

Articles & Op-Eds

## Injustice in Gaza

[Matthew Levitt](#)

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It's been a year since the bombing of a U.S. diplomatic convoy in Gaza that killed three Americans. Palestinian officials say they know who was responsible but will not arrest them, Washington does little about the case.

The convoy the terrorists targeted was bringing State Department officials on a mission of peace to identify potential Palestinian recipients of Fulbright Scholarships. The three Americans [killed] -- John Branchizio, Mark Parsons and John Martin Linde Jr. -- were security contractors. While the Oct. 15, 2003 attack marked the first successful roadside bombing of a U.S. convoy, it followed a similar one in June of that year that targeted another U.S. convoy, which narrowly escaped.

After the attack, Palestinian security chief Jibril Rajoub announced he was "100 percent sure that we will be able in the coming days to reach who planned and carried out this attack." Within 24 hours, Palestinian security forces arrested several suspects, including members of the Popular Resistance Committees (PRC).

The PRC, a motley crew of loosely associated radical Palestinians from Hamas, Islamic Jihad, Fatah and the various Palestinian security services, claimed responsibility for the attack, though the claim was later rescinded. The PRC is known for its skill with the kind of powerful remote-controlled roadside bombs that targeted the U.S. convoy. The State Department says the PRC remains the primary suspect in the attacks.

A hastily arranged military trial for three PRC members -- convened less than 48 hours after Washington offered up to a \$5 million reward for information on the attack -- charged the three not with murder or attempted murder but with manslaughter in connection with possessing explosive devices. The trial was convened on only a few hours' notice; the defendants had no attorneys, and neither their families nor the U.S. Embassy in Tel Aviv were informed in advance.

Palestinian judges delayed the trial a month so defense attorneys could be present and the case moved to a civilian court. When the trial reconvened, the court announced that the defendants would be released since "no evidence was offered against" them. They remained in jail despite the judge's order, however, pending the approval of their release by Palestinian leader Yasser Arafat. That approval never came, leading fellow PRC members to storm the jail the next month and free the suspects. A U.S. official cited the jailbreak as "another sign of the lack of seriousness that the Palestinians have shown in this investigation since the beginning." Sadly, none of this should surprise. U.S., Israeli and even some Palestinian officials believe the attackers were at least tangentially tied to Mr. Arafat's Fatah movement.

Indeed, the investigation -- to the extent there was one -- was doomed from the outset.

The attack occurred near a manned Palestinian checkpoint. Immediately after the attack, journalists photographed Palestinian police officers standing by as onlookers cheered and roamed the crime scene, destroying critical evidence.

Adding insult to injury, Musa Arafat, the head of Palestinian military intelligence in Gaza and a cousin of Mr. Arafat, announced last month that Palestinian authorities know the killers -- "some Palestinian factions," in his words -- but would not arrest them because "clashing with any Palestinian party under the presence of occupation is an issue that will present many problems for us." According to him, "the Americans have started recently to understand our position."

A State Department spokesman called Musa Arafat's comments "totally unacceptable and outrageous," adding, "If it's true that the PA knows the identities of the murderers, we expect immediate action to be taken to arrest, prosecute and convict them."

Beyond such protestations, the United States has done little to press the PA to cooperate with the FBI in the investigation. In addition to the \$5 million reward offer, the State Department banned travel to Gaza by U.S. officials and suspended funding for two water development projects there. Unfortunately, these meager actions incurred little cost for the PA -- certainly not enough to compel Palestinians into action on an issue they appear keen to avoid.

A year later, with Washington pressing for an Israeli withdrawal from Gaza and a return to the road map for

peace, the United States should press the PA to do its part to enforce the rule of law. The active U.S. engagement that Palestinians need no less than Israelis should be conditioned on full cooperation with U.S. investigators. Bringing to justice those who kill Americans in premeditated attacks must become a Palestinian priority, not a matter of convenience.

Matthew A. Levitt is director of the Terrorism Studies Program at the Washington Institute for Near East Policy.