

The United Nations Committee against torture recently condemned Israel's methods of questioning terrorism suspects, which often involve, among other things, forcefully shaking detainee, the use of painful restraints, and sleep deprivation. Defenders of Israel's methods counter that over the past four years more than 200 Israelis have been killed by terrorists. They also contend that in the last two years, Israel's secret service, the Shin Bet, has prevented ninety planned terrorist attacks, often through the use of what the Shin Bet terms, "moderate physical pressure" in questioning suspects. Furthermore, the defenders of Israel's methods note that Israel lives in what Israeli Prime Minister Benjamin Netanyahu calls, "a very tough neighborhood," in which its adversaries often go much further than Israel in applying force to detainee.

Is the use of physical force when questioning individuals suspected of terrorist activity justified under the kinds of conditions that currently exist in Israel? If so, why? If not, why not?

MODERATOR'S ANSWER: The use of torture to extract information concerning suspected criminal conspiracies is deeply objectionable from a moral standpoint. It amounts, in effect, to punishment without the establishment of legal guilt. It turns law enforcement authorities into judges, and in circumstances where torture is used frequently, into law makers as well, insofar as frequent use of torture creates a climate of fear in which few dare to question the practices of the police. The practice of torture encourages the gratuitous inflicting of violence, and tends to be unreliable as a way of obtaining information because persons threatened with torture often will say what they think the authorities want to hear, which may not be the truth. The claim of the Shin Bet to have prevented ninety planned terrorist attacks over a two year period through the use of "moderate physical pressure," in the nature of the case, is highly self-serving and speculative. Furthermore, the fact that Israel's adversaries use torture does not make it all right for Israeli law enforcement authorities to do so.

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