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*** Current Handling Restrictions *** ONLY

<<<**** OASYS DOCUMENT HEADER ****>>>

DOC_NBR= 87STATE342829

FILM= D870906-0252

DATE= 03 NOV 87

TYPE= TE

FROM= STATE

DRAFTER= NEA/IAI:CPATTERSON

OFFICE= ORIGIN NEA

TO= TEL AVIV
JERUSALEM

CHANNEL= n/a

ORIGHAND= ONLY

ORIGPHAND= n/a

ORIGCLASS= [REDACTED]

ORIGPCLASS= n/a

EO= OA

SUBJECT= OFFICIAL-INFORMAL NO. 294 - SHIN BET REPORT

REFERENCE= n/a

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= n/a

TAGS= AMGT

9301382

DEPARTMENT OF STATE

IS, FFD, CDR [Signature] Date 11/20/96

RELEASE DECLASSIFY

EXCISE DECLASSIFY

EXCISE IN PART

EU Citations _____

FOIA Exemptions
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[REDACTED] STATE 342829

E.O. 12356: DECL:OADR
TAGS: AMGT
SUBJECT: OFFICIAL-INFORMAL NO. 294 - SHIN BET REPORT

1. [REDACTED] - ENTIRE TEXT.
2. WE THINK IT WOULD BE APPROPRIATE TO REFER TO FINDINGS OF THE LANDAU COMMISSION REPORT ON THE SHIN BET IN THIS YEAR'S HUMAN RIGHTS REPORT. VIA O - I, PLEASE SUBMIT LANGUAGE THAT WE CAN INCLUDE IN THE REPORT ((SECTIONS 1(C) AND 1(E) WOULD SEEM TO APPLY)). SHULTZ

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*** Current Classification *** [REDACTED]
*** Current Handling Restrictions *** n/a

<<<*** OASYS DOCUMENT HEADER ***>>>

DOC_NBR= 87TELAV14886

FILM= D870902-0151

DATE= 02 NOV 87

TYPE= TE

FROM= TEL AVIV

DRAFTER= n/a

OFFICE= ACTION NEA

TO= STATE
ARAB ISRAELI COLLECTIVE

CHANNEL= n/a

ORIGHAND= n/a

ORIGPHAND= n/a

ORIGCLASS= [REDACTED]

ORIGPCLASS= n/a

EO= OA

SUBJECT= LANDAU COMMISSION OF INQUIRY REPORT ON THE - SHIN BET (GENERAL SECURITY SERVICE)

REFERENCE= n/a

CONTROL_NBR= n/a

ENCLOSURE= n/a

LOCATOR= TEXT ON-LINE, ON MICROFILM

ERRORS= N/A

CONCEPTS= REPORT, SECURITY, RECOMMENDATION, POLICY, HUMAN RIGHTS

TAGS= PGOV, PTER, PHUM, PINS, IS, US

9301382 IS, FPC, CDR [Signature] Date 11/20/96

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PAGE 01 TEL AV 14886 01 OF 02 021751Z
ACTION NEA-11

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SNP-01 C-01 PRS-01 DS-01 DSE-00 SCT-02 P-02
T-01 /059 W

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O 021752Z NOV 87
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC IMMEDIATE 2342
INFO ARAB ISRAELI COLLECTIVE

██████████ SECTION 01 OF 02 TEL AVIV 14886

E.O. 12356: DECL: OADR
TAGS: PGOV, PTER, PHUM, PINS
SUBJECT: LANDAU COMMISSION OF INQUIRY REPORT ON THE
- SHIN BET (GENERAL SECURITY SERVICE)

REFS: (A) FBIS TA 010640, (B) FBIS TA 011054

1. ██████████ - ENTIRE TEXT.

2. SUMMARY: SENIOR GOI OFFICIALS RESPONDED POSITIVELY TO THE LANDAU COMMISSION'S REPORT ON THE SHIN BET (GENERAL SECURITY SERVICE), WHICH DEALT WITH THE SERVICE'S INTERROGATION PRACTICES IN TERRORISM CASES AND RELATED TESTIMONY BY SHIN BET PERSONNEL IN COURT. THE CABINET IS EXPECTED TO ADOPT THE COMMISSION'S RECOMMENDATIONS, PARTICULARLY THOSE ON THE NEED FOR GREATER OVERSIGHT, NO PROSECUTIONS AND CLEAR GUIDELINES IN THE FUTURE FOR SHIN BET INTERROGATORS. END SUMMARY.

3. THE LANDAU COMMISSION PRESENTED THE PUBLIC AND SECRET SECTIONS OF ITS REPORT TO PRIME MINISTER
██████████
██████████

PAGE 02 TEL AV 14886 01 OF 02 021751Z

SHAMIR ON OCTOBER 30. THE COMMISSION (CONSISTING OF FORMER SUPREME COURT PRESIDENT MOSHE LANDAU, FORMER MOSSAD CHIEF AND OFFICER IN CHARGE OF THE NORTHERN COMMAND YITZHAK HOFI AND STATE COMPTROLLER YAAKOV MALTZ) WAS APPOINTED AFTER THE SUPREME COURT

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DISCOVERED THAT SHIN BET INVESTIGATORS HAD COMMITTED PERJURY IN THE ESPIONAGE AND TREASON CASE OF IZAT NAFSU. THE COMMISSION'S FOCUS WAS TO REVIEW SHIN BET INTERROGATION PRACTICES IN TERRORISM CASES AND THE RELATED TESTIMONY OF SHIN BET PERSONNEL IN COURT.

4. THE COMMISSION'S KEY FINDINGS WERE THAT:
 --SHIN BET PERSONNEL, AS A MATTER OF POLICY, HAVE BEEN COMMITTING PERJURY SINCE 1971.

--SUCH PERJURY WAS COMMITTED TO CONCEAL SHIN BET PRACTICES IN INTERROGATION AND IN THE OBTAINING OF CONFESSIONS, WHICH ARE THE MAIN INSTRUMENT FOR CONVICTION IN TERRORISM TRIALS.

--THE MAIN RESPONSIBILITY FOR THE COMMISSION OF PERJURY LIES WITH THE THREE SHIN BET HEADS FROM 1971, ESPECIALLY THE LAST TWO, AND WITH THE SERVICE'S LEGAL ADVISERS.

--THE POLITICAL, JUDICIAL AND MILITARY AUTHORITIES WERE NOT AWARE OF THE SHIN BET'S PRACTICE OF PERJURY AND WERE NOT TO BE HELD RESPONSIBLE FOR IT.

-- THE COMMISSION ACCEPTED THAT LIMITED AND CLEARLY DELINEATED PHYSICAL AND PSYCHOLOGICAL PRESSURES MAY BE EXERTED IN THE INTERROGATION OF TERRORISM SUSPECTS. PRECISE GUIDELINES FOR SUCH MEASURES WERE PROPOSED IN

PAGE 03 TEL AV 14886 01 OF 02 021751Z

THE SECRET REPORT. THE REPORT STRESSED THAT THERE MUST BE NO PHYSICAL VIOLENCE, TORTURE, OR ASSAULT ON A PRISONER'S DIGNITY.

--NO CRIMINAL ACTION SHOULD BE TAKEN AGAINST SHIN BET PERSONNEL WHO COMMITTED PERJURY OR EMPLOYED ILLEGAL INTERROGATION METHODS IN THE PERIOD BEFORE THE REPORT WAS ADOPTED.

--EXTERNAL SUPERVISION AND CONTROL OF THE SERVICE BY THE PRIME MINISTER, THE KNESSET, THE CABINET, AND THE STATE COMPTROLLER SHOULD BE STRENGTHENED AND EXPANDED.

--THE ATTORNEY GENERAL AND THE MILITARY JUDICIAL AUTHORITIES SHOULD TAKE STEPS TO PERMIT RETRIALS IN RESPONSE TO ALL JUSTIFIED REQUESTS SUBMITTED IN THE WAKE OF THE REPORT. APPROPRIATE GUIDELINES SHOULD ALSO BE ISSUED TO ALLOW PRISONERS SENTENCED IN

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MILITARY COURTS IN THE OCCUPIED TERRITORIES - THE RIGHT TO RETRIAL.

4. PRELIMINARY REACTION TO THE REPORT HAS BEEN LARGELY POSITIVE, PARTICULARLY AMONG THE LEADERS OF THE MAJOR PARTIES AND SENIOR GOVERNMENT OFFICIALS. --PRIME MINISTER SHAMIR SAID THE REPORT REFLECTS DEEP AND SINCERE CONCERN FOR THE STATE'S SECURITY INTERESTS AND FOR THE PRINCIPLES OF THE JUDICIAL SYSTEM. HE WAS SATISFIED WITH THE FUSION OF APPRECIATION FOR THE WORK OF THE SHIN BET WITH CONCERN FOR THE PRINCIPLE OF THE RULE OF LAW. SHAMIR ADDED THAT HE WAS CERTAIN THE REPORT WOULD STRENGTHEN THE SHIN BET.

--PRESIDENT HERZOG SAID THE CONCLUSIONS OF THE REPORT ARE A CREDIT TO THE STATE, DEMONSTRATING THAT NO

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[REDACTED]

PAGE 01 TEL AV 14886 02 OF 02 021751Z ACTION NEA-11

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[REDACTED] SECTION 02 OF 02 TEL AVIV 14886

E.O. 12356: DECL: OADR TAGS: PGOV, PTER, PHUM, PINS

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SUBJECT: LANDAU COMMISSION OF INQUIRY REPORT ON THE
PERSON OR ORGANIZATION IS ABOVE THE LAW OR EXEMPT
FROM CRITICISM.

--FOREIGN MINISTER PERES SAID THAT ISRAEL HAS SHOWN
IT HAS THE STRENGTH TO EXAMINE ITSELF AND DRAW
CONCLUSIONS WHILE CONDUCTING A WAR AGAINST
TERRORISM. THESE CONCLUSIONS WILL MAKE AN IMPORTANT
CONTRIBUTION TO THE FUTURE WORK OF THE SERVICE.

--ATTORNEY GENERAL HARISH TERMED THE REPORT AN
INSPIRING MILESTONE FOR COEXISTENCE BETWEEN THE RULE
OF LAW OF AN ENLIGHTENED COUNTRY ON THE ONE HAND AND
THE NEEDS OF SECURITY ON THE OTHER.

--MK UZI LANDAU (LIKUD) HOPED COMPLETION OF THE
REPORT WOULD BRING TO A CLOSE THE PUBLIC DEBATE ON
THE SHIN BET AND ALLOW THE ORGANIZATION TO RESUME ITS
WAR ON TERROR, WHICH HAD BEEN HARMED BY INCESSANT
[REDACTED]
[REDACTED]

PAGE 02 TEL AV 14886 02 OF 02 021751Z

ATTACKS FROM THE LEFT.

--MK YOSSI SARID (OPPOSITION CITIZENS RIGHTS
MOVEMENT) SAID THAT THE COMMISSION'S FINDINGS SHOULD
BE ADOPTED SO THAT THE SHAMEFUL AND SHOCKING
PHENOMENA OF PERJURY IN THE COURTS WOULD BE UPROOTED.

--MK MORDECHAI VIRSHUBSKI (CITIZENS RIGHTS MOVEMENT)
SAID THAT THE THREE PRIME MINISTERS WHO HELD OFFICE
DURING THE 16 YEARS IN WHICH PERJURY WAS COMMITTED
SHOULD ASSUME PERSONAL RESPONSIBILITY FOR THE
MISDEEDS.

--ATTORNEYS FELICIA LANGER AND LEA TZEMEL, WHO HAVE
REPRESENTED SECURITY PRISONERS, SAID THE REPORT'S
FINDINGS ON PERJURY CONFIRMED ARGUMENTS THEY HAD BEEN
MAKING FOR YEARS. THEY ALSO EXPRESSED CONCERN THAT
THE REPORT CONDONED USE OF VIOLENCE AGAINST PRISONERS.
5. COMMENT: THE CABINET IS EXPECTED TO RESPOND
FAVORABLY TO THE RECOMMENDATIONS OF THE LANDAU
COMMISSION, WITH A VIEW TO REHABILITATING THE DAMAGED
CREDIBILITY OF THE SHIN BET. THIS WILL INVOLVE
STRENGTHENING SUPERVISION OF THE SERVICE AND
PRESCRIBING ACCEPTABLE PROCEDURES DURING INTERROGATION
(I.E., "LIMITED PHYSICAL AND PSYCHOLOGICAL
PRESSURES"), WHILE NOT TAKING LEGAL ACTION AGAINST

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SHIN BET PERSONNEL WHO COMMITTED PERJURY. MEANWHILE,
THE LEGAL SYSTEM SEEMS RESIGNED TO FACING APPEALS BY
CONVICTED SECURITY PRISONERS FOR RETRIALS.

6. OFFICIALS AT THE POLITICAL LEVEL AND THE COURTS
WERE PLEASED WITH THE LANDAU COMMISSION REPORT
BECAUSE IT EXEMPTED THEM FROM ANY BLAME OR
[REDACTED]
[REDACTED]

PAGE 03 TEL AV 14886 02 OF 02 021751Z

RESPONSIBILITY FOR WHAT WENT WRONG. SINCE NO
INDIVIDUAL POLITICIANS WERE HELD RESPONSIBLE, THERE
WILL BE NO IMMEDIATE POLITICAL CONSEQUENCES. THE
SECURITY SERVICES ARE PLEASED BECAUSE THERE WILL BE
NO PROSECUTIONS OR CONSEQUENCES FOR PAST PRACTICES
AND BECAUSE THE SERVICES RETAIN SUBSTANTIAL LATITUDE
IN CARRYING OUT THEIR ROLE. SO FAR, ONLY A FEW
OPPOSITION FIGURES ON THE LEFT, SOME DEFENSE LAWYERS
AND FORMER IDF OFFICER NAFSU HAVE EXPRESSED CONCERN
THAT EXONERATION OF THE RESPONSIBLE SHIN BET
OFFICIALS WILL NOT ENSURE FUTURE ADHERENCE TO THE
LAW. PICKERING

[REDACTED] 031154700

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