

Assessing the Importance of Judicial Execution by the PA

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Brief Analysis

As Ambassador Dennis Ross begins a diplomatic mission to resurrect the dormant Israeli-Palestinian peace talks, inside the Palestinian Authority, reverberations are still being felt from one of the most important political developments to take place since the PA's founding -- the Authority's first judicial executions. These executions, along with the PA security forces' manhandling of an elected Palestinian legislator, highlight the internal problems plaguing the PA, especially official corruption and abuse of power.

Background: On August 25, members of the Preventative Security Forces in the West Bank, headed by Jibril Rajoub, attacked members of the Palestinian Legislative Council (PLC), who had gathered outside the house of the Awadallah family in al-Bireh. The family had been placed under house arrest following the escape of Hamas bombmaker Imad Awadallah from prison two weeks earlier. When some of the 31 PLC members attempted to enter the house, a scuffle ensued, and one member -- Abdul Qader Eid -- was seriously injured, and ended up in Makased Hospital. Following the beating, the PLC convened in special session in Ramallah on August 26, and passed a draft resolution calling for the immediate suspension -- pending the results of an investigation -- of Rajoub. On August 27, Palestinian Authority (PA) Chairman Yasir Arafat established a committee to investigate the incident.

In a separate incident two days later (August 27) at a wedding in Gaza, five brothers from the Abu Sultan family, some of whom served in the Gaza police force headed by Ghazi Jabali, used their PA-issue weapons to shoot and kill Majdi and Mohammed Khalidi. Majdi had served in the Military Intelligence Apparatus of Musa Arafat. In contrast to the PLC's contemplative and methodical response to the al-Bireh beatings, Arafat dealt swiftly and brutally with the Khalidi killings. On August 29, the Abu Sultan brothers were sentenced to death by a Palestinian military court. Three of the five brothers' sentences were commuted. Unlike the 23 previous cases when Arafat had commuted death sentences, however, on August 30, two of the brothers -- Mohammed and Ra'ed Abu Sultan -- were executed by firing squad in Gaza.

The Execution Precedent: Why Now? Several factors may have contributed to Arafat's decision to execute the Abu Sultan brothers. The al-Bireh beatings and the Khalidi killings two days later received substantial coverage in the local press, and re-ignited the ongoing public debate about the security apparatus problem. Arafat may have felt pressured to take decisive action in order to counter the prevailing perception of a security apparatus run amok.

Indeed, an editorial in Al Quds on September 1 quoted Hasan Al Kashif of the PA Ministry of Information who suggested (in a positive spin) that the executions constituted "the beginning of the return of the trust between the citizens and the Palestinian Authority."

With the exception of some human rights groups, the PA action was widely praised by Palestinians and PA officials alike. For example, shortly after the execution, Hamas leader Sheikh Ahmad Yasin praised the PA and called for the implementation of "the verdict of Allah" in all murder cases. Abu Ali Shaheen, a PLC member, also applauded the execution "despite it being three years late." (Al Quds, 8/31/98) But the execution of the Abu Sultan brothers was more than just an attempt to countervail Palestinian resentment. Arafat's decision was also based on maintaining his critical Fatah base of support. In addition to his position in the Military Intelligence, Majdi Khalidi was, according to reports, a high-ranking Fatah official. Fatah officials were clearly affected by the killings, and lobbied Arafat for the execution.

Evidently the executions were intended to reassure the Palestinian public that the PA was dealing with the problems in the security apparatus. Given the close timing of the Khalidi killings and the al-Bireh attacks, it also seems likely that the executions in Gaza were intended to shift attention away from Rajoub, who was under fire for his alleged role in the al-Bireh attack.

Inaction on the Rajoub Front: As expected, despite PLC protestations, no action -- other than the establishment of yet another investigative committee -- has been taken on the Rajoub front. If precedent is any indication, by appointing the committee, Arafat has, in effect, put an end to the issue.

The beaten PLC member, Abdel Qader Eid, openly discussed the brutality of Rajoub's forces in the media. In an interview with Al Sharq al Awsat on August 28, he accused members of Rajoub's Preventative Security Forces of being "more violent than the Israelis," and said that he believed that he was singled out in the attack. While it's unlikely that anyone explicitly ordered Eid's beating, he may have received special attention. Like his brother Bassam, Abdel Qader Eid is a human rights activist and a vocal critic of the PA security apparatus. Not coincidentally, on August 9, Abdel Qader cast a vote of no confidence in the ratification of the new PA cabinet.

The relationship between Arafat and Rajoub is complex. Rajoub, one of the most powerful men in the West Bank and Gaza, is often mentioned as a possible successor to Arafat. Yet last year, it was reported that Arafat tried (unsuccessfully) to oust Rajoub. Rajoub is both a close ally and rival to Arafat; his shrewdness and cruelty are an asset as well as a liability. In spite of the bad press he occasionally receives, Rajoub is too valuable and too entrenched for Arafat to move against him.

Between Democracy and Dictatorship: In the short term, these executions may deter some of the lawlessness, corruption and excessive violence of the PA security apparatus. At this point, it is not clear if the death penalty will become the standard operating procedure of the Authority. Implementation of this policy -- which in the case of the Abu Sultan brothers included a half-hour trial with no appeal process -- would cause another in a litany of complaints by proponents of democracy and human rights in the PA. On the other hand, the level of criticism of the PA that has emerged both in the Palestinian press and in the PLC seems to be indicative of a more democratic atmosphere, with a higher tolerance for freedom of speech and dissent.

The events of late August provide a good sense of the dynamic among the judiciary, legislature, executive and the security apparatus in the PA. The judiciary and the legislature are weak and marginalized; the executive and the security apparatus are robust and complementary. In spite of the Palestinian population's highly developed political culture, the PLC has, until now, proven largely irrelevant. At the same time, prospects for Palestinian democratic development have been hampered by the synergistic relationship between Arafat and the security apparatus. Following so closely on the heels of Arafat's cavalier response to the PLC criticisms of PA corruption -- i.e.,

reappointing all reportedly corrupt ministers in a cabinet reshuffle last month -- the recent executions are another sign that five years after Oslo, the hopes of Palestinian democrats remain unfulfilled.

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