away from state-building structures further contributed to the de-institutionalisation of Palestinian society".<sup>42</sup>

Despite popular hopes fuelled by the February 2007 Mecca Agreement and formation of a PA national unity government the following month, governance in Gaza remained a sideshow to political infighting.<sup>43</sup> Key members of the leadership retained only episodic contact with the territory. Government ministers, fearing Israeli or factional attack, slipped in and out of hiding. President Abbas visited irregularly and then only from within armoured convoys and surrounded by security guards. Gaza appeared to be atomising into factional and social anarchy, as political strongmen, militia commanders and clan leaders with overlapping constituencies jostled for a share of the spoils.<sup>44</sup> A Palestinian journalist surmised: "The PA does not exist. The clans have overrun Gaza".<sup>45</sup>

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families. As families in Gaza, we have to welcome foreigners. It has stained our reputation", Crisis Group interview, Jihad Abu Eida, general director for tribal affairs and reconciliation, ministry of interior, Gaza City, May 2007.

<sup>41</sup> To retain their Israeli and international market share, a few textile and furniture manufacturers sought to shift their operations from Gaza to the West Bank, Crisis Group interview, UN official, Gaza City, December 2007.

<sup>42</sup> Crisis Group interview, Jerusalem, February 2007. "Public institutions built up by the international community had been severely weakened by a lack of operational funds, energy shortages and military damage", UN Under-Secretary-General for Political Affairs Ibrahim Gambari report to the Security Council, 25 January 2006, at [www.un.org/News/Press/docs/2007/sc8943.doc.htm](http://www.un.org/News/Press/docs/2007/sc8943.doc.htm).

<sup>43</sup> See Crisis Group Middle East Reports N°62, *After Mecca: Engaging Hamas*, 28 February 2007; N°68, *After Gaza*, 2 August 2007.

<sup>44</sup> Israeli policy-planners likened the mayhem to warlordism in Somalia and Iraq. "Gaza is chaotic. Clans are operating and controlling territory outside any chain of command. Increasingly we see a breakdown of order as in Iraq", Crisis Group interview, Israeli security official, Jerusalem, May 2007.

<sup>45</sup> Crisis Group interview, Palestinian journalist, Jerusalem, May 2007.

Kinship networks often contributed to and benefited from the above. Clan leaders buttressed their *hara* (residential quarters) with at times impressive defences.<sup>46</sup> Much of Gaza was carved into separate redoubts, some under the control of one of the PA factions or armed wings, others in the hands of family militias. Families turned some neighbourhoods into mini-fiefdoms, barricading their entrances with mounds of sand and palm trunks.

In the national unity government's dying days, competing PA officials raced to draft plans to resurrect central authority. The 100-days plan of Interior Minister Hani Qawasma, a Hamas appointee, proposed the "deployment of foot and vehicle patrols in various parts of the Gaza Strip around the clock" in order to achieve, among other objectives, "the curbing of family feuds". It included a media campaign "to discuss the negative impact of problems between clans" and attributed the lawlessness in part to "the abundant supply of weapons carried by individuals and clans who enjoy official and organisational protection". Other steps that would have affected the clans included bans on public display of unlicensed weapons and even a proposal to purge security forces of clan allegiance.<sup>47</sup> The Security Sector Transformation Plan drafted by the office of Abbas's National Security Adviser, Muhammad Dahlan, listed "criminal interests and family loyalties" as one of the "inhibitors of change".<sup>48</sup>

However, although cognizant of the dangers, security forces were overly fixated on their internal rivalries – and various commanders too invested in phenomena they were supposed to be combating – to implement either plan. Both remained ink on paper, overtaken by Hamas's June 2007 seizure of power and subsequent efforts to restore order by asserting its role as sole authority and power broker.

### III. KINSHIP NETWORKS IN OPERATION

As the PA's reach dwindled, kinship networks offered vital protection and social services to a population in need. However, just as they proved the most effective alternative providers, they also have constituted a formidable impediment to the reestablishment of central authority.

#### A. ECONOMIC SUPPORT

Kinship networks can play a critical role in administering scarce resources. In a society where over a third of the labour force is unemployed,<sup>49</sup> clans offer a financial coping mechanism. Members with jobs – particularly if they have senior positions in government service – are encouraged to give work to unemployed kinsmen. In extreme cases, families (and also other informal networks) have carried out kidnappings or erected roadblocks to reverse dismissals, providing a form of job insurance. In addition, by pooling resources and providing relief services to their disadvantaged members, clans and families help contain social tensions between rich and poor. Their economic function can be likened to a rudimentary welfare system of last resort, whose role increased as the PA collapsed and the siege tightened.

Several clans with more developed organisational structures maintain a *sumduq* (fund), managed by a finance committee, which has various sources of income. The staple is the tithe, ranging from between \$2.5 to \$12 per month,<sup>50</sup> levied from males over the age of sixteen.<sup>51</sup> On this basis alone, a medium-sized clan of 1,000 adult males can raise some \$50,000 per year, which in the Gaza Strip today is a considerable sum.

<sup>46</sup> Caught in a blood feud with the Abu Taha family, the Masris of Khan Yunis, for instance, erected a 4m high wall at the entrance to their quarter.

<sup>47</sup> A copy of the Qawasma Plan was made available to Crisis Group. It proclaimed its first objective as "ensuring the neutrality of the security establishment and the consolidation of its role as a national institution removed from any organisational, clan, or group considerations... [After two to three weeks,] the Palestinian National Authority [PNA] announces the illegality of carrying arms in the streets and in public places and marketplaces except by elements of the security services".

<sup>48</sup> A copy of the National Security Adviser's plan was made available to Crisis Group.

<sup>49</sup> At the time of the takeover, unemployment in Gaza was officially estimated at 32 per cent. Third Quarterly Report 2007, Palestine Central Bureau of Statistics, at [www.pcbs.gov.ps/Portals/\\_pcbs/PressRelease/text-e.pdf](http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/text-e.pdf). The World Bank predicted it would rise to 44 per cent, assuming 30,000 lost jobs in the private sector as a result of the border closures. "Two Years after London, Restarting Palestinian Economic Recovery", 24 September 2007, at <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AHLCMainReportfinalSept18&cover.pdf>.

<sup>50</sup> The standard is about \$5 per month. Wealthier families often charge more. Crisis Group interviews, clan members, 2007. Women can but are not obliged to contribute. Crisis Group interview, Salah Dughmush, *mukhtar*, Gaza City, February 2007.

<sup>51</sup> "People are not paying taxes but they are contributing towards the family fund. They are more loyal to the family than to the PA", Crisis Group interview, Omar Shaaban, Palestinian economist, Gaza City, February 2007.

Clans typically derive further income from remittances by members of their extended networks in the diaspora, particularly in times of crisis.<sup>52</sup> With Israel's closure of labour and export markets and the drastic reduction in local opportunities, remittances, worth several hundred thousand dollars a year for some clans, comprise the bulk of their collective income.<sup>53</sup> Family fund managers also have served as distributors for aid agencies, particularly when providing emergency provisions on short notice.<sup>54</sup>

Finally, most businesses in the Gaza Strip – perhaps as many as 95 per cent – are family run,<sup>55</sup> meaning that jobs, income and profits can legitimately be used to benefit more needy relatives or the family as a whole. Examples in the formal sector include the strawberry fields of north Gaza, run by the Masris, the sizeable fishing fleet of the Bakr clan in Gaza port and the flower nurseries of the Abu Naja clan in the southern Gaza Strip. The Dughmush are Gaza's largest suppliers of tyres. According to a journalist in the Gaza Strip, "this often also means that entry into such markets by outsiders needs to be coordinated with the family that dominates it".<sup>56</sup> Some groceries and supermarkets are run as cooperatives, with profits disbursed to participating family members. In times of shortage, their stocks serve the entire clan.<sup>57</sup>

With the closure of official export markets, the informal sector has flourished. The shrivelling formal economy has redirected a number of entrepreneurs towards other activities such as debt collection, arms-trading, security services, car-jacking and even, according to some accounts, all-in-one, production-to-launch service on rockets.<sup>58</sup>

Disbursements normally are distributed by a separate welfare committee. They cover the clan bureaucracy, including the maintenance of family assemblies (*diwans*);

stipends for poorer members, including the distribution of basics such as chicken to families during Ramadan; and general service delivery, including the construction and maintenance of mosques, burial services in the clan cemetery (or segment of the cemetery), repair of uninsured cars involved in accidents and support for next-of-kin of fighters killed in blood feuds.<sup>59</sup> More established clans also operate educational funds to sponsor university education abroad.<sup>60</sup> More recently, defence has consumed an ever larger share of the budget.<sup>61</sup>

## B. FEUDS AND INFORMAL JUSTICE

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 honour (*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. "All men of the clan stand as one man whether in ill or in joy", reads one such document. "The clan stands in solidarity with any member in case attacked morally or physically". Backing is withheld only in cases of "lewd or immoral acts contrary to the principles of the Sharia [Islamic law]".<sup>62</sup>

Family disputes can be sparked by the smallest insult or affront, and, in the absence of mediation, pursuit of revenge (*tha'ir*) must in theory continue until the aggrieved party has salvaged its honour by inflicting a comparable or greater injury on the other. Possibly Gaza's most violent family feud in recent years began in Khan Yunis, triggered by an argument in 2005 during which a Masri kinsman shot dead a mango-peddler from the neighbouring Abu Taha clan who had no change for his twenty shekel note.<sup>63</sup> Two years, 29 dead (ten were from neither clan), 60 wounded and a

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<sup>52</sup> "Our regional network includes 300 members in the United Arab Emirates and more in Israel, who help by providing money", Crisis Group interview, activist from a family involved in an ongoing feud, Rafah, February 2007.

<sup>53</sup> "Our clan has ten millionaires abroad – in Saudi Arabia, the U.S., Abu Dhabi and Algeria – who provide the bulk of the funding. The largest donation in 2006 was \$130,000, and we also have contributions from our 100 merchants in Gaza", Crisis Group interview, Masri clan financial committee member, Khan Yunis, July 2007.

<sup>54</sup> During the November 2006 Israeli incursion into Beit Hanun, aid agencies distributed support directly to families, Crisis Group interview, former local police chief, Beit Hanun, March 2007.

<sup>55</sup> Crisis Group interview, Omar Shaaban, Gaza City, February 2007.

<sup>56</sup> Crisis Group interview, Palestinian journalist, Gaza City, December 2007.

<sup>57</sup> Crisis Group interviews, UN official, Jerusalem, July 2007 and clan elder, Gaza City, September 2007.

<sup>58</sup> Crisis Group interviews, Beit Hanun resident and European diplomat, December 2006.

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<sup>59</sup> Allocations of up to \$15,000 were cited, Crisis Group interview, clan elder, Khan Yunis, July 2007.

<sup>60</sup> Crisis Group interview, Agha merchant, Gaza City, February 2007.

<sup>61</sup> "*Sunduq* [fund money] is used to buy guns for protection – and it costs money to provide guns, bullets and food for our men", Crisis Group interview, clan elder, Gaza City, February 2007.

<sup>62</sup> Clan constitution viewed by Crisis Group, Dura, West Bank, March 2007.

<sup>63</sup> "There was no history of factional fighting between the Abu Tahas and the Masris in Khan Yunis until this dispute over twenty shekels. They had never quarrelled over land or salaries. It erupted out of nothing", Crisis Group interview, Ibrahim Abu Naja, Fatah leader, Gaza, September 2007.

host of arson attacks later, the dispute periodically flares, with each seeking to inflict the higher toll.<sup>64</sup>

A relatively minor collision between a car and donkey cart involving a member of an unrelated Masri clan and the Kafarna clan in Beit Hanun spiralled into a turf war in late 2005 that claimed eleven lives. As part of the feud between the Dughmush of Gaza City and the Kafarna of Bait Hanun, which began as a dispute over a water-tank, the former enforced an exclusion order preventing Kafarna men from entering Gaza City a few kilometres away.<sup>65</sup> In such cases a ban on intermarriage between feuding clans is standard.<sup>66</sup> Vendettas have no statute of limitations.<sup>67</sup>

Swift to anger, the clans can be equally swift to reconcile. They operate a conflict resolution mechanism, distinct from the formal judicial apparatus, called *lajnat islah* (conciliation committee).<sup>68</sup> It typically consists of respected clan elders or those they select who are versed in *urf* (customary law). In a dispute between families, members of more than one committee may be involved in resolution attempts. In most cases a single *rajil islah* (man of conciliation) will arbitrate (*tahkim*), although in more complex disputes there may be as many as five – with each party choosing two and a fifth appointed independently.<sup>69</sup> The mediators follow an arbitration process, which over time has acquired the authority of a ritual: their first task is to secure a ceasefire, typically lasting three and one-third days; during this time, the parties indicate their readiness to pursue an *atwa* (long-term settlement).<sup>70</sup> That period in

turn allows negotiation of a *sulh* (a civil and final resolution of the conflict).<sup>71</sup>

In contrast to the formal judicial sector, clan adjudication mechanisms are consensual. Decisions are made primarily by male relatives of the parties, who attend the hearing and provide the *kifala* (guarantee), to uphold rulings.<sup>72</sup> Implementation may also be underpinned by an implied threat of force in the event of breach.<sup>73</sup> Unlike the formal legal system, the conciliation committees straddle boundaries and span jurisdictions, a critical asset given the nature of many disputes.<sup>74</sup> The informal sector also is more accessible: its hearings are cheap, if not free, and often remarkably quick. According to a prominent Gaza businessman, “in 90 per cent of cases I would go to the conciliation committee. If I went to court, it would take fifteen years to get a judgement and by that stage the case would be forgotten”.<sup>75</sup> That said, as many critics of informal dispute resolution note, such justice can be rough, ready and unfair, as well as brutal in its treatment of women.<sup>76</sup>

With only 48 judges, Gaza’s formal sector has an excessive caseload even at the best of times (there was a backlog of

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<sup>64</sup> “We want to kill one more to be equal”, Crisis Group interview, Abu Taha activist, Rafah, February 2007. In June 2007 they killed two, further fuelling the feud. The death toll currently is ten Abu Tahas and eleven Masris, with the latter vowing revenge.

<sup>65</sup> Kafarna men entering Gaza City did so covertly and armed, maintaining communication with members in Beit Hanun. Crisis Group accompanied a Kafarna police officer on one such sojourn, Beit Hanun, March 2007.

<sup>66</sup> Crisis Group interview, clan elders, Rafah, February 2007.

<sup>67</sup> A joke going around the Gaza Strip is illustrative: Man A: Abdullah took his revenge after 50 years. Man B: Why the hurry?

<sup>68</sup> The term *lajnat islah* was coined during the 1987-1993 uprising and adopted by the PA after its formation as a generic term for the entire informal legal sector, including factional courts and a Sharia court system run by Hamas, as well as those of the kinship networks. Crisis Group interview, Abu Salman al-Mughani, head of the Higher Council of Lijan al-Sulh, Gaza, July 2007. Prior to 1987, the kinship dispute resolution body was commonly referred to as *majlis asha’iri* (tribal council) or *diwan ai’ili* (family assembly). Kinship mediators, however, had long been referred to as *rijal al-islah*, men of conciliation. Crisis Group interview, Dara’an Birjis Wihaidi, Gaza City, July 2007.

<sup>69</sup> The Dughmush, for instance, proposed a five-man council to settle their dispute with Hamas prior to the capture of BBC correspondent Alan Johnston in March 2007, Crisis Group interview, clan elder, Gaza City, February 2007.

<sup>70</sup> The *atwa* is a public admission by the party committing the aggression and signals readiness to pay for all that is required

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to satisfy resolution. It is often secured with a down payment towards the *sulh* (civil and final resolution).

<sup>71</sup> For further background see the comprehensive account in “Informal Justice”, op. cit.

<sup>72</sup> In hearings attended by Crisis Group in Gaza City during 2007, rulings were typed, signed by the adjudicator, distributed to the parties, sealed by a Quranic recitation in which representatives from both parties participated and concluded with a final admonition from the arbitrator “not to keep hatred in your hearts”.

<sup>73</sup> A veteran adjudicator claimed he could summon overwhelming strength from kinship networks to enforce his rulings, if necessary, Crisis Group interview, Abu Salman al-Mughani, Gaza City, April 2007.

<sup>74</sup> At a hearing attended by Crisis Group in Gaza City, February 2007, an arbitrator received a petition from a Knesset member requesting his resolution of a custody battle between a Palestinian man in Gaza and his estranged wife in Umm al-Fahm, an Arab town in northern Israel.

<sup>75</sup> Crisis Group interview, Gaza City, July 2007.

<sup>76</sup> “If you’re from the Dughmush, you have more rights than a refugee. So the principle of equality is absent”, Crisis Group interview, human rights activist, Gaza City, April 2007. Women’s groups in particular have accused conciliation committees of discrimination. “They deprive women of their inheritance”, said lawyer Lama Hourani. “Under Palestinian law, women are entitled to half the inheritance of a man, but under *urf* the adjudicators award it to their brother”, Crisis Group interview, Gaza City, April 2007. A study by Bir Zeit University suggested *islah* procedures violate basic legal norms and alleged bias by *islah* adjudicators in favour of more powerful *hamulas*. Samer Shbaytah, lecture on tribal justice, Bir Zeit University Institute of Law, 14 November 2006. European officials working in the field of Palestinian judicial reform also took a dim view of the informal process, as undermining the formal sector. Crisis Group interview, Jerusalem, July 2007.

27,000 cases in 2005). Since March 2006, it has been further buffeted by a series of crises.<sup>77</sup> Above all, the formal sector lacks a functioning enforcement mechanism.<sup>78</sup> Impaired by armed conflicts, budget shortfalls, political infighting, strikes following Hamas's takeover and, not least, the intimidation of judges,<sup>79</sup> it has eroded to the point of dysfunction.

The informal sector has continued operating. In 2006 the Committee of National Reconciliation, a PA body, recorded more than 8,556 cases handled by conciliation committees, ranging from tort and child custody to 50 cases of murder. Even PA enforcement agencies resorted to its mechanisms.<sup>80</sup> Cases of murder, assault, theft, embezzlement and others left in limbo by the courts were resolved in the informal sector. In the words of a senior Hamas legal expert, "the regular courts and prosecutors' office were almost entirely moribund. Cases went either to a clerk's drawer or to the *lijan al-islah*".<sup>81</sup>

Informal adjudicators, all men, can inflict a range of penalties. The most common is financial. Killing a man requires payment of *diya* (blood money). The sum can be lowered through imposition of a prison term, which often appears relatively light. Adjudicators can order the expulsion of the accused from the locality (*jalwa*); his incarceration in a detention facility run by the PA or the clan, which in the case of the latter can be simply a cellar; or corporal punishment.<sup>82</sup> The latter predominates in cases of breaches of clan honour codes, though these rarely take place with the open sanction of *islah* committees. Currently, *diya* runs at \$30,000 for manslaughter; \$60,000 for manslaughter without relocation (*jalwa*); and \$90,000 for murder.<sup>83</sup>

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<sup>77</sup> Crisis Group interview, Said Maqadama, director of the Palestinian Centre for Democracy and Conflict Resolution, Gaza City, July 2007. A European diplomat engaged with Palestinian judicial reform estimated a backlog of 50,000 cases, Crisis Group interview, Jerusalem, August 2007.

<sup>78</sup> "The biggest problem with the court system is that there is no police back-up to implement judgements", Crisis Group interview, Supreme Court lawyer, Gaza City, July 2007.

<sup>79</sup> One reason Gaza's lawyers give for the fact that courts have not rendered judgements in murder cases is that judges fear the consequences of their rulings, Crisis Group interviews, Gaza City, May 2007.

<sup>80</sup> "The formal sector is so weak that when a police station is attacked, the local enforcement agency approaches a *lijnat al-islah* for redress", Crisis Group interview, Issam Younis, al-Mezan Centre for Human Rights, Gaza City, April 2007.

<sup>81</sup> Crisis Group interview, Hamas legal expert and PLC member Marwan Abu Ras, Gaza City, September 2007.

<sup>82</sup> Crisis Group interview, clan elder, shortly after his adjudication that a clan member be shot in the knee for groping a woman, Gaza City, February 2007.

<sup>83</sup> Crisis Group interview, Palestinian journalist, Gaza City, December 2007.

## C. POLITICAL AND SECURITY LEVERAGE

Kinship networks intercede with authorities on their members' behalf. This was so when Gaza was ruled by outsiders and continued under the PA. While eschewing the formation of political movements of their own, various clans established affiliations with existing movements (at times several simultaneously) through a combination of membership, party positions and support. In the process, they developed privileged relations with their national or local leaderships, which might include one or more of their own.<sup>84</sup> The political movements themselves generally encouraged this phenomenon in order to augment their strength.

Clan politics are particularly relevant to local and legislative elections, in the latter case because the electoral system is a mixture of constituency and national proportional representation; nationally insignificant clans can play a decisive part locally, where their numbers count.<sup>85</sup> Because clans tend to vote as a bloc, particularly where sharp political or ideological differences are not at issue, their leaders – often representing thousands of voters – can influence candidate selection and negotiate the price of their choice. A political commentator noted: "The number of identity cards a clan had was an important measure in selecting candidates for the PLC".<sup>86</sup>

Political factions often put candidates from larger families on their electoral lists. A clan elder told Crisis Group: "If you have a candidate from your clan standing in an election, there's a moral obligation to support him no matter what your party allegiance".<sup>87</sup> While some take this obligation more seriously than others, a high enough proportion attaches importance to the promotion of a kinsman to office to make it a significant factor.

Accordingly, *diwans* of larger clans served as an attractive early stop for candidates. During the 2006 PLC campaign, a welter of welfare associations and charities bearing clan names sprouted across Gaza, furnished with bank accounts into which factions seeking votes could deposit goodwill

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<sup>84</sup> Individual families may be identified with a particular movement, reflecting the fact that initial recruitment, particularly in smaller communities, often is spurred by elder siblings or other close relatives. At the same time, it is not uncommon, particularly in larger towns, for members of a single nuclear family to be affiliated with rival movements. While it is almost unheard of for an entire clan to be affiliated with one movement, its traditional leaders, or smaller sections of the clan, may be.

<sup>85</sup> In the 1996 PLC elections, all 88 seats were contested according to the constituency system. In the 2006 elections 60 of the 120 seats were so chosen.

<sup>86</sup> Crisis Group interview, Gaza City, April 2007.

<sup>87</sup> Crisis Group interview, Beit Hanun, March 2007.

offerings.<sup>88</sup> Both Hamas and Fatah recruited candidates from influential families, while Hamas additionally appealed to kinship sentiments by nominating candidates known for their work in the informal judiciary.<sup>89</sup> Less disciplined, Fatah was unable to prevent clan representatives slighted at not being selected from nominating alternative candidates – thereby splitting the party vote. Hamas split the clan vote in key constituencies by matching Fatah's nomination with a candidate from the same clan perceived to be of "sounder morals".<sup>90</sup> A new elections law decreed by President Abbas in September 2007 appears partly designed to minimise the ability of clan chaos to compound that within the movement itself.<sup>91</sup>

Particularly in the absence of central authority, the clan sees itself as the primary protector of its members, especially the more vulnerable – women, children and the elderly – on its home turf. Among larger clans, day-to-day security is managed by defence committees, commonly called youth committees. These oversee recruitment, provide training<sup>92</sup> and organise the clan's first line of defence.<sup>93</sup> In times of danger, young men ensure their neighbourhood is a safe haven for members and a no-go area for hostile outsiders by erecting checkpoints and barricades, posting armed youths at road intersections and monitoring those who enter.<sup>94</sup> They also can raise the alarm to mobilise armed kinsmen at short notice.

The clan's clout may extend beyond its boundaries; citing one's family name in a car crash can help deter police action.<sup>95</sup> With the surge in lawlessness after Arafat's death,

middle-class Gazans who had hitherto eschewed prominent displays of their clan name out of distaste for its regressive tribal connotation, began utilising it out of necessity.<sup>96</sup>

Youth committees facilitate access to dwindling PA services, such as health care and basic utilities, demanding and often receiving priority treatment at emergency hospitals, dismissing resistance with a display of weapons.<sup>97</sup> A policeman attempting to enforce visiting hours at a Gaza hospital was shot in the foot by visiting relatives.<sup>98</sup> Public sector employees spoke of similar past showdowns over competition for utilities. Electricity-bill collectors reported being routinely attacked.<sup>99</sup> Facing rising outages (prompted in part by low payment rates), family (and other) gangs rig networks to ensure supply and chase off engineers sent to install fresh switches. Phone company employees have come under attack and on occasion been kidnapped by relatives of customers whose lines were disconnected.<sup>100</sup> In the increasingly bitter struggle for resources, former Israeli settlement land – Gaza's most fertile – was particularly prized. Though 95 per cent is registered as state property, much was parcelled out between clans and factions and demarcated by barbed wire.<sup>101</sup>

Family militias defend group interests against not only the state but also other families. They often prosecute feuds and seek resolution of grievances through intimidation

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<sup>88</sup> Crisis Group interview, human rights activist, Gaza City, April 2007.

<sup>89</sup> Crisis Group interview, Sami Abu Zuhri, Hamas spokesman, Gaza City, September 2007. "Many members of the PLC were elected as a consequence of their work in the informal judiciary". "Informal Justice", op. cit., p. 120.

<sup>90</sup> Crisis Group interview, Palestinian journalist, Jerusalem, December 2005.

<sup>91</sup> The decree scraps the local constituency list and introduces a single nation-wide constituency for election of all 132 PLC members; provides that candidates' names not be printed on the ballot; and contains no mechanism for registering individual candidates. See "Notes on the new Elections Law", International Foundation for Election Systems (IFES), West Bank and Gaza, September 2007. The decree explicitly demands that electoral campaigns eschew "propaganda that... may lead to tribal... conflict" (Article 66).

<sup>92</sup> Crisis Group interview, Dughmush elder, Gaza City, February 2007.

<sup>93</sup> Crisis Group interview, Masri elder, Khan Yunis, July 2007.

<sup>94</sup> "After evening prayers, we position six or seven youths at each intersection", Crisis Group interview, Dughmush elder, Gaza City, February 2007.

<sup>95</sup> "If someone has a car accident, he informs the police of his clan affiliation to help him escape insurance claims, or conviction",

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Crisis Group interview, Hillis kinswoman, Gaza City, March 2007.

<sup>96</sup> "I used to ignore my family name and called myself Ali. Now in order to protect myself, I have to use the family name", Crisis Group interview, employee of an international organisation, Gaza, January 2007.

<sup>97</sup> In an incident reported to Crisis Group, gunmen surrounded a clinic in Rafah looking for medicine. When the director turned to the local police for protection, they apologised that they could not intervene, and the director had to submit to the gunmen's demands. Crisis Group interview, WHO official, Ramallah, August 2006.

<sup>98</sup> "The security agencies will not stand their ground", Crisis Group interview, PA governor, 2007.

<sup>99</sup> "If we didn't send out our bill collectors, we would have a 1 per cent payment rate instead of 20 per cent. But it's very dangerous: virtually every day out our bill collectors are threatened and attacked", Crisis Group interview, Suheil Skaik, Gaza Electric Distribution Company Council Member, Gaza City, November 2006.

<sup>100</sup> Though not alone in exploiting Gaza's lawlessness for criminal activity, families are particularly prevalent because of the protection they can summon. For instance, on 9 May 2007 a security guard at a PalTel office in Gaza City shot a customer disputing his telephone bill. His family, the Barbakhs, responded by setting fire to PalTel company cars and stoning their offices in Khan Yunis. Crisis Group interview, Palestinian observer, Khan Yunis, May 2007.

<sup>101</sup> According to the Palestinian Land Authority, almost 3,000 dunams of former settlement land (1 dunam = 1,000 sq. m) was illegally seized in 2005, cited in "Jungle of Guns", op. cit., p. 13.

and pressure tactics. Residents of Shuja'iya said the local Abu Hasanain family brought along a lioness captured from Gaza's zoo when seeking to settle disputes.<sup>102</sup> Others reported leaving a gun on the table in the negotiating room.<sup>103</sup>

Flush with weapons but short on jobs, youth committees have joined others in farming out their services beyond their immediate clans. Many collect salaries from more than one paymaster, including political movements and their military wings.<sup>104</sup> At least until their dissolution in effect in the wake of Hamas's takeover, PA security services were primary customers, in many cases outsourcing tasks for which they preferred not to be held accountable.<sup>105</sup> As clan militias emerged better armed and equipped than much of the PA apparatus, replete with radio networks and heavy armament, reliance on informal security services grew.<sup>106</sup> Amid an intensifying power struggle with Hamas, Fatah strongman Muhammad Dahlan recruited hundreds of gunmen from kinship networks, often in coordination with their respective clan elders.<sup>107</sup> A Palestinian official informed Crisis Group:

A clan comes to a security commander, and says, "I'm ready to work with you, and I need weapons". The commander replies, "Okay, take these". It happens often. Both families and factions are working with each other. The security forces are looking to attract the clans, especially the large clans, who can bring large numbers of men to their side.<sup>108</sup>

<sup>102</sup> Crisis Group interview, Shuja'iya resident, November 2006.

<sup>103</sup> "After a recent car accident, the family of the deceased left three guns casually lying about the living room when the other family came to discuss compensation. 'If we don't display the guns', the logic went, 'they will think we are weak'", Crisis Group interview, former Gaza NGO activist, Ramallah, November 2006.

<sup>104</sup> Crisis Group interview, factional fighters, Gaza City, May 2007. Members of one of Gaza's biggest clans, the Madhuns, were drafted in large numbers into the Fatah-affiliated Al-Aqsa Martyrs' Brigade (AMB), under command of Samih al-Madhun, who led the militia in his home base of North Gaza. The Shahwans in Khan Yunis, by contrast, had close ties to the Hamas-affiliated Executive Force.

<sup>105</sup> Crisis Group interview, Palestinian observer with international organisation, Amman, January 2007.

<sup>106</sup> "If a security force operative has a problem, the security forces cannot resolve it without resorting to clan connections", Crisis Group interview, Gaza governor, May 2007.

<sup>107</sup> Crisis Group interviews, Western security official, Jerusalem, June 2007 and clan elder, Gaza City, February 2007.

<sup>108</sup> Crisis Group interview, Jihad Abu Eida, Gaza City, May 2007. "A senior Fatah leader went to our *mukhtar* to recruit scores of kinsmen to join the AMB with the offer of salaries worth 1000 NIS [\$250] per month. We joined for two months but then wondered why we were risking our lives fighting Hamas for such a sum. We backed out", Crisis Group interview, family member, Gaza, September 2007.

In the words of a senior police officer, the families became "Gaza's primary security providers".<sup>109</sup>

Some auctioned their services to the highest bidder. Among the best-known for switching allegiances is Mumtaz Dughmush. During the 1990s, while still in his twenties, he had worked as an officer in the Preventive Security Organisation (PSO).<sup>110</sup> After the 2000 uprising began, he left the PSO to help found the Popular Resistance Committees (PRC) established by a former Fatah leader, Jamal Abu Samhadana, and became their deputy commander, drawing on financial and logistical support from both Fatah and Hamas. As Mumtaz and his followers grew increasingly autonomous and eventually left the PRC,<sup>111</sup> their ties with Hamas developed accordingly. In June 2006 Dughmush's group, operating for the first time under the name Army of Islam, participated alongside Hamas's military wing and the PRC in a cross-border raid to avenge Samhadana's assassination, which resulted in the capture of Israeli soldier Gilad Shalit.

For reasons that have never been entirely clarified, however, Mumtaz subsequently fell out with Hamas and apparently relinquished his role in holding Shalit.<sup>112</sup> Within weeks the Army of Islam – its very name a pointed challenge – was flouting the Hamas government's project to restore public order, capturing two journalists working for the U.S. Fox television network. In late 2006 Mumtaz switched allegiance yet again, reportedly approving deployment of several hundred of his fighters to boost Fatah.<sup>113</sup>

The clans' increasing embroilment in factional fighting divided their leaders. The more disaffected relished the profits to be gained from selling their services to rival factions and worried that political rapprochement might revive central authority at their expense. The Dughmush, for instance, denounced the Mecca Agreement, which

<sup>109</sup> "Families and tribes were emerging as the strongest actor in the Gaza Strip", Major-General Tewfiq Jabr, then director-general of the Civil Police in Gaza, speaking at a workshop co-sponsored by the Geneva Centre for the Democratic Control of Armed Forces and the Palestinian Council on Foreign Relations, Khan Yunis, 3 May 2007.

<sup>110</sup> According to diplomats in Gaza, many Dughmush had been employed in the PSO units, Crisis Group interview, Gaza City, May 2007.

<sup>111</sup> Widespread but unconfirmed suspicions trace his split with the PRC to the November 2005 assassination of Musa Arafat, former director of Military Intelligence and a cousin of Yasir Arafat. According to one source, "Abu Samhadana detested Musa Arafat but felt this act went too far, and he expelled Mumtaz from the PRC", Crisis Group interview, Palestinian journalist, Gaza City, March 2007.

<sup>112</sup> Crisis Group interviews, diplomats and Palestinian observers and militants, Gaza City, April 2007.

<sup>113</sup> Crisis Group interview, clan elders and Sabra quarter residents, Gaza City, September 2007.

briefly reconciled Fatah and Hamas and paved the way for a national unity government.<sup>114</sup> For some, reconciliation was bad for business.

A contrary school warned against a complete breakdown that threatened clan assets and interests. It also cautioned that just as some clans could exploit the political movements and their militias, so the latter could exploit the clans, dragging them into a conflict that was not theirs by using them as proxies and fanning feuds. A Gaza security official noted: "Since the Mecca Agreement, instead of fighting each other directly, Fatah and Hamas have both incited the relatives of those killed and wounded either in fighting or in the crossfire to take revenge".<sup>115</sup> Sucked into the conflict, some families came to identify almost wholly with one or the other movement.<sup>116</sup>

As the stakes in the Hamas-Fatah conflict escalated, political rivals were perceived as actively promoting clan feuds, pursuing factional warfare by proxy at a time when the Mecca Agreement hindered direct confrontation. "What began as a battle of the factions is degenerating into a battle of the families", lamented an Agha family businessman.<sup>117</sup> A Fatah envoy dispatched by President

Abbas urged the warring parties to pull back from their increasingly muddy and bloody factional and familial militias and motives, stating, "the factions are arming the families as surrogates with heavy weapons. They have to stop funding and arming the families".<sup>118</sup>

Highlighting the seriousness of the threat of continued factional strife spillover, elders from different clans gathered to find a solution. In a rare show of unity, many (but not all) clans sharing the same districts signed local covenants (*mithaqs*) welcoming attempts to implement the Mecca Agreement and banning their kinsmen from factional fighting within their localities:

Anyone participating in these actions will not benefit from the protection of the family. The family has no connection with him. The individual is fully responsible for his action, and is liable for all the consequences.<sup>119</sup>

Copies were pinned to shopfronts and mosques. One signatory, a Skaik elder, explained: "We had to prevent further blood feuds".<sup>120</sup> The agreements by and large held; in successive bouts of fighting and with few exceptions, factional conflict was confined to public areas such as highways, sparing most family neighbourhoods. In the June 2007 showdown, many fighters with clan allegiances simply avoided the battlefield. A senior UN official who witnessed the fighting said, "the clans played a key stabilising role. One could have expected the violence to spiral out of control – and yet the strength of the family ties was such they did not get embroiled. They did not succumb to the dynamics".<sup>121</sup>

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<sup>114</sup> Crisis Group interview, clan elder, Gaza City, February 2007. Mumtaz Dughmush's Army of Islam issued a communiqué denouncing the Mecca Agreement for offering purportedly free concessions to Israel. "We're not part of this deal!", *Newsweek* quoted a Dughmush clan member as saying. Kevin Peraino, "Gaza's Fragile Peace", *Newsweek*, 26 February 2007.

<sup>115</sup> Crisis Group interview, National Security Force officer, Gaza City, February 2007.

<sup>116</sup> The clans of Adwan, Dira and Jaraf are perceived as almost wholly associated with Hamas, and those of Abu Warda and Abu Taha largely so. Similarly, the clans of Shawwaf, Bakr and Masri (in Khan Yunis) are considered to retain close ties with Fatah. Crisis Group interviews, clan members, Beit Hanun, Gaza and Khan Yunis, May, June and August 2007.

<sup>117</sup> Crisis Group interview, Rami al-Agha, Gaza City, March 2007. There were many instances. During factional fighting in Gaza City in April 2007, a young girl from the Bakr family was killed by crossfire. Her family responded by firing on Dira fighters loyal to Hamas. Crisis Group interviews, Gaza City, April 2007. Elders from the Kafarna clan also expressed concern at internal clashes involving rival Hamas and Fatah members, Crisis Group interview, Beit Hanun, April 2007. Fatah and Hamas were widely perceived to support opposing clans in the feud between the Masris, a largely mercantile family in Khan Yunis, and the neighbouring but far smaller Abu Tahas; Hamas leaders denied they supported the latter. Crisis Group interviews, Executive Force commanders, Khan Yunis, April 2007. The Masri family feuded with another family associated with Hamas, the Shahwans. In August 2006, Masri gunman kidnapped Usama Shahwan, son of an Executive Force commander, Husam Shahwan. Crisis Group interview, Khan Yunis, November 2006. The Executive Force responded by blocking roads in Khan Yunis and firing on houses of the Masri clan. Factional loyalties merged with family loyalties in a feud in Beit Hanun in mid-April 2007 between

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Islamic Jihad members from the Abu Awda family and Hamas members from Abu Amash.

<sup>118</sup> Crisis Group interview, Ibrahim Abu Naja, director of the Higher National Committee for National Consensus, Gaza City, April 2007.

<sup>119</sup> From the *mithaq* (covenant) signed by the *mukhtars* of Shuja'iya, 22 January 2007. Other neighbourhoods signing similar memoranda included Beit Hanun, Khan Yunis and Abasan. Crisis Group interviews, clan leaders and senior informal adjudicators, Beit Hanun and Gaza City, February-May 2007.

<sup>120</sup> Crisis Group interview, Gaza City, July 2007.

<sup>121</sup> Crisis Group interview, UN official, Gaza City, May 2007.



## IV. THE CLANS AND HAMAS

### A. BETWEEN GOVERNANCE AND CHAOS

Prior to the 2006 PLC elections, the Islamist movement and kinship networks shared a number of interests and, in important respects, a similar outlook. Both were non-governmental entities suspicious of central authority, eager to preserve their autonomy and limit PA intrusion into their internal affairs; they also sought recognition of their role in social life and influence over PA policies. Both opposed the PA's monopoly on the use of force and its occasional attempts to collect weapons.<sup>122</sup> And both adhered to a conservative social code, which on many points – not least arbitration procedures – overlapped.<sup>123</sup> Islamist preachers largely accepted the application of *urf* rather than Islamic laws in this realm,<sup>124</sup> finding it more susceptible to Islamisation than the PA's formal judicial apparatus.<sup>125</sup>

In the first weeks after assuming office in March 2006, the Hamas-led government continued its clan courtship. However, the Islamists subsequently embarked on a more ambitious agenda to establish monopoly control over the security sector. Of further concern to the clans, Hamas moved to reclaim public space, deploying security forces not just as traffic policemen but also outside public institutions such as hospitals, hitherto an important locus for clan intervention. Officials from the Executive Force, the uniformed security body established by the Hamas-led government in April 2006, openly declared that their mandate included “rapid intervention in the event of clan fighting”.<sup>126</sup> Khalid Abu Hilal, interior ministry spokesman

at the time, spoke of the need to purge the security sector of clan influence:

The security forces are autonomous, not subject to central control, internally corrupt, with officers recruited on the basis of personal loyalty, family identity and factional allegiance rather than professional qualification. Basically, we are talking about private militias. The result was that these militias became involved in drug-dealing, immoral activities and weapons-smuggling, even though they wear uniforms. This overall environment has given power to those who exist in every society – families, clans, tribes, gangs, thugs, militias – but in our society, they use the flag and uniform to secure their interests.<sup>127</sup>

Hamas's campaign to impose law and order was underpinned by theology. Increasingly vocal preachers contrasted Islam's teachings with tribal tradition. Commanders warned their soldiers against the evils of *asabiya* (communal allegiances). Yusif Zahhar, founder of the Executive Force and brother of senior Hamas leader Mahmoud Zahhar, told Crisis Group: “Such vendettas are incompatible with Islam”.<sup>128</sup>

In practice, Hamas leaders acted with a mixture of caution and resolve, while they continued to share power and authority with Fatah. Hamas-affiliated personnel shot back when they came under attack but opted for mediation when faced with a potent clan.<sup>129</sup> An Executive Force commander admitted: “We realise that imposing the law on a clan like the Dughmush would exact a heavy price”.<sup>130</sup> In contrast, in a mid-February 2007 showdown witnessed by Crisis Group, the Executive Force used anti-tank missiles against a small hamlet of wooden huts inhabited by the Majayda, a medium-sized clan, which refused to pay fees due on the haulage of sand from Gaza's dunes for cement production.<sup>131</sup> Residents were then jailed,<sup>132</sup> prompting Majayda kinsmen in nearby Khan Yunis to rampage through the streets.

<sup>122</sup> “[Before seeking to disarm the resistance,] the Palestinian security forces must first disarm the Zionist occupation forces”, declared a Hamas spokesman in Damascus. “Any person who tries to deprive us of our right to confront the enemy will be killed”, broadcast on the Voice of the Islamic Republic of Iran external service, 19 May 1994.

<sup>123</sup> Crisis Group interview, Lisa Taraki, sociologist, Bir Zeit University, January 2007.

<sup>124</sup> “When we need the *lijan al-islah* [conciliation committee] to settle small things, we resort to it. We needed it all the time, even when we had a functioning system. It helped the government a lot, and the government gave them money. It's a cultural thing”, Crisis Group interview, Ahmad Yusif, adviser to Prime Minister Ismail Haniya, Gaza City, July 2007.

<sup>125</sup> A study by Bir Zeit University's Institute of Law concluded that pending creation of an Islamic state, the Islamists had “no problem with an informal judiciary solving disputes amongst the people”. It added that “the religious tendency leaned towards the informal as it was able to influence them in accordance with the Sharia”, thereby facilitating a general Islamisation of the informal sector. “Informal Justice”, op. cit., p. 104.

<sup>126</sup> Crisis Group interview, Islam Shahwan, Executive Force spokesman, Gaza City, April 2007.

<sup>127</sup> Crisis Group interview, Khalid Abu Hilal, interior ministry spokesman, Gaza City, November 2006. See further, Crisis Group Report, *After Mecca*, op. cit.

<sup>128</sup> Crisis Group interview, Yusif Zahhar, Gaza City, April 2007.

<sup>129</sup> In February 2007, Abu Hassanein kinsmen fired on Executive Force fighters at Shifa Hospital in Gaza City, prompting the Hamas government to seek resolution through arbitration, Crisis Group interview, Palestinian observer, Gaza City, February 2007.

<sup>130</sup> Crisis Group interview, Executive Force commander, Khan Yunis, February 2007.

<sup>131</sup> In addition to raising the tax on sand, the Hamas-led government also sought to rigorously enforce payment of both fees and fines for violation, Crisis Group interviews, Executive Force officials, Khan Yunis, February 2007.

<sup>132</sup> Crisis Group interview, Executive Force commander, Khan Yunis, March 2007.

Hamas's actions unnerved many clan leaders and prompted some to find common cause with Fatah, which the latter sometimes encouraged with job offers. Following the recruitment of hundreds of kinsmen into Fatah ranks, a Dughmush elder said, " Hamas has a problem with all the families. It has no interest in the families being strong. It wants to impose its order on all".<sup>133</sup> A younger Dughmush street-fighter was less circumspect about why his clan was embroiled in conflict with the Islamists, claiming: "The Dughmush are all Fatah".<sup>134</sup> Amid growing hostility exacerbated by deteriorating factional relations, two Dughmush fighters were shot dead at an Executive Force checkpoint in December 2006 – "in cold blood", according to their kinsmen.<sup>135</sup> The incident, which the Dughmush attributed to gunmen from the Dira, a neighbouring clan close to Hamas, triggered a blood feud which three months later led to the abduction of BBC correspondent Alan Johnston.<sup>136</sup>

In the interim, the Dughmush militia fired on the house of Mahmoud Zahhar, the senior Hamas leader in Gaza and foreign minister in the first Haniya cabinet. When one such assault killed three Dira bodyguards, they responded in kind.<sup>137</sup> Both families pointedly refused to erect mourning tents, a traditional sign indicating revenge must first be extracted.<sup>138</sup> A breakdown of mediation efforts precipitated kidnappings,<sup>139</sup> hand-grenade attacks,<sup>140</sup> more killings and disagreement over court procedure. Dughmush elders demanded eighteen Hamas operatives be handed over for trial who they alleged were present when their kinsmen were killed. Hamas leaders refused, proposing a trial on the basis of Islamic law, not *urf*, which they feared would result in summary execution.<sup>141</sup>

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<sup>133</sup> Crisis Group interview, Dughmush elder, Gaza City, March 2007.

<sup>134</sup> Crisis Group interview, Dughmush gunman, Gaza City, February 2007.

<sup>135</sup> Crisis Group interview, Dughmush elder, Gaza City, February 2007.

<sup>136</sup> "At the time of my kidnapping the clan and the faction were locked in the most bitter blood feud that I had seen in my time in Gaza", Alan Johnston, BBC Online, 29 October 2007.

<sup>137</sup> Crisis Group interview, senior Fatah politician and family elder, Gaza City, April 2007. The feud typified the entanglement of clan and factional feuding. The Dira retaliated by killing four Dughmush kinsmen, prompting a further assault by Dughmush gunmen in which three Dira kinsmen were killed.

<sup>138</sup> Crisis Group interview, clan elder, Gaza City, March 2007.

<sup>139</sup> Crisis Group interviews, Dughmush elder and PA official, Gaza City, February and May 2007.

<sup>140</sup> Explosions badly damaged the home of Zahir al-Dughmush, a senior security officer, on 22 February 2007. Crisis Group witnessed the damage.

<sup>141</sup> "We want the eighteen not because all were involved, but because we need their testimony to investigate the three or four who perpetrated the crime. We don't want anything but the law.

In the next six months fifteen more Dughmush and Dira were killed.<sup>142</sup> The media focus was on Alan Johnston, seized on 12 March 2007 as a pawn in the fray.<sup>143</sup> "We don't care if it brings down the government. We just want honour for our boys", a Dughmush fighter told Crisis Group.<sup>144</sup> A credible reading of the kidnapping is that it was intended to underscore that the clans could prevent effective governance in Gaza and to secure from Hamas a stake in its running.<sup>145</sup>

## B. HAMAS'S SEIZURE OF POWER

The rapidity and comprehensive nature of Hamas's June 2007 defeat of Fatah undermined the clans' ability to exploit political rivalries. Though rapidly executed, Hamas's seizure of power left a trail of death and mutilation. According to reports from aid workers, Gaza's population of amputees doubled as a result of the four-day conflict.<sup>146</sup> Unlike other conflicts where paramilitaries inflicted punishments by knee-capping or a couple of shots in the leg, victims were sprayed with machine-gun fire from the waist down. The Islamists – by dint of being the victors rather than any monopoly on brutality vis-à-vis Fatah – are estimated to have inflicted the lion's share of such injuries.<sup>147</sup>

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Customary law, as distinct from Islamic Sharia, stipulates an eye for an eye: he who kills should be killed (*al-qatil yuqatal*), Crisis Group interview, Dughmush elder, Gaza City, February 2007. The Dughmush also rebuffed Hamas's offer of *diya* (blood money), and an offer to mediate the feud by Interior Minister Hani Qawasma. Mumtaz Dughmush pleaded prior engagements and sent an eighteen-year-old representative. Crisis Group interview, Palestinian observer, Gaza City, July 2007.

<sup>142</sup> Crisis Group interview, Mahmoud Zahhar, Gaza City, June 2007.

<sup>143</sup> While the taking of local hostages is a traditional precursor to negotiations, the kidnapping of foreigners in pursuit of a vendetta was virtually unprecedented. It appears to have first been used as part of family negotiations by a clan which held hostage a French-Algerian journalist, Mohammed Ouathi, for nine days in August 2005 until the PA released a kinsman from Burajj prison. Crisis Group interview, human rights activist, Gaza City, April 2007.

<sup>144</sup> Crisis Group interview, Dughmush fighter, Gaza City, 2007.

<sup>145</sup> "The clans kidnapped foreigners to press their demands on the PA. Initially these were specific. Families wanted the authorities to release detainees, or to get jobs in the security forces. But with the rise of Hamas, clan militias began disguising their demands in Islamic wrapping in order to show their ability to undermine Hamas's project when their needs were ignored", Crisis Group interview, veteran Palestinian observer, Gaza City, April 2007.

<sup>146</sup> Sources in Gaza estimated that the number of amputees increased significantly from around 180 prior to the takeover to some 350 afterwards. Another 200 wounded could be at risk of amputation if adequate care is not provided. Crisis Group interview, September 2007.

<sup>147</sup> Crisis Group interview, international official, Jerusalem, September 2007.

Only weeks earlier, such carnage would have unleashed a wave of vendettas. But Hamas was quick to discourage such behaviour. Signalling their intent to impose real control and set an example, Islamist forces unleashed “their wrath” on the Bakrs, a medium-sized family of 300 men in the heart of Gaza City.<sup>148</sup> After Bakr gunmen fired on Executive Force guards at Shifa Hospital to avenge the killing of a prominent kinsman and Fatah intelligence officer, Yasir Bakr, Hamas retaliated, laying siege to the Bakr quarter and killing nine family members, including two women.<sup>149</sup> A Bakr kinsman caught in the fighting said, “it was a war for three days. They surrounded us, severed the water and electricity supply and interdicted food supplies until we used up the last of our ammunition”.<sup>150</sup> A mass rally by neighbouring families designed to break through the cordon was repelled with live ammunition, killing a Bakr woman.

Fearing a similar fate, the headman and other elders fled to Egypt by boat, leaving the family with no choice but surrender. Hamas fighters then searched house to house and systematically disarmed the Bakrs. “We’ve lost our *sharaf* [honour]. Our men are defeated; 70 per cent of our fishermen are still too scared to go out”.<sup>151</sup> The humiliation of the Bakrs served as a warning to others contemplating settling scores with the victorious Islamists. Such actions also met with genuine satisfaction among the traditional elite families, eager to see those they considered unruly upstarts cut down to size.

### C. HAMAS POLICY AFTER THE TAKEOVER

Hamas’s seizure of PA institutions and control of central authority finally provided it the opportunity to implement its policies. An interior ministry statement declared: “We are not going to hesitate pursuing anyone violating the law or attempting to sabotage stability in Gaza. We are going to put an end to all the chaos and use of arms in our country”.<sup>152</sup> An adviser to Prime Minister Ismail Haniya warned against family non-compliance:

No family will try to defy the government. They know the wrath the government will unleash if a family tries to challenge it. The government’s authority is going to be stronger than that of any family – which was not the case in the past. Families will not dominate politics. When you have a strong

government, their power diminishes. Don’t compel the government to resort to force.<sup>153</sup>

With Fatah, its leaders and affiliated clans reeling from the shock of defeat and dozens of their strongmen in flight,<sup>154</sup> Hamas won time and space to implement its own rules. In the name of a clean-up campaign, the Executive Force and Martyr Izz-al-Din al-Qassam Brigades, Hamas’s military wing, set their sights upon criminal enterprises (usually family concerns) and began rounding up rapists, car thieves, clandestine liquor merchants, money forgers, the employers of a Sri Lankan maid who had not been paid and dozens of alleged sexual miscreants.<sup>155</sup> Forty drug dealers were incarcerated. Those who resisted were shot and often killed.<sup>156</sup>

By the second week of Hamas rule, only the powerful, well-armed and highly entrenched Dughmush were openly defying its edicts. Their members ignored a 24-hour ultimatum issued following the takeover for Johnston’s release. In response, Hamas’s military wing laid siege to the Dughmush quarter in Gaza City, severed utilities, interdicted weapons and supplies and kidnapped Dughmush kinsmen.<sup>157</sup> On 3 July 2007 the Dughmush finally capitulated without a fight, releasing Johnston unharmed after 112 days in captivity. Five days later, Hamas compounded its success by liberating a lioness another powerful Gaza kinsman, Faris Abu Hasanain, had abducted from Gaza’s zoo. With no rival forces left on the streets, the Islamists seemed to be finally ruling unchallenged.

Hamas expanded its offensive, launching a campaign to diminish the military and economic clout of Gaza’s most unruly clans and rein in their geographic reach. Initially

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<sup>153</sup> Crisis Group interview, Ahmad Yusif, Gaza City, July 2007.

<sup>154</sup> Fatah leaders from powerful families who fled included Muhammad Masri (head of General Intelligence), Tawfiq Abu Khusa (Fatah spokesman), Sami Abu Samhadana (head of the Fatah Tanfithiya), and General Musbah Buhaisi (Gaza Strip commander of the Presidential Guard).

<sup>155</sup> “Summary of Activity in Gaza City”, press release issued by Gaza’s interior ministry, 29 August 2007.

<sup>156</sup> Crisis Group interview, Palestinian monitor, Khan Yunis, July 2007. In mid-December 2007, armed clashes erupted with the Abu Maghaseeb family east of Deir El Balah, when the anti-Drug Police attempted to make arrests. One man was wounded. Crisis Group interview, Palestinian observer, Gaza City, December 2007.

<sup>157</sup> Crisis Group interview, Dughmush elder, Gaza City, June 2007. “My guard told me that his brother had been arrested and flung in jail by Hamas as it sought to gain leverage and bargaining chips. And later the same man was clearly shocked by a major Hamas sweep that had led to the capture of several more people associated with the group – including the brother of one of the leaders. In addition we believe that the most senior figure in the Dughmush clan linked to the kidnap was injured in a fire fight with Hamas men during the abduction”, Alan Johnston, BBC Online, 29 October 2007.

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<sup>148</sup> Crisis Group interview, Ahmad Yusif, Gaza City, June 2007.

<sup>149</sup> Crisis Group interview, Bakr kinsman, Gaza City, September 2007.

<sup>150</sup> Crisis Group interview, Bakr kinsman, Gaza City, September 2007.

<sup>151</sup> Crisis Group interview, Bakr kinsman, Gaza City, September 2007. The Bakrs operated much of Gaza’s fishing fleet.

<sup>152</sup> Interior ministry statement, Gaza City, 2 August 2007.

following Johnston's release, the Executive Force subjected the Dughmush to repeated raids, confiscating stolen cars and taking in a suspected collaborator,<sup>158</sup> as well as a couple in their apartment caught "not in a moral situation".<sup>159</sup> The Executive Force also insisted that the kinship networks bulldoze the barricades surrounding their quarters.<sup>160</sup> Elsewhere, it enforced traffic regulations and imposed severe penalties irrespective of clan affiliation.<sup>161</sup>

In other ways too, the Executive Force asserted its rule: public display of weapons was banned, unofficial roadblocks prohibited and thoroughfares cleared for safe and toll-free passage.<sup>162</sup> Hamas media broadcast appeals to Gazans to replace a culture of vendettas with one of tolerance. "Revenge is *haram* [sinful]", proclaimed Marwan Abu Ras, a PLC member widely regarded as Hamas's *mufti* (jurisprudent) in Gaza. "No one has the right to take the law into his own hands".<sup>163</sup> As promised, feuds met with rapid intervention, with participants disarmed and detained. In the words of a Hamas security officer, "anyone who fires a weapon will be arrested, and his weapon removed. We will impose a solution for Gaza's chaos by force. Families are going back to an age of boxing, not killing with Kalashnikovs. This is the age of sovereignty and law".<sup>164</sup> Almost overnight, families reverted to feuding with sticks, knives and swords. Clansmen using guns were detained, often in large numbers.<sup>165</sup>

More intrusively still, Hamas conducted operations within clan quarters. The authorities banned the celebratory firing of weapons at weddings – a tradition that had over the past decade regularly claimed unintended casualties. Hamas

leaders also announced a phased plan to collect PA-issued weapons, delegating responsibility for their delivery to family elders:

We're trying to co-opt the families, and most families understand at the end of the day we will collect the weapons. In the past they said the weapons were for the Palestinian security forces. Hamas wasn't in a position to challenge. Everyone had an excuse. Now there's one law and one gun and one authority to collect guns.<sup>166</sup>

Where families resisted, arms collection was on occasion enforced.<sup>167</sup> Hamas also actively intervened to bring the informal economy under control and combat many of its criminal phenomena such as kidnapping, car theft, drug smuggling, racketeering and the hitherto open arms market.<sup>168</sup> To raise revenue, Executive Force personnel accompanied electricity company workers seeking to collect old arrears from customers. The authorities simultaneously increased a range of taxes and fines, while also imposing tariffs on contraband smuggled through tunnels – many of which were family run – along the Gaza-Egypt border.<sup>169</sup> The Islamist movement further worked to reestablish government control over the judiciary, which had been in abeyance since the June takeover, sparking fears of partisan justice.<sup>170</sup>

The stabilisation and pacification was widely welcomed by the public. The sight of clans receiving their come-uppance delighted many, including a police officer from Jabalya refugee camp:

In the past relatives of senior security officers would drive the wrong-way up a one-way street

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<sup>158</sup> On 5 July 2007, the Executive Force arrested a Dughmush kinsman for conspiring with "Zionist intelligence" near the border, "Summary of Executive Force Activity in Southern Gaza City", press release by Gaza's interior ministry, 29 August 2007.

<sup>159</sup> Ibid.

<sup>160</sup> Crisis Group interview, Salah Dughmush, Gaza City, September 2007.

<sup>161</sup> There were repeated instances of the security forces firing into the air when drivers failed to stop at red traffic lights. Fines often seemed extortionate. Vehicles and bulldozers removing sand without license were confiscated, recoverable only after payment of \$1,400. Crisis Group interview, Nidal Quloub, Executive Force official, Khan Yunis, July 2007.

<sup>162</sup> "Anyone who uses a weapon in public will have it confiscated, with the exception of resistance organisations. But they too will lose their weapons if these are used for other purposes", Crisis Group interview, Maj. Amin Nofal, Hamas-appointed military prosecutor, Gaza City, October 2007.

<sup>163</sup> Crisis Group interview, Hamas PLC member Marwan Abu Ras, Gaza City, September 2007.

<sup>164</sup> Crisis Group interview, Nidal Quloub, Khan Yunis, July 2007.

<sup>165</sup> For instance, the Executive Force detained twenty men and confiscated fifteen weapons on 29 June, following armed clashes between the Nasir and Samana families near Jabalya, Crisis Group interview, Palestinian observer, Gaza City, July 2007.

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<sup>166</sup> Crisis Group interview, Ahmad Yusif, Gaza City, July 2007.

<sup>167</sup> Crisis Group interview, Al-Aqsa Martyrs' Brigade spokesman, Gaza City, October 2007. He claimed that within weeks of the takeover, Hamas forces had carried out raids on the Hillis family, confiscating 300 weapons.

<sup>168</sup> For reports of a Hamas takeover of family-run tunnel routes, see *Haaretz*, 8 October 2007.

<sup>169</sup> By September 2007, the cost of a pack of cigarettes had risen by NIS 6.6 (\$1.5); release on bail carried a routine fine of NIS 1,020 (\$250), equivalent to the month's salary of a PA employee. Customs duties were also reportedly imposed on merchandise entering via tunnels. Crisis Group interview, Palestinian observer, Rafah, September 2007.

<sup>170</sup> "A Hamas monopoly of the legal system would be terrible. They would cooperate with the Abu Taha clan against us", Crisis Group interview, Masri elder, Khan Yunis, July 2007. Hamas officials responded that they favoured no one. "We arrested three members of the Dira who work with us but who violated the law by killing a Dughmush member. We have confiscated the weapons of the Abu Taha and Masri families and made arrests on both sides. We won't let anyone go against the law, even our allies", Crisis Group interview, Islam Shahwan, Gaza City, July 2007.

and the police couldn't do anything. You would see a clan member stealing a car, and the police couldn't intervene. It was not worth risking a life to get involved. Executive Force officers also have families, but the law is applied to all. 2006 was the year of family rule. But a year on, family order has retreated. The beneficiaries of the new order are those without powerful family connections.<sup>171</sup>

Teachers at Jamal Abdel-Nasir Secondary School in Gaza City applauded classrooms free of Kalashnikovs,<sup>172</sup> civil servants were grateful that taxi drivers would again drop them off inside family quarters hitherto considered no-go areas for outsiders,<sup>173</sup> and a Bakr fishmonger who trembled at the memory of Hamas's three-day siege was at least content that his neighbourhood had been cleansed of drug dealers.<sup>174</sup> A merchant told Crisis Group:

The Ramadan before last, an Abu Amra kinsman killed a Gaza mechanic after his car broke down shortly after repair, and no one held him to account. It is good that a car mechanic can now work without fear of a bullet if something goes wrong.<sup>175</sup>

For those with short memories, the Sufa border crossing, at which Israel has banned Hamas from operating and where goods are simply deposited in empty fields, serves as a reminder of the anarchy that prevailed prior to the takeover. In the scrub where Israeli merchants dumped their perishables, Crisis Group witnesses three families battle with improvised weapons over the \$5 dues levied from lorry drivers recovering the produce.<sup>176</sup>

Second only to Fatah, clans previously benefiting from the security chaos – and arguably clan networks and their leaders more broadly – have been most negatively affected by Hamas's assumption of power. They found themselves treated as objects of suspicion and potential resistance and subjected to unprecedented restrictions. Family strongmen who had doubled as security commanders remain barred from their old positions by both Fatah – which imposed a comprehensive strike on the security sector – and Hamas, which has reconfigured Gaza's security leadership. Excluded from the new order, they stay home and wait.

Some elders argued the new realities are transient, a reflection of the exuberance of the newly empowered, who will soon be compelled to adjust. As it seeks to expand its support base, a clan elder said Hamas increasingly will rely on allied clans and attempt to co-opt others: "Each time there's a new government, new families rise to prominence, and Hamas, too, will promote some over others. But the families as institutions will survive. Each occupation promotes its families".<sup>177</sup>

Certainly Hamas is known for its pragmatism and may well seek to manipulate families to consolidate its rule. A cleric hostile to Hamas from one of Gaza's largest families, said the movement gave a green light to gunmen from a smaller rival family to fire on his house. "They're exploiting families to turn against us. They are buying families for themselves".<sup>178</sup> Others noted that smaller families are not only cheaper to co-opt but more dependent on their patron. A leading Gaza authority said, "the Executive Force is using small families, pitting one against the other. Once they have patronage, small families feel strong and able to punch above their weight".<sup>179</sup>

But others observed a striking difference between Gaza's current rulers and their predecessors. For the first time in a century, the area is ruled by men who belong to Gaza and need no local intermediary. Unlike its predecessors, the Hamas rank-and-file are disciplined, for the most part able to ensure loyalty to the movement outweighs any other allegiance, including blood. A Masri kinsman complained that he could not rely on his own brother, a Hamas activist, to defend him: "Hamas members are standing with their movement against their family. Their loyalty is to their paymaster, Hamas".<sup>180</sup> 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.

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<sup>171</sup> Crisis Group interview, police officer, Gaza City, September 2007.

<sup>172</sup> Crisis Group interviews, teachers, Gaza City, September 2007.

<sup>173</sup> Crisis Group interview, Gaza City, September 2007.

<sup>174</sup> Crisis Group interview, Gaza City, September 2007.

<sup>175</sup> Crisis Group interview, merchant, Gaza City, July 2007.

<sup>176</sup> The three families involved are the Ashur, Mamar and Jughan. On a site visit by Crisis Group on 11 September 2007, the Ashur *mukhtar* tried in vain to keep Jughan youths from interrupting collection of commissions. At the time, the dispute had been ongoing for days. Crisis Group interview, Palestinian observer, Khan Yunis, September 2007.

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<sup>177</sup> Crisis Group interview, clan elder, Gaza City, July 2007.

<sup>178</sup> Crisis Group interview, Jabaliya, September 2007. The gunmen opened fire with machine guns and hand grenades.

<sup>179</sup> Crisis Group interview, PA official, Gaza City, May 2007.

<sup>180</sup> Crisis Group interview, Masri family member, Beit Hanoun, September 2007.

## V. THE CLANS AND CHALLENGES TO HAMAS RULE

The most potent risk for Hamas may well lie in an alliance between Fatah and clans sharing a common fear of its encroachment on their traditional preserves. In the main, they have opted for non-cooperation rather than active confrontation with a more powerful adversary, dovetailing with Fatah's declared policy of boycotting Hamas-controlled institutions. Kinship networks decked their neighbourhoods with yellow Fatah flags, aimed in part at ensuring continued salary payments from the Ramallah-based government but also to delineate clan boundaries.<sup>181</sup> Some clan elders invited by Haniya to attend public ceremonies have shunned such implicit acts of allegiance. One said:

After the June fighting, Hamas sent emissaries relaying the movement's desire to open a new page and inviting the *mukhtar* to attend Haniya's speeches. But we declined. We said that the Hamas loyalists [from the Abu Taha family] who had killed two of our sons just before the takeover should be handed over first. Until they apologise, we'll boycott Hamas.<sup>182</sup>

While Hamas sought to suppress a culture of vendettas, Fatah activists often actively fanned their flames, in the process encouraging the aggrieved to direct their anger at the Islamists. A Fatah leader returning from a memorial for a victim of the June fighting in Burajj refugee camp said:

We seek to mobilise the families in their struggle for revenge. Families want to know where the blood of their sons is. They want their honour salvaged. How can they swallow their pride? The violence will start with the families.<sup>183</sup>

The thirst for revenge clearly remains. It is evidenced, according to Fatah leaders, in a series of bombs planted near Hamas installations.<sup>184</sup> In the words of a Dughmush elder, "the essential problems have not been resolved. The blood feud remains as long as the eighteen are not handed over to the Dughmush for judgement".<sup>185</sup>

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<sup>181</sup> In mid-December 2007, Mattar kinsmen allied to Fatah tore down Hamas flags in Gaza City prompting clashes with Hamas's police force. Days later Madhun kinsmen clashed with Hamas supporters erecting flags in their neighbourhood in northern Gaza. Crisis Group interview, Palestinian observer, Gaza City, December 2007.

<sup>182</sup> Crisis Group interview, Masri elder, Khan Yunis, July 2007.

<sup>183</sup> Crisis Group interview, Fatah leader, Gaza City, July 2007.

<sup>184</sup> Crisis Group interview, Fatah leader, Gaza City, December 2007.

<sup>185</sup> Crisis Group interview, Gaza City, September 2007. Other families seeking vengeance against Hamas include the Masris of

For the most part, Hamas has responded harshly to any sign of family-based opposition. In part to prevent political use of family occasions, it publicised new rules for wedding conduct.<sup>186</sup> Crisis Group heard testimony from multiple families which had been punished by Hamas security forces. In the backstreets of Khan Yunis a few days after a wedding at which guests had sung Fatah anthems, for example, the groom was seen hobbling, his mother cradling broken ribs (she was refused treatment by Executive Force hospital guards), his uncle nursing a bandaged head and younger brothers lifting shirts to reveal multiple bruises on thigh and back. All awaited the return of the groom's father and six others from an Executive Force interrogation centre. The front of their house was pockmarked with bullet scars, the product of a night-time Hamas raid.

That said, more potent clans have shown their capacity to defend certain red lines, including their weapons and neighbourhoods. A female NGO worker from a prominent Fatah-affiliated family told Crisis Group: "We won't hand over our weapons as long as a single one of us remains standing. Even if all the other families hand over their weapons, we will wage a struggle for survival".<sup>187</sup> A Masri elder said, "there are some 6,000 men in the Masri family, and Hamas knows if it entered the family quarter it would face a battle far worse than those it has already fought".<sup>188</sup> Similarly, in the words of a Dughmush elder, "anyone not carrying a weapon, wearing civilian clothes and inside our quarter falls under the family's protection. Hamas must coordinate with me if they want to carry out any arrests here. These are the rules".<sup>189</sup> Other flashpoints concern the dismantling of family barricades and control of family-operated tunnels between Egypt and Gaza. In late November 2007, armed clashes erupted between Hamas security forces and members of the al-Sha'er family in Rafah, after Hamas destroyed two of its tunnels.<sup>190</sup>

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Beit Hanun: "The vendetta remains outstanding. We killed three Hamas members for the three Masri relatives they killed during the takeover, but the three we killed are not the three who carried out the murder. The killers are known and are still alive", Crisis Group interview, Masri kinsman, Beit Hanoun, September 2007. The three members of his family were killed during the takeover of June 2007 in particularly gruesome circumstances. According to family members, a relative was dragged from the operating table of Shifa hospital and killed in the forecourt.

<sup>186</sup> Crisis Group interview, Maj. Amin Nofal, Hamas military prosecutor, Gaza City, October 2007. The orders also included a ban on men and women celebrating together.

<sup>187</sup> Crisis Group interview, Gaza City, July 2007. Other elders were similarly defiant: "People will fight to keep their weapons", Crisis Group interview, prominent clan elder, Gaza, 9 July 2007.

<sup>188</sup> Crisis Group interview, Masri elder, Khan Yunis, July 2007.

<sup>189</sup> Crisis Group interview, Dughmush elder, Gaza City, September 2007.

<sup>190</sup> Crisis Group interview, Palestinian observer, Rafah, November 2007.

Reports abound of failed Executive Force attempts to enter family neighbourhoods without clan authorisation. Women have often formed a vanguard of protestors, hurling abuse and on occasion stones and other objects.<sup>191</sup> When Hamas responded to the Dughmush's refusal to hand over a suspect by again laying siege to the clan *hara*, a four-hour shoot-out ensued.<sup>192</sup> Raids on family quarters to detain wanted opponents also sparked active resistance. "People are rising as a faction and as a family. When people are arrested, their families will rise up", said a Fatah activist who himself was detained.<sup>193</sup>

In September 2007 Executive Force personnel entering the Hillis quarter of Shuja'iya in Gaza City to conduct an arrest were taken captive and disarmed,<sup>194</sup> paving the way for the largest internal clashes since Hamas's takeover. A call by the authorities for the Hillis clan to return a PA-issued car on 16 October 2007 sparked four days of clashes, leaving many killed and dozens wounded.<sup>195</sup> Hamas snipers took up positions, as artillery pounded the quarter with rocket-propelled grenades, repeatedly striking the house of Ahmed Hillis, a Fatah leader, clan notable and militia commander.<sup>196</sup>

Other families equally concerned by Hamas's determination to monopolise power and motivated by unsettled vendettas saw the showdown in the Hillis quarter as a potential turning point and lent support. "We knew that if Hillis didn't fight, they'd be finished", said a member of a family 7km to the north, which dispatched ten fighters in support.<sup>197</sup> The showdown ended with a written truce, in which the family agreed to refrain from the public display of weapons and hand over some PA-issued weapons and cars but no men, and Hamas forces in turn agreed to keep a

wide berth. For Hillis and other families, the stalemate was interpreted as at least a temporary victory.<sup>198</sup>

Anxious to contain and counter Hamas, external actors also have been alert to family unease with the Islamists. Former Israeli military intelligence officers drew comparisons with Iraq, where U.S. forces have sought with some success to back tribal leaders against groups linked to al-Qaeda, and suggested that Gaza families could play a similar role undermining Hamas. But another drew attention to the pitfalls of such a strategy: "In Iraq, the U.S. created a void for al-Qaeda to fill [by toppling the regime], and now we are doing the same in Gaza. I prefer a government of Hamas to chaos".<sup>199</sup>

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<sup>191</sup> "It was like the first intifada. Women were throwing stones, until Hamas responded by firing grenades", Crisis Group interview, clan member, Beit Hanun, July 2007.

<sup>192</sup> Hamas lifted its siege on 15 August 2007, after the Dughmush agreed to hand over 23 weapons either captured from the Executive Force or issued by the PA, some stolen cars and three men. Crisis Group interviews, Salah Dughmush and a Palestinian observer, Gaza, September 2007. Two Hamas fighters were reportedly killed in the clashes, *Haaretz*, 14 August 2007.

<sup>193</sup> Crisis Group interview, senior Fatah leader, Gaza City, September 2007.

<sup>194</sup> Crisis Group interview, Palestinian observer, Gaza City, September 2007.

<sup>195</sup> Officially four members of the Hillis family and two policemen were killed in the fighting, though kinsmen claim Hamas's casualties were much higher.

<sup>196</sup> One grenade hit the sitting room of the Hillis family home, as witnessed by Crisis Group, Gaza City, October 2007.

<sup>197</sup> Crisis Group interview, Beit Hanun, December 2007. Families which claimed to have sent fighters to support Hillis included Abu Hassanein Dughmush and Maghani families from Gaza City, the Kafameh from Beit Hanun and the Madhuns and Masris from Beit Lahia.

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<sup>198</sup> In the wake of the fighting, members of more powerful families allegedly defied the authorities' summons to attend interrogations, Crisis Group interviews, clan elders and armed men, Beit Hanun and Gaza City, December 2007.

<sup>199</sup> Crisis Group interview, Mati Steinberg, former senior Israeli intelligence adviser, Jerusalem, May 2007.

## VI. CONCLUSION

Hamas's takeover has changed the rules of the game, at least for the time being. The imposition of order and curtailment of family influence is an achievement which, under different political circumstances, the international community would have applauded – and, indeed, under earlier political circumstances, had called for. At the security level, Gazans appear to welcome the change, particularly after years of chaos and disorder. The massive 15 December 2007 rally in Gaza to mark the twentieth anniversary of Hamas's founding suggested the movement continues to enjoy widespread support.

But by overreaching and seeking to monopolise power, Hamas risks a backlash. On their own, families may not be able to challenge the Islamists, and the belief that family militias will unite and take them on in any significant way appears misplaced.<sup>200</sup> Desire to join the winning side has persuaded some family members to cut their losses; for others fear is an equal reason not to challenge Hamas.<sup>201</sup> However, Hamas's brutal methods and, most importantly, exceptional economic hardships could – if they continue – deepen popular resentment and give new life to an opposition. In that case, clans and families might well become one of its vehicles.

At a time when, largely due to the external siege and financial boycott, Gazans are suffering from mass unemployment and poverty, the family remains one of the rare internal mechanisms offering social, legal and physical security.<sup>202</sup> Already, as medical institutions falter due to shortages, intermittent Fatah-sponsored strikes and instances of Hamas guards refusing treatment to Fatah patients, Gazans increasingly are resorting to community care. Blood transfusions, the setting of broken limbs and amputation take place within clan quarters.<sup>203</sup> Dysfunction in the judicial

sector, particularly in the criminal system, and a Fatah-called boycott of Hamas institutions continue to render the informal legal sector indispensable. Even in the security sector, whose stabilisation remains Hamas's prime accomplishment, family defence committees seek to offer a first line of defence.

This explains why some family headmen see themselves as potential agents of regime change or collapse. In the words of a clan leader, "the families are the only power left in Gaza outside Hamas's control".<sup>204</sup> Another said, "Hamas's weak point is that it cannot feed the people. Okay, it has weapons, and for now the people are afraid. But the people are always stronger than power".<sup>205</sup> A veteran Palestinian observer said, "the family constitutes the main source of challenge to the Hamas government".<sup>206</sup> In sieges of clan quarters, Hamas has found outright victory increasingly elusive. From conquest of the Bakr clan in June, to detention of the Majayda in August, to amnesty of Dughmush fighters<sup>207</sup> and the stand-off with the Hillis family, Hamas has been evermore content to settle for a draw.

In its own way, Hamas appears to have understood the challenge. Though loath to act in a way which could be mistaken for weakness, leaders with a history of pragmatism spoke of the need for "flexibility" towards clan-based and other forms of dissent.<sup>208</sup> Some appear sensitive to the damage the movement's excesses may inflict on its image. Local Executive Force police chiefs have displayed a preference for mediating clan feuds, resorting to force only when arbitration fails.<sup>209</sup> In an attempt to defuse the outcry,

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*haras*, fearing they could be denied access to Gaza's hospitals. Crisis Group interviews, Palestinian observers, Rafah and Khan Younis, November 2007.

<sup>204</sup> Crisis Group interview, Gaza City, October 2007.

<sup>205</sup> Crisis Group interview, clan headman, Gaza City, September 2007. He had, he said, closed his own shop for want of stock, and rent from tenants in a bloc of flats he owned was nine months overdue.

<sup>206</sup> Crisis Group interview, Gaza City, July 2007.

<sup>207</sup> Hamas secured Alan Johnston's release through a deal allowing the Army of Islam to retain its arsenal, protected by an amnesty and security guarantees. After Johnston's release, Prime Minister Haniya along with Ahmed Jabari, the head of the Qassam Brigades, hosted Army of Islam leader Mumtaz Dughmush. Crisis Group interviews, Maj. Amin Nofal, Hamas-appointed security official, European diplomat, Dughmush elder and Palestinian observers, Gaza and Jerusalem, September and October 2007.

<sup>208</sup> Crisis Group interview, Sami Abu Zuhri Hamas spokesman, Gaza City, September 2007. For instance, under pressure from family farmers and merchants Hamas reversed its opposition to the exceptional export of agricultural produce from southern Gaza via Israel.

<sup>209</sup> At a base in Khan Younis in July 2007, Crisis Group observed an Executive Force commander caution nine elders and a young boy from the Barbakh clan who had been summoned after the

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<sup>200</sup> Though they can field formidable forces in terms of both manpower and firepower, clans rarely act as one. In the words of a clan elder, "one family will not defend the interests of another", Crisis Group interview, Beit Hanoun, July 2007. When individual families fought Hamas forces, they generally did so without outside help, precipitating a litany of grievances.

<sup>201</sup> Large families insist loyalty to the clan remains strong, but signs of fracturing exist. During the siege of the Majayda quarter, for instance, kinsmen loyal to Hamas were said to have acted as an internal fifth column, Crisis Group interview, Majayda kinsmen, Khan Younis, September 2007.

<sup>202</sup> According to a Gazan economist, the dependency ratio in Gaza (breadwinners to dependents) since the June 2007 takeover has increased from 1:8 to 1:12. "The tribe has become very important in Gaza because of the siege and because of unemployment. We have to share everything", Crisis Group interview, Ali Abu Shahla, Gaza City, December 2007.

<sup>203</sup> Crisis Group interviews, Khan Younis, September 2007. Gazans say they increasingly are donating blood within their



Hamas quickly announced two inquiries, one into the clashes with the Hillis family and another into the actions surrounding the 12 November demonstrations commemorating Arafat's death, and security personnel deemed to have used excessive force have been punished.<sup>210</sup> While dissatisfaction in Gaza remains, the measures have gone some way to mitigate anger. Thus, in interviews conducted in Gaza in mid-December 2007, Crisis Group detected less strident criticism of Hamas than in previous visits after the takeover.

Hamas appears – at least for now – to have accepted that the families are in Gaza to stay. The kinship networks retain both their arms and their leadership. Second only to Hamas, they remain the largest power-holders. Their operational space has been reduced but not eradicated. Since the showdown with the Hillis family, Hamas has avoided deep encroachments into the larger families' domains. And while economic resources have contracted as a result of Gaza's economic collapse, key families with substantial concerns in the informal sector have seen their income grow, albeit under Hamas oversight and control.

Settling outstanding family vendettas peacefully is an important first step toward stability. "Resolution of family problems requires compensation – for stolen cars and destroyed houses and the reconstruction of universities", said a Fatah and clan leader in Gaza.<sup>211</sup> Indeed, failure to finance settlement of blood feuds as part of the February 2007 Mecca Agreement contributed to the deteriorating security climate. While Hamas leaders have recognised the shortcomings and insisted that *diya* payments will be made, there are few known reports of payouts to date.<sup>212</sup>

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boy threw a Molotov cocktail at a house belong to rival clan, the Abu Kuwayra. The commander warned that a repeat incident would prompt the detention of the boy.

<sup>210</sup> Crisis Group interviews, Tewfiq Jabr and senior security personnel, Gaza City, December 2007. Punishments included relocation elsewhere in Gaza, docking of pay and, in two cases shown to Crisis Group, imprisonment for 21 days.

<sup>211</sup> Crisis Group interview, Ibrahim Abu Naja, presidential mediator, Gaza City, April 2007. "The regime has to start talking to the families, rebuilding their homes, and paying the *diya*. They have to appoint a committee that will be responsible for presenting options. Everyone harmed should have his rights respected", Crisis Group interview, Jihad Abu Eida, general administrator for tribal affairs and reconciliation, ministry of interior, Gaza City, July 2007.

<sup>212</sup> However, there have been copious promises: "The government will pay the *diya* of \$80,000 for each of the seventeen people killed during the Abu Taha v Masri disputes", Crisis Group interview, Nidal Quloub, Executive Force official, Khan Younis, July 2007. "If it takes money to resolve [the feuding between the Dughmush and the Deira], we should pay. We have 100 affected families, and if it costs us \$1 million to end the problems, we can collect this. If we end the suffering of the people, and then re-educate them, I think we can solve this through the *diya*", Crisis

For Gaza's society to grapple with external pressures cohesively and without renewed bloodshed, a more inclusive political system and less authoritarian security measures are required.

Of course, none of these steps will have a lasting or truly positive impact until the Palestinians regain their territorial and political unity and the siege of Gaza ends. But at least they could help avoid further turmoil until that day comes.

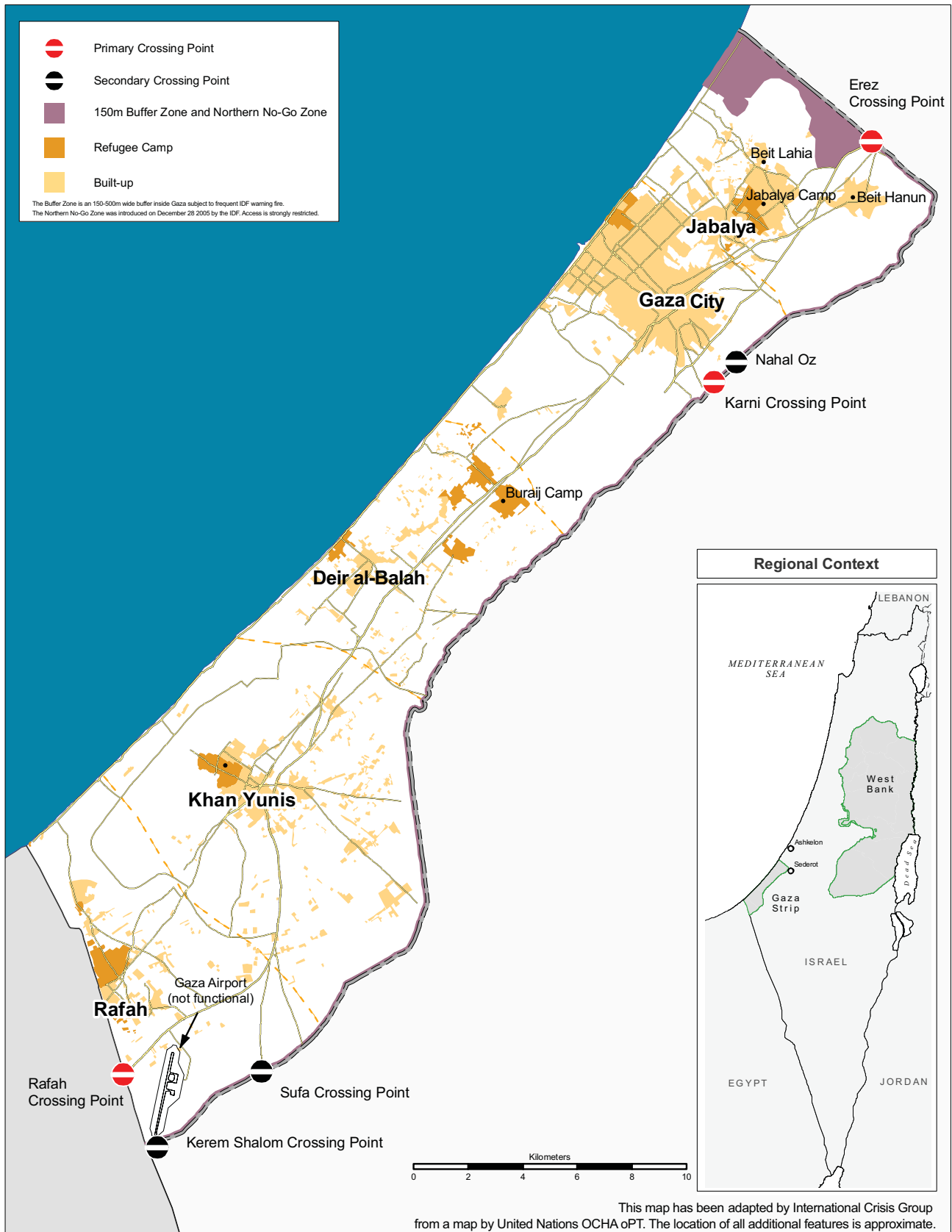
**Gaza/Jerusalem/Brussels, 20 December 2007**

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Group interview, Mahmoud Zahar, Gaza City, June 2007. "Said Siyam [former interior minister in the Hamas government] said we need to make an agreement with the families to offer compensation", Crisis Group interview, PA official, Gaza City, July 2007.

## APPENDIX A

### MAP OF GAZA STRIP



## APPENDIX B

### GLOSSARY

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<i>ashira</i>	Bedouin tribe
<i>atwa</i>	A public admission by the perpetrator and a statement of readiness to pay the agreed compensation. The <i>atwa</i> limits the ability of the victim's family to retaliate and is a prelude to a <i>sulh</i> .
<i>diwan</i>	the assembly of male family elders
<i>diya</i>	Blood money, upon reconciliation it is compensation paid by the perpetrator's family to the victim's family.
<i>hamula</i>	The patrilineal extended family of sedentary origins, commonly translated as clan. It is subdivided into <i>a'ilas</i> , or families.
<i>hudna</i>	In this context, a temporary cessation of hostilities, indicating willingness to explore negotiation to achieve reconciliation. Its duration is typically three and one-third days, representing the period of condolences. It can be extended but should not go beyond one week. No money is paid. There are no guarantors, which means that the family is not bound to forgo retaliation.
<i>islah</i>	"conciliation", an informal method of conflict resolution through arbitration by male elders, often versed in customary law
<i>jalwa</i>	forced migration, displacement or exile of a perpetrator (typically including family members) from the area in which they live
<i>laji</i>	"refugee"
<i>mithaq sharaf</i>	the covenant of honour, committing the family signatories not to shed blood between them
<i>mukhtar</i>	The headman, or clan elder. Traditionally, he linked the villagers with the state bureaucracy. His duties included the registering of births, marriages and deaths and notarising official papers for villagers.
<i>muwatin</i>	Literally, "citizen". In Gazan vernacular it refers to native, non-refugee Gazans.
<i>rajl islah</i>	"man of conciliation", the adjudicator in the <i>islah</i> process
<i>saff</i>	Bedouin tribal confederation
<i>sharaf</i>	"honour"
<i>sulh</i>	"conciliation", a civil and final reconciliation between two conflicting parties through mediation
<i>sunduq</i>	the family treasury or fund
<i>tahkim</i>	arbitration
<i>tha'ir</i>	"revenge", perpetrated by the victim's family, which can only be mitigated by the <i>islah</i> process
<i>urf</i>	customary law as distinct from formal or Islamic law