PAPER TRAILS
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Egyptian activists who stormed State Security headquarters in Nasr City read reports amid bags of shredded documents in an underground garage. March 5, 2011. (Hossam el-Hamalawy [CC BY-SA 2.0])
States often hide their accountability in plain sight: in redacted documents, incomplete flight manifests, encrypted data, shredded memos and reclassified archives. They also go to great lengths to keep their internal affairs private: banning oppositional media, jailing investigative journalists and disappearing dissenters. Economic and political elites also obscure accountability in secretive offshore tax havens and shell companies, in arcane planning documents and untraceable investments—often in collusion with authoritarian states who protect them. With so much kept hidden and secret, how can citizens hold the powerful to account? What tools do they have to uncover and publicize this information, and, what are the consequences of deploying those tools?

Although the powerful hide their activities from public scrutiny and accountability, their actions nonetheless leave markings—paper trails of their affairs. These traces can be discovered and tracked by citizens; sometimes armed only with a search engine and sometimes by undertaking dangerous actions that risk their lives. This issue of Middle East Report is a study of these paper trails, and how they can be uncovered. It follows the search for documentation to hold states, corporations, communities and individuals accountable for crime, corruption, theft, malfeasance and injustice. It reveals the many ways that the powerful hide their activities. But it also shows the different methods used to catch and track a trail, and the different ways communities reveal or utilize what they have learned.

Hunting for paper trails can be empowering. As the leaks by Edward Snowden, Chelsea Manning and anonymous whistleblowers have revealed, when citizens can glimpse what states or corporations wish to conceal, this information only strengthens their work for justice and accountability. It was through the leaked Panama Papers that Jordanians were able to grab a thread with which they eventually unravelled the state’s attempts to conceal a multi-billion dollar gas deal with Israel. Activists and organizers were soon joined by citizens and public employees to demand, find and release documents to the public in an unprecedented challenge to the state’s monopolization of information through a campaign of public exposure. As they released new information to the public, the state’s justifications for secrecy were no longer acceptable.

Hunting for paper trails can also lead to unforeseen discoveries. Image conscious Israel is currently closing state archives that previously revealed many sordid truths about Israel’s original sins, most notably the paper trails of the Zionist campaign to expel Palestinians in 1948. But drawing upon his own work in Israel’s archives, Shay Hazkani urges historians to creatively confront this challenge by looking more deeply for cracks in the archive of what Israel has left open, which may still prove uncomfortable to Israel’s image managers. In Florence Wolstenholme’s how-to manual for investigating the seemingly impenetrable ownership of mysterious shell companies and real estate holdings in Dubai’s free zone, she reveals the surprising story of how one happy customer is Rami Makhlouf, cousin of Syrian President Bashar al-Assad and a widely acknowledged focal point of Syrian regime corruption.

Hunting for paper trails is intoxicating. In the mad rush of revolution, as the state went on the run, revolutionaries ran into the buildings of the state security offices in Egypt. They hoped to rescue files that implicated the state in crimes against citizens, while some also hoped to answer more personally painful questions
The notion that information is power, however, is only partially correct in the digital age.

Wisam AlShaibi warns us, however, that the hunt for paper trails can also be toxic. If in Egypt it was revolutionaries who sought to capture state materials, what happens when an occupying power lays claim to them? The US occupying forces in Iraq captured the Iraqi regime’s papers in the hopes of mobilizing international opinion, heretofore antagonistic to the war, to support its newly branded attempt to bring democracy to Iraq. AlShaibi cautions against an easy valorization of the hunt for such papers. He reveals for the first time the role of human rights and Iraqi diasporic organizations in shepherding a transformative political role for these archives—enabling their later weaponization—which dates to 1991. It matters who holds these materials when those who hold them desire to marshal their “generative power” to engineer society and politics. If such materials are not in public hands, but tucked away at the Hoover Institution at Stanford University, who or what is determining what is remembered about the regime in Iraq?

But we also learn from Ala’a Shehabi the high stakes of searching for what the state and capital aim to hide. In the midst of the Bahraini government’s attempt to repress its unprecedented uprising, Ala’a Shehabi and her colleagues created the activist platform Bahrain Watch to uncover paper trails hiding injustice. She shows how leaktivism, or the mobilization of leaks can undermine state secrecy, while also bringing the power of an insecure state to bear on activists. To hunt for a paper trail when a state is in the midst of revolution and war is one thing, but to leak the trails of theft as a state consolidates itself against a popular insurgency is to keep alive a demand for transparency and transformation, and to refuse the chilling effects of self-censorship and surveillance. For every dodgy real estate deal and property grab revealed, another whistleblower and organizer will be detained, tortured or even killed.

Yet as Zakia Salime poignantly notes, the search for paper trails transforms those who go in search of them, too. When the Imider mining corporation in Morocco encroached on indigenous land, a community rose up in defiance. In the protest encampment, a new paper trail of popular protest emerged. This counter-archive, Salime argues, disrupts the state’s capacity to sell itself on the international market. It ingathers tales of economic and environmental disaster, state violence and dispossession. The Imider protest camp is a study of the edge conditions of citizenship. Its archives tell a counter-story against the powerful—in song and poetry, in memos and diverse repertoire. Indeed, the camp itself is a document of the long trail trekked by Moroccan citizens against state power and extractive capitalism.

The notion that information is power, however, is only partially correct in the digital age. While the average citizen has more information at their fingertips than ever before, states and corporations can now keep everyone else under near perpetual surveillance to dictate suitable political and economic ends. The Feeling of Being Watched, the award-winning documentary film, offers insight into those who seek paper trails of government surveillance about them. What happens to a community that is under long-term surveillance, as was the Arab and Muslim community of Little Palestine in southwest Chicago? And what happens when they turn the tables on this surveillance by receiving once-secret files through making Freedom of Information Act (FOIA) requests? They learn how they were spied upon and the shocking depths of their transparency, but they also learn who among themselves were implicated in the surveillance and other disturbing truths. Is it always worth seeking records of being watched?

As we learn about the boundless capacity of social media and technological platforms to aggregate data on nearly every aspect of our lives, and sell it to the highest bidders, we have to ask ourselves—as David Price does in his primer on undertaking FOIA requests—how can we find information held about us? Chana Morgenstern and Laleh Khalili helpfully provide pedagogical models for how to teach students and fellow scholars how to conduct paper trail searches and how to contextualize this information in a broader critical understanding of global power relations.

The Middle East is on the cutting edge of these emerging struggles over the politics of paper trails. This issue explores how citizens and activists can fight to uncover the secret documents that hold clues to how they are governed, and what must be understood and documented before one can transform their communities, states and societies. This issue asks us to think about what that hunt can do for justice, and what it does to those who go in search of documentation. What are the costs, and who pays them? The search for paper trails is dangerous and can result in torture and even death, but if citizens of the Middle East wish for political transformation, the search for these crumbs to understand the past and the present is unavoidable. The hope, of course, is that the trail will lead to justice and greater freedom.
In the winter of 2003 after the US invasion of Iraq earlier that year, Pentagon officials resigned themselves to the reality that the search for Saddam Hussein’s alleged weapons of mass destruction and al-Qaida links had failed. A thousand-strong multinational team of document exploitation analysts at the Iraq Survey Group in Qatar found no evidence for either claim in the tens of millions of pages of Saddam Hussein’s ruling Ba’th Party’s records in their possession.

Complicating matters, the Group’s analysts possessed neither the necessary expertise nor the resources to process the magnitude of Ba’th Party paperwork arriving in their headquarters each week. Paul Bremer, leader of the US-led Coalition Provisional Authority in Iraq at the time, later noted that: “the Iraq Survey Group was hopeless…they had seven linear miles of documents in Qatar. A lot of it handwritten. The vast majority in Arabic with no capacity for translation. There was no way they were going to get through it. That never would have worked.”

But the stacks of Iraqi state documents were nevertheless quite valuable as the potential basis for anti-Ba’thist propaganda. As the US occupation deteriorated in Spring 2004, Donald Rumsfeld’s office of the Secretary of Defense issued an internal memo entitled “Plan for Publicizing Iraqi Atrocities.” The document outlined a George W. Bush administration initiative to publicize evidence of Ba’thist atrocities to a global audience. The first paragraph outlines its premise:

Problem: The single strongest proof of the “evil” of Saddam Hussein’s regime, and therefore of the justice in removing him, is the evidence of his atrocities against the Iraqi people. These atrocities rival even those of the Nazis and Stalinists. However, knowledge of this evidence is scant in the mind of the American public, in Europe, and elsewhere.

Wisam H. Alshaibi
Wisam H. Alshaibi is a doctoral student in sociology at the University of California, Los Angeles.
The thousands of Iraqi state records captured in the first weeks of the invasion of Iraq, the memo observed, contained a steady stream of atrocity material that could be exploited by the Pentagon for a public-relations campaign.

As part of a wider propaganda campaign, the Pentagon’s team would use evidence of Saddam Hussein’s many oppressive acts against the Iraqi people to retroactively justify the war. Moreover, the dossiers identified scholars at American universities as an untapped resource for facilitating the atrocity project. As part of a “strategic information campaign,” the Bush administration aimed to “expose to the widest audience possible the detailed history of Ba’thist Iraq” by ensuring “the widest academic exploitation of recovered archive materials.”

The operational intent was clear: “let the words and documents of the former [Ba’th] regime remind the free world why it was at a state of war with this regime from 1991 until 2003.”

The Pentagon singled out Kanan Makiya as a “logical source” for maintaining a Ba’thist atrocity archive and for making it available to scholars in the United States. A prominent Iraqi exile, critic of Saddam Hussein and close advisor to the second Bush administration, Makiya had formed the Iraq Memory Foundation shortly before the war with the intent of creating a memorial in Baghdad with all of the Ba’th Party’s paperwork. The Foundation’s stated mission was to preserve the historical record of 38 years of Ba’thist rule, educate Iraqis on human rights and help them come to terms with their past. Playing upon Makiya’s status as a human rights defender, the Pentagon reasoned that “the Iraq Memory Foundation has the added advantage” of reaching audiences “in the US that are hostile to the Bush administration and that would look askance at any atrocity material the USG [United States government] directly provided.”

Documents being transferred in August 1993 from Zakho, Iraqi Kurdistan, by Human Rights Watch and Kurdistan Democratic Party forces. COURTESY OF JOOST HILTERMANN
Behind the scenes, Makiya could not raise the nearly $10 million necessary to fund his memorial. The Bush administration, however, recommended “funding $1 million for the IMF [Iraq Memory Foundation] if Kanaan [Makiya] will agree to tailor its role to housing, categorizing, and organizing these atrocity records.” As such, Makiya’s organization received generous funding from the US government. In total, between 2004–2006 the Iraq Memory Foundation received $5.1 million in Pentagon contracts and $1 million from seized Iraqi state funds to create an archive at an academic institution that would “powerfully impart the brutalities of the former regime to the public and scholars.”

In January 2005, the Department of Defense granted Makiya’s organization sole custody of the nearly seven million pages of Iraqi state records comprising the Ba’th Regional Command Collection (BRCC). The Foundation agreed to “provide assistance to the USG in extracting, analyzing, and interpreting” the BRCC “for purposes of interest to the USG” in exchange for airlifting the collection to the United States and digitizing its contents. In 2008, Makiya forged an agreement with the Hoover Institution to house the BRCC and to make it and several other collections of Iraqi state records available for scholars to research through an on-site computer terminal.

Thus, in post-invasion Iraq, the Pentagon executed a campaign to weaponize Ba’th Party records to justify the rapidly failing war. In order to make the Iraqi documents “speak” to the viciousness of Saddam Hussein, the Pentagon enlisted those best positioned to exploit this material to their advantage: a network that linked captured Iraqi records to American academics vis-à-vis an organization ostensibly focused on human rights. This campaign’s existence should surprise few who were aware of the Bush administration’s ever-shifting justifications for the war, or those scholars and journalists who noted the widespread destruction and looting of Iraqi cultural patrimony in the wake of the invasion.

Less known is that the Pentagon’s capacity, or lack thereof, to weaponize these documents was based on precedent. A decade earlier, the US government, with the help of human rights organizations, exploited the Northern Iraq Dataset—a Ba’th Party collection also held at the Hoover Institution—captured by Kurdish rebels shortly after the 1991 Gulf War. In this case, the US-based Human Rights Watch (HRW), the Pentagon and Makiya’s first human rights organization, the Iraq Research and Documentation Project, digitized, analyzed and ultimately circulated atrocity files from the millions of documents comprising the Dataset. The operational intent for these campaigns was to try the regime in an international court, to learn how to exploit Iraqi documents, to build an academic archive and, finally, to circulate anti-Ba’thist propaganda.

The US government’s infatuation with Ba’thist atrocity records, its difficulties in processing those records, and its recruitment of the human rights and academic communities in that effort, thus have their roots in a human rights-styled soft war against Ba’thist Iraq—one which places their weaponization in the broader context of continuous US intervention in Iraq. Tracing the US engagement with these records from the 1991 Gulf War to the 2003 invasion of Iraq makes visible how knowledge production about Ba’thist Iraq has been shaped by the politics of waging war on Iraq. Further, the biography of the Iraqi files serves as a warning for how the self-evidently virtuous notion of “human rights” can be used as a compelling framing device by states to legitimate violence in the name of progress.

**The Politics of Iraqi Suffering**

The origins of external actors exploiting Iraqi state documents for political ends are found in the 1991 Gulf War, when Saddam Hussein’s forces abandoned millions of Iraqi state records in deserted police stations, torture chambers and other Iraqi state compounds in Kurdish areas of northern Iraq where the US-led coalition established a no-fly zone. In late 1991, Peter Galbraith of the US Senate Committee on Foreign Relations made an agreement with the Kurdish political parties to airlift between 14 and 18 metric tons of these files to the United States where they were initially housed at the National Archives in Washington, DC.

The possibility of having access to the state records of an active authoritarian regime in the Middle East precipitated excitement within the human rights community, particularly from Human Rights Watch. A 1993 HRW report referred to these documents—later named the Northern Iraq Dataset (NIDS)—as the “Holy Grail” for human rights researchers. Analysts at the organization believed that the captured files contained firsthand evidence of the planning and implementation of the 1988 Anfal genocide campaign in Iraqi Kurdistan that could be used to try Ba’thist Iraq in the first ever case of genocide brought to the International Court of Justice.

At the same time, the Pentagon planned to use the NIDS to create anti-Ba’thist propaganda, and to develop document
exploitation technologies in Arabic. Employing a variety of analytical and technical practices such as Optical Character Recognition and linking keywords to persons of interest, document exploitation “provides leaders at all echelons with intelligence about enemy forces...through the rapid and accurate extraction, exploitation, and analysis of acquired documents.”

The Pentagon’s document exploitation team, however, was not staffed with Iraq or human rights experts and did not possess the specialized knowledge required to interpret the often coded and culturally specific language of the millions of documents contained in the NIDS. In exchange for NIDS access, therefore, HRW agreed to help the Pentagon find what Joost Hiltermann, HRW’s lead researcher for the Anfal genocide project, sarcastically described as “the good stuff...material to smear the enemy with”—evidence of chemical weapons use, destroyed villages and mass executions. In Hiltermann’s words: “[The Pentagon’s] document exploitation team didn’t know what to look for. They couldn’t recognize the regime’s own terminology. Every single document they read, we reread, and we found everything and they found nothing.”

There are several reasons why HRW worked closely with the Pentagon—the most important was that Kurdish political parties would not have entrusted the documents to a private entity without the imprimatur of the United States, as well as the considerable logistical and financial challenges associated with housing such a large collection. Nevertheless, it is undeniable that throughout the 1980s the US government ignored repeated Kurdish claims of genocide and ethnic cleansing in northern Iraq while at the same time arming and financing the Iraqi state during its eight-year war with Iran. Saddam Hussein’s systematic repression and use of chemical weapons against Kurdish civilians in 1987–1988 was widely known. Yet, as Samantha Power noted, “since the United States had chosen to back Iraq in the [Iran-Iraq] war, it refrained from protest, denied it had conclusive proof of Iraqi chemical weapons use, and insisted that Saddam Hussein would eventually come around.”

At best, the partnership between HRW and the Pentagon was unusual but necessary—at worst, it was in all respects ethically compromised. Despite its estimable motivations, a leading human rights organization tasked with uncovering evidence of a genocide in Iraqi Kurdistan was collaborating closely with one of the state agents that made the genocide possible. HRW did, in fact, publish its 1994 report entitled...
“Bureaucracy of Repression: The Iraqi Government in Its Own Words,” which delivered documentary proof of the Anfal genocide using Saddam Hussein’s own documents.\textsuperscript{17} The publication of the report and its recognition of genocide in Kurdistan provided international legitimacy to the victims of Saddam Hussein’s repression.

But the HRW campaign to hold Saddam Hussein accountable for the Anfal genocide ultimately failed. Although by 1994, the organization’s legal team found two western governments—whom I was asked to keep confidential—willing to sponsor a case of genocide against the Iraqi state, but those two governments “refused to file the case unless a European state would join them.”\textsuperscript{18} When no European countries came forward, HRW abandoned its campaign against Ba’thist Iraq. Behind this disinterest was the fact that for most of the 1990s Iraq was only an ancillary concern for the United States and its European partners. The international community aimed to thwart Saddam Hussein through diplomatic and economic sanctions along with launching airstrikes to protect Iraqi Kurdistan.

**Weaponizing Atrocity**

But when the US foreign-policy agenda for Iraq changed from containment to regime change after the ratification of the Iraq Liberation Act of 1998,\textsuperscript{20} the US exploitation of Iraqi state documents became more prominent, and more aggressive.

The Iraq Liberation Act was the first major accomplishment of a small but politically influential sector of the Iraqi opposition exiled in the United States and London. Under the banner of the Iraqi National Congress, Ahmad Chalabi and Kanan Makiya had appointed themselves as the leading figures of a hypothetical new Iraq. By 1997 they had received the endorsement of Dick Cheney, Douglas Feith, Zalmay Kalilzad, Donald Rumsfeld, Paul Wolfowitz and other figures who came to hold senior posts in the Bush administration.\textsuperscript{20} With Chalabi as their political leader and Makiya as their intellectual visionary, the exiles—in response to NATO’s 1991 retreat from Iraq—formed political advocacy organizations such as Charter 91, the Iraq Foundation and INDICT to encourage, and at times, demand, the overthrow of Saddam Hussein.

Kenneth Pollack, the Clinton administration’s Director of Persian Gulf Affairs for the National Security Council, remarked that after 1998, the US government began to take advantage of the resources and expertise of the Iraqi exiles “as a public diplomacy and propaganda tool against Saddam and his regime.”\textsuperscript{21} In the context of growing support for regime change, the NIDS became important to the US government once more.

Kanan Makiya did not formally have a role in the transfer of the NIDS to the United States, nor was he involved in the arrangement between HRW and the Pentagon. Between 1994 and 1998, however, Makiya’s Iraq Research and Documentation Project (IRDP), housed at Harvard University, received 176 CD-ROMs containing the totality of the NIDS along with the HRW index sheet. Makiya and his team also gained possession of a digital copy of a smaller collection of Iraqi records captured in Kuwait after the 1991 Gulf War.

In August of 1999, Makiya received a recurring $300,000 grant from the Bureau of Democracy, Human Rights and Labor (DRL) at the State Department to process the NIDS and to set up a human rights database on Iraq linked to the internet. The State Department wanted to create a “public access vehicle” for the NIDS such that scholars could collectively translate, analyze and insert metadata into the NIDS with the objective of providing “valuable research material to the US government, to any future Commission of Inquiry and/or International Criminal Tribunal on Iraq or to possible truth commissions established within Iraq in the post-Saddam era.”\textsuperscript{22}

Notwithstanding Makiya’s assertion that the IRDP would not be influenced by non-academic considerations, Sherri Kraham, the Chief Iraq Desk Officer for the State Department in 1999, explained that “it wasn’t an academic project at all.”\textsuperscript{23} Rather, Kraham, who had issued the grant to the IRDP, wanted “to get some PR…we wanted a finished product to batter Saddam around the head…to isolate him…to make him look like a pariah.”\textsuperscript{24}

In October of 2000, Kraham wrote a letter to the IRDP asking Makiya and his team to focus their efforts on translating and uploading atrocity documents to the web and tagging those files with metadata for scholars to locate in the future—metadata which organizes the NIDS to this day.\textsuperscript{25} Kraham also requested that the IRDP alert the press when these buried treasures were uploaded. When asked specifically what kind of documents the State Department had requested from the IRDP to translate and tag with metadata, Kraham replied:

> We paid them [the IRDP] hundreds of thousands of dollars to identify smoking guns! “I use chemical weapons against the Kurds,” “I drained the marshes and destroyed their [the marsh people of southern Iraq] way of life,” “I slaughter Shia in my sleep,” “I crush people from the tribes that don’t support my family’s tribe.” Yeah we wanted all of that. We wanted a show.\textsuperscript{26}

Consequently, the State Department’s veneer of using the documents for transitional justice hid a deliberate effort to weaponize evidence of atrocities under the guise of an open access Ba’th Party archive on the internet. The website, hosted on Harvard University’s servers, no longer functions but it can be accessed through various internet archival repositories.\textsuperscript{27} Internal IRDP e-mails from October 2000, however, also convey the sense of pressure the team felt with respect to the State Department’s demands. Hassan Mneimneh, the IRDP’s technical director, wrote in an e-mail to Makiya that they needed to put “more resources in producing visible products” and that they needed to demonstrate “that we are able to produce tangible, useful output.”\textsuperscript{28}
**Faustian Bargains**

The HRW and IRDP collaborations with the US government were transactional: access to highly prized Iraqi state records in exchange for making those documents legible and useful for US foreign policy objectives, including war. Both organizations were well aware of the ethically compromised nature of US interest in the NIDS. In addition, both organizations recognized the moral ambiguity undergirding their participation in its processing and analysis.

Hiltermann, for example, described the Pentagon’s ambitions for the files as “totally cynical” and, because human rights organizations ideally should have autonomy from state actors, noted the “unprecedented” nature of his organization’s partnership with the US government.29 But without the political and financial resources of the US government, HRW would never have been able to arrange the transfer and digitization of the NIDS on its own. In order to gain access to the NIDS, HRW had to train the Pentagon’s document exploitation team. In retrospect, however, the partnership benefited the US government far more than it did HRW. In 2000, Hiltermann wrote that with respect to Ba’thist Iraq, “evidence of human rights violations has been marshaled solely to score political points or justify military action, and not hold a vicious regime accountable for its crimes.”30

Driven by a paternalistic need to maintain control over everything related to Iraqi state records, Makiya maintained a paradoxical disposition regarding how the NIDS should be used. Though deeply involved in the weaponizing of the records for political purposes, he had also criticized both HRW and the US government for what he argued was their myopic concern for Ba’thist atrocities.

In February 1992, for example, Makiya rebuked the director of HRW’s Middle East subdivision for promising the international press that the NIDS contained definitive proof of the Anfal genocide. Makiya believed the documents contained a valuable historical record and argued that “no serious research program on these documents can be bound by any time schedule which has to do with taking Saddam Hussein to court or other such matters of a strictly political purpose.”31 Makiya warned HRW that the files that he had seen contained “no smoking guns” and that he had “not seen anything of the explosive nature that [Human Rights Watch] seems so sure about.”32 Makiya even speculated that the most provocative documents, “like medical experiments on prisoners,” were fake and had been inserted into the records by the Kurdish rebels.33

Makiya echoed similar sentiments to the State Department in early 2000. He castigated Sherri Kraham for being interested only in creating a “public relations spectacle” out of Iraqi suffering.34 He further claimed that despite the previous effort to find smoking gun documents, “nothing has been found that is more damning than a ‘Register of Eliminated Villages.’”35

Thus, Makiya was well aware that the collective interest in the NIDS amounted to creating politically operational, but intellectually vacant, hysteria. But his commitment to regime change in Iraq countermanded any possible ethnical reservations he might have had about participating in the proliferation of atrocity documents. By Makiya’s rationale, if evidence of Saddam Hussein’s repression of the Iraqi people could be used to topple the Ba’th Party and create an Iraqi democracy, then extraordinary measures were tolerable. This quasi-utilitarian logic extended to Makiya’s reflections on his high-level advocacy for invading Iraq and his consultation with the highest levels of the Pentagon and White House. In an interview, Makiya said to me: “there was a betting against the odds that this could work out, and if it did work out what a remarkable thing it would be. I do not for one second think that American politicians did this war for that purpose.”36

Makiya envisioned the NIDS, and any other Iraqi state paperwork, as a crucial resource for the promotion of democracy in post-Saddam Iraq. Believing that many Iraqis could deny their complicity with or indoctrination by three decades of Ba’thist rule, Makiya saw the academic writing of Iraqi history as a critical component in the production of a new Iraqi citizen, which he saw as a reflection of himself. He wrote a letter to the Senate Committee on Foreign Relations in 1994 explaining that his life’s mission was “to redirect scholarship such that the abuses of the past become constitutive of modern Arab memory.”37 It is in this blurry space somewhere between the engineering of collective memory and the forging of history where one can locate Makiya’s paternalistic infatuation with Ba’th Party archives.

**The Archive Goes to War**

In post-invasion Iraq, the US government sought the same type of generative power from an archive that Makiya was after. As Iraq collapsed into chaos and disorder immediately following the 2003 invasion, officials in the Pentagon and White House met privately to discuss how to exploit captured Ba’th Party records for the war effort. Douglas Feith, the Bush administration’s undersecretary of defense for policy and one of the principal architects of the 2003 invasion of Iraq, led these meetings. A controversial figure, Feith was harshly criticized in 2002 for creating the Office of Strategic Influence—a propaganda instrument directing one-sided and misleading news stories to American and foreign audiences.

In a series of interviews, I asked Feith directly if efforts to bring Iraqi records to the United States were part of a strategic influence campaign. With no hesitation, Feith responded “yes.”38 From his perspective, Ba’th Party records held all the evidence the United States needed to justify its actions to Americans and Iraqis alike. The files were the “truth” of Saddam Hussein’s atrocities against the Iraqi people. “Atrocities were part of the fight,” Feith said to me.39

To deploy Iraqi atrocities for the fight, the Pentagon uploaded thousands of Ba’th Party documents to its online
Project Harmony database in 2006. Modeled after the online database built by the IRDP in the late 1990s, the Pentagon designed Project Harmony to crowdsourcing the analysis of enemy documents captured in Afghanistan and Iraq by making them available on the West Point Military Academy’s Combating Terrorism Center’s website.40 Thousands of documents seized before and after the fall of Saddam Hussein were interspersed with documents captured in Afghanistan. Project Harmony created a reality of a fiction: an epistemological confounding of Islamist and insurgent activities with those of Saddam Hussein in the prior decade.

The project’s longer term strategic importance, Feith remarked, was in creating a historical record which accurately conveyed to the public the brutalities of the Ba’th Party “so that history would understand why we did this.”41 He then proudly asked me for a list of the recent books on Ba’thist Iraq that used the NIDS and the BRCC as their empirical bases.

Given the mobilization of the NIDS as a propaganda tool in the 1990s, my interviews with Feith only confirmed what I had suspected: The Ba’th Party archives in the Unites States are not merely inert bounties of war, but in their capacity to produce a historical record they are active participants in a long-term policy objective of justifying US military interventions in Iraq.

Yet one should also be skeptical about the actual political impact of the Bush administration’s agenda for the files. More than 15 years later, the Iraq war is routinely described by analysts, the media and even by the US Army’s own historians, as a disaster and a failure.42 There is no reason to believe that recent scholarly works on Ba’thist Iraq have any tangible effect whatsoever on public perceptions of the war. The creation of historical research does not directly imply the constitution of memory, political influence or some abstract notion of “history.” Further, recent works on Ba’thist Iraq based on the NIDS and BRCC are careful, erudite studies written for specialists.43 They are not ideological castigations of the Ba’th Party or in the mold of nostalgic and moralizing histories of World War II one might find at a popular bookstore. Thus, just because the United States aimed to make a weapon out of Iraqi archives does not mean it was successful in doing so.

Even if a scholar was committed to writing a history of Ba’thist Iraq that focused solely on atrocities, it is not entirely obvious that the Ba’th Party archives are, as save for an unattributable fact of its brutality, but the vast majority of the more than 100 million pages of records captured in Iraq between 1991 and 2003 reflect the routine and quite mundane bureaucratic operations of an authoritarian regime. An archive cannot be whatever one wants it to be.

Endnotes

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27 The URL was: https://sites.fas.harvard.edu/~hdip/
28 Series of e-mails between Hassan Mneimneh and Kanan Makiya, October 2000 (Box 81: Kanan Makiya Papers, Hoover Institution).
29 Interview with Joost Hiltermann.
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33 Ibid.
34 Kanan Makiya’s Letter to Sherri Kraham, October 26, 2000 (Box 89: Kanan Makiya Papers, Hoover Institution).
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36 Interview with Kanan Makiya, January 12, 2018.
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Israel’s Vanishing Files, Archival Deception and Paper Trails

Shay Hazkani

The Israeli government is keeping many of the state’s archival documents classified, censored and out of the reach of potentially critical historians. But determined scholars continue to uncover tantalizing paper trails that challenge Israel’s air-brushed official narratives.
It became a little more difficult to study the history of Palestine and Israel on January 21, 2019, when Israeli Prime Minister Benjamin Netanyahu signed a new amendment to the archive law extending the classification period for certain materials from 70 to 90 years. The extension includes the archives of Shin Bet (the domestic intelligence service), Mossad (the foreign intelligence service), the Israeli Atomic Energy Commission, the Israel Institute for Biological Research and an array of military units collecting “raw intelligence material.”

The complete list of the military units is not even available, since it too has been classified. In other words, even what is classified is classified.

The government is extending the period of classification at the same time that Israel’s Ministry of Defense is aggressively expanding the kinds of materials under its purview—effectively removing them from public view. A recent expose by the Israeli NGO Akevot: Institute for Israeli-Palestinian Conflict Research revealed that officials from the Ministry of Defense have been conducting unannounced visits to a number of non-official archives—like those of the kibbutz movement—and confiscating what they argue are classified documents that should not have been stored there. Even those documents that have long been used by scholars may suddenly disappear without notice. A former top official at the ministry did not even bother to hide the purpose: to discredit historians working on topics the state deems sensitive by insinuating that they falsified documents.

These new restrictions on the public availability of certain archives are part of a much longer history of Israel seeking to control the stories historians tell about its past. The chief Israeli archivist admitted as much in a rare moment of candor in January 2018, noting that choices of what to declassify sometimes involve “an attempt to conceal part of the historical truth in order to build a more convenient narrative,” particularly those materials that might “incite the Arab population” or “be interpreted as Israeli war crimes.”

The new restrictions are thus setbacks in the long struggle to use official Israeli records and materials to ascertain a more complete history of the 1948 Arab-Israeli war, the Palestinian exodus or Nakba, the military government over Palestinian citizens of Israel or the post-1967 occupation of the West Bank and Gaza Strip. Even those interested in the involvement of the Israeli intelligence community in suppressing the protest of Mizrahiim (Jews of North African or Middle Eastern descent) would be stonewalled.

Nevertheless, the new amendment and recent reclassification measures by the Ministry of Defense will not succeed in erasing all those trails, even if searching for them will become more laborious. As examples from my own work as a historian over the past decade illustrate, some of these trails will continue to challenge the official narrative in ways that exceed the state’s ability to control.

Fading Trails

It is impossible to discuss paper trails in the Israeli archives without mentioning the work of the so-called New Historians from the 1980s, namely Benny Morris, Avi Shlaim, Ilan Pappe and Tom Segev. Despite criticism of their methodology and some of their conclusions, there is little doubt these individuals were the first professional Israeli historians to introduce the practice of what Ann Stoler refers to as “reading against the archival grain.” In doing so, they challenged the officially sanctioned Israeli narratives about the founding of the country in 1948—most famously Israel’s denial that it played a major role in the creation of the Palestinian refugee problem. It is not clear whether their archival findings coincided with a mistaken release of documents by the archives, or if there was a strategic decision by the bureaucracy to declassify them.

What is clear, however, is that these historians unearthed official documents confirming Israeli culpability in expelling Palestinians, blocking the return of those who fled and committing a series of war crimes. In one seminal document from June 1948—located by Benny Morris and thereafter removed from public view—an intelligence officer listed many of the depopulated Palestinian villages from the first stage of the 1948 war, conveniently explaining for each village the means by which it was uprooted. Among the factors mentioned for the Palestinian exodus were “direct hostile Jewish operations,” “Jewish whispering operations” (i.e. psychological warfare), “ultimate expulsion orders,” “fear of Jewish [retaliatory] response” and others. Although Palestinian and Arab scholars had argued as much for decades (mostly relying on oral history), their claims had often been marginalized in Western scholarship. This denial was no longer possible after the work of the New Historians came out. The trail introduced by the New Historians still exists, but it has become harder to follow in the past decade. Even more significant than the 2016 closing of the reading room in the Israel State Archives was the recent formal introduction of members of Military Censorship into the archives’ headquarters. These military officials are tasked with approving any publication of documents on top of the work of the declassification teams. Trying to follow the New Historians’ footnotes may very well lead to a dead end. In fact, the chief archivist exposed in 2018 that in the Israel Defense Forces (IDF) archives alone, 200 files containing some 20,000 pages that had been opened in the past were sealed again in the last several years. Thousands of other files which are formally designated as “declassified” have at least a third of the file removed or redacted. Still, a large number of documents used by the New Historians are, in fact, still available for scholars.

Shay Hazkani is an assistant professor of history and Jewish studies at the University of Maryland.
perhaps due to the realization that hiding them would be more incriminating than allowing access.

A Paradoxical Opening?

One trail in Israeli archives that is much easier to follow was created by the state’s own attempt to sustain the official Israeli narrative, an initiative that is almost as old as the state itself. Launched in the late 1950s and going full steam today, Israeli governments have attempted to make sure the Israeli narrative continues to appear credible. In so doing, they (perhaps unintentionally) created an archive of the official narrative.

One unintentional paper trail opened up by the state revolves around the study commissioned by Israeli Prime Minister David Ben-Gurion in 1961 to prove that Palestinians left in 1948 “of their own free will” at the command of Arab leaders, rather than being expelled by Jewish forces (shockingly, this is still the official Israeli version).8 I was able to locate much of the correspondence about its production, but was blocked from viewing the study itself (despite Israeli law which stipulates it should be open). In early 2017 the Ministerial Committee for Permitting Access to Classified Archival Sources headed by then Minister of Justice Ayelet Shaked, decreed that file 618/922/1975 in the IDF archives would remain classified, citing “fear that its declassification would have real consequence for the state security and foreign relations.”9

But the trail has not gone cold. The documents I was able to uncover about Ben-Gurion’s study point to a certain cache of Arabic documents from 1948 taken by IDF soldiers in compounds of the Arab League’s volunteer army known as the Arab Liberation Army (ALA). Those documents, according to the scholars Ben-Gurion employed, established beyond any doubt the culpability of Arab leaders in the Palestinian exodus of 1948, thus exonerating Jewish forces. The claim that Arab leaders called for a Palestinian exodus was proven to be a canard long ago, but following the trail of documents from Ben-Gurion’s pet study to the ALA documents inside the IDF archives proved very revealing. In this archive are dozens of petitions by Palestinians seeking permission from the ALA to leave Palestine. They give many reasons for their desire to leave. Some had their village destroyed by Jewish forces, others were trying to locate family members who had already left and one was looking for his lost child. These documents do indeed tell a story of a partially willful departure of destitute people in the midst of war, just like Ben-Gurion had wanted.

But there is something else in the ALA files, conveniently overlooked by the group of scholars commissioned by Ben-Gurion to write the study. There are a number of ALA decrees and pamphlets unequivocally urging Palestinians not to leave their villages and even threatening them if they dared to flee. The commander of the ALA, Fawzi al-Qawuqji, on April 24, 1948 resolutely threatens those who would try to flee:

Israel State Archives, Jerusalem.
Some of the evil propagandists and the agents of Zionism are spreading defeatist propaganda with the intention of confusing and slowly planting fear in the hearts of the quiet inhabitants. In addition, some cowards evacuated their houses in the villages and cities because of...false propaganda or fear which took over their weak hearts. ...I am warning the evil propagandists and agents of Zionism and the hired cowards that their actions will result in the most severe punishment and I will sentence them to death.\textsuperscript{19}

There are even more concrete threats issued by the commander of the Alawite battalion of the ALA, Ghasan Jadid. His battalion’s documents, with the exception of this one, are featured prominently in Ben-Gurion’s study. Jadid warned that “whoever tries to leave his village will be fired upon and his possessions and livelihood will be confiscated.”\textsuperscript{111} These sources constitute part of the Palestinian archive—concealed inside the Israeli archives—that some scholars have been using over the past decade.

In addition to the trail leading to the ALA files, the documents that discuss Ben-Gurion’s study are a treasure trove in elucidating just how much material is still out there. One letter in the file indicates that the scholars working on locating evidence that Palestinians left “voluntarily” were able to find much relevant material in the archive of the Shin Bet. Until a decade ago, Israel did not even formally acknowledge that the Shin Bet had its own archive. But in 2009, as a result of litigation, the state committed to the High Court of Justice that the archives of the Shin Bet and Mossad (among others) would formally become part of the Israel State Archives and be subject to the same declassification laws. While the new amendment means it would take another 20 years for the Shin Bet to start systematically declassifying its files, the current law obliges the organization to examine each individual request it receives for documents based on published criteria.\textsuperscript{12}

That step provided a significant opening for scholars. After all, the work of the Shin Bet and Mossad was fundamental in shaping the patterns of the conflict, and the fact that those archives were entirely off-limits to historians had clearly slanted research. Moreover, large caches of documents from the pre-state period were deposited in the Shin Bet and Mossad archives, some of which have now been damaged beyond repair because of poor maintenance.\textsuperscript{13} In other instances, documents pertaining to sensitive or unlawful activities carried out by branches of the government were transferred over to these archives, such as the materials of a secretive department in the Ministry of Foreign Affairs, active during the 1948 war.\textsuperscript{14} Nevertheless, in the decade since the formal integration of the secret services’ archives into the state archives, all requests for the declassification of documents from these collections have been denied.

One of those rejections was for my own document request on the Shin Bet’s involvement in stifling Mizrahi protest in the 1950s. For decades Mizrahi activists had claimed that the Shin Bet was attempting to manipulate their actions behind the scenes, ranging from seduction and bribes to crude violence. The Shin Bet’s refusal to declassify any documents on the Mizrahi issue was especially egregious. Its own history unit had published extensively on the Shin Bet’s involvement in the Mizrahi protest known as the 1959 Wadi Salib revolt as part of a commercially available book on the tenure of Amos Manor as head of the organization.\textsuperscript{15} But when I asked to view the same documents, I was told that the Shin Bet had examined my request but rejected it “for reasons of protection of state security.”\textsuperscript{16}

This rejection seemed like an excellent test case to take to court. On January 1, 2019 the Association for Civil Rights in Israel and I appealed to the High Court to compel the Shin Bet to release all documents about its involvement in the Mizrahi protests in the 1950s. Since filing the lawsuit, another scholar petitioned the High Court to force the Shin Bet to provide him with the documents he needs for his study. If accepted—even partially—these cases could set an important precedent for the declassification of archival documents from Israel’s secret services.

An Intimate Archive

Perhaps the most exciting and promising paper trail in the Israeli archives is altogether different than the official correspondence of spies and bureaucrats discussed thus far. This paper trail is also closely linked with the work of the Israeli intelligence apparatus, but intelligence agents in this case are merely a shadow. My own research is largely based on archival findings that were long thought not to exist.\textsuperscript{17} These documents are narratives written by ordinary men and women, Jewish and Arab, and copied without their knowledge by the state.

A massive apparatus of postal censorship, operating from 1948 until 2004, produced verbatim copies of private letters written by Israeli soldiers and civilians, by Palestinians under the military government (and later under occupation) and even by Palestinian refugees living in camps. The letters were copied before being delivered, but the purpose was not to spy on individuals (although that was done as well), but rather to get a sense of the “state of mind” of these populations more broadly so that they could be better controlled.

The use of these documents raises methodological as well as ethical problems. On the ethical side, scholars are working with source material that was created by a big brother apparatus, largely for nefarious purposes. In the case of refugees’ letters, intercepting them was largely done to find routes used by returnees (“infiltrators” in Israeli lingo) so they could be blocked. Nefarious purposes may also be at play for other sources in state and colonial archives. Still, the degree of intimacy in private letters is probably unparalleled in other sources.

Ironically, the Israeli archives often use the disingenuous argument of protecting the privacy of those whose letters...
were secretly copied as a pretext to block declassification of letters that could prove embarrassing for Israel. I noticed this practice on numerous occasions, but the refusal to declassify one group of documents in particular stands out—the intercepted letters of Palestinians from the West Bank in the 1970s. Some of these letters discussed the anger and resistance of Palestinians whose lands were expropriated for settlement construction. Yet, black rectangles or redaction notifications often replaced the parts in the letters discussing these topics. The accompanied explanation cited “privacy concerns.”

Methodologically, the use of these sources may also prove tricky. First, assuming men and women writing at the time knew their letters were subject to surveillance and censorship, can a scholar really argue today that these are authentic reflections of ordinary men and women’s identity, or of their individual or collective “moods” more broadly? If my experience reading letters from 1948 can serve as a case study, I would argue they do. Like all sources, the letters have to be critically analyzed. Yet the sheer number of letters which tell novel stories about the war establish their value for writing “history from below.”

A second concern is the level of manipulation that occurred when the letters were originally chosen for copying. Here too, critical analysis is absolutely essential and one may draw from the experience of earlier scholars: Other states, including the British, French, American, and Russian, employed similar surveillance techniques. Due to the fact that copies of original letters (reproduced inside intelligence reports) are available to scholars, it is possible to ascertain that the British and American censors reliably reflected the views of individuals in their reports. Meanwhile, French and Russian censors often tailored their reports to the views of their superiors (at least in the Russian case this was because the censors feared for their lives).

The Israeli case is more akin to the organizational culture of British and American censorship than the French and Russian ones. While the censors were certainly not concerned about infringing on the privacy of those whose letters were being copied, they saw the integrity of their reports as one of censorship’s most important tasks. In fact, in response to objections from other army officers about the representativeness of the censorship reports, the chief censor noted that his reports were not spiced up in any way and did not contain any of the censors’ personal views: “we collect quotations, and I am extremely sorry that I can’t present them through rose-colored glasses, but only as they are,” he wrote to his commanding officer. Scholars, in an odd turn of events, could become the beneficiaries of these sources and help unearth marginalized voices.

**A Partial Set Back**

The ex-intelligence officers in charge of declassification in Israel have always weighed public relations considerations in making decisions about what to release. At least in the 1990s and early 2000s, however, there were some checks and balances in place: These bureaucrats feared that the government’s legal advisors or the courts might intervene in declassification if they went too far in their attempts to remove materials from public view. Nevertheless, the illiberal trends in Israel in the past decade meant that these declassifiers have been emboldened. They no longer fear the wrath of legal advisors or the courts, both of which have been weakened dramatically in the past decade.

The new measures trying to stifle archival research in Israel are certainly alarming, and scholars and activists worldwide should continue fighting them. But not all is bleak. There are still many more trails to follow—and many doctoral dissertations and books to write—with existing declassified sources from Israeli archives. The scanning initiative of the state archives—notwithstanding its problems in keeping scholars from the actual paper sources—even allows those who are blocked from entering Israel due to political activism some degree of access to the archival holdings. Together with the leaps and bounds in oral history, scholars of Palestine and Israel will certainly be kept busy in telling new stories that are at odds with the simplified narratives of pundits and politicians.

**Endnotes**

14. A little-known intelligence unit operated from inside the Ministry of Foreign Affairs led by Boris Gurevich, a former Haganah intelligence officer, ran several spy rings in Arab countries. Mostly staffed by Mizrahi men, the unit carried out sabotage and “black propaganda” operations in order to destabilize Arab regimes and hinder their war efforts. Gurevich’s actions, according to Iser Harel, later head of Israeli Mossad, walked the fine line “between law and licentiousness.” Ian Black and Benny Morris, Israel’s Secret Wars: The Untold History of Israeli Intelligence (New York: Grove Weidenfeld, 1991).
18. Intelligence Base/Intelligence 4 [censorship], Commander of Intelligence 4 to Head of Intelligence Department, “Attn: Soldier’s Opinion Report,” June 1, 1950, IDF Archives 6701/01/2005.
An Archive of Literary Reconstruction after the Palestinian Nakba

Hana Morgenstern

A close reading of a literary journal’s table of contents in colonized Palestine reveals a vibrant culture of resistance and renewal in the midst of destruction and dispossession.

What can a journal’s table of contents tell us about a particular literary culture? Quite a lot, it turns out, when one begins to excavate the political and cultural networks and practices of a period that are revealed therein.

A closer look at the table of contents of the Haifa-based, Arabic-language journal, al-Jadid (The New): A Cultural, Social and Political Magazine, first published in 1953, reveals an ongoing campaign to reconstruct an anti-colonial Arabic literary culture among Palestinians and some anti-Zionist Arab Jews inside Israel after the Nakba. The contents reveal a largely unknown network of literary correspondence among Arab, internationalist, communist and anti-colonial intellectuals and writers. It also reveals a wide variety of events and activities that encouraged the growth of local literature during the 1950s and early 1960s.1

Al-Jadid was the literary offspring of al-Ittihad (The Union), the newspaper of the Palestinian National Liberation League (NLL), founded in 1944. It was later transferred to the Israeli Communist Party (ICP), but kept its base in Haifa, a once Palestinian-majority city in the newly established Israeli state. Together the two periodicals laid the groundwork for a movement that eventually included many writers and other periodicals. Likewise, al-Jadid’s vision of narrating the lives of marginal and colonized communities in the early years of the state formed a collective story that explicitly refuted the premises of ethnocentric colonial Zionism and Arab-Jewish separation. Like its parent-newspaper, al-Jadid was an anti-Zionist Communist publication founded soon after the advent of Israeli statehood and the 1948–49 Palestinian Nakba, which destroyed Palestinian society, decimating its political parties, cultural institutions, intellectual milieu and literary culture. It’s mission was to rebuild this anti-colonial Arab literary landscape, or what in other colonial contexts has been described as a country’s “literary infrastructure.” 2 As in other colonized sites, Palestine’s literary infrastructure was devastated by violence and repression, and attempts at the formation of a national or collective movement necessitated new literary formations as well.

But in order to build a literary tradition, a country needs a publishing industry, gathering places, journals and the wide array of “institutions that provide literary training, facilitate and promote the circulation of literary texts, and consecrate literary value, including commercial, non-commercial and academic or state-supported cultural projects.”3 A “literary infrastructure” requires more than the ability to publish books—it includes the supportive edifice that makes possible the development of writers, readers, literature, public literacy and literary culture to begin with.

Tracing the paper trails embedded in the journal’s table of contents provides an index—a textual mapping—of how al-Jadid organized itself around the daunting task of Arabic literary reconstruction after Nakba.

To begin with, al-Jadid’s founders utilized the form of the cultural journal. Many intellectuals in the colonized world created journals that became forums for oppositional
politics, literary scenes and art practices. Low-cost, flexible publishing ventures like *al-Jadid* were able to nurture local culture through publishing new writers, transmitting debates, fostering intellectual networks and mentorship and exposing readers to local, regional and international work in translation.

At the journal’s inaugural opening, the Palestinian writer and organizer Emile Habiby defined it as “the kernel and catalyst of a literary movement...a movement that begins with *al-Jadid*.” Its goal was to develop multiple cultural fronts including popular education and literacy, writing, publishing, literary mentorship, poetry festivals and theater.

Next, tracing the journal’s table of contents provides a wide-ranging index of the different networks, affiliations and projects that sustained this development.

In the public section following the table of contents there are letters to the editor, cultural news and notes
about institutional projects such as intellectual and literary clubs and writing or poetry festivals. These activities were part of a sustained cultural campaign to cultivate literary education, literary practice and a sense of political opposition and collective self-determination within the broader community. Clubs and festivals were also spaces where writers could establish networks and mentorships and lay people could discuss culture, literature and politics with like-minded individuals.

Above the public section are two other regular journal features. One is a work of local literature and literary criticism in the form of an article on the impact of Palestinian folkloric song on oppositional poetry by the Palestinian writer and organizer Jamal Musa. The other is a short story about the racial and colonial dynamics of Arab Jews living in transit camps situated on stolen Palestinian lands, by the Iraqi Jewish writer Samir Marid.

Moving further down the table of contents, literary scholars might notice a surprising, but critical item: the magazine’s reprint of the chapter “‘Abqariyyat al-Aqqad (The Genius of ‘Aqqad),” taken from the book *Fi al-Thaqafa al-Misiriyya (On Egyptian Culture)*, written by Marxist Egyptian intellectuals ‘Abd al-‘Azim Anis and Mahmud ‘Amin al-‘Alim, and prefaced by the important Iraqi Marxist literary critic and philosopher Husayn Muruwwa.5

The book was a manifesto for a new brand of politically committed literary practice and criticism, influenced by socialist realism and Sartre’s philosophy of literary engagement—a key text for the anti-colonial, socialist and Arab nationalist literary scenes of Cairo, Beirut and Baghdad. It was rooted in the rejection of the older *nahdawi* (enlightenment) generation of Arab literature—epitomized by thinkers such as Taha Husayn and ‘Abbas Mahmud al-‘Aqqad—and led by a new generation of Egyptian writers who rebelled against literary classicism, maintaining that literature must emerge from the base of society.6

It is not surprising to find this article reprinted in an Arab socialist literary magazine, but the fact that there was an embargo on all communications between Israel and the Arab world raises the question of how this reached the Haifa-based editors the same year it was published in Beirut? The most likely answer is that Emile Habiby procured Arab cultural magazines through his ties in the Communist party, allowing for the regular reprint of articles from major Arab periodicals such as *Adab or al-Tariq.*7 Earlier in the table of contents, there is a poem by Nazhat Salaama reprinted from the Palestinian newspaper *Falastin,* relocated from Jerusalem to Amman after 1948. The poem further illustrates how through the journal writers and the public were able to overcome structural limitations and keep abreast of major trends in Arabic culture.

Finally, rounding out the table of contents are other articles that address the international socialist and anti-colonial cultural scene: a local poem by Sasson Somekh written in solidarity with African American musician and political organizer Paul Robeson; a review of the works of Martin Anderson Nexo, the Danish socialist writer; and a longer analysis of the popular struggle in Guatemala by the Palestinian historian Emile Tuma (pen name Ibn Khaldun). Such pieces were regular features in the journal, along with translated works by the likes of Federico García Lorca, Nazim Hikmet and Langston Hughes. The journal was situated within a specific international network that funneled literary and cultural blueprints as well as translation of international literature into the local scene.

In 1968, the eminent Palestinian intellectual and writer Ghassan Kanafani published two volumes examining the impressive formation of an oppositional literary milieu amongst Palestinians inside Israel. He introduced the Arab world to its anti-colonial aesthetics and to the writers it supported such as Emile Habiby, Samih al-Qassem and Mahmoud Darwish. Kanafani also outlined the daunting barriers Palestinian writers confronted in this period. These barriers included the murder and exile of a generation of cultural critics and writers; the destruction of institutions, gathering places and ultimately entire cities as Arab intellectual hubs; the embargo between Israel and the Arab world, preventing access to Arabic literature in the major centers of knowledge and Israeli military censorship and limitations on movement, gathering and publishing.8

In sum, *al-Jadid*‘s table of contents provides a rich paper trail for learning about this formidable effort to overcome obstacles and reconstruct cultural resistance under colonial rule. Histories of newspapers and journals are rarely examined by intellectual historians or literary scholars, who tend to focus on the canonical narratives that privilege individual writers and works above the political cultural milieu that produced them. Yet in a period characterized by a renewed interest in the concept of decolonization, tracing these archives can provide scholars and activists with a rich portrait of anti-colonial literatures and counter-cultural institutions, as well as of local and global networks where they exchanged ideas and forged bonds of solidarity.

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**Endnotes**

1. This connection has recently been examined in Maha Nassar, *Brothers Apart: Palestinian Citizens of Israel and the Arab World* (Stanford: Stanford University Press, 2017).


3. Ibid.


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The Secret Lives of UAE Shell Companies

Florence Wolstenholme
The UAE’s growing number of free zones are providing secretive havens for offshore companies to avoid taxes, regulation and accountability at home. Shell companies and money laundering abound. But it is still possible for determined researchers to discover who controls and ultimately benefits from this expanding system.
A glossy brochure advertising company-set-up services within Dubai’s Jebel Ali Free Zone Authority (JAFZA) promises to connect international investors to “the right solution no matter what the need.” JAFZA’s “One Stop Shop” promises to “remove all the barriers that businesses face” and allow them to enjoy 100 percent foreign ownership, zero percent corporate or personal tax, no currency restrictions and no restrictions on capital repatriation. Even more alluring—and unmentioned in the brochure—is the almost complete confidentiality afforded to the owners of these companies: There is no requirement to publicly disclose the identity of directors, officers or shareholders. The beneficiaries of this remarkably unregulated and opaque environment are not only the over 7,000 companies incorporated in JAFZA. The free zone, which is adjacent to the Middle East’s busiest seaport Jebel Ali, is a major, and growing, part of the United Arab Emirates’ (UAE) economy. It reportedly accounts for nearly a quarter of the total foreign direct investment in Dubai—the UAE’s most prosperous city—as well as its GDP.

What then happens when you combine a state’s key strategic asset with corporate secrecy, fast-track set-up and a regulatory regime that the Tax Justice Network describes as an “ask-no-questions, see-no-evil approach to commercial and financial regulation”? The answer is hundreds, if not thousands, of shell companies whose physical presence is little more than a post office box.

Shell companies do not actually have any business activities. They exist for the purpose of passively holding assets on someone’s behalf. These assets could be shares in a company, real estate, so-called “vanity assets” such as artwork, or simply cash. They often exist in offshore structures and are incorporated in secrecy jurisdictions—such as JAFZA—with limited disclosure requirements designed to conceal the identity of their ultimate beneficial owner: the person or entity who ultimately owns and controls, is legally responsible for and benefits from a particular shell company.

These anonymous companies form complex layers of ownership that crisscross global networks of tax havens and free zones, which enhances their obscurity. They create purposefully incomprehensible circular structures whereby subsidiaries seemingly own parent companies, which themselves are controlled by nominee directors (appointed by the “real” owners to act on their behalf) and shareholders registered in tax havens such as the British Virgin Islands, Bermuda, Malta, Jersey or increasingly one of the UAE’s dozens of free zones. The greater the number of shell companies that exist between an asset and its ultimate beneficiary, the harder it is to discover who owns what—making it difficult if not impossible to impose taxes or sanctions, levy fines for illegal behavior or award damages from court rulings.

The UAE’s recent inclusion on the EU’s blacklist of “non-cooperative tax jurisdictions” highlights the country’s status as a desirable tax haven, joining a host of Caribbean and Pacific islands that have long been associated with the shadowy world of offshore finance, where financial services, low taxes and secrecy are offered to nonresident businesses, allowing the criminal, wealthy and powerful to hide from accountability. These networks are, by their very nature, difficult to trace. Research can involve harassment, threats and murder—the journalist who exposed links between the Panama Papers and Maltese politicians was killed outside her own home by a car bomb.

While there is not one simple tool to unlock the identity of shell companies, a variety of research methods encompassing leaks, luck and tenacious internet searching can shed light on their ultimate beneficiaries and the assets they control. This process may be laborious, time consuming and frustrating, but working out who controls these international networks is fundamental to understanding global capital, who benefits from it and how. Shell companies allow this capital to be anonymous and absolve the beneficiaries from accountability.

Undertaking this research acquires a sense of urgency when considering the potential global impact of the UAE’s evolution as a center of offshore finance. JAFZA’s shell-friendly business model is being exported—with encouragement from multilateral organizations like the Organization for Economic Co-operation and Development (OECD)—across the region and beyond, which raises serious concerns about the effect of this model on economies without sophisticated tax regimes or developed corporate governance rules.

**Jebel Ali’s Syrian Shell Game**

One controversial figure who has been found to make use of JAFZA’s convenient “One Stop Shop” is Rami Makhlouf, cousin of Syrian President Bashar al-Assad and a widely acknowledged focal point of Syrian regime corruption. Documents revealed by the Panama Papers leaks show an extensive network of Makhlouf-linked front companies incorporated in the British Virgin Islands. A more recent leak of Dubai real estate records indicates that he has further assets concealed in the UAE using JAFZA shell companies.

A 2018 report published by the Center for Advanced Defense Studies (C4ADS) a Washington, DC-based think tank run by retired US military officers and former government officials, used these leaked documents to connect Rami Makhlouf, along with his brother and mother-in-law, to millions of dollars worth of luxury properties on Dubai’s Palm Jumeriah. These leaks shed light not only on how the powerful and corrupt use JAFZA-incorporated shell companies to purchase property, but also the particulars of connecting shell companies, and the assets they hold, with their ultimate beneficial owner.

The leaked real estate records linked Makhlouf to a JAFZA-registered company called Ladessa Gulf Holding FZCO. Because Ladessa is incorporated in JAFZA, the only official open source information available about the company consists of a phone number and a generic email address from a business set-up service. These details at first glance yield nothing more than a few dozen entries in online corporate directories. A closer look,

Florence Wolstenholme is an MA candidate in Near and Middle Eastern studies at SOAS, University of London.
However, shows that the same phone number is used by another JAFZA company, Medtrade FZE. Returning to the official database confirms that the two companies have identical contact details. Further searches of online business directories show that a different contact email address listed for both companies links to a third company via a Facebook profile. All three share the tell-tale signs of shell companies—no evidence of any genuine business activities such as offices, workers, products or services.

Medtrade opens up a further line of inquiry. The limited information provided by the official online database, Dubai Trade, notes that the company’s “country of origin” is Lebanon. While the Lebanese Ministry of Justice’s online Commercial Register does generally provide more detail than JAFZA’s, this is often out of date or inaccurate. Moreover, Lebanon is itself a notorious secrecy jurisdiction with an extensive offshore corporate regime. The Commercial Register does include a similarly-named offshore company, but here the online trail goes cold. None of the directors or shareholders of the company listed have a discernible online profile. Understanding any connection between Makhlouf and the Lebanese company would likely involve time consuming and expensive on-the-ground research to confirm (or rule out) suspicions that they are acting as frontmen for Makhlouf.

But only a few hours of online research on leads from the Dubai real estate leaks opens up an international network of shell companies linked to the Syrian regime. Not only are they connected to Dubai, but also to Lebanon and, through the Panama Papers, to Makhlouf’s British Virgin Islands companies. Makhlouf has made use of both the traditional tax havens of former British Caribbean colonies and one of the UAE’s own emerging offshore centers. The same research, however, demonstrates the limitations of tracing networks of shell companies. Corporate secrecy rules in JAFZA put official documentary evidence of Makhlouf’s ownership of Ladessa or Medtrade out of reach for journalists and activists, leaving any formal sanctioning or prosecution to the initiative of under-staffed and under-resourced public court systems. Even when courts are motivated to pursue financial violations, their reach is limited. Only a few hundred million of Makhlouf’s estimated $6 billion fortune has been identified and subjected to sanctions.

Publicly linking Makhlouf to Ladessa and Medtrade is likely of little concern to him. With JAFZA’s seamless company formation service, Makhlouf’s advisors can simply set up another group of shell companies and transfer the assets at the slightest hint of legal trouble. Such companies form a small part of a labyrinthine international network of shell companies and special purpose vehicles employed by Makhlouf and the Syrian regime, as well as hundreds of other dictators and billionaires.

**Detective Work**

There is no single methodology for establishing the identity of the ultimate beneficial owner of a shell company. As with discovering the ultimate beneficiary of Ladessa and Medtrade, this research often involves a combination of leaks, luck and connecting the dots on internet search engines. Even with the aid of hackers and whistleblowers willing to leak information, open source research into shell companies is tedious work and
involves trawling through thousands of pages (the Panama Papers alone includes 11.5 million documents).

Crucial information can come from a variety of sources: a related party transaction buried deep in a financial report, a passing reference to a shareholder in a legal judgment, an address or phone number that links different companies across online business directories, a comment in a local newspaper article tucked away on page 35 of Google’s search results or a resident’s name listed on a planning application to dig a new basement in a property owned by an offshore entity. Tracing Gulf-based shell companies is challenging work given the paucity of online records, but it is rare to come up empty handed once work gets started.

Sometimes the best results come from sheer luck, or rather sloppiness on behalf of the army of incorporation agents and nominee directors that are tasked with maintaining company records. For example, it is difficult to obtain audited financial statements for UAE companies, particularly those incorporated in free zones. If the company has an Indian subsidiary, however, there is a chance these could have been uploaded to the Indian corporate registry’s online database. Although chaotic, the same imperative that drives the wealthy and powerful to hide their assets in multiple layers across many jurisdictions also means more opportunities to stumble across relevant information.

Human sources also play a key role in understanding the ownership structures of shell companies. This information can come in the form of leaks such as the Paradise and Panama Papers, those published in WikiLeaks or from insiders willing to have off-the-record conversations with researchers. Finding links between open source research and an ultimate beneficiary is often impossible without leads from these whistleblowers. Investigative journalists have contributed significantly to tracing networks of shell companies. Organizations like the Organized Crime and Corruption Reporting Project (OCCRP) and the International Consortium of Investigative Journalists (ICIJ) have dedicated thousands of hours to analyzing documents and collating resources for other researchers. In Great Britain the satirical magazine Private Eye has built a public database of every single property in London owned through an offshore company.

Yet, unravelling networks of shell companies is so complex and costly that much of this information remains buried. Law and consultancy firms in the United States and Great Britain, however, undertake extensive and largely unpublished research into such structures. These private firms conduct investigations on behalf of potential investors as well as former business partners engaged in disputes. Because they can afford to access costly subscription-only databases and employ project teams of multilingual analysts, forensic accountants and technical specialists to build a picture of corporate networks, their information is often the most comprehensive. But unlike journalists and researchers, their end result is a proprietary product sold only to those willing to pay, not a free report meant to galvanize public outrage or elicit a legislative response.

Looking into these complex corporate structures can also be dangerous work. Many researchers hunting through corporate paper trails have found themselves subject to state surveillance and hacking. The Bahraini activist Ala’a Shehabi is an illustrative example of not only states’ willingness to target researchers, but also the role of a British company in providing the technical tools for this surveillance. Shehabi found evidence of an extensive network of front companies linked to Bahrain’s royal family profiting from corrupt land reclamation deals in the country. She also discovered that her computer was targeted by surveillance software made by a British company and cleared for export to Bahrain by the British government. The murder of Jamal Khashoggi, a fierce critic of Saudi government corruption, has been linked to the hacking of his WhatsApp conversations with fellow activists and investigative journalists. In this case, the software used to monitor Khashoggi’s communications has been linked to the NSO Group, an Israeli company.

“The World’s Biggest Washing Machine”

The presence of a shell company within a corporate structure does not by itself indicate wrongdoing. The anonymity afforded by such structures—particularly in the case of secrecy jurisdictions like JAFZA—does, however, provide an opportunity for nefarious use. Makhlouf’s employment of JAFZA shell companies to purchase Dubai real estate provides an example of perhaps the most egregious of these—money laundering and concealing the proceeds of corruption. Dubai’s shell companies are playing an increasingly important role in these money laundering networks. Transparency International describes the emirate as a “money laundering paradise, where the corrupt and other criminals can go to buy luxurious property with no restrictions.” Misha Glenny, the investigative journalist whose book McMafia, about global networks of criminal finance, was adapted into a hit BBC drama series, has dubbed Dubai “the world’s biggest washing machine.”

Shell companies have other more banal but no less insidious uses. They are well suited to the avoidance of labor laws, taxation and disclosure rules. JAFZA offshore companies are commonly used to purchase property in Dubai’s extensive real estate developments. For this, JAFZA offers an extra layer of secrecy, promising that its offshore structures “give your business increased confidentiality over its financial affairs and reduces intrusion.” Incorporating a company offshore allows it to be physically, but not legally, present in the jurisdiction.

Governments and royal families across the GCC also take advantage of these anonymous structures to obscure their ownership and investment in businesses in the Middle East and beyond. As Ala’a Shehabi discovered, they are prepared to go to great lengths to maintain this confidentiality. Likewise, shell companies are used to mask the flow of public funds into ostensibly private ventures that benefit royal families and their close associates. The structure of these investments through front companies and special purpose vehicles makes what Adam Hanieh calls the “fuzzy line between the state and the capitalist class” harder still to demarcate. Shell companies blur the
boundaries between public and private capital, making it impossible to tell who is benefiting or who is footing the bill. These structures obfuscate state accountability and contribute to the unrest and resentment found in politics throughout the region.

It does not take long to find numerous Emirati businesses that illustrate the problem of discerning state from private investments when shell companies are involved. In the case of so-called “Dubai Inc.”—the group of majority state-owned enterprises that manage Dubai’s political economy—a portion of stock in several of these companies is publicly traded and some of this in turn is held by anonymous shell companies. The identity of the owner(s) of “Capital Assets LLC,” which holds just over 5 percent of Emirates NBD bank, for example, is not publicly disclosed despite being the bank’s second biggest shareholder after the government’s nearly 56 percent stake. Official material published by the bank and the Dubai Financial Market stock exchange provides no official information as to the company’s ultimate beneficial owner.

That owner is in fact Juma al-Majid, one of the Emirates’ wealthiest businessmen and owner of a diversified conglomerate comprised of over 40 companies. Uncovering this shell company’s ultimate beneficiary required first finding a post office box listed in an online corporate directory—using extremely common names like “Capital Assets LLC” ensures additional trouble in trying to locate the correct entity—then searching for other entities also registered at that address. In this case there were only a dozen or so entries listed at that post office box, but in other cases as many as 2,000 registered businesses can occupy a single street address. Many of the entities were named as Majid subsidiaries in separate corporate listings. Since his son Khalid Juma al-Majid spent several years on the board of Emirates NBD it is safe to assume we have identified the beneficial owner. It is unclear why Majid’s parent company fails to list Capital Assets anywhere on its website alongside its many subsidiaries. Perhaps this absence is meant to obscure the benefits that have accrued to the Majid family from its relationship with the bank, as when it offered special financing (2.5 percent) for all new purchases of Hyundai cars, which are distributed in the UAE exclusively by Majid.11

The Sharjah-based airline Air Arabia provides another useful case study of state and private capital knotted together through shell companies. A significant percentage of the company, which is also listed on the Dubai Financial Market stock exchange, is owned by Sharjah state bodies, including its sovereign wealth fund. Copies of an abridged initial public offering (IPO) prospectus available online includes a list of founding shareholders naming dozens of members of Sharjah’s ruling al-Qasimi family. But because many of the company’s shares are freely traded on the Dubai stock exchange, it is impossible to confirm how much of its stock continues to be owned by individuals linked to the state. Like Emirates NBD, at least one major shareholder is also a likely shell company. Al Maha Holding Company FZE, which owns nearly 10 percent of the company, is a special purpose vehicle incorporated in the Sharjah International Airport Free Zone, another of the UAE’s secrecy jurisdictions. Unraveling what proportion of the company is actually owned by the state or members of the ruling family becomes an almost impossible task.

The Panama Papers reveal that the GCC’s ruling families have made extensive use of offshore structures and shell companies for their personal enrichment. Analysis by Süddeutsche Zeitung, the German newspaper that originally received much of the leaked material, shows that at least 73 members of ruling families from all six GCC states had incorporated companies with the Panamanian firm Mossack Fonseca, which is just one such offshore services company in a field of thousands.12 Documents show that at one point President Khalifa bin Zayed al-Nahyan of the UAE and ruler of Abu Dhabi, owned 20 shell companies registered in the British Virgin Islands alone. Several of these companies were used to build his London property portfolio, again pointing to the central role of London’s real estate market in global offshore finance.

There may be a number of reasons a company wishes to take advantage of a corporate governance regime like JAFZA’s. The problem, however, is that the same light-touch regulation and lack of transparency that provides banks, private equity houses and sovereign wealth funds with the required level of confidentiality, also creates hiding places for the world’s criminals and money launderers. Oliver Bullough, an investigative journalist who has written extensively on corruption in post-Soviet states aptly sums up this dynamic: “the old problem at the heart of [this is] that the same things that attract the naughty money—privacy, security, deniability—also attract the evil money.”13

A Hazardous Export

The global financial system is always looking for new and more secure warehouses to invest surplus capital. The vast and intricate network of offshore tax havens, shell companies and financial advisory firms that cater to the ultra-rich ensures that this capital can cross borders where legislation and public accountability cannot follow. The emergence of new offshore centers and free zones such as JAFZA and the decline of others points to the enduring appeal of these structures, to capital’s impulse to create ever more complex and opaque hiding places and to geographic shifts in the global epicenter of financial power. In the wake of international crackdowns on Swiss banking in the last decade, investors have quietly moved assets to emerging centers like Singapore and the UAE, which continue to gain popularity as depots of international offshore finance.

Dubai’s rise in this field is a return of sorts to its long history as a trading entrepôt. Today, while JAFZA’s physical warehouses store commodities from across the world, its shell companies, special purpose vehicles and offshore structures house financial assets linked to Hong Kong, Singapore, the Caribbean and the Channel Islands. Although the real money to be made today comes from attracting and safeguarding financial capital rather
than dyes, spices and textiles, the UAE’s unique position as a node in global shipping and trade routes with its sophisticated financial infrastructure ensures the state’s durable integration into global economic networks.

The implications of the UAE’s evolving role in international networks of trade and finance extend far beyond the immediate region. A Dubai-based model of urban development centered on Jebel Ali-style free zones is being exported globally, encouraged by institutions such as the OECD, as well as the Emirati state’s own investments. In a report discussing best practices for the construction of special economic zones across the Middle East and North Africa in order to attract foreign direct investment, the MENA-OECD Competitiveness Programme notes, “[t]he success of JAFZA has been such that its operating company is now selling know-how to, or is otherwise involved in the development of, several of the other zones in MENA.”

The report lists free zone projects in Egypt, Jordan, Libya and Morocco being developed “in co-operation” with JAFZA, which is now consolidated under DP World, a state-owned holding company whose 2007 IPO was the largest in the region’s history. DP World is a major power in global trade: Through both expansion and acquisitions of existing operators their portfolio now includes 78 maritime and inland ports around the world representing 9 percent of the market share of world container traffic. Notably, a significant proportion of the company’s volume (75 percent according to a May 2019 investor presentation) is generated from “emerging or frontier markets” such as those in the Horn of Africa.

What effect will JAFZA’s hazardous model for export have on accountability? This question is particularly important to answer when it comes to countries that lack sophisticated tax regimes or developed corporate governance rules—the very places DP World is targeting for some of its most aggressive expansion. Given that shell companies allow capital to lie outside frameworks of public scrutiny, shield its beneficiaries from tax and labor regulation and even facilitate corruption and money laundering, experience suggests the answer is unlikely to be positive.

Endnotes
11. Thanks to MERIP editorial committee member Shana Marshall for uncovering this ownership case.

Paper Trails Pedagogy
Laleh Khalili

In order to uncover the paper trails of the powerful, one has to first learn how to track down, read and decipher obscure planning documents that are often available in the public sphere. One professor teaches these critical skills to students interested in learning about who decides, who benefits and who suffers from the global expansion of infrastructures.

A growing field of research with significant public and global implications interrogates the politics of the making and maintenance of infrastructures. Such infrastructure includes electricity and water, waste collection, railroads, ports and airports, data and telecommunications, canals and dams and irrigation. The central questions of this field are who decides, who benefits, who has access and who suffers because of these infrastructures?

Laleh Khalili is a professor of international politics at Queen Mary University of London.

An indispensable method for answering these questions is embedded in the often arcane planning documents and technical reports produced by states and private actors, as well as in public ownership records and business filings. This document trove constitutes a valuable paper trail of deeply political and politicised activities, assumptions and choices that open new vistas of knowledge to those willing to look. The documents themselves are usually technical and opaque and finding and navigating them...
often requires knowledge of and experience with various bureaucracies. As such, learning about the politics of infrastructures requires, *inter alia*, also learning how to find and interpret these paper trails.

Before writing my forthcoming book on maritime infrastructures in the Arabian Peninsula, I began teaching a masters level module on “Infrastructures, Conflict and Struggle” at SOAS University of London. Every week, the module required the students to read a number of critical articles on the politics of the making and use of infrastructures. Each week, a group of students presented a relevant instance of the kind of infrastructure we were studying, with an eye to the political struggles that had shaped their planning, construction, access to them and the like. Over the course of the two years that I taught the module, the students presented on dams in Myanmar, data centres in China, road-building in Sinai, offshore oil rigs in Saudi Arabia and a score of other projects worldwide.

The students were required to complete two research projects as part of their written assignments for the module. In the first assignment, they chose an infrastructure in London—such as London’s new Gateway Port, community electricity projects, Heathrow airport, the Regent’s Canal, high speed rail, the Underground and so on—and produced a technical report about it. The technical report did not entail an explicit political analysis, but rather a precis of the kind of financial, engineering, or policy planning that goes into the building or operation of that infrastructure.

In order to produce a technical report, students were required to find and interpret planning documents and related materials—the paper trails of their chosen infrastructure project or case study. Although they were not asked to directly focus on the political struggles that had made their chosen infrastructure possible, the students inevitably picked up all the ways in which politics was deeply inscribed into the ostensibly non-political and technocratic language of these planning documents. Many of the students also conducted interviews for ethnographies of these infrastructures. Their oft-critical reading of the technical documents was beautifully supplemented with sharp observations about the everyday life of the infrastructures they were analyzing.

For their second and longer assignment, the students chose that same infrastructure but in a country in Asia or Africa, and here they would not only write about the technical aspects, but also about the political struggles around the infrastructure. Combining these two different assignments compelled students to engage with the continuities (more often than differences) between the processes of ownership, financing, design and construction of infrastructures in the Global North and Global South. Asymmetric power relations and slow or structural violence were constant features of these processes in both the North and the South.

The students paired studies of Tower Hamlets borough’s plans for mitigating public urination with a study of public toilets in Ghana; London’s under-construction and controversial HS2 high speed rail with a high speed rail plan in South Africa; recycling in London with waste collection in Beirut; the free zones at Garwick airport and Jabal Ali port in Dubai; storm sewers in London and rainwater drainage in Jakarta; and so on. They visited ports, interviewed municipal officers and bankers, worked their way through labyrinthine ownership documents for shell companies, read through mind-numbingly dull (but also richly informative) engineering plans and so on. The module also allowed them to acquire or hone their skills not only in writing critical essays but also in digging up and scrutinizing and picking apart these jargon-ridden technical documents.

To learn how to track down, read and decipher technocratic paper trails is a critical skill for understanding and, perhaps even more importantly, challenging power asymmetries and injustices perpetuated through the global accumulation of capital. In today’s world, information is not scarce; it is often available in all sorts of venues, much of it now online. For example, the Pentagon, an enormously important infrastructural actor in the United States and abroad, is also a prolific online archiver of technical materials, periodic reports and publications. But one has to not only know where to look (most search engines don’t easily find these documents) but also how to search through decades of opaquely catalogued materials and long daily reports (not too dissimilar from the mind-bogglingly bewildering catalogues of the US National Archives).

Learning how to extract information from these often-hidden paper trails is necessary not only for understanding how infrastructures work, but also for stripping away the language of “development,” “progress” and “improvement” so central to the current World Bank fetish for infrastructures. Knowing who benefits and who suffers from and who actually pays for a publicly or privately funded infrastructure is also necessary knowledge for activists trying to find points of political leverage. Locating these pressure points—in funding and financing, shareholder portfolios, resource allocation and profit distribution—and mobilizing around them also helps in the processes of claim-making against states, local and transnational financial institutions, legal regimes and global capitalists that so rapaciously benefit from fleecing the public through expensive and complex infrastructure projects.
The Egyptian Revolution’s Fatal Mistake

Aly El Raggal

Early in the 2011 Egyptian revolution, activists and protesters battled their way into state security archives around the country. But the revolutionaries handed over the documents to the army, who later took power. Inside the state security archives were the blueprints for uprooting the police state and making lasting structural change.
Egyptians have been fighting their repressive police state for over a century. Modern Egyptian history is littered with revolts against it. In the 1919 revolution protesters burned police stations to the ground, nationalists targeted the British-backed political police between the 1920s and 1950s, and in 1977 thousands of protesters attacked and burned police stations as part of their anti-International Monetary Fund “bread uprising.”

The core of the modern Egyptian police state has been the State Security Investigation Service (SSI), the main security and intelligence apparatus of the Ministry of Interior and the highest internal security body in Egypt. Originally formed by British colonial authorities in 1913 as the intelligence wing of the National Police, the SSI was reorganized after the 1952 revolution under the new military regime of Gamal Abdul Nasser (president from 1956 to 1970) as a separate branch of the Ministry of Interior and given legal powers of arrest, detention and prosecution in separate State Security Courts.

By the end of the 1970s—with an estimated 100,000 personnel (and as many informants) fortified by the paramilitary Central Security Forces (CSF)—State Security was dominating Egypt. With its vast network of surveillance, prisons and fully operational torture chambers, it was more powerful than the army in internal affairs and, in fact, monitored all levels of military command. It was favored by President Anwar al-Sadat (1970–1981) and his successor Husni Mubarak (1981–2011) due to their fear of a military coup d’état.

In 2011, another battle took place between the people and police state across Egypt, with protesters choosing January 25—the annual National Police Day public holiday—to converge upon Cairo’s Tahrir Square and launch their uprising. By January 28, the protesters had defeated the police in the streets, burned down police stations and chased police officers from cities. There were a few attempts to break into the central Ministry of Interior headquarters on Shaikh Rihan Street near Tahrir Square, but these were harshly repelled and the army assumed security over the building. With no uniformed police personnel in public, it seemed that Egyptians had finally defeated their brutal police state.

Yet despite the immediate successes of the Egyptian revolution in the first month—ousting Mubarak, dismantling the ruling National Democratic Party (NDP) and routing the police—the revolution had yet to confront directly and uproot the core apparatus of the police state. State Security, housed in the Ministry of Interior, contained a trove of documents many believed would reveal the numerous crimes committed against the Egyptian people during Mubarak’s 30-year dictatorship.

The Battle of Alexandria

On March 3, 2011, political activists monitoring State Security in Alexandria—a city that suffered considerably from SSI detentions, torture and killings—spread word that the SSI was shredding documents and transferring others outside its Alexandria headquarters. With the call to protest spreading through social media, people geared up and surrounded the security building at its six gates. An SSI-affiliated police officer shot and severely injured the well-known Alexandrian activist Hassan Mustafa. Then more protesters, followed by army personnel, converged on the site and the SSI was under siege. The apparatus that had for so long watched over them was now being watched—the first inversion in the logic of power that had dominated Egypt for decades.

Aly El Raggal is a political sociologist based in Cairo.
The mostly young revolutionaries demonstrating in front of the building had no official support from the Muslim Brotherhood or traditional political parties and included artists, salafists, Revolutionary Socialists and family members of SSI victims. The unarmed protesters, only carrying banners with anti-SSI slogans, established communication channels linking the different gates. The army securing the SSI building developed a relatively good relationship with the protesters, who kept within army-directed limits. The army allowed the demonstrations but made clear that they were securing both the protesters and the SSI building, which belonged to the Egyptian people and the state.

The tense but managed situation, however, was later shattered when a bloody battle broke out after SSI officers surprised both the army and the protesters by throwing Molotov cocktails and firing live ammunition and tear gas at the protesters. As the army retreated, a fierce battle took place between SSI personnel and the revolutionaries, who successfully broke into the main entrance. The army sent Special Forces from the navy to control the situation, but while trying to take the SSI officers out of the building, the protesters attacked and another battle took place leaving many SSI officers severely injured, beaten up and humiliated.

The long night finally came to an end with the protesters’ takeover of the SSI headquarters. The Muslim Brotherhood sent an informal delegation to check the situation and take away some files, but most of the documents captured by the revolutionaries were handed over to the army willingly. Army officers were reportedly angry to find out that the SSI spied on them, but little substantive information was released to the public.

News that the SSI headquarters in Alexandria had fallen encouraged thousands in Cairo to march on their massive headquarters in Nasser City. Other protesters breached SSI headquarters in the central city of Assiut and the nearby 6th of October City. But this time there was no battle: The army evacuated the building and opened the doors to the protesters. Many entered and took photos of jail cells and torture rooms they had once inhabited. Most of the documents found that night were also handed over to the army, with a smaller number taken by individuals and released to the media as leaks. The bulk of the SSI documents were now in the military’s hands.

**From Triumph to Defeat**

Despite the revolutionaries’ battlefield triumph, little was achieved at the structural level in the centuries-long popular fight against the police state. Egypt’s new overlords, the Supreme Council of the Armed Forces (SCAF)—the body of senior Egyptian military officers that assumed governing power from President Mubarak on February 11, 2011—formally dissolved the SSI on March 15 that year. But instead of abolishing it they rebranded it as the National Security Agency, or Homeland Security. The State Security apparatus—with its offices, prisons, torture chambers and many of its former personnel—resumed operations. The only real change was to the Ministry of Interior’s position in the hierarchy of internal security organizations that rule Egypt. The once-dominant SSI was forced to take a step back in favor of the Military Intelligence Directorate, led at the time by Field Marshal Abd al-Fattah al-Sisi.

An equally important setback to the revolution was that the SSI archive was never opened. All the reports between SSI operatives, the ministry and presidential bureau; orders received; historical records; evaluation reports on events and daily matters and the entire internal history of the SSI apparatus remained classified and untouchable. People discussed salacious matters such as the women’s bras found in SSI headquarters or the recordings of sex calls, but the information stored in the archives about how the SSI ruled Egypt and how they penetrated all aspects of life was not revealed.

Unlike what happened with the Stasi in East Germany after the 1989 revolution, Egyptians still know very little about the SSI. In 1989, the entire structure, archive and history of the Stasi-led police state were revealed to the East German public. People learned exactly how they were ruled and controlled for decades, and through which techniques and methods. This information is now archived in the Stasi museum, housed in their old headquarters.

Why did the Egyptian revolution fail to unlock the archive and structurally dismantle the SSI? Egyptian protesters broke into the SSI headquarters when the revolution was at its peak—the revolution’s later defeat by the military cannot explain its failure. Rather, the failure to unlock and dismantle the SSI is due to two factors that were also present in the dynamics of the battle of Alexandria.

The most immediate problem was that none of the main players, such as the SCAF, the Muslim Brotherhood, the new political parties or even the revolutionary youth coalition had the capacity, interest or strategy for completely dismantling the SSI and opening it up to the public. But at a deeper level, the SSI is widely misunderstood as simply a negative, repressive apparatus. This conception inhibits a richer conceptual understanding of the productive centrality of the SSI across the entire Egyptian social body: the roles it plays, the social networks it inhabits and the functions it provides in shaping the entirety of Egyptian society. Buried in the SSI archive, therefore, was the art of government by which Egypt has been ruled for more than a century. Without a proper understanding of those dynamics, it will never be possible to know how to dismantle and transform the brutal police state that continues to govern Egyptian society.

**SCAF Aspires to Be Sovereign**

The most powerful domestic actor on the scene after Mubarak’s ouster, the SCAF, clearly lacked the will or interest to dismantle the SSI, although it had the capacity. There were compelling
Revolutionaries search the underground archive room at the Nasr City State Security headquarters, March 5, 2011. HOSAM EL HAMALAWY (CC BY-SA 2.0)

reasons for the army to want to dismantle the SSI, but the SCAF and specifically Military Intelligence ultimately wanted to inherit the SSI information, and then force the SSI to step back into internal security matters. The SCAF also needed to inherit the SSI to maneuver against another security organization—the General Intelligence Directorate. Omar Suleiman, Egypt’s former intelligence chief and ally of Mubarak, was a rival to the army and had the capacity to compete over power. Rather than dismantling it, the SCAF wanted to teach the Ministry of Interior and the SSI a harsh lesson that they were the new power and the only safeguard to protect them from the angry masses.

Behind the SCAF’s decision to upstage but not dispose of the SSI was the longstanding internal power struggle between state security organizations over who dominates Egypt and who is actually the sovereign. This contest can be traced back to the 1960s when the internal security apparatus was split in the power struggle between President Nasser and Field Marshal Abd al-Hakim Amer. Nasser had on his side the National Police, the SSI, the presidential bureau and the Arab Socialist Union (the ruling party). Amer had the army, Military Intelligence and General Intelligence. After Egypt’s defeat in the 1967 war, the Nasser bloc, and the SSI, won the power struggle and took over the other organizations by blaming the defeat on Amer’s bloc.¹ By the 1970s President Sadat relied largely on the National Police and SSI against the army and against leftists, and later radical Islamists, amidst growing discontent with his economic policies and the Camp David agreement with Israel. Following Sadat’s 1981 assassination, the Ministry of Interior became the dominant player in Egypt’s power game during Mubarak’s rule and helped maintain the regime in the midst of the state’s vicious war with Islamists, growing poverty and finally Mubarak’s unpopular attempt to hand power to his son Gamal.

By the eve of the 2011 revolution, the army was very aware of its marginalization within this longstanding power struggle. Ministry of Interior officers of all ranks were calling themselves the masters of the country. Gamal Mubarak and the new capitalists of the NDP loyal to him, alongside the Ministry of Interior strongman Habib Al Adly, were ready to take over the country once Mubarak died. To add insult to injury, the SSI routinely flaunted their power over the army.

Thus, all the conditions were ready after the revolution erupted in 2011 for the army to allow the humiliation of the SSI and let it face the wrath of the people. But dismantling the SSI completely and opening it up to the public was another story. Knowledge, information and state archives
are matters of national security for the army—they form the technology of power to rule Egypt and are therefore a matter of sovereignty. The army’s continued rule depended upon an extensive police state, which they could not let fall. With Mubarak’s ouster, the SCAF had captured the state apparatus and thus Military Intelligence came to the front line again after decades of marginalization. It should be no surprise that the leader of Military Intelligence during the revolution was Abd al-Fattah al-Sisi.

The SCAF’s unwillingness to dismantle the police state was reinforced by powerful allies such as the United States. The long-term partnership between the United States and the SSI flourished throughout the 1990s and 2000s because of the global war on terrorism. Opening up the SSI archives would have potentially damaged the United States by exposing many dark secrets. Both the General Intelligence and SSI played an important regional role for the United States in the fight against radical Islamists by utilizing their dark operational methods to help maintain regional order after the Iraqi invasion of Kuwait in 1991. It is unlikely that the United States would have abandoned important allies and risked such disclosures for the sake of popular sovereignty.

A Limited Revolutionary Agenda

The problem for those rebelling against Egypt’s police state was primarily their limited capacity—as well as lack of a strategy and the necessary political imagination—to fully dismantle the police state and open up its archives. The Muslim Brotherhood, for example, was clear from the beginning that they did want to radicalize the revolution nor escalate against the SCAF. They defended the Ministry of Interior on several occasions and praised the army, seeking to shift the battle from revolutionary and transformative to one about enhancing morality and fighting corruption. Ultimately, they wanted to accelerate the political process to elections, where they were confident in their chances to finally inherit the state as an apparatus and tool for their own rule.
The newly born political parties who mobilized for promised elections, on the other hand, were too weak to lead a battle against the SCAF to dismantle the SSI. They also lacked a broader imagination about what was possible after the revolution. According to some of their members: “The battle was too big for them and out of their political scope and imagination.” In the words of one: “We did not know what do with the SSI after the masses broke into it, we only cheered up for the act, and nothing further was in the back of our minds. Things were in state of flux and too fluid, and the political sphere was just born, after 60 years of anti-political regimes and the long demonization and demoralizing of politics and social struggles that the subsequent regimes of the 1952 coup d’état succeeded to achieve.”

Finally, the revolutionary youth coalition and other independent activists also lacked the capacities, tools and strategy for leading this battle. Few coalition members focused on the struggle against the SSI, while others underplayed the importance of entering the SSI during the battle of Alexandria, seeing it as a minor achievement where people entered the SSI, took photos and cheered themselves up. Other members of the coalition blame structural problems within the composition of the coalition itself: it was formed mainly by reformists who did not want to escalate against the SCAF and, moreover, there was too much trust in the SCAF.

The young Alexandrian activists who had captured the SSI building in March 2011 ended up handing the documents over to the army. They had the courage and the will to lead a bloody battle on that night, but they lacked a political agenda or strategy for what to do next. Several activists from Alexandria described how: “we had a what to do check list, we were not happy that the SSI remained untouched, we wanted to act against it, but we did not have a strategy apart from chanting and demanding trials against its officers…even the demo that ended up with the fall of the SSI in Alexandria was not planned, things just escalated.”

How the Police State Governed Egypt

Behind the inability of many protesters to grasp the strategic importance of needing to completely dismantle the SSI and open up its archive to the public was a widespread, but narrow, view of the SSI as simply a repressive apparatus of torture and brutality. While true at one level, this view nevertheless inhibits a broader understanding of how the Egyptian police state plays a dynamic and productive—not simply negative—role in shaping all levels of Egyptian society. Michel Foucault describes this role in another context as “an apparatus that must be coextensive with the entire social body and not only by the extreme limits that it embraces, but by the minuteness of the details it is concerned with.”

The tendency to reduce the Egyptian police state to its repressive function was, in part, shaped by the liberal human rights discourse that emerged in the 1980s and which became well-articulated through the 1990s and 2000s in response to excessive state violence and widespread torture against its citizens—not only political dissenters and criminals. This focus allowed activists and lawyers to wage a long political war against police crimes and brutality. But the liberal human rights discourse also reduced the police state to a problem of its repression and illegality, preventing a deeper understanding of its constructive role, its social foundations and its social functions as the main player in the daily governance of Egypt and the constitution of Egyptian society—the governmentalization of the police state.

The SSI security apparatus is based on a chain of mechanisms and techniques that are coextensive with Egyptian society. From the little knowledge that exists in the public, particularly from colonial-era archival documents and exposés by journalists and scholars, it is clear that the apparatus is structured as a militarized tree whose roots run deep into the soil and mud of the society, and then its roots spread horizontally among different realms (economic, social, political, artistic and criminal networks). This structure gives the apparatus unlimited power, capacities and potentials to inhabit the entire social field. Being informative and executive, in addition to its judicial arm, as represented in the High State Security Court, the apparatus has become a parallel state within the state. The apparatus has its own army composed of criminals, police officers (high and low rank), ordinary soldiers, intellectuals and different media outlets. It even has a special intelligence unit called Intelligence Unit 75.

In terms of its daily operations, the SSI became the ultimate point of reference and decision making for most state institutions, particularly its educational institutions. It controlled political life as well as civilian life (like the work of the NGOs and Youth Initiatives which was not merely political work), and even intellectual and artistic production. Since the British colonization of Egypt until the present, the SSI has been equipped with the most advanced surveillance tools and propaganda production technologies, methods, strategies and tactics, and its officers were often trained abroad in the United States, East Germany, the Soviet Union, England, France and other countries.

The SSI apparatus penetrated the public sphere under the narrative that if it limited its repressive control then communists, Islamists or the population in general would destroy the state and endanger the nation. This rationale mirrors Foucault’s observation that the “defense of society is tied up with war by the fact that…it is thought of in terms of ‘an internal war’ against the dangers arising from the social body itself.” The SSI has thus assumed the role of a panopticon and a machine of war against the society. This machine worked through a chain of power composed of four steps: surveillance, control, penetration and punishment or reward.
From this broader perspective, the police state has historically performed six basic functions across Egyptian society. Police state operatives are often deeply involved in daily community-based negotiations with regard to everything related to social arrangements, social conflicts and managing territories. The police state apparatus mediates between the state and society regarding conflicts over resources and representation, reflected in the clientele relations linking the countryside to the Egyptian state. It also manages social exclusion, segregation and separation between different social classes. It monopolizes knowledge about society, and prevents the acquisition of tools to gain this knowledge through bureaucratic restrictions and laws that obscure the right of society to know itself, or through the acquisition of decision-making in the affairs of the university, development, land holding and urban expansion. The police state governs morality (according to the current constitution and all the former constitutions), and links it to security and order, which allows it to target homosexuality, atheism, indecency and social appearance as threatening the morals and foundations of the nation and Islam. Last, and most well-known, it engages in direct repression against certain segments of society.

All of these functions are intertwined and overlapping. In order to play a role in community-based negotiations, for example, the police state must be a primary mediator between the state and society, but it must also have the repressive power to impose outcomes it prefers. Therefore, it is important to assert their intertwinement, and their reciprocal or dialectical relation.

Although the destruction of the police state has been a central objective of most rebellions in Egypt, they have not succeeded in dismantling it or uprooting its social roots, necessities and acceptability—the same fate as the 2011 uprising. The Egyptian police state is deeply intertwined with the networks linking the ruling social class with other state institutions, which are also intertwined with the economic system and its relation to the administration of the public sphere—all contexts in which the police state assumes a necessary social and political role that reproduces the social order.

Unlocking the Art of Government

By laying siege to the SSI headquarters in Alexandria in 2011, the revolution was one step away from unlocking the key to understanding its longstanding police state. By handing its documents to the army, with no clear strategy of what to do next and in the absence of a political agenda for fully dismantling the police state—and by focusing primarily on the SSI’s repressive nature—the revolutionaries committed their fatal mistake. In the SSI archive was the art of government by which Egypt has been ruled for more than a century. Without a proper understanding of that story, it will never be possible to know how to dismantle and transform the brutal police state in Egypt.

Archives contain primary source documents that have accumulated over the course of an individual or organization’s lifetime, and are kept to show the function of that person or organization. While some scholars describe archives as a treasure to reveal history, an archive is better characterized as a series of clues that help one paint a certain picture by carefully collecting and gathering its different elements. The richer the archive, the more potential there is to draw a clearer picture, more expressionist rather than impressionist—a painting that can reveal the codes of history and allow us to understand or produce, in Foucault’s terms, a history of the present.

Egypt’s revolutionaries created independent archives of the revolution that have been important—the most famous of which is Wiki Thawra, an independent website dedicated to documenting the deaths, arrests and casualties suffered since January 2011. But without access to the state archives, particularly the archives of the security apparatuses, the revolution lacked an important part of the historical knowledge necessary to understand how the state functioned as a machine, how it thought and acted in response to certain events and how it developed through its interactions with these events in time. There are likely not many documents that reveal direct orders from a high-ranking police officer to torture someone, for example, but it is the broader portrait that is more important to the story of ruling Egypt.

It is impossible to replace a form of governance without introducing another one, and this is not possible if you do not have the knowledge of how and why a certain art of government existed. The elites that led the opposition in 1952 and in 2011 were all complicit in avoiding this fundamental issue by instead focusing on the terms of the constitution rather than unearthing the actual apparatus of rule and its art of governance. Without unlocking the archives and opening up the police state, the possibilities to transform the authoritarian system are very limited, and the potential rebound of the security apparatuses are very high even if they are temporarily smashed. The Egyptian state security archives kept secret in the vaults of the newly expanded and empowered police state today await the next round of rebellion.

Endnotes

1 Hazem Kandil, Soldiers, Spies and Statesmen: Egypt’s Road to Revolt (London: Verso, 2012).
3 Quotes from several interviews and discussions by the author with cofounders and activists of the newly born parties after the revolution.
4 Quotes from several interviews and discussions with the some of the former members of the Coalition.
5 Quotes from several interviews and discussions with the independent activists from Alexandria, and political activists from the Revolutionary Socialists.
7 Kandil, Soldiers, Spies and Statesmen, p. 174.
8 Sirrs, A History of the Egyptian Intelligence Service.
Exposing Jordan’s Gas Deal with Israel

Hisham Bustani

The Jordanian government has gone to great lengths to hide information about its 2014 multi-billion dollar gas deal with Israel from the public. But the government’s attempt to keep the public in the dark has only energized a popular campaign demanding full disclosure of its terms. Making documents available to the public is their modus operandi.

In early September 2014, Jordan’s official news agency Petra reported that the Jordanian National Electric Power Company—government-owned and thus taxpayer-funded—had signed a letter of intent to import large amounts of natural gas extracted from the Mediterranean seabed. The government provided no details about the terms of the deal. Nor, crucially, did it disclose that the gas would come from Leviathan, Israel’s largest offshore gas field.

The Israeli connection, however, had already been reported in the international press, and a concerned public mobilized against the deal. An activist from the newly formed Jordanian National Campaign Against the Gas Agreement with the Zionist Entity requested a copy of the letter of intent so as to make it public. In a short response, found in document 7/3/3/5543 dated July 26, 2015, and signed by Ghalib Mu’abira, secretary general of the Ministry of Energy and Mineral Resources, the government flatly denied the request:

Hisham Bustani is a writer and activist from Jordan.
Two years after signing the letter of intent, the government officially concluded an agreement on the gas deal. According to publicized information, an Israeli-led consortium including the US-based Noble Energy and Israel’s Delek Group will supply Jordan with approximately 1.6 trillion cubic feet of natural gas from the yet undeveloped Leviathan field, over a period of 15 years, with Israel receiving most of the estimated cost of at least $10 billion. The government says this supply will meet approximately 40 percent of Jordan’s gas needs.

The Jordanian government’s refusal to release what it calls “sensitive information” about the deal is among the most potent weapons it has used to blunt opposition to the gas deal. In addition to withholding important documents, the government has disseminated misinformation about the agreement—and blocked alternative sources of information used by the deal’s opponents.

But the government’s attempt to keep the public in the dark about the deal has only energized the popular campaign demanding full disclosure of its terms. A broad coalition of activists, political parties, professional and trade unions, social groups, parliamentarians and military veterans formed the national campaign against the agreement within months of the 2014 letter of intent, rallying under the slogan, “The enemy’s gas is occupation.”

Opposition to the deal is rooted in popular resistance to normalizing relations with Israel following the 1994 Jordanian treaty with Israel, which many Jordanians regard as a settler-colonial state and a purveyor of state terrorism, hence its refusal to use “Israel” in the name of the National Campaign. But the deal’s opponents are also deeply concerned by the fact that gas is a strategic commodity giving the exporting country tremendous leverage. Moreover, they are angry that the deal deprives a heavily-indebted Jordan of billions of dollars that could be invested to develop the country’s own energy sources—Jordan has natural gas, shale oil reserves and abundant sunshine—or to develop its economy providing thousands of jobs for unemployed Jordanians.

The Jordanian government’s refusal to provide details about the deal is in keeping with the region’s other authoritarian regimes who treat information about important affairs of the state as private matters best kept from the public—an authoritarian privatization of public information. Nevertheless, public resistance to the gas deal has mobilized a movement that is questioning this authoritarian formula by challenging its monopoly on public information—they are demanding, finding and releasing documents to the public in an unprecedented method of opposition through a campaign of public disclosure. Moreover, the campaign against the deal is raising major questions about the relationship between taxpayers and a regime that is unelected, enjoys no democratic legitimacy and is accountable to no one.

Burying the Deal

In an age when it is widely accepted that information is power, the ability to withhold the truth or disseminate falsehoods is also a form of power. Arab ruling elites have long claimed that their often reckless and arbitrary decisions that go against the public interest are based on information they cannot
reveal to the public without harming state security, which they often portray as being on the edge of collapse. These elites view governance as a private matter that concerns no one but themselves—public matters are often dealt with in complete secrecy, far from the uninvited eyes of the public who are the subject of these private affairs. It goes without saying that if governing is a private matter, then it cannot be questioned or called to account. Matters of state—such as executive decision-making and spending—are kept opaque so that they will remain unchallenged.

This mentality has largely dictated the Jordanian government’s handling of the Israel gas deal over the past five years. The letter of intent announcement was buried in the middle of a Petra broadcast that provided only minimal details, including an obscure remark by then-Minister of Energy Mohammed Hamid that the imports would come from “gas discovered in the eastern basin of the Mediterranean Sea.” Then, after the opposition campaign disseminated news of the agreement, the government refused to provide the text to parliament. The legislators were able to discuss only the
principle that Jordan might make such an agreement to import gas from Israel. By an overwhelming majority, they rejected the idea in December 2014.5

The actual agreement was signed in 2016 in the same rushed manner, without coverage befitting its importance. Moreover, it was signed in a political vacuum, coming between the dissolution of one parliament and the inaugural meeting of the next. The day after the agreement was signed on September 26, 2016, the palace announced that the opening of the next parliament would be delayed from its normal start in October until November 7, buying more time without formal scrutiny.

Under growing pressure from parliament and public demonstrations, the government finally provided a copy of the agreement to the lower house’s Energy Committee in March 2017. The text was in English, and it disappeared again, this time into the drawers of parliament for two years, on the pretext that it required translation into Arabic. It finally reappeared in January 2019 at a hastily convened Energy Committee meeting.6 Only two copies—one in English and one in Arabic—were made available for brief review, after which the text vanished once more. No MP was able to read the agreement closely. In general session, parliament rejected the agreement in principle for a second time and on March 26, 2019, legislators demanded that the government cancel it.7

Opponents point out that the government is violating Article 33 of the constitution, which stipulates that “[t]reaties and agreements which involve financial commitments by the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by the National Assembly.” In order to procrastinate, the government announced that it would seek the opinion of the Constitutional Court (whose members are appointed by the king) as to whether the parliament had the right to examine the agreement at all.8

Obscuring Information

Parallel, and in contrast to the government’s campaign of secrecy and obfuscation, the Jordanian National Campaign Against the Gas Agreement with the Zionist Entity has worked to obtain all the information it can, whether from corporate disclosures or reports in American and Israeli media. The Campaign has focused on disseminating its research through social media platforms, press conferences and national gatherings, including a public tribunal in September 2015 that put the gas deal itself on trial. The Campaign worked with prominent judges and lawyers to conduct the trial, complete with prosecution, defense and jury. The Campaign has sought to publicize its findings widely and engage the public in an open process of discovery.

In response, the government has tried to minimize media coverage of the Campaign’s efforts at disclosing the deal’s terms as well as limit its access to information. The English-language Israeli website Globes has been particularly helpful in providing the Campaign with details about the deal. The government accordingly blocked the website for years, lifting the censorship only after the Campaign had denounced the censorship repeatedly in protests.9

The government has also released a number of misleading statements, sometimes directly and sometimes through loyalist MPs. The government has strictly avoided mentioning Israel in discussing the deal, referring only to “Noble’s gas,” as if the American oil company owns the field in which it is drilling, or “Mediterranean gas,” as if the sea is a country from which goods can be imported.

Moreover, though the government says it signed the agreement with Noble Energy, its partner is in fact a subsidiary company, NBL Jordan Marketing Limited, headquartered in the Cayman Islands.10 According to Nobel Energy and Delek Group press releases, NBL JM Ltd is owned by the partners developing the Leviathan gas fields: Noble, which owns a 39.66 percent stake in the venture; Delek Group, an Israeli company that has the largest share with 45.34 percent; and Ratio Oil Exploration, another Israeli company that has a 15 percent share. But the Cayman’s connection hints at hidden partners who will remain that way because of the secrecy laws in such financial havens. That possibility in turn raises the specter of corruption.

Legal Restrictions

The government’s restrictive approach to information about the gas deal contradicts laws it passed to create the impression that Jordan was becoming more liberal, democratic and transparent, and it has even used ostensibly liberal laws to restrict information.

At the beginning of 2017, for example, a legal researcher requested a copy of the agreement pursuant to Law 47 of 2007, the Freedom of Access to Information Law. He received a response two months later in the form of Document 1794 of February 25, 2017, signed by Minister of Energy Ibrahim Saif, declaring that the requested information was classified in accordance with Article 13 of Law 47. When the researcher filed a complaint through his lawyer with the Information Council—the government agency charged with reviewing cases where the government has withheld information from the public—he received a letter on March 23, 2017 signed by Information Commissioner Mohammed Younis al-Abbadi. The Commissioner rejected the request “based on Paragraph One of Article 13 of the freedom of information law, as the requested information is related to documents classified by the Ministry of Energy and Mineral Resources as secret in compliance with Article 11 of the law.”

The bitter irony of citing the Freedom of Access to Information Law to justify withholding information is only enhanced when one considers that Jordan received the sixth worst rating in the world in the system used by the World
Bank and UNESCO. In 2017, this Right to Information Rating gave Jordan’s information laws a score of 55 points of a possible 150, putting the country at 105 among the 111 countries studied. This example demonstrates a fundamental principle of Jordanian politics today: The government uses the rhetoric of democracy while practicing the authoritarian monopolization of power.

The Freedom of Access to Information Law is backed up by a raft of statutes that further limit access to information. One of the most important is the Protection of State Secrets and Documents (Law 50 of 1971), a “temporary law” issued during the period of martial law following the events of September 1970 and which remain in place today. Similar laws include the General Statistics Law, the law of the Anti-Corruption Agency, Regulation 16 of 2009 on the employees of the Civil Aviation Regulatory Authority and the 1952 Law on Declarations. There is also Law 9 of 2017, the Law of National Documents, which allows the government to punish citizens who possess or use national documents or fail to notify the government of possession.

In addition, Jordan has no law making official documents public after a certain period of time has passed. Thus, the government’s self-promotional communications are more than just the sole source of information available today: They will also become the official historical record. Scholars of Jordanian history have to rely on the British and Israeli archives to reconstruct events.

At the same time, the government strives to portray itself as transparent and credible through initiatives such as a website titled It’s Your Right to Know. This ostensible concern for transparent and credible through initiatives such as the government’s request to make the information public after a certain period of time has passed. Thus, the government’s self-promotional communications are more than just the sole source of information available today: They will also become the official historical record. Scholars of Jordanian history have to rely on the British and Israeli archives to reconstruct events.

At the same time, the government strives to portray itself as transparent and credible through initiatives such as a website titled It’s Your Right to Know. This ostensible concern for sharing information with citizens does not extend to challenging government interests, for the website is fundamentally concerned—in its own words—with refuting rumors that “have gone so far as to question national accomplishments, distort the image of official and private institutions, and engage in character assassination.” Activists have greeted this initiative with the appropriate sarcasm.

An Unprecedented Fight

Information poses a threat to repressive governments, particularly those that claim to be democratic but in practice monopolize wealth and political power. Hence the ferocity of the counterrattack in the United States against people and institutions like Edward Snowden and WikiLeaks. Withholding information, releasing it selectively, or disseminating misinformation have become essential tools for influencing public opinion. Thus, it is crucial to put information in the hands of citizens if politics is to be wrested from politicians and returned to the people.

The government’s attempt to keep the public in the dark is why the National Campaign made documents available to the public its modus operandi. In a first in the history of Jordanian opposition politics, the National Campaign backs up its statements with lists of sources, such as reports from US think tanks and financial disclosures by American and Israeli firms. They have made it a mission to provide the public with the latest and most thorough information so that people can judge the gas deal’s merits for themselves.

The Campaign has been able to turn the concepts of “secrecy” and “protection” (of information) into a critique shining light on what has been hidden. This focus includes addressing the possibility of corruption, lack of economic feasibility, unfair terms and the Jordanian government’s preference for supporting the Israeli occupation’s economy with Jordanian taxpayer money over developing the Jordanian economy, which is underdeveloped and crippled by loans and unemployment.

Despite the state’s pushback, the campaign has been successful in revealing the scope of the deal and in keeping pressure on the government to come clean about all its terms. In June 2019, activists, party leaders, trade unions activists, lawyers and citizens filed around 220 judicial notices in courts in the cities of Irbid, Madaba, Amman, Zarqa and Karak in an attempt to put an end to Jordan’s purchase of Israeli gas. In the notices, the Campaign is asking the government to halt legal and business dealings related to the deal, cancel all land acquisitions undertaken for the project and hold accountable the officials who made the agreement.

Given the powerful interests—including the United States, Israel and other regional allies—urging Jordan to stay the course with the gas deal, it is unclear if the campaign can muster enough popular pressure for the government to abandon it. But the broader struggle to end state secrecy and the privatizing of public information in Jordan, and perhaps in the wider Arab region, may be gathering strength.

—Translated from Arabic by Vickie Langohr

Endnotes

7 “Lower house rejects gas deal with Israel, calls for terminate it,” Jordan News Agency (Petra), March 26, 2019.
13 Hadeel al-Rawibida, “The Platform ‘You Have a Right to Know’: Does It Fight Rumors in Jordan or Spread Them?” al-Jazeera, January 18, 2019, (Arabic)
Uncovering Protection Rackets through Leaktivism

Ala’a Shehabi

The Gulf Arab state of Bahrain is using digital-era tools of surveillance, deception and repression to quell popular dissent. But a group of well-meaning tech-savvy geeks are mobilizing new digitally enhanced methods to expose who is behind this repression and how it operates today.

The digital era is full of contradictions. As technology changes everything—including how, what and when we read the news—it also changes nothing. Many states still control the media, restrict expression and imprison media activists. More journalists are being killed than ever before. Digital technology is a tool of enlightenment and a tool of entrenchment, a tool for self-expression and a tool of censorship.

The 2011 Arab uprisings ushered in a libertarian techno-optimism about the Internet as a disruptive force for unmediated and hyper-localized citizen journalism outside of state control. Today, however, the counter-revolutionary mobilization against these uprisings has led states to adopt new forms of repressive power to regain control of the digital public sphere—mass
digital surveillance, electronic information armies and psychological operations against burgeoning popular movements.

The small Gulf Arab monarchy of Bahrain provides an early example of how regional states are stepping up their fight against popular opposition using digital-era tools of surveillance, deception and repression. Not coincidentally, Bahrain was the first regional state to quell its own historic popular uprising, using unprecedented force. Emerging from the very same context, however, a group of well-meaning tech-savvy geeks have mobilized to expose who is behind this repression and how it operates today. By following the money, the digital tracks and the paper trails of the powerful, this group shows how open-source data investigations combined with secret documents can puncture exceptionalist narratives about oil-based legitimacy, expose new repressive methods and uncover Western support for this repression.

**Information-Based Activism**

Many new media-based collectives and outlets emerged from the 2011 political mobilization in the Arab world to reclaim spaces of public expression from state control. Independent journalism focusing on data-driven investigations and fact-based analysis through outlets like *Nawaat* and *Inkyfada* in Tunisia and *Mada Masr* in Egypt, is one form this activism has taken. Another form is leaktivism—the act of obtaining and publishing secret or internal documents of powerful actors mediated through grounded investigative journalism, most famously associated with WikiLeaks and whistle-blower activists like Edward Snowden or the Panama Papers releases.

Some critics question the extent to which leaktivism may itself harbor a liberal optimism about the power of revealing information. But in a region where important public information is so often concealed, leaktivism can be a powerful mechanism of accountability that can illuminate the structures of repression and corruption in Middle Eastern autocracies.1

Investigative and leaks-based revelations in the region are not new. Following the 2003 US invasion of Iraq, WikiLeaks and other actors uncovered war crimes, Western arms trade profiteering and other protection rackets such as the outsourcing of warfare to private security firms—all in the service of Western resource extraction from the Middle East. But this same investigative work can also expose Middle Eastern protection rackets, where marginalized democratic movements and their digital lives are being shaped and reshaped by regimes who dominate digital spaces, aided by global social media companies who own and monopolize these digital platforms.

After the Bahraini regime crushed the 2011 anti-government protests and imposed martial law as Saudi forces rolled into the country, a group of scholar-activists inside and outside of Bahrain set up a media collective in 2012 called Bahrain Watch to investigate Bahraini networks of power, information control and financial resources through obtaining and publishing secret or internal documents. Bahrain Watch is a digital platform and investigative lab that includes economists, computer scientists, historians and journalists who volunteer their academic training and technical research skills in coding, forensic accounting and data analysis. As a political project, this new media experiment sought to shift political focus away from the misleading regime discourse about dangerous sectarianism to the actual struggle over resources, wealth and power within the country.

Although the Bahraini state has extensive data on its citizens through smart IDs, CCTV, financial data and more, its citizens have very little information and data about the state. By exploiting the Internet’s open infrastructure and widely available tools, Bahrain Watch challenges this information asymmetry between the citizen and state. In particular, Bahrain Watch’s investigations have exposed three important issues: Bahrain’s extensive use of advanced surveillance tools provided by the global surveillance industry, the theft and hoarding of valuable Bahraini land hidden through murky real estate transactions and the regime’s repressive arms shipments—all of which would otherwise have remained secret. But the state has tried to stifle this work by criminalizing, persecuting and murdering its protagonists; while the mainstream media and international NGOs recolonize global leaks through propriety access.

**Surveillance Industry’s Black Diamond**

Bahrain Watch uncovered Bahrain’s extensive use of cutting-edge surveillance tools on its own citizens—and its deep involvement in the broader global surveillance industry—after a short and innocent looking email appeared a year after Bahrain’s 2011 uprising. During a social visit to Bahrain’s capital Manama in 2012, I received an email notification on my Apple iPhone purporting to be from a journalist called Melissa Chan from Al Jazeera news network. The email contained an attachment which I opened. I received three such suspicious emails with typing mistakes within four days.

Sensing these were being sent from a party desperate for me to open the attachments, I immediately sent them to a colleague, Bill Marczak—a former Bahraini resident following events in Bahrain closely—who was starting a PhD in the United States on cloud computing. Bill immediately suspected this was malware because of its customizability (the way the emails were customized around my interests in human rights), and we contacted the journalist Vernon Silver working at *Bloomberg News* who then established a connection with Citizen Lab at the University of Toronto, an interdisciplinary...
lab focusing on research on information and communication technologies, human rights and global security.

By analyzing the software’s capabilities—the way it can access the hard drive, switch on camera and microphone and transfer data—and dissecting the code within the software, the team quickly realized that this was high-level hacking software that no one had previously analyzed. Described as a “black diamond” by security experts, the malware operated stealthily, waiting for the user to stop using the device while connected to Wi-Fi to transfer data. Its keylogger stored and transferred all typed text.

Through reels of code, the team eventually discovered the software’s producer: Gamma International, a British-German company. The software itself was called FinFisher, which Silver described as “one of the world’s best-known and elusive cyber weapons.” Wikileaks previously published internal company documents about Gamma’s products including a marketing video for FinFisher showing animations of how police can access a target’s computer. Virus hunters had been looking out for FinFisher since Egyptian protesters stormed the Ministry of Interior in Cairo in 2011, uncovering a government contract with Gamma International for FinFisher. But no one had found or analyzed evidence or specimens of the software until this time. Exposing this software led many Bahraini activists to take even greater precautions about their digital activities, leading some to stop their online activity altogether.

In early 2014, Wikileaks published further internal files on Gamma International—they hacked the hacker. The released documents contained a customer support database, in which a single file contained a list of Bahraini government surveillance targets and the date of their “time of infection” between 2010 and 2011. Many people were “infected” before me, but none had detected this intrusion. This list was largely composed of prominent opposition leaders, lawyers and journalists.

Bahrain Watch member Bill Marczak had switched the focus of his PhD to the commercial hacking industry, which led to his revelation that Gamma had sold its software to at least 36 other countries ranging from Mexico to Ethiopia and Malaysia. All had been using FinFisher to spy on journalists and activists. Activists filed several legal cases against Gamma International—I was interviewed about this at least 20 times and was a complainant on a legal case against the British government for failing to investigate Gamma for non-compliance of export laws on cryptographic products, which the court upheld.

Following the exposure of Gamma, Gulf states moved into other intrusion products and surveillance companies—Bahrain Watch followed the trail. By this point Marczak’s trust and credibility within the Gulf’s small activist communities were well-established. In 2015, Citizen Lab published evidence that the UAE was using Pegasus software designed by one of the most dangerous companies, the Israel-based NSO Group, against one of the very few human rights activists in the UAE, Ahmed Mansoor, who was under house arrest. This was a huge discovery since Pegasus appeared to exploit a zero-day vulnerability in the Apple iPhone. Marczak had received information on the suspected SMS late at night and worked through the night to capture evidence of the surveillance operation. By the morning, the spy company had switched it off.

This disclosure forced Apple to issue an emergency IOS update globally on every iPhone to close this vulnerability. Finding and selling zero-day vulnerabilities can be worth millions on the dark web. Shortly after, Ahmed Mansour was jailed and sentenced to 10 years in prison, largely believed to be because he exposed the Israeli security links.

In addition, suspicions that a Saudi activist student was being targeted in Canada with NSO Group tools were confirmed by Marczak when he found that Omar Abdulaziz, a vocal Saudi critic who had been in communication with Jamal Khashoggi before his murder in the Saudi consulate in Turkey was being spied upon by these tools. Legal complaints were filed against the NSO Group in Canada and Israel. This finding reveals that Gulf states such as Saudi Arabia not only target citizens in their own countries but also actively spy on dissidents abroad, which became a critical pillar in the report on the Khashoggi murder by the UN Special Rapporteur on extrajudicial killing.

While new surveillance tools are often tested and adopted early on by authoritarian states, the secretive intelligence sector operates globally, at a scale where national and international laws are absent and accountability mechanisms are opaque. For example, Pegasus can access any WhatsApp communication and was used against a British lawyer working on legal cases against Pegasus in 2019. In a strange twist, in June 2019 it emerged that the CEO of a prestigious London art gallery, the Serpentine, Yana Peel, had earlier in the year invested $250 million with her husband to buy the majority share of the NSO Group. Yana Peel had built her reputation and personal brand as...
an activist and techno-optimist—even sitting on the board of the free speech-supporting Index of Censorship—but she apparently believes that the hacking industry is a great investment opportunity. Within three days, protests forced Yana Peel to resign.

Disappearing Shoreline and Wealth

Leak-based investigative action has also exposed the Bahraini ruling family’s takeover of some of the country’s most important coastal land and real estate and how they hide it through secretive shell companies abroad.

Bahrain, like other Gulf States, is often misleadingly portrayed as based on a social contract between the ruler and the ruled whereby citizens forego agency and political rights in return for social welfare, free public services and housing. This presumption allows the West to pretend that Gulf state investments are legal and legitimate state acquisitions despite no internal democratic accountability in these countries. This faulty view hides the reality of political contestations, resistance to economic and political inequality, repression and corruption and citizen’s desire for accountability and self-determination. In Bahrain there are almost rhythmically consistent uprisings every decade, which the state violently quells. The regime’s control of public space, including its far-flung real estate holdings and its growing control over the island’s valuable shoreline, along with relative economic poverty among some citizens and the absence of political rights, has been a central grievance in these cycles.

When I moved back to Bahrain in 2009, the public expressed major concerns about the disappearance of the island’s natural shorelines as the state’s massive land reclamation projects ravaged beaches and distorted the horizon. According to a 2014 study, the landmass of Bahrain expanded about 12.5 percent (from 650 square kilometers in 1987 to 730 square kilometers in 2013) through reclamation and in-filling of coastal areas, including new land added along the northern coast of Bahrain and to Muharraq Island. Bahrain was once an island of palm groves, beautiful beaches, fishing and pearl-diving—but now almost 95 percent of its coastline has been privatized and there is only one public beach. I began to trace the process of ownership and privatization in these large-scale land reclamation developments.

Bahrain is an absolute monarchy with an imposed constitution and a decorative parliament that has no power to legislate without approval from the appointed upper chamber. It is widely known among Bahrainis that any land walled off with two levels of brick or three levels belonged to either King Hamad bin Isa Al Khalifa, or to his uncle, the Prime Minister, Khalifa bin Salman Al Khalifa who has been in office for 50 years. The layered wall pattern was found in smaller plots of land within towns and cities, but as land plots got bigger and further away from the city, the walling-off process was much more expansive and ownership of those plots became invisible.

A third of the total landmass in the south of Bahrain is off-limits and owned by the ruling family. With mainland land scarce, the value of land reclamation from the sea since 2001 has increased rapidly.

A Parliamentary Committee in 2006 was the first to disclose who was behind these land takings when they managed to obtain a trove of land registry documents—having gained a rare entry into the land registry office. Title deeds showed how a 12 square kilometre sea plot was transferred to the Royal Court in 2003, then later in 2006 a company called Premier Group WLL requested the division of land between two companies, Stone Ventures and Ciel (Stone actually owns Ciel). But the relationship between the Royal Court, Premier Group WLL and Stone Ventures was still unclear.

The parliamentary committee’s published report caused an uproar because of the chronic lack of housing and shrinking land for housing developments. Although the MPs refrained from naming individuals, their political strategy was to demand the return of land to public ownership. As I conducted interviews with these MPs, filmed rallies and attended debates on the subject, I continually wondered why people were not angrier about this massive land theft.

But as our fieldwork came to a close by the end of 2010, Bahrain’s largest uprising erupted a month later. In the early protests, people gathered in Bahrain Bay, where the prime minister had acquired a strategic land plot for one Bahraini dinar, with many protesters carrying a dinar note to emphasize their disapproval. Corruption and inequality were at the heart of the protests, which were later intentionally portrayed as sectarian. I left my work on the investigation here, as I was swept into the revolutionary moment and the subsequent violent repression, imprisonments, surveillance and child-rearing.

The trail picked up again in mid-2014, however, when I received an unexpected email from an anonymous whistle-blower that contained extensive documents of the real estate portfolio in Great Britain of a company called Premier Group. This elusive company appeared nowhere in any company records. The documents provided details of at least 20
properties in London purchased after 2003, including hotels, office blocks and luxury apartments in upscale neighborhoods of Mayfair, Knightsbridge and Kensington.

This information was not necessarily a major revelation. Qatar alone has spent over $50 billion on real estate in Great Britain, owning more real estate than the queen for example. The significance was not in the what, but in the who and the how. The documents leaked to me revealed a web of companies set up by a company called Ogier on behalf of the king of Bahrain to obscure his direct ownership, and which involved registering the ownership of each purchased property to different company entities in Great Britain and in Jersey, connecting all acquisitions to Stone Company SPC and Premier Group WLL.

The diagram connected all the title deeds collected by MPs a few years earlier with new records of real estate purchases in London that linked directly to what Bahrain's independent MPs had deemed the illegal acquisition under Bahraini law of sea-shore plots in Bahrain. We found that the land transferred to the king in 2003 was deemed a $103 million “in-kind” contribution to a partnership with foreign sukuk investors (sukus are Islamic bonds, a form of generating financial credit for investment), who hoped to sell the land to secondary developers for $1.3 billion. The land, in fact, cost nothing but would have returned at least half a billion dollars to the king once sold. This is just one example of the journey of capital from Bahrain to secretive financial havens and glittery luxury real estate in London.

The blue boxes in the diagram contain the names of offshore companies registered in Jersey. For example, the Four Seasons Hotel in Park Lane was purchased by a London-registered company called Inn on the Park whereas the Marriott Hotel on Park Lane was purchased by a Jersey-based company called PL Hotel Limited. These companies were easy to cross-check since London and Jersey both have company records.

The London companies in orange registered with Company House list the names of directors for each company. Premier group used a company called Ogier to offer “nominal directors” (people who loan their names for use as directors to hide the real owners' identities) and an office address that is not the actual office. Meanwhile, the companies registered in the offshore haven of Jersey contain no information on directors or owners of companies. I subsequently worked with the Financial Times for six months on an investigation that cross-checked and verified the documents and confirmed that Premier Group is owned by the king of Bahrain, and got more information on the foreign investors who plowed money into turning the sea plots into luxury developments. The king of Bahrain's real estate portfolio amounts to at least £1 billion.

This investigation revealed how the corrupt hide public traces of their transactions through complex company structures that make it nearly impossible to impose accountability. The Gulf states’ use of offshore companies is not just for tax avoidance purposes, it also enables them to hide their assets from the public. The result, however, was that this investigation resurrected the narrative around land, power and privatization which was the primary motivation for the protestors in the 2011 uprising.

Stop the Shipment

Bahrain Watch also undertook another serendipitous project called Stop the Shipment, which exposed the extent and international sourcing of the government’s use of aggressive and often lethal crowd control weapons.

The widespread use of tear gas against protestors in the 2011 uprising was particularly harsh in Bahrain. The Arab uprisings were a boon for arms producers specializing in “dispersal non-lethal weapons” that were used to forcibly disperse protesters. These weapons had caused many deaths, rendering them, in fact, intentionally lethal. The markets for “non-lethal weapons” in the Middle East was estimated to be worth $45.7 million in 2013 out of a $368 million global market, increasing to $51.9 million out of a $490 million global market by 2018.

The Bahraini government regularly used major amounts of tear gas to suppress public protest. It deployed tear gas in the country's villages to quell even the smallest street protests, with an estimated 2,000 canisters fired each day. Tear gas cans are lethal when police shoot canisters at close distances and aim directly at protesters, or when fired in a confined space and the gas suffocates residents. I was at the protest in Sitra in 2011 when Sayed Hashim Sayed Saeed, a 15-year-old, was shot with a canister and died in the ambulance, leaving a clear square imprint on his skin. I have also been in homes where tear gas was intentionally shot inside, causing residents to smash windows to escape.
The widespread use of tear gas was perceived to be a form of collective punishment due to its indiscriminate use after a protest emerges. NGOs and activists estimated the use of hundreds of canisters per night, recording many cases of newborns and the elderly suffocating to death. These deaths were more obscure and even less accountable than from those caused by live ammunition. Death certificates frequently recorded the cause of death as “respiratory problems” without any toxicology tests and without attribution to tear gas inhalation.

Bahrain Watch became involved in an ongoing project to identify tear gas products, their manufacturers and evidence of tear gas abuse. In the course of our investigations, a whistle-blower sent us a secret tender issued in 2013 from the Bahraini Ministry of the Interior seeking the provision of 1.6 million tear-gas projectiles, 90,000 tear gas grenades and 145,000 stun grenades. Despite Bahrain’s free trade agreement with the United States which stipulates that state contracts must procure products and services through an open and competitive public bidding process, military and security products and services are exempt. Military and security armaments are typically procured directly or requested from suppliers in officially sealed forms.

The sheer number of canisters and stun grenades in this request confirmed the substantial use that Bahraini residents and activists were reporting. We also discovered that a South Korean arms supplier would fulfill this contract. In fact, the total amount that the supplier intended to sell was double the original tender ($3 million). The campaign highlighted the new transnational arms supply routes: American and British tear gas cost around $90 per canister, the new supplier was offering canisters for under $10. The story of the tender was published in the Financial Times in October 2013.6

A global campaign #StopTheShipment run by Bahraini and South Korean activists also forced the Korean government to halt the sale to Bahrain.7 The campaign sent nearly 400,000 emails to South Korean government departments. Korean activists held weekly protests outside the Defence Acquisition Program Administration in Seoul and the Korean media took a keen interest in the story. By January 2014, the South Korean government declared it would not approve any further sales of tear gas. Korean media and activists were astonished by this sale, since Korea did not have a tradition of tear gas production. During a visit to Seoul, I learned that the Arab uprisings resonated with South Korean pro-democracy movements in the 1960s in which several protestors were killed by tear gas before they established a more democratic process.

Where Paper Trails End

Gulf states have enjoyed a level of impunity for decades based on faulty narratives of royal wealth and citizen acquiescence. Gulf investments in universities, newspapers, digital platforms and think tanks in Western states has inhibited independent critical research and accountability for these states. This impunity was only recently ruptured with the death of the Saudi journalist, Jamal Khashoggi, the war in Yemen and decreasing global dependency on oil. Those who have tried to breach this silence such as journalists, activists or critics of corruption like Al-Zamil in Saudi Arabia, Ebrahim Sharif in Bahrain and Ahmed Mansour in the UAE are serving, or have served, long jail sentences for attempting to publicly discuss state corruption. The UAE arrest of British researcher Matthew Hedges is similar to these cases, but the less globally privileged citizens of these states have no leverage or get out of jail cards.8

Navigating this dangerous terrain, my colleagues and I attempted to overcome these challenges through collaborations between those inside and outside Bahrain to work on in-depth investigations using open-source and secret documents to expose protection rackets never before investigated. We used Bahrain’s apparent exceptionality as a lens to show how financial services, surveillance technologies and crowd control weapons supplied by an elaborate network of multinational foreign companies abet local state power. Protection rackets such as these implicate many other parties and states besides Bahrain.

In this vein, we sought mainstream journalistic collaboration with Bloomberg and the Financial Times specifically because we believed there should be global exposure to our hyper-local realities of repression and inequality. Our investigations also show the power that whistle blowers can generate by taking the first steps to expose secrets, and how trusted activists and academics can be the first go-to point for such whistle blowers. Most importantly, we demonstrated that grounded research in local socio-political conditions and histories are essential in contextualizing information, that, when combined with other digital research skills, make this a formidable approach. More work still needs to be done in terms of investing in research and media infrastructures and institutions that allow for the accumulation of skills and knowledge. One essential skill still needed, for example, is developing long-form Arabic writing about these empirical investigations to make them more widely accessible to regional populations.

Endnotes

Protest Camp as Counter-Archive at a Moroccan Silver Mine

Zakia Salime

Eight years ago, residents of Imider in Morocco’s rural southeast shut down a silver mining company’s water pipe on a nearby mountain to protest the damages to their health and livelihoods. This direct action turned into the longest sit-in protest encampment in Moroccan history. Perched on a rugged mountain top, the camp has become a living archive of decades of struggle manifested in documents, drawings, poetry and songs.

Underneath the dark Saghro mountains east of Marrakesh lies the largest silver mine in Africa. The mine is located in Imider, one of the poorest regions in remote southeast Morocco.

Government privatization policies in the 1990s transformed Société Métallurgique d’Imiter (SMI), the national company exploiting the mine since 1969, into a private subsidiary of the giant Moroccan mining company Managem, which controls the mining industry and has investments in Africa, the United Arab Emirates and Europe. Managem is itself a subsidiary of Société Nationale d’Investisement (SNI), the large private Moroccan holding company controlled by the Moroccan royal family. Despite being one of the most profitable companies in Morocco, Managem is not listed on the Casablanca Stock Exchange, although its operations are openly accessible through a sophisticated webpage. SMI produces over 200 tons of pure silver per year from its Imider mine.

Near the silver mine rises the 4,900-foot peak of Mount Alebban, home to the longest sit-in protest encampment in Moroccan history. The protest is led by the Movement on the Road ’96—whose name commemorates the imprisonment and death of Mustafa Ousbdan, a major activist in the 1996 protests against SMI. The camp on the mountain’s peak is the continuation of a direct-action protest that began on August 1, 2011 when villagers climbed Mount Alebban to shut off a valve on an SMI pipeline that was diverting water from the mountain’s reservoir to flush the silver mine.

The protest took place during Ramadan, when local households had been without water for weeks, and collective wells were drying up and crops dying. The pipeline was drawing 12 times the daily consumption of Imider’s 5,000 inhabitants. Toxic waste runoff from the mine was also contaminating agriculture and harming residents’ health. Since 2011, protestors have created a system of permanent occupation on the mountain—with rotating occupiers, provisioned huts and a regular forum for community discussion—while keeping the valve shut.

Although most Moroccans could not locate Imider on a map, word about the struggle against the SMI has gradually reached activist, academic and media circles throughout the country and beyond. As a geographically contained camp, Imider is one of the most politically charged sites of protest in Morocco: It draws attention to the Moroccan royal family’s extensive stake in national industry and illuminates how today’s capitalism

Zakia Salime is associate professor of sociology and women’s and gender studies at Rutgers University.
generates its profits through land grabs, resource extraction and the political containment of an indigenous population (who are Amazigh). The claim of indigeneity is central to the way activists mobilize against the mine and state power.

The Imider protest camp is thus a living witness to the conflict between extractive governance and Moroccan Amazigh claims for dignity and economic rights. It unmasksthe quotidian entanglement of politics and profit with a damaged ecosystem and diminished human habitat. As a result, Imider has become one of Morocco’s most contained and policed spaces of protest—security agents and police keep the site under constant surveillance, using violent force at times. Yet, for over two decades, noise coming from the camp has slowly disrupted the silence about one of the longest struggles pitting a rural and mostly indigenous population directly against the oppressive machinery of the makhzen, the Moroccan term for the interlocking security-bureaucratic-economic ruling apparatus of the state.

Both the camp’s physical site and its online platforms document these complex political, economic and ecological entanglements. The camp itself is a repository of hundreds of documents, photographs, written statements, petitions and letters that create a paper trail of the mining industry in Morocco from the viewpoint of the lives affected by it. Maps and slogans are painted on the walls of the adobe huts, telling the story of decades of struggle since 1986. Its website and
Facebook page contain announcements, updates and YouTube clips documenting life in the camp and testimonies about the environmental impact of fracking, drilling, stone crushing and sand quarries on local livelihoods.

This cumulative documentation produces a living counter-archive of history from the point of view of those fighting against Morocco’s particular form of authoritarian and extractive capitalism. As a counter-archive, the Imider camp disrupts official and misleading government narratives sold at international conferences about its social and environmental responsibility by telling the story of failed promises, violence, lack of opportunity, dispossession and environmental degradation.

Unlike the archives of the powerful, it also documents disruption, contestation and claims for rights by those at the margins of nationhood, as the Imider activists put it. Noting the camp’s dramatic geography, social processes and related forms of cultural expression, my immersion in the Imider villages in 2018 allowed me to understand how the Imider camp serves as both an active site of protest and an important living record for writing histories of popular struggles against state power and extractive capitalism in Morocco.

**A Landscape of Protest**

Imider is a semi-arid rural commune composed of seven villages whose inhabitants are members of the historically powerful tribal confederation of Aït Atta of mostly ethnic Amazigh indigenous to North Africa. The villages are spread on both sides of the National Road 10 linking the cities of Errachidia and Ouarzazate. Located at the foot of the High Atlas Mountains, Mount Alebban sits atop a water reservoir filled from melting snow. “Aman Iman, Water is Life” is an old Amazigh proverb that expresses the centrality of water for this dry region. It also sums up the heart of the popular struggle: Each attempt by the SMI to dig new wells or to extend their depth or extractive rate has led to periods of heightened protests—and state repression—in 1986, 1996, 2002, 2004, 2010 and 2011.

I visited the Imider protest camp on Mount Alebban on several occasions between April and July 2018, the first time embedded in an organized university trip after previous attempts to obtain a permit or climb unnoticed had failed. A core group of ten to 15 men are permanently stationed on the mountain. Their camp is completely self-funded through the contribution of villagers and a one dollar a month fee paid by each family.

Once a week, hundreds of men, women and children climb to the camp to take part in an agraw, which resembles a town hall meeting where decisions are made by consensus. Agraw is a reactivation of an older tribal practice, jmaa, a form of participative government originally open only to adult men but which now includes women and children. The assemblies are an occasion to verbally articulate the struggle and renew alliances and commitment to the cause.

Life in the mountain encampment itself exudes the feeling of being frozen in time. An old truck drives down the mountain to bring up water from the villages in tanks every morning. A few women climb the mountain to deliver homemade bread every few days. Young men fix and re-fix the old truck. Cables connected to a solar panel are checked every day. The temperature can get very hot during the day, and very cold at night. When the winds blow, they make it quite impossible for anyone to venture outside of their stone huts. It is worse when it snows. The huts make the encampment more bearable, but also less temporary. Except for the barking dogs, soccer playing kids and machines being fixed, the camp feels rather quiet, safe and peaceful.

Because state security and police have chosen not to enter the camp, it also feels like an enclave of sovereignty, quite independent in its self-organization, finance, system of rules and programs. Mount Alebban enables a panoptical view of the movement of paramilitary officers staged down the mountain on National Road 10. One can see the type of security deployed during the day and check if security is tight or if it has been relaxed.

But while this may sound like a reversal of the panopticon, it is not: The camp is an enclave of sovereignty only as long as you are on the mountain. From the point of view of state security below, the camp is a site of containment.

A cabin at the base of the mountain provides a shelter for security agents in charge of monitoring the movement up and down the mountain but also functions as a point of surveillance for the Targuit well dug in 1986, situated across the security point. By stationing its forces below rather than on top of the mountain, security agents can closely watch and control access to the mountain according to the instructions of the day. They also document visitations to the camp, although the activists have laid down alternative paths that take visitors through the villages without being exposed to the security gaze. The hike from National Road 10 takes about 20 minutes; climbing through alternative paths takes over an hour. Many women climb up these paths for the weekly general assembly from the nearby villages. Others have to walk miles to reach the mountain and rarely go unnoticed because they typically walk in groups from the seven villages.

Thus, an entire security apparatus has been put in place to protect the mining company and dissuade protestors from disrupting the flow of extraction. While the now routine movement of the villagers on the mountain is rarely subject to questioning, any unusual movement could alert the authorities and lead to harassment or arrest.

State officials and embedded informants are dispersed throughout the region to provide intelligence from within the villages, which has led to the arrests of several men from the camp on mostly trumped up charges ranging from silver robbery and unlawful political activity to immoral and even sexual misconduct. Many remain under probation leaving
them vulnerable to arbitrary detention or imprisonment at any time. The authorities make arrests on roads, in homes and in the villages, which indicates a strategy of isolating the mountain encampment in the form of a slowly unfolding siege. From the point of view of the makhzen this strategy may be a more cost-effective way of dealing with these protests in volatile times given the challenges posed by other social protests such as the Hirak in the north, the teacher’s strikes in many cities and other pockets of unrest throughout Morocco.4

A Living Archive

At the nexus of this geography of protest and containment, the protest camp itself has become a living archive of the last three decades of popular struggle with the state and the mining company. Maps, photos, slogans, Amazigh and Moroccan flags, paintings and inscriptions on walls of shelters, platforms and dismantled pipelines document and illustrate every move of the SMI’s mining operation, creating an aesthetic of resistance that draws, records and documents the various episodes and icons of the struggle.

This physical and virtual writing of history is mapped on graphs and walls, illustrated on Facebook and in written complaints, witnessed in women’s poetry and songs and in women’s and kids’ play performances and artwork. Together, these diverse modes of expression rewrite and narrate the story of authoritarian power and capitalist extraction seen by activists as a primary mode of engagement between the Moroccan state and its Amazigh indigenous population.

A map drawn on a rock, for example, provides a chronology of the most recent encounters. The map plots time on space to show the most heightened dates of protest during which negotiations and weeks of sit-in protests yielded few or no results, and ended with a forceful state intervention.

The year 1986 marks when the villagers first opposed the SMI’s attempt to drill the Targuit well into their major drinking water source. The state used force against the protesters, which included many women, and detained others just long enough for the company to dig the well.

Ten years later, in 1996, is when the villagers contested the SMI’s extensive use of water in a 45 day sit-in at the mine. They protested the marginalization of their region and its exclusion from job opportunities in favor of outsiders, resulting in many arrests. One of those arrested was Mustapha Ousbdan, who died only a few months after he was released from prison, giving the movement its name of Movement On the Road ‘96.

Another crucial date is 1996 because it marks the arrival of a new generation of activists—returning students from one of the most politicized universities in Morocco, the University of Fez. Those students brought with them the seeds of the Amazigh Cultural Identity movement to their villages. They also engaged in new modes of organizing including forming committees and discussion circles and open forums where everyone can participate. This circulation of political practices and ideas from the universities to the villages created a new contestation model that transformed the generational and gendered outlook of the struggle. Women’s voices became more central, which has meant that some elderly men as well as rural elites who used to make deals with SMI have been increasingly sidelined.

The year 2004 is another important date which marks when the company extended its use of the Targuit well despite an
expiring permit, while also digging more wells across Mount Alebban. The SMI was thus able to take hold of the two unique sources of life for the villagers—their drinking water and their traditional irrigation system known as khattara, a sophisticated underground system that gradually brings water above ground for irrigation. The SMI’s aggressive reach beyond the controversial agreements that it had secured with local elites and without consultation with the population in 2004 is what led to the 2011 direct action sit-in and later permanent encampment of Mount Alebban.

In addition to the many documents available both in the camp and online about the struggle, the physical space of Mount Alebban also acts as a visual archive of the protest by providing a panorama of the struggle. Beyond the pipelines stretching along the mountain is a view of the mine and of the region’s villages and fields, as well as the security apparatus stationed below.

The intensity of the visual and emotional experience at the mountain top is rarely encountered in other protest sites. Mount Alebban also provides a breathtaking view of the meeting point of the Anti-Atlas and High Atlas Mountains, although this is not what activists want visitors to focus upon. Rather, they highlight the stark difference one can see between the parched and drying fields situated close to the mine and the green fields irrigated by the water protected by the encampment.

A mile away on the horizon are the sparkling chemical wastes left in open pits by SMI. To purify silver SMI uses two highly toxic chemicals, cyanide and mercury. The strong sun and wind sweeping across the Saghro mountains causes the deposits to evaporate, infusing the air while the chemicals spread over the villagers’ fields and households. The poor quality of crops and dying trees support claims that the water table is also contaminated. Villagers whose fields are the closest to the mine have already seen their cultures totally wiped out.

The Gender of Extraction

The harmful effects of authoritarian and extractive capitalism are not only marked through Imider’s visual geography and landscape. These effects are also embodied in increasing breathing problems, heart failure, cancer, skin rashes and aborted fetuses among the local inhabitants, often gendered in their impact. Village women are more exposed to these harmful effects due to their daily encounters with the water, plants and animals and their babies. In the women’s narratives, the story of silver extraction is told through their sick bodies, the weakened bodies of their children and their perishing livestock. Water and thirst, abundance and scarcity, health and sickness are the binaries through which elderly women contrast life.
before and life under the hegemony of the SMI’s mining operations.

Women are also, however, instrumental in the struggle. The number of women now surpasses that of men participating in public protests and meetings. Male migration in search of jobs, young men in school outside of the region and women’s caregiving responsibilities are major factors that explain, in part, why women have become more prominent in this struggle.

But adult women’s quotidian lives are also deeply and directly disrupted by water scarcity and mining activities. Because feeding children and livestock is primarily their responsibility, women are often forced to search for water in drying wells. These women are also carpet weavers and can see the impact of the mine on their disappearing plant-based colors. They mourn the disappearing plants and flowers that used to give their carpets a radiant look. Women also suffer directly from the imprisonment and unemployment of their sons, as well as from the absence of their husbands.

As a result, there are important differences in the way men and women speak about the mine and the broader struggle. While the young men managing the protest camp on the mountain have incorporated a universal language of rights, indigeneity and environmental justice, women draw on the same eco-sensibilities and imported language to focus on the more immediate effects upon their lives in the proximity of mining.

They weep for water and want to weave on Alebban. They also pray for the sons imprisoned by the struggle. They chant collectively while weaving, preparing for weddings and spending time together remembering their missed ones. These oral archives are part of their repertoire about silver—not only as ornaments proudly worn by women from this region, but also of silver as extractive of their lives and local resources.

There is an old Amazigh proverb, ‘Tar Izi Ur tamu’ (An event without a poem has never happened). Many of these oral archives are embedded in the longstanding tradition of poetry in the region called Timnadin. The poet Fadima, for example, illustrates the way that loss becomes an impetus to action in her poem “Weep for Water.”

**Weep for Water**

For land and water we still weep,
It is the heart, not the pupil that weeps.
It is the heart, not the pupil that weeps.
I think, I hesitate. What should I do?
Whoever wants to see me,
Will find me on top of Alebban.
Where I am performing my mission.5

In another of her Timnadin poems, the centrality of weaving as an affirmation of local culture and women’s work in the face of the mine’s impact is also addressed.

**Weave on a Mountain**

I think I want to weave,

On top of a high mountain.
But, oh ball of yarn!
Who will take you back and forth?6

These feminine eco-sensibilities also structure women’s songs during collective weaving parties and during wedding ceremonies. These activities are undertaken by an older generation of women whose knowledge of Arabic is basic or nonexistent and who have enjoyed very little education. They are chanting the struggle while some of their more educated daughters and sons are preparing university memoirs on Imider. This repertoire of women’s poems contributes to the act of counter-archiving by placing women’s sensibilities—and bodily and emotionally lived experience—at the center of the Imider struggle.

The poet Aisha Abouh’s untitled poem pieces together various aspects of the Imider struggle, calling on the divine to aid in the struggle against Morocco’s particular form of crony and extractive capitalism that rules over their lives:

Oh Divine, help us in our struggle.
Oh Titsa waters, you are named by our ancestors,
And you’ve defied the traitors
The Movement has called the world
To help us shed the false accusations [she means the accusations of fornication, robbery and others]
Oh traitors, Cyanide has made us sick.
We will never forgive you.
The Divine is witness of the mine’s lies.
We came to the movement for justice,
And found a helicopter threatening us [in 2003, a military helicopter flew over the protest to intimidate the villagers]
And the Caid [local representative of the Ministry of Interior] threatening mothers with a gun
See what a man of the law looks like!
I thought Mount Alebban was infertile,
Until I came to build a shed on it.
The valve is heavier now with the locks we put on it.
Now the enemy can say what it wants!
Oh trees! Oh harvests! You can curse
Those who have taken water from underneath you.7

Endnotes

1 SNI was renamed al-Mada in March 2018 to reflect its supranational reach, notably in Africa.
3 Koenraad Bogart, Globalized Authoritarianism: Megaprojects, Slums, and Class Relations in Urban Morocco (Minneapolis: University of Minnesota Press, 2018).
4 Zakia Salime, “Precarious Teachers Strike for Public Education in Morocco,” Middle East Report Online May 1, 2019.
5 Fadima. Courtesy of Nadir Bouhmouch, translated by Ellias Terrass in coordination with the Movement on the Road ‘96.
6 Ibid.
7 Aisha Abouh. Courtesy of Nadir Bouhmouch, translated by Ellias Terrass in coordination with the Movement on the Road ‘96.
Revealing State Secrets through FOIA Research

David H. Price

Making FOIA requests for classified government documents can be a powerful way to breach the wall of secrecy regarding state actions that would otherwise stay secret or await future historians to uncover. The basics of filing a FOIA request are simple and learning how to press for unredacted or withheld documents can sometimes bear fruit.

One obstacle to critical scholarship is that the documents needed to demonstrate a particular government’s actions or motivations are typically, and often intentionally, inaccessible when such information could bring a public response. Scholars may accurately understand the behind-the-scenes political machinations of the present, but unless someone leaks the documentary proof, it is left for historians to unearth it later, long after the information could influence the course of events.

Governments around the world routinely use their power to limit transparency and accountability—and limiting access to documents is a common method of inhibiting the rise of popular opposition. While not removing this roadblock, the Freedom of Information Act (FOIA) can in some cases temporarily shift it aside, helping release US government documents years before they might otherwise be made available or destroyed.

I have used FOIA to declassify and release tens of thousands of pages of CIA, FBI, Pentagon and State Department documents. I requested most of these documents as part of ongoing research examining how these agencies monitored anthropologists and other academics—sometimes to support them and other times to harass them. While the Middle East is not the primary focus of my FOIA research, my work has, for example, led to the release of material like the prominent Palestinian-American intellectual Edward Said’s FBI file, which documented that the agency secretly monitored his activities as early as 1971. This file also revealed FBI infiltration of meetings of the Association of Arab-American University Graduates and the Palestine American Congress, reports on which the FBI later shared with a foreign government agency that appears to be Israel’s Mossad.

Other records I’ve uncovered under FOIA include anthropologist Elizabeth Bacon’s accounts of CIA recruitment of Middle East scholars following World War II, Donald Wilber’s CIA report on the 1953 Iranian coup and summaries of the machinations of the Princeton Group, which used academics to secretly advise the CIA. Clearly, a wealth of documents related to Middle East research are awaiting discovery under FOIA—documents that might illuminate new dimensions of US empire, unknown alliances with regional powers and unexposed illicit details of the US global terror war.

FOIA research breaches a wall of secrecy, a political wall designed to maintain power and order in the present. As political scientist Otto Kirchheimer observed over a half-century ago, we could “define a revolution by the willingness of...
the regime to open the archives of its predecessor’s political police. Measured by this yardstick, few revolutions have taken place in modern history.” The ebb and flow of FOIA restrictions bears out this point, with the least impeded access to FBI and CIA documents occurring under the Ford and Carter administrations in the years immediately following Watergate, followed by fluctuations in access under subsequent administrations. Under the Trump administration, it remains possible to obtain important historical documents—but efforts to limit the release of contemporary documents are also intensifying.

Even with its limitations, FOIA research is a vital tool for investigating not just US policy, but also many other topics of inquiry. No matter the nature of their research, most scholars could benefit from combining FOIA research with ongoing fieldwork or archival research.

The basics of filing a FOIA request are simple. First, researchers must identify the US federal agency they believed has records of interest. Next, using e-mail, web-based FOIA request sites or a letter, they must request records on the individual or group of interest. There is no need to go into great detail describing the request’s subject but researchers should supply enough to differentiate the subject from others with similar names. If there are several government agencies that might have records, it is important to file individual requests with each agency. It is important to request a waiver of search and processing fees—it usually suffices to cite one’s status as a scholar or journalist undertaking research in the public interest.

Then it is time to wait. The wait can last anywhere from six months to seven years or more. When the agency releases the records, it may have withheld or redacted portions of the documents. The government must specify (using numeric codes in document margins) why it has withheld information, citing FOIA exemptions like the Privacy Act, which protects identities, or national security exemptions. Requesters may file an in-house appeal if they believe the agency should have released the records unredacted; if the appeal fails, they may file suit against the agency in the nearest federal court, paying the filing fees. There are good how-to explainers about FOIA requests online. Several government agencies have online FOIA document libraries where researchers can enter keywords to search for already released documents. The CIA’s FOIA Electronic Reading Room has thousands of pages of declassified documents relating to the Middle East.

There are many ways for federal agencies to limit the release of documents requested under FOIA. Some of these are based in law; others are raw political acts designed to protect the past from present scrutiny. Because the Privacy Act protects the distribution of government records held on individuals, government agencies will not release records identifying living individuals without their consent. Legal expectations of privacy end with death, however, so with proof of death (such as an obituary), one can make FOIA requests. Groups or organizations have no such right to privacy, so researchers can request on these subjects with no restrictions, though the agency generally redacts identities of living individuals identified in these records as well.

Agencies vary in how responsive or cooperative they are in fulfilling requests. The CIA and NSA are notorious for rejecting most requests on grounds of national security exemptions, while agencies like the FBI or Departments of Energy or State tend to release most things within a reasonable time.

Any given administration will be politically motivated to guard records from scrutiny, but the passage of time generally makes it easier to get even sensitive documents under FOIA. Given the built-in delays, there is no time like the present to start submitting FOIA requests. Any scholar working on a project with historical dimensions should consider filing FOIA requests with the State Department, Defense Department and other agencies in order to obtain US government records that could reveal important information or previously secret documents that might also lead to further research. The process is simple and is itself a political act. With each request, scholars extend the spirit of Kirchheimer’s observation: with each document we discover, we push our present understanding one step closer to an intellectual regime change.

Endnotes

1 See: https://www.foia.gov/how-to.html.
Countering the Surveillance State

A review of *The Feeling of Being Watched*

Andy Clarno

While investigating the harmful impact of government surveillance on an Arab-American community, a filmmaker turns the tables by offering a primer on counter-surveillance research.

In 2015, Algerian-American filmmaker Assia Boundaoui set out to document the impact of surveillance on the Arab and Muslim community where she grew up. *The Feeling of Being Watched* charts her effort to expose Operation Vulgar Betrayal, a long-running Federal Bureau of Investigation (FBI) campaign targeting the largely Palestinian community in Bridgeview, Illinois, southwest of Chicago. The film tells a riveting story about the goals and impacts of domestic surveillance—but it also provides an important primer on counter-surveillance research and government efforts to thwart transparency.

The opening scenes of the film capture Boundaoui’s aspiration to orient her film as a study of exercising power by those from below. Hoping to uncover the tactics and strategies of government surveillance through listening to those targeted by the FBI, she went door to door in Bridgeview asking neighbors about their experiences with surveillance. Yet while a few people shared stories, most refused to talk. When Boundaoui asked a neighbor if she has become paranoid, the neighbor explained: “Not at all. I just think everything is happening, it’s going on. It’s real life, it’s not an imagination, it’s not paranoia.” People knew they were under surveillance but they were not comfortable talking about it, even with a neighbor, let alone a filmmaker. By the end of the film, Boundaoui concludes that fear and silence are the very purpose of FBI surveillance. The goal is to disrupt community organizing by inducing anxiety and fragmenting social ties.

Unable to collect stories due to fears about speaking out, Boundaoui turned to archival research to expose FBI surveillance. Following leads in a newspaper article, she tracked down a small archive of FBI documents on Operation Vulgar Betrayal (OVB) that was posted online by a freedom of information archivist named Paul Galante. She learned that a key target of OVB was Muhammad Salah, a resident of Bridgeview and the first US citizen placed on a terrorist watchlist. Salah was arrested by Israel in 1993, confessed under torture to providing funds to Hamas and served five years in an Israeli prison.

After Israel shared Salah’s file with the US government, the Chicago field office of the FBI launched OVB, a wide-ranging dragnet operation seeking to uncover networks of financial support for Hamas and Hezbollah. Treating the southwest suburbs of Chicago as the epicenter of these networks, the FBI targeted the Mosque Foundation in Bridgeview along with dozens of institutions around Chicago and across the country. The FBI eventually charged Salah with terrorism and racketeering, but he was found not guilty. In fact, OVB never led to any terrorism related convictions. But the FBI
Assia Boundaoui shows FBI documents to her family in this scene from The Feeling of Being Watched.

COURTESY OF THE FILMMAKERS.

has terrorized the Muslim community in Bridgeview through intense surveillance for more than two decades.

In the online archive, Boundaoui also found an FBI document from 1998 ordering the seizure of Salah’s house in Bridgeview through a process of civil asset forfeiture. Suddenly her investigation became intensely personal. Boundaoui and her family had lived downstairs from Salah and were evicted when the government took his house. Bringing this document to her family, Boundaoui began turning her research into a process of collective healing: Her mother shared stories about the eviction and her siblings talked about its impact on their lives.

The archive of FBI documents also led Boundaoui to an important tool for counter-surveillance: the Freedom of Information Act (FOIA). The Feeling of Being Watched traces each step in Boundaoui’s long battle to expose the inner workings of power through the use of FOIA requests. When she asked for FBI documents that mentioned herself and members of her family, she was met with a wall of rejection and obfuscation. The FBI denied one request because, “you have not provided compelling arguments explaining why the public needs information on this topic immediately.” A second FBI response “neither confirms nor denies the existence of your subject’s name on any watchlist.” And a third response insisted that “the mere acknowledgement of such records’ existence or nonexistence would in and of itself trigger harm to national security.” These rejections constitute an important limitation of FOIAs for uncovering government surveillance.

But Boundaoui had better luck when she made a FOIA request for documents on Operation Vulgar Betrayal. Rather than a denial, she received notice that the FBI had 33,120 pages related to OVB. The problem, a FOIA officer explained, is that it would take nearly three years to process and release the documents. Despite the maze of bureaucratic obstacles, Boundaoui had an opening. She decided to press her case with a lawsuit demanding expedited processing. The FBI pushed back, explaining that they had more important business and that it would actually take more than five years to process and release her documents. Presiding over the case before the US District Court, Judge Thomas M. Durkin ruled in Boundaoui’s favor and ordered the FBI to process 3,500 pages a month. These
scenes demonstrate the importance of legal support when using FOIA to expose government spying.

Following the court case, Boundaoui organized a town-hall meeting and know-your-rights workshop to share her research with residents of Bridgeview. The townhall provided an opportunity to discuss details about OVB and to initiate a community dialogue about overcoming fear and resisting surveillance. As one speaker explained: “No shai (tea) for FBI. It’s very simple—do not invite them into your home.”

During an interview on the Chicago Public Radio station WBEZ, Boundaoui explained that her legal victory set an important precedent in FOIA litigation by forcing the government to expedite the processing of documents that serve a public interest. She also affirmed the FOIA process as a unique and important feature of democracy in the United States. “While the government can conduct this surveillance and can violate your privacy and freedom of association and freedom of religion,” she explained, “you also have the right to know that they do that. And that’s an incredible thing about this democracy is that you have the right to know and you can get the records of them violating your rights.”

But Boundaoui’s victory was incomplete. The film ends when Boundaoui received the first batch of documents from the FBI. Most pages were completely redacted. By now, she has received all of the documents. According to Boundaoui, 70 percent are fully redacted and the rest are heavily redacted. Along with denials and delays, redactions provide yet another tool that the surveillance state uses to maintain its secrecy in the face of FOIA requests.

In light of these redactions, Boundaoui may have reassessed her optimism about the right to knowledge. But her commitment to the struggle for transparency remains strong. Working with data scientists at MIT, Boundaoui is now developing a computer learning algorithm that will help her see through the redactions. The program will begin by analyzing hundreds of thousands of FBI documents produced over the last 100 years. After identifying patterns of language used during operations targeting Black, Latinx, indigenous and Asian communities, the program will try to fill in the blanks in Boundaoui’s archive of documents about Operation Vulgar Betrayal. For Boundaoui, artificial intelligence represents a promising future for counter-surveillance research.

Boundaoui has also maintained her commitment to using her research for community healing. She is currently planning a series of community screenings and workshops facilitated by healers. The goal of these workshops is to address collective trauma and promote dialogue about ongoing surveillance. As she explained in an interview with The Independent, “It’s actually important to your healing to understand the truth and what happened to you so you can move past that.”

“Perhaps there is nothing I can do about being watched,” the film concludes. “Maybe the only thing I can do is to make sure the government is not invisible, that the systems of power are kept in check. It’s in the act of looking back and talking out loud that we become less alienated, less petrified by our paranoia. Perhaps the only way to disrupt surveillance is to make sure that those who do the watching are also being watched.”

As a window into the extensive US government surveillance of Arabs and Muslims, The Feeling of Being Watched is a powerful reminder of the devastating impact such surveillance can inflict on communities. Boundaoui situates OVB as the latest example in a long history of FBI operations targeting politically engaged communities of color. As she points out, the FBI uses surveillance to generate anxiety, undermine trust and dismantle communities as they begin to mobilize.

For scholars and activists interested in exposing state practices—in “looking back and talking out loud”—the film also demonstrates the possibilities and limitations of multiple methods of counter-surveillance: interviews with targeted communities, newspaper and internet archives and FOIA requests. And Boundaoui’s future work should provide insight into the potential of using artificial intelligence to see through redactions.

Endnotes
1 The online archive can be accessed at: https://archive.org/details/VulgarBetrayal/page/nt
3 Ibid.
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