

Yasser Arafat and the Myth of Legitimacy

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Since the Palestinian Authority launched a war of terror against Israel nearly two years ago, many observers have grown increasingly skeptical of the ability of its chairman, Yasser Arafat, to lead Palestinian Arabs to a peaceful resolution of their long and bitter conflict with the Jewish state. Over the last few months in particular—as Arafat called for the sacrifice of “martyrs by the millions” in the holy war against Israel and used his headquarters in Ramallah to protect the assassins of an Israeli minister—it has become difficult to stretch the terms “peace” or “partner” in a way that could describe a role the PLO leader might conceivably play.¹

Nonetheless, it is turning out to be no simple matter for Americans and other well-intentioned mediators to arrive at a conclusion similar to the one reached regarding undesirable leaders in places such as Serbia, Afghanistan, and Iraq: That Arafat has become harmful enough to warrant being replaced. Secretary of State Colin Powell has declared repeatedly in recent months that the United States will continue to work with Arafat, in spite of everything, because he has the “mantle of leadership given to him by the Palestinian people,” and because he “represents all the Palestinian people.”² As State Department spokesman Richard Boucher

emphasized: “I think our views have been well stated, and I’m happy to state them again: Chairman Arafat is the chosen leader of the Palestinian community.”³

This belief that Arafat must continue to be recognized as the “chosen” representative of the Palestinians is not limited to the State Department, but represents a position widely held among Western leaders—so much so, in fact, that at a summit in December 2001, the nations of the European Union passed a unanimous resolution declaring that Arafat must continue to be treated as the “elected president” of the Palestinian Authority.⁴ In April 2002, a few months and a few dozen suicide bombings later, the EU’s chief foreign policy official, Javier Solana, was still stressing that Arafat is the “legitimate leader of the Palestinian people and [the] interlocutor of the international community,” while Ben Bradshaw of the British Foreign Office announced that “We’re quite clear that Yasser Arafat is the democratically elected president of the Palestinian people.”⁵ This position has also been championed by former U.S. President Jimmy Carter, who asserted in a recent op-ed in *The New York Times* that the PLO leader had become the Palestinians’ president through “a democratic election in the West Bank and Gaza which was well organized, open, and fair.”⁶

The reason for all of this emphasizing and re-emphasizing of Arafat’s status as the legitimately chosen leader of the Palestinians is that without it, one might easily reach the conclusion that everyone—Jews, Arabs, Americans, and Europeans—would be better off with him gone. Indeed, for many in the West, the claim that Arafat is the Palestinians’ legitimate, democratically elected leader is his last line of defense.

But is it true? To take statements such as Jimmy Carter’s seriously is to argue that while some national rulers are best viewed as illegitimate usurpers, Yasser Arafat is more like the leaders of democratic countries, who come to power through a fair expression of the popular will—and that as such, he cannot reasonably be replaced. Such a conclusion, however, would

have to stand on more than the observation that an election was held in the West Bank and Gaza in January 1996 in which Arafat received nearly 90 percent of the votes. After all, plenty of dictators do that well in elections aimed principally at reinforcing their rule, and this phenomenon is particularly widespread in the Middle East.

A real look at the question of Arafat's legitimacy, therefore, has to involve a more serious examination of the origins of his rule in the wake of the 1993 Oslo accords—and particularly the crucial two-year period in which he established the Palestinian Authority and paved the way for himself and his loyalists to win a landslide victory at the polls. Such an accounting reveals a disturbing picture, of a PLO leadership that—after having been brought in from Tunis amid widespread jubilation—used every means at its disposal to ensure that the Palestinian voter would have only one viable option as to which political party would represent him, and only one real candidate to vote for as president. Under these conditions, Arafat's landslide victory was not an expression of democratic will, but rather a testament to the success of the measures he employed.

The story of how this came to pass is the subject of this essay. In it, I will document—in large part using original source material not previously published in the West—the rise of a regime characterized by a massive police force whose specialty was intimidation of political opponents; an executive branch in which Arafat alone made all major decisions and in which the civil service was reduced to a corrupt patronage machine; the institutionalized absence of the rule of law, and a judiciary that lacked any independence; and the intimidation of the media and human rights organizations, to the point that it became virtually impossible to transmit any message other than one personally approved by Arafat.

This last point is particularly chilling, because the West Bank and Gaza boasted no small number of independent newspapers and human rights groups when Arafat replaced the Israeli government as the ruler of these areas. In describing what happened to them, I will rely heavily on

material my staff and I collected when I was the head of Peace Watch, an independent monitoring organization that was the only Israeli group officially accredited by the Palestinian Authority as an observer of its January 1996 elections. This position permitted me to see firsthand how these once-democratic institutions—which represented the best hope for creating true pluralism within Palestinian society—were beaten into submission. It also permitted me to witness certain rare cases of true heroism, in which these institutions and the individuals committed to them attempted to swim against the rising tide of dictatorship.

Only after examining the way Arafat went about creating his regime, and the nature of the landslide that he won as a result of these efforts, can we return to the question of whether he deserves the kind of legitimacy he now enjoys among many leaders in the West.

II

The starting point for this story is May 1994, when the PLO signed an agreement with Israel that enabled Yasser Arafat to set up an interim administration in two-thirds of the Gaza Strip and a small area around the West Bank town of Jericho, which together contained about 750,000 Arab residents.⁷ In establishing his government, Arafat was authorized to appoint 24 members of a quasi-cabinet that would serve as legislature and executive, and to set up a 9,000-member police force.⁸ According to the framework laid out by the Oslo accords, this brief period of interim rule by the PLO was to be followed two months later, in July, by “direct, free, and general political elections,” with the goal of enabling the Palestinians “to govern themselves according to democratic principles.”⁹ These elections were to encompass the entire Arab

population of the Gaza Strip, the West Bank, and eastern Jerusalem—around two million people in all—and were intended to select a Palestinian Council and a president to govern the PA until May 1999.¹⁰

The timing of these elections was understood by advocates of Palestinian democracy to be a crucial component of their fairness—the assumption being that the longer Arafat was allowed to head an authoritarian regime before facing voters, the more likely he was to vitiate the meaning of the elections. For similar reasons, it was critical that Arafat not be given control over the 1.1 million Palestinians who lived in the towns and villages of the West Bank until shortly before elections. Thus, one of the most important elements of the Oslo accords was the stipulation that Israel's security forces would not redeploy “outside populated areas” of the West Bank until “the eve of elections.”¹¹

For a longtime autocrat like Arafat, democratic elections under these circumstances posed a new challenge. Since merging his Fatah faction with the Palestine Liberation Organization and taking the PLO's reins in 1968, Arafat had ruled the Palestinian national movement in dictatorial style for two and a half decades. During this time, he had proved adept at shifting the seat of his power from place to place, while keeping its basic foundations unchanged. From 1968 to 1970, he presided over a number of PLO mini-states located in Jordanian territory and appointed militia leaders who made their own laws and financed their operations by collecting protection money from local residents.¹² From 1970 to 1982, when the PLO controlled a wide swath of territory in Lebanon, Arafat created “the Fakahani Republic”—named for the Beirut street where the PLO leader was headquartered—which was characterized by arbitrary rule and widespread corruption; indeed, the term “Fakahani” has become synonymous among observers of Arab politics with corrupt governments that rule through the force of arms.¹³ After 1982, when the PLO was driven from Lebanon and relocated to a seafront neighborhood in Tunis, Arafat tightened his control over the organization's bureaucrats and its military

wing, the Palestine Liberation Army (PLA), to the point that he personally decided on most appointments and even signed the checks and wire transfers himself.¹⁴

Establishing his authority over the Palestinian population of the West Bank and Gaza Strip was no easy task, however. Arafat had not spent more than a few weeks in these areas since his early childhood, and had not set foot in them since 1967, shortly after Israel captured them in the Six Day War—when he had fled dressed as a woman to escape from Israeli troops seeking to shut down the terrorist networks he had established.¹⁵ For all that the Arab residents of these areas identified with the PLO leadership and with Arafat (according to polls, he enjoyed a plurality of support among the residents of the territories), they had developed their own local leadership as well.¹⁶ A number of left-wing and Islamic movements were competing with Fatah for the loyalties of the populace, and even within Fatah, prominent leaders and Intifada activists had made it clear that they did not accept the primacy of the “PLO-Tunis”—whose top officials had been staying in five-star hotels while the residents of the territories were in the streets throwing Molotov cocktails at Israeli soldiers and settlers.

To make matters more difficult, the Palestinians in the territories had, over more than a generation of Israeli rule, become intimately familiar with the workings of Israeli democracy and had benefited from an occupation that was more liberal in many respects than any Arab government.¹⁷ They enjoyed the freest press in the Arab world, based in eastern Jerusalem, and they sported a host of human rights organizations, scattered throughout Gaza, the West Bank, and Jerusalem, which had become internationally known for reporting on the practices of Israeli troops. Moreover, exposure to the chaotic workings of Israel’s Knesset and to the trial and appeal processes in Israel’s courts led Palestinian residents in the territories to develop views on power-sharing, pluralism, and the rule of law that were sharply at odds with those that Arafat and his colleagues were perfecting in Jordan, Lebanon, and Tunis.¹⁸

From the moment he received authority over Gaza-Jericho, Arafat therefore faced a series of challenges, which could not easily be overcome in the time available before elections were slated to take place. Consequently, he worked to expand this window of opportunity, and ultimately succeeded in pushing off elections until January 1996—thereby making what was to be a two-month transition into no less than twenty months, and giving him ten times as long to “election-proof” his regime by shoring up his position and undermining that of potential rivals.¹⁹

During this twenty-month period, Arafat worked feverishly to build his dictatorship on all fronts. Like all authoritarian rulers, he knew that everything depended on his ability to create a vast system of security services capable of crushing any opposition. In keeping with this understanding, the regime Arafat built in Gaza-Jericho was first and foremost a police state—and in fact, the size of Arafat’s police force may well have been its most impressive feature.

The Gaza-Jericho agreement signed by Israel and the PLO called for a maximum of 9,000 policemen, or one for every 83 residents of these areas, a substantial number by all accounts. Even so, Arafat quickly ignored this limit, building a force that reached more than 13,000 by December 1994 and 22,000 by August 1995—and that continued to climb steadily thereafter.²⁰ This made Arafat’s police force larger, by two orders of magnitude, than the Fatah and Hamas militias that had previously been the dominant armed groups in the territories—each of which had only a few hundred armed men. This massive force created a stifling police presence throughout the still tiny Palestinian Authority, especially in Gaza, where there was one policeman for every 50 residents—which according to Amnesty International was “possibly the highest ratio of police to civil population in the world.”²¹

The Palestinian police were also distinguished by their political loyalty: At the core of Arafat’s force were 7,000 PLA fighters from abroad, who had been trained and stationed in a variety of Arab countries, had little interest in the niceties of pluralism, human rights, or civic freedoms,

and had been almost entirely dependent on Yasser Arafat for decades—and therefore were beholden to him rather than to the residents of the West Bank and Gaza. These troops were deployed in May 1994 and became a conspicuous presence weeks before the establishment of the PA's civilian wing and Arafat's own entry into the territories in July.²² In addition, Arafat brought with him 125 members of the Presidential Guard, who specialized not only in protecting their leader but also in creating an atmosphere of fear that accompanied him wherever he went.²³

Once the arrival of these imported forces had left local leaders outgunned and residents intimidated, Arafat began the task of cooptation, augmenting the PA police with locally staffed units commanded by officers loyal to Fatah and to the newly arrived PLO-Tunis leadership. The most successful of these forces was the Preventive Security Service (PSS), headed by Col. Muhammad Dahlan in Gaza and by Col. Jibril Rajoub in the West Bank. Rajoub, who has periodically been touted as a successor to Arafat, was not only an effective underling, but also a striking example of what the PLO leader was seeking to accomplish throughout the territories. A Fatah militant from the Hebron area, Rajoub had spent seventeen years in Israeli jails for terrorist activities, where he built a substantial network of contacts. After being deported by Israel in 1988, shortly after the outbreak of the Intifada, he joined Arafat's staff in Tunis and was given responsibility for getting locally based militants to accept orders from the PLO.²⁴ After the Oslo accords were signed, Rajoub resumed the task of making the "inside" subservient to the "outside," but with the advantage of operating locally and with the sanction of the PA behind him. In doing so, he created what was essentially a government-backed Fatah militia, and declared openly that the PSS was "the practical expression of Fatah, since all its officers and personnel are Fatah members."²⁵ Many of his recruits were Intifada activists who had previously been loyal to the local leadership, including hundreds of Palestinians who had been jailed by Israel for involvement in terrorism and were released as part of the Oslo agreement.

Arafat guaranteed the loyalty of his troops, and especially the highest-ranking officers, by establishing the kind of command and control structure that had characterized his previous 25 years of rule, and which for good reason is preferred by military dictators anxious to prevent the rise of competitors. Though the Gaza-Jericho agreement limited the Palestinian police to four branches, coordinated in each district by a single command, Arafat set up multiple forces that competed with one another: By the summer of 1995, there were nine intelligence services operating in the West Bank and Gaza, as well as additional units with various responsibilities.²⁶ There was no authority coordinating these forces on a regional basis, nor was there a clear hierarchy within each branch: The only thing that was unambiguous was that all top officers reported directly to Arafat, who was commander in chief of the PA police—and who continued wearing his trademark uniform to symbolize his authority as a military ruler.²⁷ The multiplicity of units created endless turf wars, leading the various organizations to keep tabs on one another and to pass this information on to Arafat. Moreover, this Byzantine system made it possible for Arafat to order attacks against political opponents while publicly denying any involvement.

What made the PA security forces particularly effective in stifling dissent was their wide range of political activities. The intelligence units, especially the PSS, sought to identify opponents of Arafat and the PA, and to win their cooperation or their silence. Their officers engaged in numerous tactics that are off-limits to police in democratic states: Threatening political opponents, censoring the media, intimidating NGO leaders and human rights activists, and enforcing business monopolies given to Arafat's allies. Though limited by the Oslo accords to the Gaza Strip and Jericho, Palestinian intelligence units boasting 5,000 men operated throughout the West Bank and eastern Jerusalem, which was the base of operations for the leading Palestinian newspapers and human-rights activists.²⁸ Top-ranking Israeli security officials approved this departure from the written accords via the Rome Agreement, a secret understanding reached

with Dahlan and Rajoub in January 1994, which conditioned the extra geographic latitude given to PA police on their pledge to fight Islamic and leftist militants planning attacks against Israelis from these areas.²⁹ In fact, the PA police did little to combat terrorism aimed at Israelis, but were highly effective in silencing Arafat's would-be critics, weakening potential challengers, and intimidating the local population.

With the security forces lined up foursquare behind him, Arafat was able to use them to enforce decisions made by the corrupt civilian government, to intimidate judges, to bring the media around to supporting the Palestinian Authority, and to persuade human rights activists to temper their criticism—in short, to shape the institutions of government and civil society in a manner most conducive to a dictatorial regime. It is to the first of these, the civilian government, which we now turn.

III

As with the police state he established, the administrative branch of Arafat's government was a striking departure from what is accepted in democratic countries, and from what had preceded it. Under Israeli rule, a military government had made laws and appointed mayors and town council members throughout the territories, while a Civil Administration had employed 7,200 Arab residents in the Gaza Strip and a slightly larger number in the West Bank.³⁰ Though hardly a model of efficiency or courtesy, the Civil Administration succeeded in delivering essential services in areas such as health, education, and transportation. In establishing the PA, Arafat sought to replace this bureaucracy with a patronage machine that would enable him to provide jobs and other remunerative opportunities for his supporters, while concentrating decision-making in his own hands.

As a crucial first step in building an administrative apparatus suitable for a personal dictatorship, Arafat made all the appointments to the Palestinian Authority's 24-member governing body himself, and did so in accordance with his well-worn techniques of monopolizing authority: He chose himself as PA chairman, gave the eight most important ministries to high-ranking officials from the PLO-Tunis, filled another eight spots with Fatah loyalists from the territories, and used three positions to coopt individuals whose opposition he sought to prevent. In addition, he left five slots open, ostensibly for future bargaining with the Islamic and left-wing movements opposed to Oslo.³¹ He thus ensured an insuperable majority for himself and his supporters, while muting dissent and creating the impression of pluralism.

Since Arafat's style of rule has always centered on control of the pursestrings, he gave all three economic posts to PLO veterans from abroad. Abu Ala, a member of the Fatah Central Committee and director of Samed, the PLO's financial arm, became minister of economics and trade; Nabil Sha'ath, a Fatah leader who headed the Political Committee of the PLO's Palestine National Council, was made minister of planning and international cooperation and given responsibility for securing the 2.5 billion dollars in foreign aid that had been pledged to the PA; and Muhammad a-Nashashibi, a high-ranking PLO economic functionary and Executive Committee member, was designated finance minister.

Arafat also had a keen sense of the importance of education and propaganda, and ensured that these areas would be run by longtime loyalists. Yasser Amer, the PLO Executive Committee member responsible for the organization's Education Department, became minister of education, while Yasser Abed Rabbo, the Executive Committee member who headed the PLO's Information and Culture Department, became minister of culture, arts, and information.³²

Arafat selected those Fatah leaders in the territories who had proven to be least independent over the years. Thus, he chose Freih Abu Medein, who had been elected on the Fatah slate to head the Arab Lawyers'

Association in Gaza, as justice minister; Zakariyya al-Agha, who had headed the Physicians' Association in Gaza, became minister of housing; and Saeb Erekat, the member of the Palestinian delegation to the Madrid conference who had been most outspokenly supportive of the PLO, was made minister of municipal government affairs, with responsibility for preparing elections as well.³³

Having filled the PA's highest-ranking body with loyalists, Arafat took a further precaution by making it directly subordinate to him. He declared repeatedly that the PA was a branch of the PLO and demanded that PA members defer to him in his capacity as PLO chairman.³⁴ After appointing the PA's members in June 1994, while he was still in Tunis, he would not allow them to take office until he had arrived in Gaza in early July—at which point he personally swore in each of them.

More importantly, Arafat did not allow PA members to exercise collective responsibility for legislation or governmental policymaking, as they would have were they a genuine cabinet. The PA met weekly, but Arafat robbed these sessions of any pretense of decision-making authority by inviting PLO officials and other prominent Palestinians to attend, declaiming his own opinions at great length, and refusing to hold votes on any issues: At one typical session shortly after the PA was established, Arafat spoke for four and a half hours, allowed the other participants to divide up half an hour of speaking time among them, and ended the meeting without bringing up any proposals for decision.³⁵

In lawmaking, too, Arafat treated himself rather than his PA "cabinet" as the highest authority. The clearest symbol of his dominance was that all eighteen laws promulgated by the PA from its establishment in May 1994 until elections in January 1996 were issued in his name, and almost entirely at his initiative. According to the preambles to these laws, Arafat enacted the first three after consulting with the relevant minister, the next four on his own, and ten of the final eleven after receiving the approval of the PA cabinet.³⁶ In reality, however, the consultations and approvals

were a mere formality, if they even took place at all.³⁷ Similarly, Arafat made and promulgated hundreds of government decisions, many of which were laws in all but name; their texts indicated that he rarely bothered even to consult with the relevant minister, let alone the cabinet.

Indeed, despite the facade that individual ministers were responsible for their own areas, Arafat was effectively the minister of all the ministries. His role was particularly pronounced regarding the PA budget, and the three PLO officials holding economics portfolios were not authorized to make any decisions without his approval.³⁸

Arafat's role as sole decision-maker came through most strikingly in the making of appointments, as he turned the apparatus of government into a patronage machine aimed at serving his political needs. At its base were the Civil Administration workers whom the PA had inherited from Israel: Since they were capable of ensuring the continuation of vital functions such as schools and sanitation, their employment was necessary to cover up the non-performance of the political appointees.³⁹ On top of this core, Arafat gave managerial positions to hundreds of his supporters; according to one account, 830 directors general were appointed to various government ministries and offices by February 1995, one for every nineteen workers.⁴⁰ Arafat published all the appointments in his own name, regardless of which ministry the appointee was to serve in.⁴¹ Since the principal criterion for attaining an office was loyalty to the PLO leader, there was little need to consult with the relevant ministers, or even to inform them; in one case, the minister of health learned that a new deputy had been appointed to his ministry only when he read about it in a newspaper.⁴² In fact, it was precisely through such appointments that Arafat was able to run all the ministries, regardless of the views of their titular heads.

Most of the high-level appointees were from the PLO-Tunis: Israel gave Arafat clearance to bring in 2,000 PLO officials, and those who were not given positions in the security establishment were integrated into the

bureaucracy.⁴³ In addition, thousands of lower-level job-seekers were added to the payroll, often as clerks and secretaries for the political appointees. Within several months of Arafat's taking power in Gaza and Jericho, the civil service payroll swelled by a few thousand, and it climbed further in the fall of 1994, when "early empowerment" gave the PA responsibility for handling five spheres of authority in the West Bank, including education and health care. By February 1995, the PA had 16,000 workers in its growing bureaucracy, and by year's end the payroll had reached 28,000.⁴⁴

Despite the proliferation of employees, Arafat still made most decisions himself, down to the tiniest details. To take but one example, senior PA officials needing small sums of money to travel to neighboring Jordan could not get the disbursement without Arafat's signature.⁴⁵ As one public figure in Gaza explained in August 1994, one month after Arafat's arrival:

There is no mechanism that functions in Gaza as it should. One person holds all the authority, and he sticks his nose into each and every detail.... Anybody who needs to install a telephone needs his signature. Anyone who wants to set up a company or further a particular interest has to have Arafat's approval.⁴⁶

Under these conditions, corruption flourished, fueled not only by run-of-the-mill venality but also by a systemic political motivation: Bolstering loyalty to the man who stood atop the PA hierarchy. The Palestinian Authority awarded Arafat's supporters concessions of various sorts, of which the most notorious were monopoly rights for the production and sale of basic goods like cement and gasoline. Various enterprises sprang up, half-governmental and half-private, which took advantage of the profits that could be made as monopolies, and in exchange gave a hefty percentage of their returns to Arafat and his cronies. By the same token, anyone who was not intimately linked to the higher echelons of Arafat's government was doomed to failure in the steeply sloped field of economic competition, and thus the private sector—which typically

provides resources for potential challengers to an authoritarian regime—shriveled in direct proportion to the bloating of the PA.

Local government also has the potential to serve as a countervailing power to a strong central authority, but not in the case of the PA: Instead, Arafat turned regional and municipal government into an extension of his regime. With the assistance of Saeb Erekat, Arafat appointed the municipal councils and council heads, seeking in most cases to ensure dominance by Fatah loyalists alongside token representation of other groups.⁴⁷ PA control over municipal councils did not end with their appointment, however. Military officers were assigned to “assist” council heads in running the affairs of their towns, often under the supervision of a regional governor who was himself a military figure reporting directly to Arafat. In Jericho, for example, a military officer took over the real responsibility for running the municipality, which ultimately resulted in the resignation of the civilian mayor.⁴⁸ In the Jenin region, Arafat appointed as governor Hikmat Zeid al-Kilani, who had been deported from the territories years earlier.⁴⁹ Various PA offices sought to run the municipalities’ affairs, as the Ministry of Local Government carried out building and development projects with only minimal involvement by the municipal councils. The Palestinian Economic Council for Development and Reconstruction (PECDAR), set up by the PA to channel international aid, also handled many municipal projects directly. Municipalities that balked at this arrangement were faced with a cutoff of funds, including money earmarked for their projects by international donors.⁵⁰

In sum, Arafat alone possessed all the governmental powers that in a democracy would be distributed among a number of bodies and shared by numerous individuals: The authority to legislate, to make and promulgate administrative decisions in all fields, to allocate the budget, to regulate businesses, to make governmental appointments, and to control projects down to the municipal level. During the twenty months before elections were held, Arafat was able to use these resources to increase support for

himself and his loyalists. By giving prominent posts to his backers, and especially to senior officials of the PLO-Tunis, Arafat gave them a leg up in contesting seats in the Council elections; by denying such positions to independent-minded local leaders, he was able to undercut their public support. Moreover, control of the resources at the PA's disposal enabled Arafat to do favors for tens of thousands of people during the year and a half before election day, with the clear expectation that these debts would be repaid at the ballot box. The civil service, which made up a substantial percentage of the work force in the territories, was especially critical in this regard, as employees and their family members were given a powerful incentive to advance candidates backed by the government that was providing their livelihood.

IV

Though Arafat had clear control over the police force and the executive branch, the political advantages of this power could in theory have been limited if he were forced to submit to the rule of law. Laws, by their nature, apply equally to all citizens, and judges, by profession, are supposed to mete out justice without discrimination: But a would-be dictator is constantly in need of ways to advance the interests of those who will support him and weaken or punish his potential opponents. Understanding this all too well, Arafat made every effort to undermine the rule of law and to create a subservient judiciary. Indeed, it would be fair to say that institutionalized lawlessness was the third pillar of his Gaza-Jericho regime, and a crucial element in his overall efforts to create an election-proof dictatorship.

In making sure that the rule of law would not prevail over his political interests, Arafat made maximum use of legalistic creativity and brute force

alike, utilizing those powers that he was officially entitled to wield, as well as those that were his by dint of the number of armed men answerable to him. Arafat used his legislative authority to sow complete confusion as to which laws were in force, exploited the power of appointment and dismissal to prevent judges from making unbiased decisions when the law was known, and encouraged his security forces to ignore both the law and the courts if no other method sufficed.

In creating legal bedlam, Arafat took full advantage of the complex situation the PA inherited in the West Bank and Gaza Strip. Prior to being captured by Israel in 1967, these areas had been governed successively by the Ottomans, by the British, and by Jordan (in the case of the West Bank) and Egypt (in the case of Gaza), and each of these rulers had added to the laws of its predecessors without creating a coherent, unified system. In two and a half decades, the Israeli military government promulgated nearly 2,500 orders, partly with a view towards putting in place a modern legal system that would apply throughout the West Bank and Gaza. Nonetheless, Israel did not succeed in establishing a framework that could serve as the basis for an autonomous state, nor did it incorporate the kinds of safeguards for rights that are necessary to check would-be dictators.⁵¹

What transformed complexity into chaos, however, was a series of decisions made by Arafat himself. In his first executive order as head of the PA, issued from Tunis on May 20, 1994, Arafat decreed he was restoring all laws that had been in effect on June 5, 1967, the day the Six Day War broke out, and canceling by implication all legislation effected by Israel in the intervening years.⁵² This order, published in the Arabic-language newspapers that were read in the territories, contributed to Arafat's image as a man who could, with a stroke of his pen, undo the occupation.⁵³ Its practical impact, however, was to make it impossible to know what laws applied, as Arafat's decree could be neither interpreted literally nor ignored. For starters, it was legally invalid, since the Gaza-Jericho agreement that Arafat had signed two weeks earlier forbade the PA to

amend even a single law without Israeli approval.⁵⁴ Moreover, it was totally impractical, since eliminating 27 years of legislation would have left entire areas of human endeavor without a legal framework.⁵⁵

Consequently, senior PA officials made a series of contradictory pronouncements during the ensuing months as to which laws were in effect. The PA minister of transportation declared that some Israeli regulations were still valid in his field, and the finance minister implied that the same was true of the tax system.⁵⁶ Nabil Sha'ath, after announcing that a high-level committee had been established to determine which laws were in effect, declared that electricity, traffic, land, and similar issues would function in line with Israeli decrees until further notice.⁵⁷ Justice Minister Freih Abu Medein announced, somewhat cryptically, that the PA would honor particular Israeli orders "only to the extent that doing so leads to a concrete gain for the Palestinian people."⁵⁸ Arafat himself issued a decree in late 1994 canceling 23 specific Israeli orders in the Gaza Strip, which implied that the remainder were still in force.⁵⁹ Subsequently, Abu Medein issued a series of additional pronouncements indicating that some Israeli laws were still in effect and that a committee—different from the one Sha'ath had announced—was figuring out which were valid and which would be amended or repealed.⁶⁰

Against this background, judges could only guess which laws applied in PA-run territories, and effectively had to serve as lawmakers for their own jurisdictions. The judge of the Jericho civil court, for example, declared that all Israeli military decrees were void and could not be used in his court, except for a certain Regulation 1310 regarding traffic matters, which was based on general international principles and was therefore acceptable.⁶¹

As if that were not enough, Arafat introduced an entirely new legal system into the areas under PA control, the PLO Revolutionary Code of 1979, and appointed a military court to apply it. His argument for importing the PLO's brand of military justice was that this code had been

used for a decade and a half to regulate the behavior of Palestine Liberation Army members, several thousand of whom were now living in the territories. This declaration notwithstanding, the military court also used the revolutionary code to try civilians, even for offenses covered by the existing penal law, and thus cast the specter of military law over the entire Palestinian population.⁶²

Instead of resolving these contradictions by enacting a legal framework applicable in all PA-held areas, Arafat delayed the work of a PLO legal committee charged with the task of drawing up a constitution. He received its first draft in December 1993, promised its author that it would be promulgated simultaneously with the establishment of the PA in May 1994, but instead sent it through so many revisions that when elections were held in January 1996, no constitutional document had been adopted.⁶³ The PA did pass a handful of laws between May 1994 and January 1996, but these were limited to specific areas such as publications and elections, and did little to redress the systemic chaos.

In issuing presidential decrees, Arafat exploited this situation by choosing precedents from among various legal systems, depending on what was most expedient.⁶⁴ Some PA security officials went even further, asserting at times that they were basing a regulation on a valid Palestinian law, even though no such law existed.⁶⁵ The Palestinian Independent Commission for Citizens' Rights (PICCR), a usually tame ombudsman's group within the PA, summed up the effects of this state of lawlessness in concluding: "The existence of a variety of laws, many of which are of a military and emergency nature, has been used by the Palestinian Authority... to justify excesses and violations such as the prevention of political meetings without permits [and] the curtailment of freedom of movement...."⁶⁶

With the law amorphous, Arafat was able to ensure that the judiciary would be weak and dependent.⁶⁷ He set up new courts by decree and appointed about two dozen judges, mostly on the basis of loyalty rather than expertise.⁶⁸ In Jericho, Saeb Erekat appointed a PLA colonel with no

experience in the laws of the West Bank to head the civil court: According to a senior official of the International Commission of Jurists, this judge generally based his decisions on “personal views rather than on the letter of the law.”⁶⁹ Through such appointments, a message was sent to veteran judges that they, too, were liable to be assessed not on the basis of professional criteria, but according to a standard for judgment based far more on loyalty and other political considerations.

But the peak of Arafat’s campaign to make the judiciary subject to political dictates was the establishment of the High Court for State Security in February 1995. Arafat established this court a week after a suicide bombing killed 21 Israelis, and in direct response to Israeli and American demands that he begin punishing those responsible for such attacks.⁷⁰ The state security court was empowered to try civilians and military figures alike, but Arafat appointed military officers, most of whom lacked legal training or judicial experience, to fill all of the slots as justices.⁷¹ In setting up the court, Arafat granted himself the power to decide who would be tried, and for what offenses.⁷² Though PA officials were at pains to point out that these courts functioned on the basis of civil law, Abu Medein acknowledged that they were established to circumvent the procedures of the regular criminal courts.⁷³ Cabinet Secretary Tayyeb Abed a-Rahim, a personal aide to Arafat, noted that certain cases could not properly be handled by the civilian system of courts, which were overburdened by legal safeguards: He cited the instance of a Palestinian man accused of plotting to kill Arafat, who had been on trial in a civilian court for three months “without any progress” and might even be freed by the judge merely because of a lack of evidence.⁷⁴

The state security courts quickly lived up to their potential for political manipulation. The timing of their first trials in April 1995 was dictated by political factors, after Israeli and U.S. pressure on the PA was ratcheted up following a pair of suicide-bombing attacks in Gaza that killed seven Israelis and an American. Within several hours of the attacks, the court handed down its first decisions, and in the next six weeks tried

33 people and convicted 29, sentencing them to jail terms ranging from two months to 25 years. Though the charges were phrased as if the defendants had committed crimes against the PA, most of the initial defendants were tried for involvement in attacks against Israelis.⁷⁵ Since the point of the courts was to hand down appropriate verdicts quickly, normal safeguards were dispensed with: The trials were held in the middle of the night, with little warning, and without the presence of family members or journalists. Defendants were represented by court-appointed lawyers, little evidence was offered, and decisions were generally returned in fifteen minutes or less.⁷⁶ When one of the officer-justices resigned in protest over the lack of proper procedures, Arafat ordered him to be arrested and interrogated.⁷⁷

The primacy of politics over law did not end with the verdicts. Quite apart from the formal authority granted to President Arafat to commute sentences, a dozen people who were given long prison terms were simply released within a few months, when pressure from the Israelis lessened or when Arafat switched from stick to carrot in handling the Islamic opposition.⁷⁸ Several men convicted of involvement in terror against Israelis were absorbed directly into the Palestinian police, whereas none of those found guilty of run-of-the-mill crimes or collaboration with Israel were given similarly lenient treatment.⁷⁹ Though the security courts functioned only when their particular brand of justice was needed—at times, months went by without cases being referred to them—they sent an unmistakable message as to how little value was placed on an independent judiciary.

In these conditions, the rule of law was absent in the simplest sense: Statutes and court decisions were routinely flouted by the PA executive and security forces. Sometimes the executive refused to enforce court decisions that went against its interests. In one case, the Supreme Court of Gaza accepted a lawyer's appeal on behalf of Abdallah a-Shami and demanded that the prosecutor's office either produce evidence linking the Islamic Jihad activist to terror attacks or free him. When it became clear after four sessions that the prosecutor's office was stalling, the court

ordered that a-Shami be freed immediately, but the security forces continued holding him for a full month.⁸⁰ In another case, the Gaza Supreme Court ruled that Kamal Salim, who was being detained without a trial, should be released; the police complied, only to arrest him again eight hours later.⁸¹

More typically, the executive ignored the law and the courts did nothing. The arrest procedures applicable to Gaza required that anyone detained without a warrant be brought before a magistrate within forty-eight hours. Nonetheless, hundreds of detainees were held for weeks or months without seeing a judge.⁸² After terror attacks against Israelis, the Palestinian police often arrested dozens of activists affiliated with the group that had claimed credit, even if there was no suspicion that these individuals had any connection to the attack. In most cases, charges were never filed and the “suspects” were not questioned, which reinforced the impression that the sweeps were politically motivated. Similarly, torture of detainees was illegal in PA-controlled areas, but was used in dozens of cases against criminal suspects or accused collaborators—sometimes to extract information and confessions, often as a punishment in and of itself.⁸³ Between May 1994 and December 1995, six prisoners died in custody as a result of ill-treatment meted out by Palestinian police.⁸⁴ Even when prisoners were tortured to death, however, PA officials refrained from imposing penalties on the perpetrators, and no cases were ever brought before the courts.⁸⁵

With the PA police and government officials immune to having to obey the law, any rules that might have prevented them from clamping down on potential critics of the PLO-run dictatorship were effectively void. All the residents of the Palestinian Authority had to live with the consequences, but those who suffered most grievously were those connected to institutions that otherwise might have served as watchdogs in the nascent police state: The independent media and the organizations devoted to human rights. It is to their story, therefore, that we turn in the next two sections.

When the PA was established in May 1994, the Arabic-language press that served the territories was one of the main adversaries Arafat faced in election-proofing his dictatorship. The high-circulation daily *al-Quds* was sympathetic to Palestinian nationalism and the PLO, but also carried criticism of the dictatorial style and human rights abuses of Arafat and his organization. Its smaller competitor, the pro-Jordanian *a-Nahar*, constantly focused on the inadequacy of the PLO leadership, while the weeklies, whether sponsored by parties or by independent publishers, could be even more scathing. Despite years of threats from the PLO leadership and its local supporters, most newspapers clung stubbornly to their independence.⁸⁶

In confronting this challenge, Arafat took advantage of the monopoly on power that he enjoyed within the territories under his control—and of a startling Israeli reticence to take decisive action to protect the papers, all of which were under Israeli jurisdiction in eastern Jerusalem. Initially, the PLO head forced a shift in the editorial and news coverage of the two dailies, while hampering the ability of the less pliable weeklies to get their message out. To assure even more fulsome support for his government, he helped establish a number of PA-backed daily papers that supported the government's line. In addition, he personally oversaw the creation and direction of a state-run broadcasting monopoly that did so even more effusively. The net result was to transform the media from a potential critic into a vocal source of support.

The most significant change Arafat brought about was in the daily press, the principal source of in-depth news for Arabs living in the West Bank and Gaza. Most dramatically, he used brute force to effect a shift in the news and editorial coverage at *a-Nahar*. In July 1994, after Israel and

Jordan reached a peace agreement whose provisions on Jerusalem were not to the PA leadership's liking, Palestinian police banned distribution of *a-Nahar* in the Gaza Strip, while PSS agents limited it severely in the West Bank. PA spokesmen claimed that the newspaper had failed to apply for a license from the government, but as noted by Human Rights Watch, "The pretext provided for the closure could not disguise what was clearly an act of political censorship." Lest there be any doubt, the PA issued a statement the first day of the ban averring that *a-Nahar* advocates "a line that contradicts the national interests of the Palestinian people," while Jibril Rajoub explained that it was "inconceivable that one country would act inside of a second country through certain newspapers."⁸⁷

The attacks on *a-Nahar* were aimed not only at the newspaper as a whole, but at individual staff members, several of whom received written and verbal threats from the Fatah organization in Jerusalem and from members of Rajoub's PSS.⁸⁸ Left with neither readers nor staff, publisher Othman al-Halaq had no choice but to shut down the paper for several weeks. He was able to reopen it only after meeting with Arafat and pledging to adopt a stance more favorable to the PA. A front-page editorial in the first post-closure issue declared that "this is a Palestinian paper to the bone" and vowed to support "the true opinions of our people." Another article referred to Arafat as "the brother, the leader, the symbol," and closed with the call, "It is a revolution until victory!" the slogan of Fatah.⁸⁹

More important, though less dramatic, was the PA's success in making the popular *al-Quds* a dependable ally. The ban on *a-Nahar* was undoubtedly meant as a warning to *al-Quds*, but the PA offered more direct hints as well. In August 1994, when columnist Da'oud Kuttab organized a petition by 35 journalists to protest the ban on *a-Nahar*, PA officials demanded that his *al-Quds* column be discontinued and followed up with a phone call from Rajoub to Kuttab, informing him of the PA's demand. Understanding the threat, the publisher of *al-Quds* meekly complied.⁹⁰

Once *al-Quds*' staff became accustomed to taking orders from the government, officials from Arafat's office, the PLO news agency Wafa, and Rajoub's PSS repeatedly called editors at the paper to suggest where certain stories should be placed and how the headlines should read.⁹¹ These requests were backed up, on occasion, by sanctions, including attacks against individual journalists.⁹² In November 1994, a week after a clash between PA policemen and Islamic demonstrators left thirteen dead, Gaza police chief Ghazi Jibali ordered all newspaper editors to print that a rally organized by Hamas had attracted fewer than 5,000 supporters, and was therefore smaller than an earlier show of support for the PA. A number of papers balked, including *al-Quds*, and printed the foreign media's estimate of 12,500, which led the PA to ban their distribution in Gaza for five days.⁹³ According to the PA minister of information, the order had come from Arafat himself. Jibali explained to distributors that, "Since your newspapers did not adhere to the number which I had set for you, the punishment is yours." Jibali also explained that inclement weather had been a factor in the ban, but added: "All these journalists are collaborators, and the difficult weather conditions are likely to continue for another eight months."⁹⁴

After that, *al-Quds* adhered even more firmly to the PA line, and when it lapsed briefly, PSS officers imposed punishments that reminded staff members to stay on the straight and narrow path.⁹⁵ The most spectacular such case occurred shortly before PA elections. On December 24, 1995, Maher al-Alami, a night editor at *al-Quds*, received a call from a high-ranking presidential adviser asking him to run a lead story the next day on a meeting in which the Greek Orthodox patriarch of Jerusalem had compared Arafat to Caliph Omar Ibn al-Khattab, a Muslim conqueror of Jerusalem renowned for his benevolence to Christians. Al-Alami, unimpressed with the story's newsworthiness, ran a six-line summary on page eight, for which offense he was summoned the next day to Jericho by Rajoub. According to al-Alami, Rajoub called him personally, demanding to know, "Why didn't you put the story on page one? Do you hate Yasser

Arafat?” When al-Alami asked why he should come to Jericho, Rajoub offered the following answer: “If you don’t come, I’ll cut you into pieces, stick you in the trunk of my car, and bring you to me that way.” Al-Alami went to Jericho, where he was interrogated by Rajoub and held for nearly a week before being released.⁹⁶

For the most part, however, crass intervention proved to be unnecessary, as journalists at *al-Quds* and *a-Nahar* came to practice self-censorship. Reporters shied away from stories that might displease PA officials or police officers, and editors made sure that controversial articles were not published on their watch. Since the line between the permissible and the forbidden was unclear, the papers avoided printing anything that might offend anyone high up in the PA.⁹⁷ This policy resulted in a virtual blackout on news about PA infringements on human rights. In August 1994, *al-Quds* stopped carrying a weekly column on human rights by the al-Haq organization, declined to cover a poll by the Jerusalem Media and Communications Center (JMCC) showing that most residents of the territories opposed the ban on distributing *a-Nahar*, and in fact refused to report on the ban at all.⁹⁸ By December 1995, when al-Alami was detained in Jericho, not even his own paper, *al-Quds*, mentioned the arrest.⁹⁹

While Arafat and the PA police succeeded in intimidating the commercial dailies, they had a more difficult time with the ideologically motivated weeklies, and in some cases had to resort to the crudest forms of violence. The most extreme case was that of *al-Umma*, a small, left-wing paper that began publishing in Jerusalem in early 1995, and that ran articles and caricatures mocking Arafat and the PA. In April of that year, officers of Rajoub’s PSS, claiming to be acting on orders from the “highest level,” confiscated the galleys of one issue. When the paper responded with an editorial savaging the PA police, PSS agents raided its offices, confiscated documents and equipment, and burned down the building. After that, the paper never reopened.¹⁰⁰

In dealing with the weeklies published by the Islamic organizations, Arafat adopted a more sophisticated approach. When the Islamic Jihad began publishing *al-Istiqlal* in October 1994 and Hamas launched *al-Watan* in December of that year, the PA initially tolerated their scathing attacks. In early 1995, however, when suicide-bombing attacks by Hamas and Islamic Jihad provoked Israeli closures that left thousands of Gazans unemployed, Arafat seized the opportunity caused by the popular backlash against these groups. The first victim of this change in policy was Abed a-Sattar Qasem, a prominent academic from Nablus who wrote an article in *al-Watan* assailing Arafat and the PA for their dictatorial ways. In response, the paper's editor, Imad al-Falouji, was brought in for questioning by the Palestinian police and told that Qasem would be attacked shortly. Qasem received death threats, and a month later he was shot in the arms and legs at point-blank range, apparently by members of Rajoub's PSS.¹⁰¹

In May 1995, the state security court in Gaza closed *al-Watan* for three months for publishing "divisive material deemed detrimental to national unity and security" and sentenced one of its editors, Sayyed Abu Musameh, to two years in prison "for writing seditious materials and libeling the Palestinian National Authority and its security apparatus," an apparent reference to an article comparing torture inflicted by the PA police to that of Israel's General Security Service (GSS).¹⁰² In August of that year, *al-Watan* was shut down for two months after carrying a story from a British newspaper claiming that Arafat had sold a picture of his infant daughter to a French magazine for a large sum of money.¹⁰³ Due to periodic closures and the detention of senior editors, *al-Watan* suspended operations in late 1995. *Al-Istiqlal*, which was hit with similar sanctions, was reduced to publishing sporadically.¹⁰⁴

At the same time the PA was cracking down on recalcitrant publications, Arafat and his associates established pro-government daily papers, whose hidden connections to the PA led them to be labeled "semi-official." The Ramallah-based *al-Hayat al-Jadida*, which began as a weekly

in early 1995 and switched to a daily format in mid-year, was headed by Nabil Amer, an Arafat loyalist who had been PLO ambassador to Moscow. It built its reputation on exclusives provided by PA sources, and was widely reported to be subsidized by the PLO.¹⁰⁵ *Al-Ayyam*, also based in Ramallah, began publishing in December 1995 with commercial backing from Palestinian businessmen not connected to the PA, but it was edited by Akram Haniyyeh, who had served on Arafat's Tunis staff as point man for contacts with political leaders in the territories.¹⁰⁶ These newspapers joined *al-Quds* and *a-Nahar* as the only dailies serving the territories, which meant that by the time elections were held in January 1996, Palestinian readers could choose from a range of options running from solidly pro-Arafat to extremely pro-Arafat.

In addition, Arafat established a government-run monopoly in the electronic media that touted the PA line unabashedly. In July 1994, the day Arafat moved to the territories, the PA-owned Palestinian Broadcasting Authority (PBA) launched the Voice of Palestine radio station in Jericho, and in September 1994 began television broadcasts from Gaza.¹⁰⁷ The PBA was headed by longtime Fatah loyalist Radwan Abu Ayyash, and Arafat himself oversaw its operations and housed the television studios in his Gaza presidential headquarters.¹⁰⁸ The PA's electronic media were fulsome in their praise of the government, and virtually every broadcast was headed by an item featuring Arafat's most recent accomplishments—especially when he was under attack from rival Palestinian groups. After the clash between PA security forces and Hamas supporters in November 1994, the Voice of Palestine invited listeners to express support for Arafat and carried a series of speakers who lauded him as “a hero,” “a symbol,” and “our courageous leader.”¹⁰⁹

To prevent competition, which might have been effective against the saccharine propaganda of the official broadcasts, the PA declined to license private radio or television stations and cracked down on the pirate operations that sprang up. Since Israeli and Jordanian radio carried little news about the West Bank and Gaza, residents were left with few

alternatives. By May 1995, the Voice of Palestine was the station most frequently listened to by the territories' residents.¹¹⁰

The media's bias was most apparent, and telling, during the three-week campaign period before elections. Though campaign regulations required PA media to provide fair and equal coverage of all parties and candidates, in both the race for the presidency and for the Council,¹¹¹ Arafat was featured by Palestinian radio and television for fourteen and a half hours during this period, compared to just over an hour for his sole competitor, Samiha Halil, a left-wing women's rights activist.¹¹² Council candidates were virtually shut out of the media entirely, as all 672 of them combined for a mere three-quarters of an hour, of which the lion's share went to Fatah nominees.¹¹³

Arafat and his lieutenants also ensured biased newspaper coverage during the campaign, a task made easier because the PA election law did not apply a fairness doctrine to the print media. According to the Paris-based media watchdog, Reporters Sans Frontieres (RSF), 75 of 79 daily newspaper issues during the campaign featured Arafat in a front-page article, picture, or both, whereas Samiha Halil made it onto the front page only twice.¹¹⁴ The Council races were largely blacked out, and what little coverage existed was dominated by Fatah candidates, especially Arafat's most prominent lieutenants.¹¹⁵ Only 28 independent Council candidates, barely 5 percent of those running, were mentioned in an article or given the opportunity to reach the public through an opinion piece or interview.¹¹⁶ Appropriately enough, Bassem Eid, a Palestinian human rights activist who headed the RSF research team, was kidnapped by PA police on January 3, 1996, shortly after the release of an RSF statement about the media bias; his kidnapping, widely reported in the international media, was not covered by the Palestinian press.

During more than a year before Palestinian elections were held, and culminating with the campaign period, Arab residents of the West Bank and Gaza read favorable coverage of Arafat and his associates in all the daily papers available to them, heard glowing reports about the PA and its

leader on government-run radio, and had the opportunity to confirm this picture of the world by turning on the PA's own television station. Critics and competitors of the PLO and Fatah were blacked out, as were stories about PA corruption and human rights abuses; and newspapers affiliated with the opposition groups, both left-wing and Islamic, were either shut down or so badly hobbled that they could not provide an effective counterweight. The result was that the media, which serves in democracies as a check on the government, acted in Arafat's PA as the government's most loyal cheerleader and a check on any potential opposition.

VI

To complete the silencing of potential critics, Arafat carried out a campaign of intimidation and cooptation against human rights groups and activists, which was nearly as effective as his efforts against the media. When the Oslo accords were signed, more than half a dozen such groups were flourishing. Of these, the most significant ones were al-Haq and the Palestinian Human Rights Information Center (PHRIC), which focused on the West Bank and eastern Jerusalem; the Gaza Center for Rights and Law, which covered the Gaza Strip; and the Israeli group B'tselem, which operated throughout the territories and employed a cadre of Palestinian field researchers. These organizations, which had been remarkably effective in mobilizing international opinion against Israel's rule in the territories, had the potential to serve as a check on Arafat by showing his regime to be a systematic abuser of human rights. Moreover, they possessed assets that rendered them partly immune to the public smears, financial blackmail, quiet threats, and occasional sanctions that the PA used so effectively against the media: Leading activists had acquired worldwide prestige, which brought them major media coverage

and steady funding from Western governments and foundations, and offered them some protection against harsh measures directed at them.

In addressing this challenge, Arafat used a three-pronged strategy. First, he established a government-sponsored human rights organization to create the impression that independent groups were unnecessary. Second, he induced a few of the leading organizations to eschew public criticism and work quietly with the PA. Finally, he used threats, arrests, and smear campaigns to reduce the motivation and effectiveness of those activists who refused to toe the line. Arafat was also helped by a metamorphosis in the attitudes of many prominent Palestinian rights activists after the signing of the Oslo accords. When Israel governed the territories, it had been possible to pursue two compatible goals: Advancing national aspirations by undermining the Israeli occupation, and protecting individual rights by working to reduce abuses. Once a Palestinian government was established, however, these goals came into conflict, as public condemnation of PA abuses in Gaza and Jericho weakened the claim that Israel should hand over the remainder of the West Bank to Arafat. Faced with this dilemma, many activists concluded that nationalist aims took precedence.

The centerpiece of Arafat's governmental human rights efforts was the Palestinian Independent Commission for Citizens' Rights, an ombudsman's organization charged with the task of monitoring and redressing human rights problems. And at the center of PICCR was Hanan Ashrawi, who for years had used the rhetoric of human rights in condemning Israel's rule in the territories. As soon as the Oslo agreement was reached in September 1993, Ashrawi founded PICCR and announced that it would serve as an independent check on the new Palestinian government. However, she secured from Arafat an official PLO order making her organization part of his government, and she wrote into the organization's bylaws that PICCR would be part of the PA.¹¹⁷

More tellingly, during Ashrawi's tenure as commissioner general from February 1994 through August 1995, PICCR adopted a strategy of

carrying out “interventions” rather than public criticism, with the aim of avoiding undue public embarrassment to Arafat’s regime.¹¹⁸ As Ashrawi explained the strategy:

We don’t go public immediately. We diagnose. Then we make our conclusions. Then we identify areas of assistance, of injustice. We do this with a positive spirit, not just to sit back and criticize and go to the media.¹¹⁹

Indeed, in many cases, this “positive spirit” led Ashrawi to go public only to defend Arafat and the PA against charges leveled by human rights activists or Western journalists. Thus, she responded to the case of a Palestinian tortured to death in a PA prison in July 1994 by meeting with Arafat and emerging with the following upbeat assessment: “He was extremely responsive, and he insisted that this issue should be dealt with within the rule of law. There is no attempt to cover up or a hiding of things.”¹²⁰ As part of this strategy, Arafat gave PICCR access to prisons—a privilege denied to other rights groups—and used Ashrawi’s visits as proof that there was nothing to hide. In September 1994, this strategy paid off in spades when Ashrawi reported to the international media that conditions in prisons had vastly improved, and that in her recent visits there, “Not a single detainee complained of violence.”¹²¹

During the PA’s first year, PICCR issued only two short statements, plus an annual report that summarized problems that had already been publicized by human rights groups and the international media.¹²² In the report, the organization praised the government on a number of points, noting that PICCR had generally received “unhindered access to persons and documents needed for investigation” and that the PA had been “responsive to its suggestions and recommendations for changes.”¹²³ The report even described the Voice of Palestine, the government’s mouthpiece, as “a positive demonstration of a PNA [Palestinian National Authority] body attempting to exercise freedom of speech.”¹²⁴

Though PICCR was the only human rights organization that was officially part of the government, Arafat and the PA police sought to induce independent Palestinian rights groups to behave in a similarly “positive spirit.” One means they used was to prevent rights organizations from obtaining information about abuses. The PA refused to furnish data about rights violations, stonewalled in response to questions about specific cases, and banned most organizations from visiting detention facilities under its control in Gaza.¹²⁵ In the rare cases in which permission was granted, the visiting field worker was accompanied by a prison official, whose presence intimidated any prisoner otherwise inclined to complain.¹²⁶ Outside the jails, PA police, especially the intelligence units, created a climate of fear that prevented victims from filing complaints. Those brave individuals willing to tell their stories to rights activists generally asked that their names not be used, which made their testimony far less effective.¹²⁷

The PA also undercut the motivation of rights groups by preventing them from getting their findings out to the Arab residents of the West Bank and Gaza. Beginning in July 1994, PA-run radio and television, the daily papers, and most of the weeklies studiously avoided covering reports about PA abuses. Though several human rights organizations criticized Arafat’s decision to establish the state security courts in February 1995, their statements were not even mentioned in the Palestinian media. As a result of this blackout, activists were compelled to be more cautious out of concern that they lacked the public backing that would be necessary to prevent the PA from cracking down on them.¹²⁸

With these limitations in place, Arafat was well positioned to persuade the heads of the leading organizations that they should soft-pedal their reporting on PA abuses. Given the predilection of many Palestinian rights activists to favor nationalist aims over the protection of human rights, this message worked effectively. The head of the Mandela Institute for Political Prisoners, an affiliate of al-Haq, was voicing a common view when he explained his group’s stance towards Arafat’s government:

We should get close to the PA and help them learn what it means to respect the rule of law. Human rights shouldn't be used to undermine PA legitimacy. Our goal should be to end PA violations, not destroy the PA.¹²⁹

As a result of Arafat's tactics and the attitudes of many rights activists, the major groups institutionalized heavy self-censorship, and either ceased to document violations, or did not publish those that they found.¹³⁰

The most important consequence of this strategy was that the two leading Palestinian rights organizations in the West Bank and eastern Jerusalem adopted a low profile during the Gaza-Jericho period. The director of al-Haq, Fatah Azzam, decided that quiet contacts, letter-writing to the authorities, and private meetings should be preferred, with going public saved as a last resort.¹³¹ His organization occasionally put out releases criticizing particular acts by the PA, but nothing comparable in frequency or scope to the hard-hitting reports that had marked its treatment of Israeli abuses.¹³² The Palestinian Human Rights Information Center, a subsidiary of the Arab Studies Society based in the Orient House, in eastern Jerusalem, issued its last public criticisms of the PA in August 1994.¹³³ The longtime director of PHRIC, Jan Abu Shakra, resigned in October of that year, apparently because the Arab Studies Society threatened to cut off funding if the group publicly attacked PA abuses.¹³⁴ Subsequently, PHRIC cut back on activity and issued statements only to castigate Israel or defend the PA.¹³⁵

Nonetheless, Arafat was not successful in taming all the Palestinian human rights activists, and a small group of courageous and principled individuals continued to criticize the PA's practices from the inauguration of the Palestinian government and on through election day. The most prominent of these were Raji a-Sourani, a lawyer who had headed the prestigious Gaza Center for Rights and Law beginning in 1990; Bassem Eid, a Palestinian from eastern Jerusalem who was the premier field worker for the Israeli B'tselem organization; and Iyad a-Sarraj, a psychiatrist who

founded and headed the Gaza Community Mental Health Program, which was active in monitoring human rights abuses. To silence these gadflies, or at least reduce their effectiveness, Arafat had them arrested, interrogated, threatened, and publicly accused of disloyalty to the Palestinian national cause. When this proved insufficient, he made every effort to strip them of the resources they needed for carrying out their work.

The first to face this treatment was a-Sourani, who was detained by Palestinian police in Gaza in February 1995, shortly after his center issued a release attacking Arafat for caving in to Israeli demands to establish a state security court and calling on the international community to pressure the PA into rescinding the order.¹³⁶ The PA's attorney general, Khaled al-Qidra, who interrogated a-Sourani personally, told him that "the chairman feels completely offended that you have communicated such incredible insults." Publicly, al-Qidra impugned a-Sourani's motives, declaring that it is illegal to "cover your face and work politically under the name of human rights."¹³⁷ After being questioned by the attorney general, a-Sourani was released, but was re-arrested and interrogated a few days later. Undeterred, he sought to organize a workshop in Gaza a month later on the state security courts. Gaza police chief Ghazi Jibali refused to grant a-Sourani a permit, and instead subjected him to a smear campaign, claiming that, "The workshop is aimed at embarrassing the PNA, and the Center is acting as if it is above the law."¹³⁸

When a-Sourani responded by releasing a statement criticizing Jibali's decision, PA officials worked to force his removal as head of the Gaza Center for Rights and Law.¹³⁹ Justice Minister Freih Abu Medein informed board members that the center "got a lot of money from the Ford Foundation... and they never came to pay the tax"—which carried the implication that the organization would be hit with a heavy fine unless they hired a new director immediately.¹⁴⁰ In April 1995, the center's four-man board voted unanimously to fire a-Sourani, ostensibly for "professional reasons."¹⁴¹ Subsequently, the Gaza Center was reduced to a level of

effectiveness similar to that of al-Haq: Though it occasionally released a tepid statement to the press, it ceased to be a force for human rights.¹⁴²

A-Sarraj's turn came in December 1995, several months after he replaced Hanan Ashrawi as director of PICCR and began trying to make the organization more independent of the government. The specific trigger for his arrest and ten-hour detention was a speech to participants in a European-sponsored conference, in which he claimed to have received no response to more than 400 complaints on human rights that he had filed with the PA's attorney general.¹⁴³ Like a-Sourani, a-Sarraj was not deterred by this episode. After his release, he hastened to berate the PA publicly, telling reporters that the heads of the PLO "belong to a different culture in which the slogans of human rights and democracy have no real force inside. Their excuse is that, 'We are democratic but we are not Sweden. We are the Third World and our people need to be beaten.'"¹⁴⁴ Seeing that the short detention had achieved little, the PA arrested a-Sarraj twice more within the next several months, holding him first for more than a week, and then for more than two weeks. During his third detention, he was beaten and kicked—for which offense he was accused of assaulting a policeman, a charge that was dropped only under heavy international pressure.¹⁴⁵

In the case of Eid, PA officials varied the approach slightly, beginning with a campaign of smears and threats, and only subsequently arresting and interrogating him. The immediate cause for the campaign was a report Eid prepared for B'tselem in August 1995 called "Neither Law Nor Justice," which excoriated the practices of Rajoub's PSS in the West Bank just as the PLO was trying to conclude an interim agreement giving it control over Arab-populated areas there.¹⁴⁶ PA Attorney General al-Qidra declared the report "baseless," said that it "aims to damage the Palestinian Authority," and stressed that its massive flaws stemmed from the fact that B'tselem was an Israeli organization which had a political agenda not in line with the Palestinians' national aspirations.¹⁴⁷ Rajoub

went even further, launching a personal attack on Eid that was widely covered in the Arabic-language press. According to Rajoub:

It is no secret that Bassem Eid, who prepared this report, worked in the Israeli police force before joining B'tselem. And we all know what it means for a Palestinian to work in the Israeli police.¹⁴⁸

The thinly veiled accusation that Eid was a collaborator implied that it was legitimate for Palestinian patriots to injure or even kill him.¹⁴⁹

This tactic, crude as it was, had an impact on Eid's freedom of movement and his ability to gain the trust of Palestinians who knew about cases of abuse. "Before," Eid explained in an interview in November 1995, "whenever I wanted to check something out in the territories, I'd just get into my car and go, but ever since Rajoub called me a collaborator, I can't do that anymore. I've got to be more careful."¹⁵⁰ Before entering West Bank towns or refugee camps, Eid had to get clearance from high-ranking Fatah officials or travel with a family member of a known Fatah activist, which impaired his ability to get information—especially in light of the close association between Fatah and the PSS forces responsible for many of the abuses.¹⁵¹ In addition, many residents of the West Bank, not knowing whether the accusations against Eid were true, became hesitant to share their stories with him.

The report for which Eid was branded a collaborator proved to be the last major critique issued by B'tselem about the PA's rights record, as the board of the Israeli organization decided "to focus its attention only on the obligations of the Israeli authorities," and, regarding areas under the PA's control, to "leave the monitoring and documentation to local Palestinian human rights organizations."¹⁵² As Palestinian elections rolled around and the PA was given responsibility for six of the seven largest towns in the West Bank, Eid therefore left B'tselem in frustration and headed the team set up by Reporters Sans Frontières to monitor the PA media during the campaign and elections.¹⁵³ After the organization's first report was

released, Eid was held for 24 hours at a police station in Ramallah. Undeterred, he continued to lead that team in issuing scathing reports on PA practices throughout the campaign period and election day.

Though these three activists were not deterred by the PA's campaign against them, their effectiveness in uncovering and reporting on human rights abuses was substantially impaired—a-Sourani's by the loss of his organizational base, Eid's by the damage to his reputation, and a-Sarraj's by the difficulties of monitoring human rights while intermittently being thrown in prison and beaten. More significantly, however, the treatment meted out to these three sent a clear signal to their less intrepid colleagues, who in any event needed little encouragement to take a soft line towards the PA.

The net result of Arafat's campaign against the human rights groups, coupled with the non-confrontational strategy adopted by Palestinian activists and B'tselem's decision to focus on Israeli violations, was that the four most effective human rights organizations were silenced in advance of elections. In addition, PICCR acted as a defender of the government during Ashrawi's tenure, and when it became more independent under a-Sarraj was harassed so substantially that its work was impeded. As a result, the human rights community that had been so effective in exposing Israeli violations was reduced to impotence in monitoring the PA's abuses. The Palestinian police were left unhindered, the rule of law was left with few defenders, and the previously independent media were victimized with little recourse. During the campaign, there were few human rights activists publicly critical of the PA's abuses, which enabled Arafat's security forces to accelerate their campaign of terrorizing opponents without paying a commensurate price in heightened international criticism.

VII

As the January 1996 elections approached, Arafat was assured of victory for himself and his loyalists in Fatah. The steps he had taken since assuming power had succeeded in bolstering his position and shunting aside most potential challengers. In fact, Arafat almost ended up running unopposed, as the best-known individuals who considered challenging him—including rights activist Iyad a-Sarraj and the popular Haydar Abed a-Shafi (who had headed the Palestinian delegation to the Madrid conference) decided that there was little point in running in the political climate that had been created. In the end, the only person who decided to face off against Arafat was Samiha Halil, a little-known, 72-year-old women's rights activist, who was hardly in a position to compete for mainstream support in the traditional society of the West Bank and Gaza.

Nonetheless, Arafat took advantage of his monopoly on power to turn a sure victory into a landslide. He adopted an electoral system for the Council races that favored Fatah and undercut the chances of the smaller parties, and that played a role in persuading most Islamic and left-wing groups to boycott the elections.¹⁵⁴ Within Fatah, he overturned the results of party caucuses and replaced independent-minded local nationalists chosen in balloting among party activists in each district with his own hand-picked slates—often dominated by loyalists who had come with him from Tunis. During the campaign, PA police stepped up their intimidation of candidates running against Fatah nominees for seats in the Council, while government ministers and other PA officials used the resources of their offices to further their candidacies. On election day, the massive presence of Palestinian policemen in and around the polls—in direct violation of the campaign law Arafat had promulgated—had a clear effect on voters. This effect was especially pronounced with regard to the approximately

100,000 illiterate voters, who were often “assisted” in filling out their ballots by policemen or Fatah officials.¹⁵⁵

When the results were announced, it became clear that Arafat’s work had paid off handsomely. He received an overwhelming mandate, capturing 87.3 percent of the votes, compared to 9.9 percent for Halil.¹⁵⁶ Though Arafat claimed that he “was looking for 51 percent,” he certainly did not mean it. Winning by a landslide was a strategic goal, whose purpose was to make him appear to be the unchallenged leader of his people.¹⁵⁷ Arafat also got most of what he wanted in the Council elections: Fatah won 50 seats and candidates closely tied to it won an additional 17.¹⁵⁸ Thus Fatah captured a solid majority on its own, while the broader bloc it commanded won more than three-quarters of the seats—67 of 88. Moreover, about half of Fatah’s 50 spots went to veteran PLO-Tunis officials who had entered the territories with Arafat, while the remainder were mostly local candidates drawn from the ranks of Arafat’s most loyal boosters.¹⁵⁹

Since his victory at the polls, Arafat has continued to run the PA precisely as he did before elections. The PA police force has expanded apace, and today has more than 50,000 members. The government payroll has bloated further, and remains a patronage machine in which all important decisions are made by one man. Though Council members, in a rare display of independence, succeeded in passing a comprehensive basic law that would provide a constitutional framework, Arafat has refused to sign it, and the Palestinian Authority has at no point had either a discernible constitutional or legal framework, or anything like an independent judiciary. The media have continued to function as an adjunct of the government, while human rights groups—with a few notable exceptions, including organizations founded by a-Sourani and Eid—have remained weak and ineffective.¹⁶⁰

More than three years have gone by since the second set of Palestinian elections were supposed to be held—Arafat and the Council were chosen for terms that were to end on May 4, 1999—but no new elections have

been called.¹⁶¹ Ostensibly, the reason for this delay is that Arafat is waiting for the conclusion of final-status negotiations with Israel. But the real reason is that he was content with the results of his first election, and has not yet seen a reason to face the voters again. Even municipal elections, which were supposed to take place during the summer of 1996, have been delayed for six years; in the very long interim, Arafat has continued to make appointments to local offices himself, without the assistance of the voters.

In light of what Arafat did to secure his election victory and in light of the manner in which he governed before and after elections, it is clear that his standing as an elected leader hardly resembles that of the democratically chosen Western leaders who defend him. Thus the claim that he cannot and should not be replaced can hardly be sustained on the grounds of his democratic mandate or credentials.

What is true is that Arafat has made himself irreplaceable in a very different sense: He has acted successfully to destroy the elements of a pluralistic society that had been present in the West Bank and Gaza, and to mold the Palestinian Authority into a police state and a personal dictatorship. As a result, he has done much to damage the prospects of a viable, alternative leadership emerging. In other words, having succeeded in eliminating his opposition, he is now turning to the democratic world and pleading to stay in power on the grounds that he knows of no one who could replace him.

This argument sounds much like that of the apocryphal boy who kills his parents, and then pleads for mercy from the court because he is an orphan. Of course, it contains a kernel of truth: That is, the boy really is an orphan, and the dictator who eliminates his opposition really lacks an obvious successor. Yet it would be a grave mistake for Western leaders, and especially an American government that seeks to lead the free world, to accept the idea that Arafat's success in building a dictatorship should entitle him to continue representing the Palestinians. On the contrary,

Arafat has long ago demonstrated that his continued leadership is inimical to peace, no less than it is inimical to the Palestinians' own aspirations for a regime that accords them basic freedoms.

It took Arafat nearly two years to pave the way for the electoral landslide that gave him the counterfeit aura of democratic legitimacy that still clings to him, and he has spent an additional six years strengthening his dictatorship and weakening potential opponents. The process of recovering from the damage he has done during this time will no doubt be a long one. But prolonging the current situation by attributing to Arafat a legitimacy that he does not deserve contributes nothing to that process.

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Notes

1. The speech in which Arafat repeatedly called for "martyrs by the millions" was made on *al-Jazeera* television on March 29, 2002. For an English-language translation, as provided by the Middle East Monitoring and Research Institute (MEMRI), see "The War According to Arafat," *The Jerusalem Post*, April 10, 2002.

2. Peter Slevin and Lee Hockstader, "U.S. Hangs On in Mideast; 'Stakes Are Too High' to Pull Out, Powell Says," *The Washington Post*, December 14, 2001; interview of Colin Powell by Tim Russert, *NBC's Meet the Press*, April 7, 2002. See also interview of Colin Powell by Brit Hume, *Fox News Sunday*, April 21, 2002. Both television interviews are available at www.state.gov/secretary/rm/2002.

3. U.S. State Department daily briefing, March 26, 2002, available at www.state.gov/r/pa/prs/dpb/2002/9005.htm.

4. On the EU summit, see Suzanne Goldenberg, "Sharon Aims to Stir Uprising Against Arafat," *The Guardian* (London), December 15, 2001; and Elaine Sciolino, "European Union Tries to Pressure Arafat, But Not Exclude Him," *The New York Times*, December 19, 2001. For a full text of the EU resolution, see "European Council Meeting in Laeken: Presidency Conclusions," available at the internet site ue.eu.int/newsroom/NewMain.asp?LANG=1. In a similar vein, German Foreign Minister Joschka Fischer called Arafat "the democratically elected leader of the Palestinians." Judy Dempsey, "Europe's Leaders Speak Up for Arafat," *The Financial Times* (London), December 15, 2001.

5. Herb Keinon, "Israel Insists Uprooting Terror, Not Re-occupying, Is IDF's Agenda," *The Jerusalem Post*, April 7, 2002. Barry Schweid, "Powell Prepares for Another Round of Talks with Arafat and Sharon," AP, The Canadian Press, April 16, 2002.

6. Jimmy Carter, "America Can Persuade Israel to Make a Just Peace," *The New York Times*, April 21, 2002.

7. Israel Ministry of Foreign Affairs, "Agreement on the Gaza Strip and the Jericho Area," May 1994 (hereafter, "Gaza-Jericho agreement"). The figure of 750,000 residents for these areas is as of December 1993 and comes from the Israeli Central Bureau of Statistics, *Statistical Abstract of Israel 1994*, no. 45 (Jerusalem: Central Bureau of Statistics, 1994), pp. 52-53, 786. Throughout this essay, I rely on demographic data from Israel's Central Bureau of Statistics rather than the far higher estimates generated by the Palestinian Authority and the United Nations, as the latter are inflated, largely through inclusion of people who no longer live in these territories.

8. On the composition of the PA's executive body, see Gaza-Jericho agreement, article 4; on the PA police force's parameters for men and weapons, see Gaza-Jericho agreement, annex 1, article 3.

9. Israel Ministry of Foreign Affairs, "Declaration of Principles on Interim Self-Government Arrangements," September 1993 (hereafter, "DOP"), article 3. The DOP actually had scheduled a three-month interval between the start of Arafat's interim administration on April 13, 1994, and the holding of elections on July 13 of that year. Due to differences of opinion between Israeli and PLO negotiators, as well as an escalation of Palestinian terror, the detailed agreement about handing over Gaza and Jericho to the PLO was delayed, and Arafat was given de jure control over these territories on May 4, 1994 and de facto control two weeks later. Nonetheless, the date for elections remained fixed, at least on paper, and they were still due to take place on July 13.

10. The original Oslo accords called only for elections for a Council, but in February 1995 Israel acceded to Arafat's request to hold direct presidential

elections as well. The date of May 1999 was chosen because by that time negotiations were to be completed on the future relations between Israel and the nascent Palestinian entity.

11. DOP, article 13. The Palestinian Authority was, however, to be given at least five civilian authorities in these areas under the “early empowerment” agreement, set out in the DOP, article 6, sections 1-2.

12. On the PLO’s Jordanian period, see Andrew Gowers and Tony Walker, *Behind the Myth: Yasser Arafat and the Palestinian Revolution* (London: W.H. Allen, 1990), pp. 73-77.

13. On the PLO’s years in Lebanon, see Rashid Khalidi, *Under Siege: PLO Decision-making During the 1982 War* (New York: Columbia University, 1986). On the significance of the term “Fakahani state,” see Pinhas Inbari, *The Palestinians Between Terrorism and Statehood* (Brighton, England: Sussex Academic Press, 1996), pp. 243-248.

14. For a brief description of PLO governance since the founding of the organization, see Daniel Polisar, “Electing Dictatorship: Why Palestinian Democratization Failed,” doctoral dissertation, Harvard University, 2001, pp. 87-99. For fuller treatments of this subject, see Yezid Sayigh, *Armed Struggle and the Search for State: The Palestinian National Movement, 1949-1993* (Oxford: Clarendon, 1993); Barry Rubin, *Revolution Until Victory? The Politics and History of the PLO* (Cambridge: Harvard, 1994); Khalidi, *Under Siege*; Danny Rubinstein, *The Mystery of Arafat*, trans. Danny Leon (South Royalton, Vt.: Steerforth, 1995); Helena Cobban, *The Palestinian Liberation Organisation: People, Power, and Politics* (Cambridge: Cambridge, 1984); and Gowers and Walker, *Behind the Myth*. For a contrary view, that the PLO has grown increasingly democratic over time, see Manuel S. Hassassian, “Policy and Attitude Changes in the Palestinian Liberation Organization, 1965-1994: A Democracy in the Making,” in *The PLO and Israel: From Armed Conflict to Political Solution, 1964-1994*, ed. Avraham Sela and Moshe Ma’oz (New York: St. Martin’s, 1997), pp. 73-94.

15. There is a controversy about where Arafat spent his early years; though his birth certificate says that he was born in Egypt, he has maintained at different times that he was born in Jerusalem or Gaza. On this point, see Rubinstein, *Mystery of Arafat*, pp. 11-23; and Gowers and Walker, *Behind the Myth*, pp. 11-15.

16. On support for Arafat a few months after the PA was established, see Center for Palestine Research and Studies (CPRS), Survey Research Unit, “Public Opinion Poll No. 13,” November 17-19, 1994. At the time, Arafat was preferred as president by only 44 percent of Palestinians in the West Bank and Gaza.

17. In some respects, the monarchy of Jordan was more liberal in giving political rights to its citizens but less liberal in according civil rights,

especially as regards freedom of expression and the establishment of human rights organizations.

18. On the relatively pluralistic inclinations of the Palestinian leaders and residents of the West Bank and Gaza, see Polisar, *Electing Dictatorship*, pp. 99-160. See also Ziad Abu-Amr, *Civil Society and the Democratic Transformation in Palestine* (Ramallah: Muwatin—The Palestinian Institute for the Study of Democracy, 1995) [Arabic]; Ziad Abu-Amr, "Pluralism and the Palestinians," *Journal of Democracy* 7 (July 1996), pp. 83-93; Glenn Robinson, *Building a Palestinian State: The Incomplete Revolution* (Bloomington: Indiana University, 1997); and Joost Hiltermann, *Behind the Intifada: Labor and Women's Movements in the Occupied Territories* (Princeton: Princeton, 1991).

19. Israeli Prime Minister Yitzhak Rabin, who had to sign off on this delay during negotiations with the PLO, was motivated by a different consideration, Israeli security, which was made more salient by the unprecedented spate of terror attacks launched from Gaza shortly after the PA took responsibility for security there. Rabin wanted to delay the redeployment of Israeli troops outside of Arab towns in the West Bank, which in turn meant a delay in elections. Arafat wanted to defer elections, and was willing to tolerate a delay in Israeli redeployment.

20. Figures on Palestinian police come from Graham Usher, "The Politics of Internal Security: The PA's New Intelligence Services," *Journal of Palestine Studies* 25 (Winter 1996), pp. 22-23.

21. Amnesty International, "Palestinian Authority: Prolonged Political Detention, Torture, and Unfair Trials," December 1996, p. 8. To put these numbers in perspective, Washington, D.C., which is the American city with the highest ratio of policemen to civilians, has one for every 160 residents; New York City, which ranks second, has one for every 200 residents. South Africa, which in international terms is considered to have a very large police force, has one policeman for every 440 residents. Statistics on the ratios of the police force and the civilian population of these American cities come from Carol D. Leonnig, "D.C. Found Ready for Emergency; Disaster Experts Rank City Seventh Among 30 in U.S.," *The Washington Post*, March 2, 2002. Data on the South African police comes from "Police Population Ratios," which can be found at www.saps.org.za/profile/popul.htm.

22. Likewise, Arafat began working to establish and recruit the PA police force shortly after the signing of the Oslo accords, well before he began planning the civilian wing of the government. See Hillel Frisch, *Countdown to Statehood: Palestinian State Formation in the West Bank and Gaza* (Albany: University of New York, 1998), p. 131.

23. Graham Usher, *Palestine in Crisis* (London: Pluto, 1995), p. 61.

24. Steve Rodan and Bill Hutman, "Order in Jericho, Part 1," *The Jerusalem Post Magazine*, May 19, 1995, pp. 10f.

25. *Al-Quds* (eastern Jerusalem), February 2, 1995, cited in B'tselem, *Neither Law Nor Justice: Extra-Judicial Punishment, Abduction, Unlawful Arrest, and Torture of Palestinian Residents of the West Bank by the Palestinian Preventive Security Service* (Jerusalem: B'tselem, 1995), p. 13.

26. Usher, "PA's New Intelligence Services," p. 23.

27. Frisch, *Countdown to Statehood*, p. 133.

28. Peace Watch, "Survey of the Six Palestinian Security Forces, Totaling 5,000 Men, Which Currently Operate in Jericho and the West Bank," July 17, 1995.

29. On the Rome Agreement, see Rodan and Hutman, "Order in Jericho"; and Usher, "PA's New Intelligence Services," p. 27. For a description of the negotiations by one of the participants, see Ya'akov Peri, *One Who Comes to Kill You* (Tel Aviv: Keshet, 1999), pp. 251-254. [Hebrew] Some Israeli government officials have denied that eastern Jerusalem was included in this agreement, but the lackadaisical behavior of Israel's security forces in keeping PSS operatives out of eastern Jerusalem appears to belie this point.

30. Elections were held in the major West Bank towns in 1972 and 1976, but for a variety of reasons were not held subsequently. The figure of 7,200 full-time workers comes from Jon Immanuel and news agencies, "Sha'ath Leads First Authority Meeting in Gaza," *The Jerusalem Post*, June 27, 1994.

31. A small number of changes were made in the PA cabinet subsequently, such as the addition of Hassan Tahboub as minister of Muslim holy places in September 1994, but they did not materially affect its composition.

32. Abed Rabbo was not a member of Fatah, but was allied with it, having split off from Nayef Hawatmeh's DFLP (Democratic Front for the Liberation of Palestine) to found the Palestinian Democratic Union (FIDA), which supported Fatah's position on the negotiations with Israel.

33. The independent-minded leaders whom Arafat sought to coopt included Elias Freij, the Christian mayor of Bethlehem, who became minister of tourism; and Faisal al-Husseini, Arafat's leading rival in the territories, who was induced to accept responsibility on behalf of the PA for Jerusalem affairs. In addition, the Palestine People's Party (PPP), which was called the Palestine Communist Party prior to the downfall of the Soviet Union, had backed the Oslo accords but opposed the subsequent Gaza-Jericho agreement, which established the PA. Arafat therefore persuaded Abed al-Hafez al-Ashhab, one of its veteran leaders, to become minister of post and communications. Once within the cabinet, where

they were outnumbered, their independence was reduced without their receiving any real ability to influence decision-making.

34. Arafat signed the decisions he published in the *Official Palestinian Gazette* as “Chairman of the PLO” and “Chairman of the PNA,” in that order—where PNA was short for “Palestinian National Authority,” a name Arafat used in order to demonstrate that he considered it to be the government of a sovereign state. The PNA logo generally appeared underneath the PLO logo on official stationery. To stress this point further, Arafat even took his own oath of office before Salim a-Za’anoun, the acting speaker of the Palestine National Council (PNC), which ostensibly is the supreme body in the PLO.

35. Oren Cohen, “I Will Navigate,” *Kol Ha’ir* (Jerusalem), August 12, 1994.

36. The “Law Regarding the Procedures for Preparing Legislation,” which was signed by Arafat on April 17, 1995, nearly a year after the PA was established, required the cabinet as a whole to approve laws before they became official. It was published as Law 4 of 1995, in the *Official Palestinian Gazette* 4 (May 6, 1995).

37. Loyalists such as Saeb Erekat, Abu Ala, and Yasser Abed Rabbo occasionally took the lead in developing proposals, but always in accordance with Arafat’s guidelines and subject to his veto.

38. In September 1994, Abu Ala publicly flirted with the idea of resigning because Arafat would not allow him any authority to make decisions.

39. Arafat ordered all workers to continue in their jobs in the “Decision Regarding the Work of Employees in All Government Offices,” Decision 2 of 1994, May 6, 1994, in the *Official Palestinian Gazette* 1 (November 20, 1994).

40. *Al-Hayat al-Jadida* (Ramallah), February 27, 1995.

41. Within a month of arriving in Gaza, Arafat had personally appointed 72 high-level officials in various ministries, as well as 27 senior advisers and functionaries for the Office of the President and its satellite organizations. These figures were compiled from appointments listed in the first two volumes of the *Official Palestinian Gazette*.

42. Iyad Sarraj, “Arafat in Gaza: A Year in the Life of the Palestine Authority,” in Center for Policy Analysis on Palestine (CPAP), *The Palestine National Authority: A Critical Appraisal* (Washington, D.C.: CPAP, 1995).

43. News agencies, “Arafat Moving Permanently to Gaza-Jericho Tomorrow,” *The Jerusalem Post*, July 10, 1994; Frisch, *Countdown to Statehood*, p. 137.

44. *Al-Hayat al-Jadida*, February 27, 1995; Nadav Ha’etzni, “Gaza on the Verge of Bankruptcy,” *Ma’ariv*, Shabbat supplement, May 5, 1995. See also

Joachim Zaucker, with Andrew Griffel and Peter Gubser, "Toward Middle East Peace and Development: International Assistance to Palestinians and the Role of NGOs During the Transition to Civil Society," InterAction Occasional Paper, December 1995, pp. 7-8.

45. Neil MacFarquhar, Associated Press bulletin, August 29, 1994.

46. Quoted in Cohen, "I Will Navigate."

47. In some cases, even the token representation was skipped: In Gaza City, the seat of the PA government, Arafat asked Mansour a-Shawwa to assemble a coalition that included all major Palestinian groups, but after months of painstaking negotiation the PLO chief rejected Mansour's proposal and asked a different member of the a-Shawwa family, Aoun, to set up and head a municipal council filled entirely with Fatah loyalists. Arafat himself presided at its opening session and retained a major role in running its affairs. For a description of Arafat's role in the first meeting, see "The President Heads Meeting of New Gaza Municipality," *Jerusalem Times*, July 29, 1994. On Arafat's continuing role in running the municipality, see Aoun Shawa, "Municipalities and the Central Government," in CPAP, *A Critical Appraisal*, p. 11.

48. Jerusalem Media and Communications Center (JMCC) Press Service, "Jericho Update," August 9, 1994. The mayor Arafat subsequently appointed was also a high-ranking PLO officer, though he formally resigned his military commission upon receiving the office. Caryle Murphy, "Israeli-Appointed Mayor Steps Aside," *Washington Post Foreign Service*, August 29, 1994.

49. Frisch, *Countdown to Statehood*, p. 137.

50. On the efforts by various offices of the PA to run municipal affairs, see Shawa, "Municipalities," pp. 10-11.

51. Of these orders, close to 1,400 were applied to the West Bank and over 1,100 to Gaza. On the legal history of these areas, see the International Commission of Jurists (ICJ)/The Center for the Independence of Judges and Lawyers, *The Civilian Judicial System in the West Bank and Gaza: Present and Future* (Geneva: International Commission of Jurists, 1994).

52. "Decision Regarding the Continued Validity of the Laws and Ordinances That Were Valid Before June 5, 1967," Decision 1 of 1994, May 20, 1994, in the *Official Palestinian Gazette* 1.

53. To increase the rhetorical effect of his decree, Arafat worded it as if it applied to the entirety of the West Bank, and not just the small area around Jericho that was under the PA's control.

54. Gaza-Jericho agreement, article 7, sections 3-9.

55. For a contrary view supportive of the complete abolition of Israeli military orders in the territories, see interviews with two prominent lawyers from Gaza, Raji a-Sourani and Faraj Saraf, in Richard L. Fricker and Gary A. Henstler, "From Military Rule to Civil Law," *ABA Journal*, February 1994, pp. 62-65.

56. "We Will Work According to the Regulations That Currently Exist in the West Bank," *al-Quds*, August 10, 1994; Zaynab Awna, "A-Nashashibi: The Current Tax Law Will Remain Valid in the West Bank and the Gaza Strip," *al-Quds*, September 5, 1994, p. 5.

57. Sa'id Ayad, "A Palestinian Committee to Change the Regulations That Are in Force in the Areas of the Autonomy," *al-Quds*, July 7, 1994. The only change was that PA officials were to take over for their Israeli predecessors in exercising certain responsibilities for implementing the laws.

58. Guy Bechor, "The Palestinian National Authority Has Begun to Collect Income Tax and Value-Added Tax," *Ha'aretz*, July 4, 1994.

59. "Law Canceling Several Decisions and Military Orders," Law 2 of 1995, December 17, 1994, in *Official Palestinian Gazette* 4. The dating of this law from 1995, even though it was promulgated in late 1994, is from the original.

60. "Palestinian Jurisdiction for the First Time in the West Bank," *al-Manar*, March 6, 1995; "Interview with Justice Minister Freih Abu Medein," *al-Quds*, April 2, 1995; and "Rabin Will Determine Fate of Peace Process," *Jerusalem Times*, April 7, 1995, p. 6; Khamis a-Turk, "A Committee in the Palestinian Justice Ministry Will Examine the Israeli Military Orders in Order to Cancel Those That Were Rejected," *a-Nahar*, February 19, 1995, pp. 7-8.

61. *Al-Aksa* (Jericho), June 24, 1994.

62. On the use of PLO law, see Human Rights Watch/Middle East, "The Gaza Strip and Jericho: Human Rights Under Palestinian Partial Self-Rule," February 1995, pp. 15-16; ICJ, *Civilian Judicial System*, p. 89; and Mona Rishmawi, "Features of the Administration of Justice Under Palestinian Rule," *The Review of the International Commission of Jurists* 53 (December 1994), p. 31.

63. On Arafat's promise, see Frisch, *Countdown to Statehood*, p. 141. For an English text of that early draft, see "Draft Palestinian Constitution," *Palestine Report*, January 1, 1994.

64. According to the deputy chairman of the Gaza Bar Association, Nazem Aweidah, Arafat created the High Court for State Security on the basis of an Egyptian statute from 1957, even though that statute had been superseded by the Egyptian-installed Palestinian Constitution of 1962. John Tyler, "What Price State Security?" *Jerusalem Times*, March 31, 1995. Arafat's decision establishing the courts does not cite this 1957 statute and cites only the 1962 constitution,

which PA Justice Minister Freih Abu Medein claimed formed the basis for the PA regime. See *al-Manar*, March 6, 1995.

65. Human Rights Watch, "Human Rights Under Palestinian Partial Self-Rule," pp. 27-28.

66. PICCR, *Palestinian Independent Commission for Citizens' Rights Annual Report, February 1994-July 1995* (Jerusalem: PICCR, 1995), p. 30.

67. In doing so, Arafat was exacerbating a pre-existing problem: He inherited a legal system that had not enshrined merit-based appointments, had not guaranteed tenure in office for judges, and did not impose penalties against people who sought to compromise a judge's objectivity. ICJ, *Civilian Judicial System*, pp. 87-88.

68. According to a survey of all the appointments listed in the *Official Palestinian Gazette* for the period from the establishment of the PA through the elections of January 1996, Arafat appointed five Supreme Court justices (including the president), four judges for Islamic courts, and an additional thirteen judges for lower-level courts. It is possible that additional appointments were made that were not included in the official listing of decisions.

69. Rishmawi, "Administration of Justice Under Palestinian Rule," pp. 31-32.

70. "Decision on the Establishment of a High Court for State Security," Decision 49 of 1995, February 16, 1995, in the *Official Palestinian Gazette* 4.

71. Amira Hass, "Only One of the Judges Appointed to the 'Court for State Security' in Gaza Possesses a Legal Education," *Ha'aretz*, February 17, 1995.

72. According to Arafat's spokesman, Marwan Kanafani, the courts were set up to deal with "cases which the president or state attorney refer to it." Quoted in Jon Immanuel, "Arafat Establishes Courts to Try Security Suspects," *The Jerusalem Post*, February 9, 1995.

73. Amira Hass, "Two Hamas Activists to Be Tried in the State Security Court in the Gaza Strip," *Ha'aretz*, March 17, 1995.

74. *Al-Hayat al-Jadida*, February 20, 1995, p. 14.

75. For the most comprehensive report on the courts' establishment and first trials, see Amnesty International, "Trial at Midnight: Secret, Summary, Unfair Trials in Gaza," July 1995.

76. In one case, when the PA sought to pre-empt an Israeli request to extradite two murder suspects, a state security court in Jericho handed down its verdict in three minutes. See Roni Shaked, "The Trial Lasted 3 Minutes," *Yedi'ot*

Aharonot (Tel Aviv), September 13, 1995; and David Regev, "The Fastest Trial in the World," *Yedi'ot Aharonot*, September 14, 1995.

77. David Regev, "A Palestinian Judge in Gaza Announced His Resignation—and Was Arrested," *Yedi'ot Aharonot*, April 28, 1995. That story noted an alternative explanation for the judge's resignation, that he had received death threats, presumably from Islamic activists unhappy about the trials.

78. Barry Rubin, *The Transformation of Palestinian Politics: From Revolution to State-Building* (Cambridge: Harvard, 1999), p. 59.

79. Peace Watch, "PLO and PA Compliance with Their Obligations Regarding Terrorism in the First Two Years of the Palestinian Authority," August 5, 1996.

80. Amira Hass, "An Islamic Jihad Figure Remains Under Arrest, Despite a Decision of the Supreme Court in Gaza to Free Him," *Ha'aretz*, April 16, 1995; Amira Hass, "Arafat Inaugurated the Palestinian Parliament Building in Gaza," *Ha'aretz*, May 16, 1995.

81. Tyler, "What Price State Security?"

82. Amnesty International, "Human Rights: A Year of Shattered Hopes: A Report on Israel and the Occupied Territories, Including the Area Under the Jurisdiction of the Palestinian Authority," May 1995, pp. 16-19.

83. On the use of torture, see Amnesty International, "A Year of Shattered Hopes," pp. 19-21.

84. For an overview of all six cases, see a joint report of the Palestinian Human Rights Monitoring Group (PHRMG) and B'tselem, "Human Rights in the Occupied Territories Since the Oslo Accords: Status Report, December 1996," p. 16. For detailed accounts of the first two cases, see Amnesty International, "A Year of Shattered Hopes," pp. 20-21.

85. Investigations into the first two deaths in prison were ordered by high-ranking PA officials acting under Arafat's orders, but only after the cases had led to a domestic and international outcry. Reports of the investigations were not made public, however, and meaningful punishments were never meted out. For details on the response to the first two deaths in PA prisons, see Amnesty International, "A Year of Shattered Hopes," pp. 20-21. In one case, after it was announced that three policemen responsible for torturing a prisoner to death would be suspended until their trials ended, they posted bail and were returned to their jobs. PICCR, *February 1994-July 1995*, p. 15.

86. The situation in the broadcast media was in some respects worse for Arafat, as Arabs in the West Bank and Gaza generally watched Jordanian

television and listened to the Israel Broadcasting Authority's Arabic-language radio programs, neither of which had much good to say about the PLO.

87. Human Rights Watch, "Human Rights Under Palestinian Partial Self-Rule," pp. 26-27; Danny Rubinstein and Yosef Algazi, "Palestinian Figures Pressuring Arafat to Cancel the Ban on Circulating *a-Nahar* in the Autonomous Areas," *Ha'aretz*, July 31, 1994. Rajoub was referring to *a-Nahar* and to the pro-Jordanian weekly *Akhbar al-Bilad*.

88. Hanan Shlain, "Workers at a Pro-Jordanian Newspaper That Appears in Jerusalem Received Threats on Their Lives," *Ma'ariv*, July 31, 1994.

89. The first issue after *a-Nahar's* closure, from which these quotes are taken, appeared on September 5, 1994. For details on the PA's actions against *a-Nahar*, see Peace Watch, "Freedom of the Press Under the Palestinian Authority," January 16, 1996, pp. 30-33.

90. Roni Shaked, "Demonstration of Support for *a-Nahar*—Only 7 Journalists Came," *Yed'iot Aharonot*, August 12, 1994.

91. The Ministry of Information played an important role in dictating how the media should cover events. See Oded Granot, "From Occupied Press to Frightened Press," in *Yearbook of the Journalists, Israel's Jubilee* (Tel Aviv: Association of Israeli Journalists, 1998), p. 67. [Hebrew]

92. For a comprehensive list of attacks against newspapers and journalists, see the reports on "Attacks 1994" and "Attacks 1995" by the New York-based Committee for the Protection of Journalists. The 1995 report is available at www.cpj.org/attacks95.

93. Rubin, *From Revolution to State-Building*, p. 77. *Al-Quds* also published an interview with Hamas spokesman Mahmoud a-Zahhar, who was critical of the PA's role in the confrontation in Gaza.

94. Ori Nir and Amira Hass, "The Commander of the Gaza Police Again Delayed the Distribution of Two Newspapers from Eastern Jerusalem," *Ha'aretz*, November 30, 1994. For more on the ban on distribution of these newspapers, see Peace Watch, "Freedom of the Press," pp. 17-19; and Human Rights Watch, "Human Rights Under Palestinian Partial Self-Rule," pp. 25-27.

95. In the summer of 1995, one reporter was held for several weeks by Palestinian police and the paper was shut down for a day by an order from a high-ranking PSS officer—acting, apparently, on orders from Arafat, who was displeased with an article prominently featuring one of his critics within the PLO. See Peace Watch, "Freedom of the Press," pp. 28-30.

96. Al-Alami was finally released on December 30. At the interrogation facilities of the PSS, Rajoub personally questioned al-Alami, and, according to

the latter, opened as follows: "Why didn't you put the story on page one? Do you think you are better than the other newspapers? Do you hate Yasser Arafat? You are plotting against the Palestinian presence in Jerusalem, our capital. You are an agent of Jordanian intelligence." Interview with Maher al-Alami, conducted for the author by Eli Hirsch in eastern Jerusalem, March 10, 1999.

97. On the comparison between military censorship under the Israelis and self-censorship under the PA, see Granot, "From Occupied Press to Frightened Press," pp. 68-69; and Khaled Abu Toameh and Isabel Kershner, "Hot on the Press," *The Jerusalem Report*, June 15, 1995, pp. 32-33.

98. Human Rights Watch, "Human Rights Under Palestinian Partial Self-Rule," p. 27.

99. One exception to this pattern occurred when *al-Quds* was closed for a day in August 1995, and *a-Nahar* printed a small statement of solidarity, setting forth its position in carefully couched language: "*Al-Quds* was prevented from being circulated when the National Authority prevented its distribution for unknown reasons. Regardless of the cause, we express regret at the occurrence. President Arafat always advocated freedom of the press before the arrival of the National Authority... and after its arrival. He believes that journalism has a sacred message, and that freedoms, especially freedom of expression, should be respected." Quoted in "PA Keeps Control of Newspapers," *Palestine Report*, August 25, 1995, p. 7.

100. Peace Watch, "Freedom of the Press," pp. 19-20. In the case of the better-established *a-Tali'a*, the Communist weekly favored by intellectuals, Arafat appears not to have tried very hard to effect a major change—presumably because he believed that its small circulation and highbrow style precluded it from having a wide impact.

101. Peace Watch, "Freedom of the Press," p. 22.

102. Khalid M. Amayreh, "Abu Masameh Sentenced," *Jerusalem Times*, May 19, 1995.

103. Peace Watch, "Freedom of the Press," pp. 34-35.

104. For details on the actions taken against the two papers, see Peace Watch, "Freedom of the Press," pp. 33-37.

105. Peace Watch, "Freedom of the Press," p. 12.

106. Judith Miller, "When No News Is Bad News," *The New York Times*, August 10, 1997. On the lack of independence of both these papers, see Granot, "From Occupied Press to Frightened Press," p. 67.

107. It took the PBA several months to start airing regular programming daily, and as of August 1995, it had still not managed to reach its interim target

of four hours a day. See “Palestinian TV on the Horizon,” *Jerusalem Times*, August 11, 1995.

108. UPI, “Palestinian TV Test Pattern on the Air,” September 8, 1994; David Regev, “In the Role of Haim Yavin, a 19-Year-Old Beauty from Gaza,” *Yedi’ot Aharonot*, December 7, 1994. For a behind-the-scenes look at how PBA programs were edited, see Michael Kelly, “Stillbirth of a Nation?” *The New York Times Magazine*, November 27, 1994, pp. 56f.

109. Khaled Abu Toameh, “Listeners Protested About the Praises for Arafat on the Voice of Palestine,” *Yerushalayim* (Jerusalem), December 2, 1994.

110. CPRS, “Public Opinion Poll No. 17,” May 18-20, 1995.

111. This obligation, stated briefly in the election law, was spelled out in an agreement between the Palestinian Central Election Commission and the Palestine Broadcasting Corporation concerning the campaign. See NDI/Carter Center, “Third Statement, Pre-Election Monitoring Program,” January 2, 1996, reprinted in NDI/Carter Center, *The January 20, 1996, Palestinian Elections* (Washington, D.C.: NDI and the Carter Center, 1997), appendix C, pp. 117-119.

112. The data used here to describe the imbalances in the electronic media and the written press before and during the campaign come from a series of reports issued by Reporters Sans Frontières (RSF), an international media watchdog that covered the Palestinian elections. The RSF delegation issued a series of five reports covering the period from December 15, 1995, to January 20, 1996. These reports, the periods they covered, and the dates they were issued are, respectively: “Access of Candidates to Palestinian Radio and TV Is Very Unbalanced” (December 15-25, 1995), December 29, 1995; “A Reduced Campaign on Palestinian Public Radio and TV and a Continuing Imbalance Between the Two Presidential Candidates” (December 26, 1995, through January 2, 1996, 6:00 P.M.), January 5, 1996; “Growing Imbalance in the Access of Candidates to Palestinian Media” (January 2, 1996, 6:00 P.M., through January 9, 1996), January 11, 1996; “Fair Access to Palestinian Public Broadcasting Only Respected in the Final Week of the Official Campaign” (January 10-18, 1996), January 20, 1996; and “Palestinian Television Deliberately Broke the Embargo on Election Publicity” (January 19-20, 1996), January 20, 1996.

113. Of this time, Fatah candidates accounted for 33 minutes, representatives of other parties ten minutes, and independents less than two minutes.

114. RSF, “Growing Imbalance,” chart 8. Peace Watch, which examined the three major daily newspapers—*al-Quds*, *a-Nahar*, and *al-Hayat al-Jadida*—during the first week and a half of the campaign, noted that these papers devoted a small amount of coverage to the campaign of Samiha Halil, including the publicizing of her events, and that there was even one op-ed piece in *al-Quds*

praising her courage for undertaking the race against Arafat. At the same time, Arafat dominated the news sections and his picture appeared on the front page, along with favorable stories, in most issues of all three papers. See Peace Watch, "Freedom of the Press," p. 16.

115. Peace Watch, "Freedom of the Press," p. 16.

116. RSF, "Growing Imbalance," chart 6.

117. "Decision Regarding the Establishment of the Supreme Palestinian National Committee for Human Rights," Decision 59 of 1994, September 30, 1993, in the *Official Palestinian Gazette* 2 (January 8, 1995). For an English-language translation of Arafat's decree, see PICCR, *February 1994-July 1995*, appendix A. The organization's bylaws, in English translation, are reprinted in PICCR, *February 1994-July 1995*, appendix B.

118. Justus R. Weiner, "Human Rights in Limbo During the Interim Period of the Israeli-Palestinian Peace Process: Review, Analysis, and Implications," *New York University Journal of International Law and Politics* 27 (Summer 1995), p. 828.

119. Steve Rodan, "Rights of Passage," *The Jerusalem Post Magazine*, November 18, 1994, pp. 6f.

120. Raine Marcus, "Ashrawi, Arafat Discuss Beating Death of Palestinian Prisoner," *The Jerusalem Post*, July 13, 1994.

121. Sami Aboudi, "Human Rights Group Says Gaza Prisons Improved," Reuters World Report, September 20, 1994.

122. PICCR, *February 1994-July 1995*, p. 12. The complete text of both statements can be found in that annual report as appendices E and F. The first statement condemned the PA's incarceration of Raji a-Sourani and the second one condemned the state security courts, three months and two dozen trials after they were established. Ashrawi did make a couple of brief, critical statements right after the courts were established, however. See, for example, Jon Immanuel, "Rabin-Arafat Summit Ends in Deadlock," *The Jerusalem Post*, February 10, 1995, p. 1; and Jon Immanuel, "PA's Security Courts Begin Working," *The Jerusalem Post*, February 17, 1995, p. 2.

123. PICCR, *February 1994-July 1995*, p. 1.

124. PICCR, *February 1994-July 1995*, p. 21. The report did, however, contain a few trenchant criticisms, especially pp. 23-24 and 32-33.

125. Human Rights Watch, "Human Rights Under Palestinian Partial Self-Rule," p. 20. PA officials also refused to provide an official response to allegations, which hindered those groups that were afraid to go public without a response from the government.

126. PHRMG and B'tselem, "Human Rights in the Occupied Territories," p. 20.

127. On this point, see PHRMG and B'tselem, "Human Rights in the Occupied Territories," p. 20. It should be noted that the report's authors claimed that the phenomenon of fear did not become widespread until the latter half of 1996—a claim with which I disagree. On the basis of newspaper accounts, the reports of other organizations, and my own observations, I believe that by early 1995 the climate of fear prevented victims of abuse from sharing their stories with human rights groups.

128. Human Rights Watch, "Human Rights Under Palestinian Partial Self-Rule," p. 27; Human Rights Watch/Middle East, "Palestinian Self-Rule Areas: Human Rights Under the Palestinian Authority," September 1997, pp. 28, 35; PHRMG and B'tselem, "Human Rights in the Occupied Territories," p. 20.

129. Ahmad Sayyad, quoted in Lisa Hajjar, "The Changing Face of Human Rights Activism in Israel/Palestine," a special report of the Center for Policy Analysis on Palestine, p. 5. No date is given for the publication, but the report notes that it is based on an August 14, 1997, presentation.

130. Human Rights Watch, "Human Rights Under the Palestinian Authority," p. 31; PHRMG and B'tselem, "Human Rights in the Occupied Territories," p. 20.

131. Isabel Kershner, "The PLO Twilight Zone," *The Jerusalem Report*, February 23, 1995, p. 27; Rodan, "Rights of Passage."

132. For criticisms by al-Haq that were reported in the press, see "Palestinian Inquiry Ordered into Prison Death," *The Jerusalem Post*, July 10, 1994; Ori Nir and Amira Hass, "A Human Rights Organization in Gaza Demands an Investigation of the Murder of a Collaborator by the Fatah Hawks," *Ha'aretz*, April 5, 1995; Ori Nir, "Palestinian Human Rights Organization Calls on the Authority to Cancel the Regulations That Impair Freedom of Assembly," *Ha'aretz*, July 19, 1995; Jon Immanuel, "ACRI Wants Demolition Order Rescinded," *The Jerusalem Post*, October 6, 1995. Other al-Haq releases critical of the PA are noted in the Human Rights Watch/Middle East reports cited earlier.

133. That month, PHRIC protested the ban on distributing *a-Nahar* and criticized the death threats against a woman who argued that PA minister Intisar al-Wazir should not chair a conference sponsored by NGOs. See Jon Immanuel, "A-Nahar Shuts Down After Being Banned," *The Jerusalem Post*, August 1, 1994; and Caryle Murphy, "Shooting, 'Death Threats' Leave Palestinians Uneasy," *Washington Post Foreign Service*, August 22, 1994.

134. Weiner, "Human Rights in Limbo," pp. 829-830.

135. Weiner, "Human Rights in Limbo," p. 830. In September 1994, for example, PHRIC announced that the rights situation in the prisons of Gaza was improving. Aboudi, "Gaza Prisons Improved."

136. Gaza Center for Rights and Law, "Appeal to Chairman Arafat to Reverse Decree Establishing a State Security Court," February 12, 1995.

137. Barton Gellman, "Arafat Critics Harassed in Gaza Strip," *The Washington Post*, April 11, 1995.

138. Tyler, "What Price State Security?"

139. Tyler, "What Price State Security?"

140. Gellman, "Arafat Critics Harassed in Gaza Strip."

141. A-Sourani's response was that the board members were "a cheap tool executing a policy" and that the reason for the firing was that "the PNA doesn't like what we have been doing here." His comments, as well as the response of the board, are cited in John Tyler and Karen Farrell, "Gaza Center Firing Threatens Human Rights Community," *Jerusalem Times*, April 7, 1995.

142. See, for example, Gaza Center for Rights and Law, "Gaza Center for Rights and Law Expresses Excessive Concern Regarding What Takes Place in the State Security Supreme Court," April 18, 1995. Lisa Hajjar, a scholar specializing in Palestinian human rights organizations, claims that "the PA took over the Gaza Center for Rights and Law and turned it into an official mouthpiece." Lisa Hajjar, "Human Rights in Israel/Palestine: The History and Politics of a Movement," *Journal of Palestine Studies* 30 (Summer 2001), p. 29. A-Sourani, for his part, decided to build a new organization, the Palestinian Center for Human Rights, but it took many months before it was operational and effective.

143. Human Rights Watch, "Human Rights Under the Palestinian Authority," p. 32.

144. Jon Immanuel, "PA Arrests Noted Civil Rights Activist," *The Jerusalem Post*, December 10, 1995.

145. Amnesty International, "Palestinian Authority: Prolonged Political Detention," p. 15.

146. B'tselem, *Neither Law Nor Justice*.

147. "Palestinian Dies From Torture in PA Custody," *Palestine Report*, September 8, 1995, p. 1.

148. "Palestinian Dies From Torture," p. 1.

149. Though a number of other PA officials also joined in making accusations against Eid, Nabil Sha'ath offered a tepid defense of the B'tselem report.

See Jon Immanuel, "B'tselem Demands PA, Human Rights Groups Condemn Rajoub's Remarks on Fieldworker," *The Jerusalem Post*, August 27, 1995.

150. Quoted in Larry Derfner, "Both Sides Now," *The Jerusalem Post Magazine*, November 3, 1995, p. 11.

151. Derfner, "Both Sides Now," p. 11.

152. "B'tselem and the Autonomous Areas," *The B'tselem Human Rights Report* (Spring 1995), p. 9. B'tselem did, however, subsequently put out a joint report with a new organization founded by Eid, the Palestinian Human Rights Monitoring Group.

153. Interview with Eid, conducted by the author and Eli Hirsch in Eastern Jerusalem, February 11, 1999.

154. On the adoption of the electoral system for Council races and the impact of this system on the decision of Islamic and left-wing groups to boycott elections, see Polisar, "Electing Dictatorship," pp. 265-283.

155. On Arafat's efforts to shape the Fatah lists, and on his behavior and that of other PA officials during the campaign and on election day, see Polisar, *Electing Dictatorship*, pp. 283-310, and reports of the various monitoring groups cited there.

156. These results are as reprinted in JMCC, *The Palestinian Council*, 2nd ed. (Jerusalem: JMCC, 1998), pp. 49-50. The remaining votes, according to the official results, were invalid.

157. Jon Immanuel, "Arafat Wins 88 percent of Vote; 75 percent of Council to Fatah," *The Jerusalem Post*, January 22, 1996.

158. The classification system for assigning nominal independents to the parties is based on my own assessments, which are largely in line with those made by the JMCC in *The Palestinian Council*, which has become the standard reference on this subject. I am including in the Fatah bloc the single candidate elected on the ticket of the FIDA party, which ran in an alliance with Fatah.

159. Among the veteran PLO-Tunis officials who won positions were Tayyeb Abed a-Rahim, Nabil Sha'ath, Hakam Bal'awi, Intisar al-Wazir, Fayez Zeidan, and Abu Ala. Among the local loyalists who won seats, the most prominent were cabinet members Saeb Erekat and Freih Abu Medein.

160. On the nature of governance in the Palestinian Authority since the January 1996 elections, see Polisar, "Electing Dictatorship," pp. 423-474; and David Schenker, *Palestinian Democracy and Governance: An Appraisal of the Legislative Council* (Washington, D.C.: Washington Institute for Near East Policy,

2000). For an optimistic account of PA governance in this period, see Rubin, *From Revolution to State-Building*.

161. On the requirement to hold elections by May 4, 1999, see Israel Ministry of Foreign Affairs, "Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip," September 28, 1995, article 3, section 4; and Palestinian Central Election Commission, "The Palestinian Council, Its Executive Authority, and the President of the Palestinian National Authority: Institutions and Competences," December 31, 1995.