

Intifada 2000, The Foggy Bottom Version: A Review of the Human Rights Report

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Brief Analysis

Five months after the outbreak of the Palestinian uprising, the U.S. government yesterday issued its first systematic assessment of the intifada-related actions of Israelis and Palestinians in the form of the State Department's Country Reports on Human Rights Practices for the year 2000.

A close reading of the twenty-four page chapter on "the Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority)" reveals numerous condemnations of the actions of Israeli and Palestinian security forces, in almost identical language, with the latter also criticized for its abuses against fellow Palestinians. However, the report also displays a disturbing trend toward selective and distorted reporting on key issues, with the effect of minimizing egregious Palestinian behavior and enhancing the image of Israeli culpability.

Background The Human Rights Report, now in its twenty-fifth year, is not designed to provide a comprehensive political, social, economic, and military assessment of any major event, especially one as complex and multifaceted as the post-Camp David II Palestinian intifada against Israel. The report's objective is more limited; as Secretary of State Colin Powell notes in his preface, "The purpose of these reports is to provide to the best of our ability a comprehensive and accurate report on the human rights conditions in every country." However, the reports tend to define what constitute "human rights conditions" quite broadly, to the point that they come closer than any other government publication to providing readers with a full-bodied history. Indeed, in its introduction, the report makes the following claim: "If newspapers are the first drafts of history, the reports are surely the second drafts, carefully researched cross-sections of the good and bad that transpire around the world every year. But the reports are not just history. They are documents backed by the full weight of the U.S. people and Government." In that context, what this report says — and doesn't say — about Palestinian and Israeli actions and statements as regards the uprising will be viewed as the authoritative U.S. government view on the subject, even if the rigid format of this Congressionally-mandated report does not necessarily lend itself to serving that purpose.

Analysis of the Report A review of the report leads to these observations:

Origin, Nature, and Terminology of the Intifada The report makes no judgment as to who is responsible for sparking the violence that has since come to be known as the al-Aqsa Intifada. However, it does state that the story begins

with the visit of Ariel Sharon to the Temple Mount/Haram al-Sharif on September 28, making no mention of the violence that had occurred earlier that week (in Ramallah, Qalqilya, Hebron, Netzarim, and at the Erez and Karni junctions) or of any inflammatory statements that may have fueled the clashes. Throughout the text, the events of the "violence" are invariably referred to as "demonstrations" and "protests"; Palestinian participants are, virtually without exception, described as "demonstrators" or "protestors," even when — as the report acknowledges — firearms and molotov cocktails were often used.

Parallel Condemnations In identical language across several paragraphs, the report issues condemnations of Israeli and Palestinian security forces for "numerous serious human rights abuses." Both the Palestinian Authority's and Israel's West Bank/Gaza human rights record for the year was deemed "poor," with Israel receiving kudos for slight improvement in the nine months before the intifada. During the intifada, Israeli security units "often used excessive force against Palestinian demonstrators," though what constituted "excessive" was only vaguely defined as force used "in contravention of [Israel's] official rules of engagement." Both Israeli and Palestinian security forces were criticized for impeding the provision of medical assistance, for abusing security prisoners under detention, and for extrajudicial killings.

Role of the Palestinian Authority (PA) in the Intifada On the issue of official Palestinian responsibility for some — even any — of the intifada violence, the report unabashedly punts. Members of PA security forces and Fatah Tanzim "participated" in violent attacks but, by implication, did not lead or organize them. PA security forces "failed to prevent armed Palestinians from firing" against Israeli targets but the report does not identify who those shooters actually were or who ordered the security forces not to act. "Several" Palestinian officials made public statements "justifying" Palestinian attacks on Israeli civilians but the report does not identify the officials, the frequency of the statements, the relationship between statements and specific acts of violence, and whether the justifications came before or after the attack. The report does not even mention the activities of the High Committee for National and Islamic Forces, a sort of coordinating body for intifada activities that linked Fatah groups (such as Tanzim) and anti-Oslo groups like Hamas.

Despite all this, the report does offer an exculpatory statement that "the extent to which senior Palestine Liberation Organization (PLO) or PA officials authorized such incidents is not clear." That conclusion is reached without any specific reference to the scores of public statements by senior PLO, PA, and Tanzim leaders exhorting Palestinians to confront and attack Israeli soldiers and settlers. Perhaps most astonishing is that the only reference to any PLO/PA leader in the entire report is to PA Chairman Yasir Arafat's November 17 announcement that Palestinians should stop firing on Israeli civilians or security forces from Area A. The report nowhere states that such a statement from a PLO/PA leader was exceptional or that Chairman Arafat repeatedly rebuffed entreaties by President Clinton, including commitments made at the Sharm al-Shaykh Summit meeting, to call for an end to violence. Instead, when combined with an earlier assessment that Arafat "continues to dominate the affairs of government and to make major decisions," the inference is that Arafat and his PA colleagues consistently opposed violence and that blame for the "violence" must reside with a rabble of "demonstrators," "protestors," and renegade security officers.

The Attack on Joseph's Tomb The refusal to address PLO/PA responsibility for intifada violence is most evident in the selective and ahistorical description of the events surrounding the October 7 attack on Joseph's Tomb in Nablus. The relevant paragraph, under the sub-chapter on "Freedom of Religion," is herein re-printed in its entirety:

"On October 7, following the Israeli Defense Forces (IDF) evacuation from the Jewish religious site of Joseph's Tomb, about 1,000 Palestinian protestors entered the religious site, burned it, and damaged the rook and an outer wall in an unsuccessful attempt to demolish the tomb. Some Israeli Government officials criticized the PA for failing to prevent the attack. The PA began to refurbish the tomb the following day."

This account fails to note that IDF and PA security forces had reached an agreement on October 6 whereby the latter

was responsible for security at the site; that the PA security forces did nothing to prevent the rioters from attacking the site and may have participated in the attack themselves (as numerous international press reported); that the U.S. government (in the person of Secretary of State Madeleine Albright herself, speaking on Meet the Press, October 8) — not just the Israelis — criticized the PA for failing to live up to its obligations to prevent the attack; and that no Jews have since been allowed to visit the site. Remarkably, the only reference to the PA in the story of the attack on Joseph's Tomb is a positive spin, i.e., its speedy refurbishing of the site (despite press reports that the original refurbishing was as a mosque, not as a site of Jewish prayer).

The Release of Security Prisoners Perhaps the most egregious passage in the report concerns the PA decision during the course of the intifada to release approximately sixty "security prisoners" held in Palestinian jails. The sole reference to this outrageous act is found in the sub-chapter on "Arbitrary Arrest, Detention and Exile," in the middle of a paragraph criticizing the PA executive branch for disregarding the authority of the PA judicial branch. The report offers no disapproval of the prisoner releases themselves. Instead, noting that some of these detainees had been kept without trial, the context and implication of this paragraph suggest that the PA would have scored higher marks on human rights grounds if it had released even more prisoners than it did!

Major Additional Lacunae As the following suggests, the report's omissions can be especially problematic:

1) The most glaring lacuna in the text is any political context for the uprising or the actions of the two sides. No mention is made to the PLO's contractual obligation to refrain from violence and punish violators; only passing reference is made to the Camp David negotiations in July, with no details of their substance; and the discussion of incitement (e.g., the role of media, religious figures) is fleeting and woefully insufficient.

2) Another significant lacuna is any differentiation concerning the circumstances of the numerous "killings" ascribed to Israelis and Palestinians alike. Some were surely self-defense but that rationale is never mentioned. Others were almost certainly preemptive, but that rationale is rejected by the report, which states categorically that Israeli killings were "in response to" Palestinian violence. Elsewhere, the report includes a suicide among the list of Israeli "killings," with no evidence to suggest malicious action on the part of the Israelis. Similarly, the report notes among the list of "killings" an incident when (as the report attests) Israelis acted "mistakenly." There is, it seems, no rigorous assessment of what constitutes a "killing" that deserves inclusion in a report on human rights abuses.

3) The section on abuses of "freedom of religion" is surprisingly scanty. Here, the report states categorically that "there was no pattern of PA discrimination and harassment against Christians," a statement that fails to even reference the stunning decline in the Palestinian Christian population in recent years and, more specific to recent events, fails to mention the dimension of religious coercion inherent in the shooting incidents against an Israeli neighborhood that emanated from largely Christian Beit Jala. Also, that section makes no reference to the shootings at Rachel's Tomb, which prevented access to worshippers; the vandalism attack against the synagogue in Ofra; or official PA rejection of Jewish attachment to the Western Wall.

Selective Qualifiers On occasion, the report employs subtle shifts in language and the injection of qualifying terms that have the effect of enhancing Israeli culpability and diminishing that of the Palestinians. For example, in a chapter on "Political and Other Extrajudicial Killing," the report states without qualification that "Israeli security forces killed numerous Palestinians in response to a sustained violent uprising." Later in the same chapter, with supporting evidence stated as clearly as it was for the claim in the previous sentence, the report states that "Palestinian security forces reportedly killed several Israeli security force members during violent clashes with Israeli soldiers or settlers." (Emphasis added) Another tool that is used to blunt an assessment is to ascribe it to one of the two camps. While the report frequently cites the IDF, the Israeli government, the PA, or a Palestinian human rights group as the source of a particular piece of information, the report at times makes the obvious seem conspiratorial. For example, after citing Arafat's public statement to cease gunfire from within Zone A, the report

states that "Israeli observers noted that Arafat's statement did not address attacks in Areas B and C" — a fact that was apparent to all observers, whether Israeli or not. (Emphasis added)

Conclusion As this critique shows, the State Department's effort to provide a "second-draft" of the historical record of Palestinian-Israeli clashes in 2000 falls far short of its promise; it is especially regrettable that, since next year's report will focus on 2001, there will be no chance for the U.S. government to do a "third draft." While the report makes strong — and perhaps justified — condemnations of both Israeli and Palestinian actions, its most disturbing aspect is the consistent understating of Palestinian culpability. Here, the report seems to have forgotten the time-tested lesson of human rights efforts around the globe: speak truth to power. In addressing official Palestinian responsibility for much of what has occurred in recent months, the report sadly takes a pass. In so doing, the report undermines the legitimacy of U.S. demands that the Palestinian Authority take all possible action to prevent violence, as Secretary Powell reportedly told Chairman Arafat in Ramallah last weekend.

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