



Middle East Studies Association of North America, Inc.

The University of Arizona • PO Box 210410 • Tucson AZ 85721-0410

17 December 1996

Prime Minister Binyamin Netanyahu
Office of the Prime Minister
3 Kaplan Street
Jerusalem 91919, Israel

Dear Prime Minister Netanyahu:

The Committee on Academic Freedom in the Middle East and North Africa wishes to express its grave concern over the treatment in interrogation of a Birzeit student, Abd al-Aziz Hamdan. His case has made international news because of the way it refocuses attention on Israeli interrogation methods, including the governmentally sanctioned use of "moderate physical pressure."

The Middle East Studies Association comprises 2600 academics worldwide who teach and conduct research on the Middle East and North Africa. The association publishes the respected *International Journal of Middle East Studies* and is committed to ensuring respect for the principles of academic freedom and human rights throughout the region.

According to our information, Mr. Hamdan's lawyers succeeded in gaining a temporary injunction against the use of force during his questioning, but on November 14 the High Court of Justice granted an application by the General Security Services to cancel the injunction. Consequently, Mr. Hamdan is once again subject to the standard forms of "moderate physical pressure": violent shaking during questioning, being hooded and shackled for extended periods to a child-sized chair with the front legs shorter than the back, sleep deprivation, and being subjected to continuous loud music.

We agree with the opinion expressed by Human Rights Watch, Amnesty International and others that such tactics amount to torture. We regard any use of torture (either physical or psychological) during interrogation as a violation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Israel has ratified. The use of torture also violates Article 277 of the Israeli Penal Code, which prohibits public servants from using, directing, or threatening the use of force or violence for the purpose of extracting a confession or information relating to an offense.

The treatment of Birzeit student Abd al-Aziz Hamdan is, according to reports, not atypical. Since the 1987 publication of the Landau Commission Report and the subsequent decision by the government to use the report and its secret appendix as the framework for interrogation policies, the governmental sanctioning of psychological and physical "pressure" has invited a plethora of critical responses. Given that Hamdan's case touches on some of the issues that figured centrally in earlier critiques, we would like to state our position on this matter unequivocally: we regard

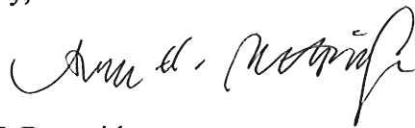
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the standard GSS methods to constitute torture. In addition, we would like to point out respectfully that we do not accept the state's reasoning that "necessity" justifies such methods.

The state's necessity argument is apparently premised on the "ticking bomb" scenario (i.e., when someone in GSS custody actually knows the whereabouts of a bomb that is about to go off). In addition to the fact that torture is prohibited by international law under all circumstances, it is worth mentioning that the actual occurrence of a ticking bomb scenario has never been reported; on the contrary, reports indicate that the vast majority of people who are interrogated are subjected to some form(s) of "moderate physical pressure," while your government's own records indicate that over 50 percent of interrogees are released without charge or trial.

We respectfully urge you to take a firm position to prohibit the use of torture and ill-treatment during interrogation. We hope that this request bears immediate benefit for Mr. Hamdan.

Sincerely,



Anne H. Betteridge
Executive Director

cc: Tzachi Hanegbi, Minister of Justice
Shai Nitzan, Office of Attorney General
Brigadier General Ilan Shiff, Judge Advocate General
Brigadier General Shaul Mofaz, Commander of the West Bank
Colonel Moshe Rosenberg, Legal Adviser for the Central Command
Judge Yosef Harish, Attorney General
Ambassador Itamar Rabinovich