

UNCLASSIFIED

OCA
INCOMING

/ /

UNCLASSIFIED
PRIORITY

FRP: , ,3, , , , ,

STATE

STAT

[Redacted area]

88 8404929 SUP

PAGE 001
TOR: 310909Z MAR 88

NC 8404929
STATE 099990

PP RUEAIIB
ZNR UUUUU ZOC STATE ZZH
PP RUEHC
DE RUEHC #9990 0910747
ZNR UUUUU ZZH
P 310738Z MAR 88 ZEX
FM SECSTATE WASHDC
TO RUFHTV/AMEMBASSY TEL AVIV PRIORITY 0000
RUFHJU/AMCONSUL JERUSALEM PRIORITY 0000
ISLAMIC COLLECTIVE
BT
UNCLAS STATE 099990

OHC

E.O. 12356: N/A
TAGS: PHUM, IS
SUBJECT: ASSISTANT SECRETARY SCHIFTER'S TESTIMONY

- AMBASSADOR SCHIFTER, ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS TESTIFIED BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS ON 3/29. FOLLOWING IS THE TEXT OF HIS OPENING STATEMENT.

BEGIN TEXT

-- A FEW WEEKS AGO YOU WERE KIND ENOUGH TO GIVE ME THE OPPORTUNITY OF TESTIFYING BEFORE YOU ON THE SUBJECT OF THE STATE DEPARTMENT'S ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES. ON THAT OCCASION I NOTED THAT THROUGHOUT THE WORLD WE CAN IDENTIFY FOUR DISTINCT CATEGORIES OF HUMAN RIGHTS VIOLATIONS. ONE OF THESE CATEGORIES I DESCRIBED AS FOLLOWS:

- "DEMOCRACIES IN WHICH POLICEMEN OR SOLDIERS, USUALLY WITHOUT BEING AUTHORIZED TO DO SO BY THE HIGHEST LEVEL OF GOVERNMENT, USE EXCESSIVE FORCE OR BRUTALITY IN WHAT THEY VIEW AS LAW ENFORCEMENT, RIOT CONTROL, OR SUPPRESSION OF INSURRECTION."

-- THE HUMAN RIGHTS VIOLATIONS WHICH HAVE BEEN REPORTED IN RECENT MONTHS FROM ISRAEL'S OCCUPIED TERRITORIES FALL, BY AND LARGE, INTO THE CATEGORY WHICH I HAVE JUST DESCRIBED. AS I HAVE JUST INDICATED BY REFERRING TO MY EARLIER TESTIMONY, THE RECENT OCCURRENCES IN THE OCCUPIED TERRITORIES ARE REGRETTABLY NOT UNIQUE, BUT PART OF A WORLDWIDE PHENOMENON.

THE SPECIFIC ACTS TO WHICH I WANT TO ADDRESS MYSELF IN THIS TESTIMONY CAN BE SAID TO FALL INTO THREE DISTINCT CLASSES. FIRST, AND INDEED MOST TROUBLESOME, IS THE BRUTALIZATION OF PALESTINIAN PRISONERS IMMEDIATELY AFTER THEY HAVE BEEN TAKEN INTO CUSTODY AND OF BEATINGS ADMINISTERED TO PERSONS WHO WERE NOT TAKEN INTO CUSTODY AND WHO WERE NOT SUSPECTED OF OR KNOWN TO HAVE BEEN ENGAGED IN ANY CONDUCT IN BREACH OF CIVIL PEACE.

- SECOND, THERE ARE TROUBLESOME REPORTS OF PHYSICAL MISTREATMENT IN THE PROCESS OF INTERROGATION AND DETENTION.

UNCLASSIFIED

UNCLASSIFIED

88 8404929

SUP

PAGE 002
TOR: 310909Z MAR 88

NC 8404929
STATE 099990

THIRD, THERE IS THE QUESTION OF THE USE OF LETHAL FORCE IN RIOT CONTROL.

-- TURNING TO THE FIRST OF THE SET OF ACTS TO WHICH I HAVE REFERRED, NAMELY THE BRUTALIZATION OF PRISONERS AND THE RANDOM BEATING OF CIVILIANS, I WANT TO STATE MOST EMPHATICALLY THAT THESE ACTS MUST BE CONDEMNED, AND WE HAVE DONE EXACTLY THAT. WE HAVE MADE REPRESENTATIONS AT THE HIGHEST LEVEL OF THE ISRAELI GOVERNMENT, URGING THAT THESE ACTS OF BRUTALITY OR INDISCIPLINE BE BROUGHT TO AN END AND BE PUNISHED.

- THE ISRAELI GOVERNMENT HAS MADE EFFORTS TO AVOID THE INCIDENTS I HAVE JUST DESCRIBED. THERE HAVE ALSO BEEN REPORTS THAT COURTS MARTIAL PROCEEDINGS HAVE BEEN INSTITUTED IN SOME CASES. WE BELIEVE IT TO BE ESSENTIAL THAT THE ISRAELI DEFENSE FORCES, WHICH HAVE PRIDED THEMSELVES OF THEIR COMMITMENT TO WHAT THEY HAVE REFERRED TO AS "THE PURITY OF ARMS," LIVE UP TO THAT TRADITION BY CRACKING DOWN HARD ON ANY VIOLATIONS OF THE STANDARDS OF MILITARY BEHAVIOR AND BY BRINGING THESE TRULY SHOCKING ACTIONS COMPLETELY TO AN END.

-- BY THE SAME TOKEN, WE BELIEVE THAT PHYSICAL ABUSE OF PRISONERS IN DETENTION, WHETHER FOR THE PURPOSE OF

ELICITING INFORMATION OR FOR DETERRENCE MUST ALSO BE CONDEMNED. THESE MEANS CANNOT BE JUSTIFIED BY ANY ENDS. WE HAVE URGED THAT INSTRUCTIONS BE ISSUED TO END SUCH PRACTICES.

-- WHILE ONE CAN WITHOUT DIFFICULTY PASS JUDGMENT IN THE CIRCUMSTANCES WHICH I HAVE JUST DESCRIBED, THIS TASK BECOMES MORE DIFFICULT WHEN WE FOCUS OUR ATTENTION ON THE THIRD CLASS OF INCIDENTS, THE RESORT TO LETHAL FORCE IN RIOT CONTROL.

- I NEED AT THIS POINT TO IDENTIFY THE PROBLEM. SINCE LAST DECEMBER THERE HAVE BEEN SERIOUS DISTURBANCES OF PUBLIC ORDER IN THE OCCUPIED TERRITORIES. THOUSANDS OF PALESTINIANS, MOSTLY YOUNG PEOPLE, HAVE TAKEN TO THE STREETS TO ENGAGE IN VIOLENT PROTESTS, CAUSING DAMAGE TO PROPERTY, INTIMIDATING NON-PROTESTERS, AND PHYSICALLY ATTACKING TROOPS ENGAGED IN LAW ENFORCEMENT ACTIVITIES.

- IN ASSESSING THE ISSUES POSED BY THE CURRENT UNREST IN THE OCCUPIED TERRITORIES WE MUST THUS KEEP IN MIND, WHEN WE SPEAK OF DEMONSTRATIONS IN THE OCCUPIED TERRITORIES, THAT THERE IS A SHARP DIFFERENCE BETWEEN A PEACEFUL MARCH, IN WHICH SLOGANS MIGHT BE DISPLAYED OR SHOUTED, AND ACTS OF VIOLENCE. WHILE WE MUST INSIST ON HUMAN RIGHTS GROUNDS ON RESPECT FOR THE RIGHT OF PEACEFUL ASSEMBLY, THIS RIGHT DOES NOT EXTEND TO ASSEMBLY FOR THE PURPOSE OF THROWING ROCKS AND FIREBOMBS.

-- IN OUR VIEW ISRAEL CLEARLY HAS NOT ONLY THE RIGHT, BUT THE OBLIGATION, TO PRESERVE OR RESTORE ORDER IN THE OCCUPIED TERRITORIES, AND TO USE APPROPRIATE LEVELS OF FORCE TO ACCOMPLISH THAT END. THE QUESTION OF WHETHER THE FORCE USED WAS APPROPRIATE OR EXCESSIVE CAN ALMOST NEVER BE ANSWERED IN A CLEAR-CUT MANNER. THE FACTS AS TO WHAT MAY HAVE HAPPENED IN A PARTICULAR CLASH BETWEEN RIOTERS AND TROOPS ARE ALMOST IMPOSSIBLE TO RECONSTRUCT. WHAT WE DO KNOW IS THAT RIOTS ARE TAKING PLACE DAILY, INVOLVING THE BURNING OF TIRES, THE ERECTING OF BARRICADES, AND THE THROWING OF ROCKS AND GASOLINE BOMBS, AND, IN ONE CASE, THE SHOOTING AND KILLING OF AN ISRAELI SOLDIER. WE ALSO KNOW THAT THE CONTINGENTS THAT ARE CALLED UPON TO TRY TO MAINTAIN LAW

UNCLASSIFIED

UNCLASSIFIED

88 8404929 SUP

PAGE 003
TOR: 310909Z MAR 88

NC 8404929
STATE 099990

AND ORDER OUTSIDE EAST JERUSALEM DO NOT CONSIST OF SKILLED POLICEMEN, TRAINED IN RIOT CONTROL AND EQUIPPED TO FUNCTION IN A RIOTCONTROL CAPACITY. RATHER, THESE ARE SOLDIERS WHO ARE TRAINED AND EQUIPPED FOR MILITARY COMBAT.

-- THERE IS, IN FACT, A STRIKING DIFFERENCE BETWEEN THE EXPERIENCE WITH RIOT CONTROL IN EAST JERUSALEM, ON THE ONE HAND, AND THE WEST BANK AND GAZA, ON THE OTHER HAND. THE JERUSALEM POLICE FORCE IS TRAINED AND EQUIPPED FOR POLICE DUTY, INCLUDING RIOT CONTROL AND CONFRONTATION WITH CIVILIANS. IT HAS BEEN ABLE TO HANDLE INCIDENTS IN EAST JERUSALEM IN A MANNER WHICH HAS MINIMIZED CASUALTIES. THE ISRAELI DEFENSE FORCES, WHICH HAVE HAD RESPONSIBILITY ON THE WEST BANK AND GAZA, HAVE FACED MORE DIFFICULT PROBLEMS WITH LESS PREPARATION.

- AS NOTED EARLIER, IT IS NOT POSSIBLE FOR US TO PASS JUDGMENT AS TO WHETHER A SPECIFIC SOLDIER WHO FIRED HIS RIFLE HAD SUFFICIENT GROUNDS TO FEAR FOR HIS PERSONAL SAFETY SO AS TO RESORT TO LETHAL FORCE. WHAT WE DO KNOW IS THAT THE RULES OF ENGAGEMENT UNDER WHICH THE ISRAELI DEFENSE FORCE OPERATES ARE IN KEEPING WITH ACCEPTED INTERNATIONAL STANDARDS. BUT, AS I HAVE JUST NOTED, THE BASIC PROBLEM IS THAT THE ISRAELI ARMY IS NOT A POLICE FORCE. IT IS TRAINED AND EQUIPPED FOR MILITARY OPERATIONS, NOT FOR RIOT CONTROL.

- CAN AN ARMY BE RE-EQUIPPED AND RETRAINED IN SHORT ORDER? PROBABLY NOT. BUT AN EFFORT TO DO SO SHOULD SURELY BE MADE. RECENT INFORMATION INDICATES THAT ISRAEL HAS NOW BEGUN TRAINING IDF PERSONNEL IN TACTICS APPROPRIATE TO CONTROLLING AND DISPERSING VIOLENT CIVILIAN DEMONSTRATIONS. HOWEVER, WE NEED TO KEEP IN MIND THAT MANY OF THE SOLDIERS SERVING IN THE OCCUPIED TERRITORIES ARE RESERVISTS, WHO SERVE A SHORT TOUR OF DUTY AND THEN GET REPLACED BY OTHER RESERVISTS, WHO WILL ALSO HAVE TO BE RETRAINED.

-- AS FOR EQUIPMENT, IT IS OUR UNDERSTANDING THAT ISRAEL HAS MADE A SIGNIFICANT EFFORT TO PROVIDE THE IDF WITH HARDWARE THAT IS APPROPRIATE TO ITS PRESENT MISSION OF RIOT CONTROL IN THE OCCUPIED TERRITORIES. THIS INCLUDES WATER CANNONS, AND RUBBER BULLETS AS SUBSTITUTES FOR LIVE ROUNDS, AS WELL AS TEARGAS MASKS, DISPENSERS AND SIMILAR ITEMS WHICH WILL ALLOW FOR A MORE MEASURED RESPONSE TO SITUATIONS THAT ARE NOT INHERENTLY OR IMMINENTLY LIFE-THREATENING. THE ISRAELI GOVERNMENT HAS ALSO BEGUN TO ACQUIRE ADDITIONAL PROTECTIVE GEAR, WHICH MIGHT ENABLE IDF PERSONNEL TO AVOID SOME OF THE SITUATIONS WHERE THE INDIVIDUAL SOLDIER FEELS HE HAS NO CHOICE BUT TO PROTECT HIS LIFE AT THE EXPENSE OF THE LIFE OF A DEMONSTRATOR ENGAGED IN ACTS OF VIOLENCE.

- IN THIS CONTEXT I NEED TO NOTE THAT QUESTIONS HAVE ALSO BEEN RAISED AS TO WHETHER THE LIKELIHOOD OF THE NEED TO RESORT TO LETHAL FORCE WOULD BE REDUCED IF ISRAEL WERE TO STOP SENDING OUT SMALL PATROLS, WHICH CAN EASILY BE SURROUNDED BY A LARGE NUMBER OF CIVILIANS, AND PERHAPS ENGAGE IN MORE LIMITED PATROLLING, BUT DO IT WITH LARGER CONTINGENTS. A SMALL PATROL, TWO OR THREE MEN, OFTEN INCLUDING INEXPERIENCED RESERVISTS, CAN FIND ITSELF EASILY SURROUNDED AND UNABLE TO EXTRICATE ITSELF IN ANY MANNER OTHER THAN BY FIRING LIVE AMMUNITION. WE HAVE CONVEYED OUR CONCERNS IN THIS REGARD TO THE ISRAELI GOVERNMENT, ALTHOUGH WE IN THE FIELD OF HUMAN RIGHTS MUST CONCEDE THAT WE ARE NOT IN A POSITION TO EXPOUND UPON THE "PROPER" OR "IDEAL" MILITARY OR POLICE TACTICS REQUIRED TO QUELL A DISTURBANCE.

UNCLASSIFIED

UNCLASSIFIED

88 8404929

SUP

PAGE 004
TOR: 310909Z MAR 88

NC 8404929
STATE 099990

- IN DETERMINING OUR OWN ROLE IN DEALING WITH THE ISSUES WHICH I HAVE HERE DISCUSSED, WE NEED TO KEEP IN MIND THAT ISRAEL IS A DEMOCRACY IN WHICH ALL ASPECTS OF GOVERNMENTAL AFFAIRS, INCLUDING THE BEHAVIOR OF TROOPS IN THE OCCUPIED TERRITORIES, ARE SUBJECT TO CLOSE PUBLIC SCRUTINY. THE INCIDENTS TO WHICH I HAVE REFERRED ARE MATTERS OF EXTENSIVE PUBLIC DEBATE IN ISRAEL AND HAVE RESULTED IN A GREAT MANY EXPRESSIONS OF ANGUISH AND CONDEMNATION. WHERE INEXCUSABLE TRANSGRESSIONS HAVE OCCURRED, IT IS THE GENERAL PUBLIC THAT WILL INSIST ON PROPER PUNISHMENT. TO THE EXTENT TO WHICH THIS SELF-CORRECTING MECHANISM MAY, HOWEVER, NOT BE WORKING AS WELL AS IT SHOULD, WE SHALL CONTINUE TO APPLY OURSELVES TO EFFECT THE RESULTS WHICH I HAVE HERE IDENTIFIED.

HAVING SPOKEN OF ISRAEL AS A DEMOCRACY, I NEED TO ADD, OF COURSE, THAT THE RESIDENTS OF THE OCCUPIED TERRITORIES ARE NOT PARTICIPANTS IN THAT DEMOCRACY NOR DO THEY HAVE DEMOCRATIC INSTITUTIONS OF THEIR OWN. THEIR CONCERNS HAVE TO BE UNDERSTOOD, AND RESOLVED, THROUGH PEACEFUL NEGOTIATION. THAT IS, OF COURSE, THE UNDERLYING PROBLEM WITH WHICH WE ARE DEALING. FOR THE ROOT OF THE DIFFICULTIES WHICH WE FACE IN THIS SITUATION DONOT LIE IN THE AREA OF HUMAN RIGHTS. THE UNDERLYING PROBLEM IS THE STATE OF WAR WHICH HAS EXISTED IN THIS AREA FOR CLOSE TO FORTY YEARS, WHICH HAS CAUSED THE SHEDDING OF BLOOD ACROSS THE DECADES, AND WHICH CONTINUES TO HAVE THIS SAD RESULT. THAT IS, OF COURSE, WHY WE ARE SEEKING TO FIND THE PATH TO A PEACEFUL SOLUTION TO THIS CONFLICT. END TEXT SHULTZ

END OF MESSAGE

UNCLASSIFIED

UNCLASSIFIED