

Speak No Evil: Intelligence Ethics in Israel

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Why do we need intelligence ethics?

The Israeli state gives its intelligence services very wide powers to combat terrorism and safeguard its democratic order. These powers include the rights to arrest, interrogate, conduct deep incursions into personal privacy and limit individual freedoms, even carry out assassinations. Laws and regulations strive to limit those powers and prevent their misuse or abuse. However, in the vast scope of intelligence activities, there are many times when those laws are not enough to guide or limit the activities of the individual intelligence officer. This is especially true of the case officer, who often works alone or in small groups, abroad, and at times without immediate access to his or her superiors. Intelligence officers often face factual problems and emotional dilemmas. Laws and regulations sometime provide solutions to problems but rarely answers to emotional dilemmas.

This is where intelligence ethics come in. These ethics provide a set of behavioral guidelines, based on certain beliefs and views regarding the role of intelligence in society and the interaction between citizen and intelligence officer. Ethics begin where written laws and regulations end, and provide a set of 'recommendations' to guide the activities of intelligence officers. Unlike laws and service regulations, which are set in paper and enforced by investigatory powers and the courts, ethics depend much more on the willingness of individual officers to comply. These ethics are also more open to interpretation. Thus ethics develop and evolve over time, reflecting changes in the internal and external environments of intelligence activities.

This paper sets out to examine the evolution of intelligence ethics in Israel over a period of almost six decades, from 1948 to the present day. It will outline the main elements of intelligence ethics in Israel and highlight specific incidents or operations which impacted on the development of intelligence ethics. The paper will concentrate on the following five elements of intelligence ethics:

- Telling the truth
- Protecting your sources internally as well as externally
- Resisting internal cover-ups
- Respect for religions
- Individual moral character

Lying outside, telling truth inside

The most basic principle of intelligence ethics in Israel is telling the truth inside the organization. This element may seem almost self-explanatory, even banal, but the history of intelligence teaches us otherwise. The world of intelligence has been full of expert liars, and indeed, telling the truth is often considered the least desirable option. Agents and case officers, working under false identities over long periods of time, develop different perceptions of the 'truth' or 'truths' in plural. But the truth, or true and full reporting, is the core of effective intelligence work. Israeli intelligence officers are taught from the outset that they are expected to lie to the whole world, only not to their superiors and colleagues. Lies, half truths or omissions can endanger

lives, wreck operations and worse of all, could taint assessments. For those who lie professionally, it not so easy to make a clear break between lying situations and situations of telling the truth. But telling the truth inside the organization is a basic element in Israeli intelligence ethics.

The crucial importance of telling the truth internally was highlighted by the ‘Yehuda Gill’ affair. In 1997, a former senior Mossad case officer, Yehuda Gill, was arrested for lying to his organization. Gill was a legendary case officer who worked for decades abroad and recruited numerous Arab sources to work for Israel. He was a master of false-flag recruitment and had an enviable reputation within the Mossad. In the early 1980s he recruited and ran a top-level source in Syria with access to the Syrian military leadership. This source produced top quality information for many years. When Gill reached retirement age, he reported that the Syrian source insisted he would only work with him. Gill was kept on a part-time basis to run that agent.

In the summer of 1996, Gill reported explosive information he received from his source – that Syria was planning a surprise military attack against Israel in the Golan Heights. This information dovetailed with some inexplicable movements of Syrian army units on the Israeli border. As a result of Gill’s reports, the IDF was put on high alert and reinforced its units in the Golan. Syria, who was aware of Israeli reinforcements, in turn reinforced its own positions and the situation was about to escalate into war. The US administration intervened and passed word to Damascus that Israel was aware of their plans. The Syrians denied any war preparations and provided plausible explanations to their activities, and after several weeks the situation on the border went back to normal. The ensuing investigation discovered that Gill has been feeding his Mossad superiors with lies about his Syrian source, inflating his reports and his importance within the Syrian regime and even making up entire fictional reports. Gill also kept for himself money that was intended as payments to his source. Gill was tried and sentenced to five years imprisonment. His lies could have pushed the Middle East beyond the brink of war.

Protection of Sources – Externally and Internally

The dream of every case officer is to recruit and run the one source who would bring in the ‘golden nuggets’, crucial information for the security of the state. Once a source is recruited, or agent infiltrated, the temptation is to use it to the maximum. There is always an inherent balance between maximizing the use of any given source, on one hand, and increasing the risk of its exposure by the opposition, on the other. One element of intelligence ethics is to protect your source from internal as well as external threats. In practical terms, this means protecting the source not only from the enemy but also from over-exploitation by overzealous superiors within your own organization. Expediency could easily lead to abuse of human sources, and it is up to the case officer to resist, to the best of his or her powers, demands from above that could over-exploit the source and hasten his exposure.

‘Organizational Culture’ and Internal Cover-ups

Intelligence work is prone to mishaps, failures and catastrophes. Every intelligence services strives to keep such scandals secret from the media and public. The usual argument for keeping such affairs secret are that their exposure may adversely affect

intelligence sources and methods. That is, of course, the price of democracy that a service must be prepared to pay for failing to prevent the problem in the first place.

Until the mid 1980s, the Israeli intelligence community had a reputation for effectively concealing its failures and scandals. Intelligence officers were not only forbidden to talk to the press but it was also considered unethical to tell the truth to the judicial authorities. A culture of cover-ups developed inside the services, which extended even to large-scale perjury. For example, during terrorism trials, Shabak officers consistently lied at courts when questioned about physical abuse of suspects during interrogation. Even extreme failures were successfully hushed up for decades.

One such example was a Mossad operation known as 'Operation Bren'. In 1954, the Mossad learned that an Israeli army officer with access to top secret military technologies, Major Alexander Israel, traveled to Europe, where he approached Egyptian officials offering to sell Israeli military secrets and documents. A team of Mossad and Shabak agents was hastily dispatched to Europe to kidnap the officer and bring him back to Israel to stand trial for treason. Through sheer luck, the team was quickly able to locate the man in Vienna. He was lured to a meeting by a female agent, where he was kidnapped, heavily sedated and bundled into an awaiting Israeli military aircraft. The plane had to make several refueling stops and before each landing the man was again given strong sedatives. When the aircraft reached Israel the man was dead. The Head of Mossad ordered the aircraft to take off again and the body was dropped into the Mediterranean sea. The Mossad then obliterated every reference to the man in Israeli official files, and the case kept secret for five decades. Generations of Mossad officers heard rumors of this failed operation, many knew the details, but nothing was done to inform Alexander's family or provide for their support.

Two events in the mid-1980s, known as the 'Nafsu Affair' and 'Bus 300 Affair', dramatically changed that culture of cover-ups. In the Nafsu affair, an IDF officer, Izat Nafsu, was tortured by Shabak interrogators after being suspected of treason. Nafsu was sentenced to a lengthy prison sentence based on false evidence, but was later released by the Israeli Supreme Court. In 1984, four Palestinian terrorists kidnapped a bus on its way from Tel-Aviv to the southern city of Ashkelon. They drove through police roadblocks and tried to reach Gaza. The bus was finally stopped on the outskirts of Gaza and stormed by a special military unit. In the ensuing firefight, two terrorists were killed and two others captured. They were then interrogated on the spot to discover whether they left bombs on the bus. Once the interrogation was complete, the Head of the Shabak, Avraham Shalom, ordered the killing of the two. A senior Shabak officer carried out the killing in a distant spot. The media was told that all four terrorists were killed in the initial storming of the bus and the Shabak foiled subsequent investigations about the terrorists' fate.

But this cover up did not end like the 1954 operation. Word of the killings quickly spread inside the Shabak and three very senior officers confronted their head and demanded his resignation. The three were promptly fired. The affair took an ugly turn when leading politicians became involved in the cover-up. But the three now former-officers insisted to bring their evidence to the judicial authorities, who had no choice but to investigate until the truth came out and Shalom forced to resign. The three sacked officers were leading candidates for the top positions of the Shabak, and

lost everything for their belief in truth and accountability. The ethics which developed out of those affairs make it almost impossible today for such an affair to take place.

Intelligence Ethics and the Jewish Religion

Religion plays an important part in Israeli everyday life, even though the majority of Israelis would not define themselves as religious. Religion has traditionally been part of the Zionist ethos, a mixture of Jewish tradition and modern democratic principles. Respect of religions is part of intelligence ethics in Israel. During their early training, intelligence officers are taught about religions and expected to respect other religions, even in extreme situations such as during physical interrogations or operations in the Palestinian areas.

Four key religious principles dictate Jewish attitudes towards security measures and risk-taking. Those principles are written in the *Torah*, the first five books of the Bible, and have become key elements in interpreting the *Halacha*, the Jewish laws:

- “*He shall live by them (the laws)*”

The need to live, and not die, as an ultimate rationality for Jewish live. Life itself is sacrosanct and the continuity of life, therefore, is a religious decree. This principle is, however, waved in three cases, which are considered better to die than be forced to do: commit murder, incest and worshipping other gods. Intelligence officers are expected to have respect of human lives, even of enemies.

- “*He who comes to kill you, you shall kill him first*”

The need for pre-emptive defence, accentuated by the inferiority in numbers of the Jewish people throughout the ages, provide the justification for many intelligence operations.

- “*Thou shall not stand idle while thy friend bleeds*”

Each individual bears social responsibility that extends to the entire community. This responsibility is not only in words but also by deeds. In practical terms, an intelligence officer is expected to risk himself for others. Refusal to carry out operations, even extremely dangerous ones, as almost unknown in Israel. It is an integral part of intelligence ethics to undertake risks not only for one’s self but for others. This principle also extends to caring for injured comrades or the families of fallen officers, who remain a part of the wider ‘intelligence family’.

- “*Thou shall make war by cunning*”

The use of intelligence and covert action is a legitimate tool of war and defence policy. This verse is used as the motto of the Mossad and appears on its emblem. The Jewish religion recognizes the need for ‘dirty tricks’ and for activities which in other circumstances would have been unacceptable, in order to provide security for the community and preserve Jewish continuity.

In the early decades of the Israeli intelligence community, religious people were rarely employed and almost never in operational positions. Religion did not play a significant role in everyday intelligence life. However, this trend is slowly changing in recent years, especially in AMAN and the Shabak, where religious officers are nowadays employed even as case officers in the field. For those people, intelligence ethics sometime may come into conflict with religion. It has become acceptable for religious intelligence officers to consult with certain military chaplains or rabbis,

without divulging operational secrets. Those military rabbis can then answer ethical and moral questions in accordance with the Jewish *Halacha*.

For example, during the summer 2006 Lebanon war, a young IDF officer in a covert reconnaissance unit deep inside Lebanon contacted his rabbi by sending him a cell-phone text message. The officer was holed up inside a Lebanese house and wanted to know if he was allowed to charge his electronic equipment from the electric sockets in the house, or if that would be considered theft by Jewish law. The rabbi replied that at times of war such measures are necessary and since the cost of electricity was in any case marginal, this would be permissible. After the war the young officer told the rabbi that despite his answer he felt bad and left money in the house to compensate the owners for the electricity used. There is little doubt that most people would have had no compunction in such a situation, but the officer was obviously determined to behave according to his interpretation of religion and ethics even under fire.

Individual Moral Standards

Intelligence officers in Israel have always been expected to have a higher moral standard than the average citizen. In the early years of the state, this arose out of a perception that intelligence personnel were among the social elite and expected to behave impeccably in their personal life. But personal life has its ups and downs, and despite the strict ethical code, many intelligence officers experienced personal crises and scandals. However, those were usually hushed up in order not to spoil the general image.

In more recent years ethics of moral standards have changed, mirroring deep changes in the wider Israeli society. Intelligence officers are no longer expected to be model family members and paragons of society, but at least to avoid scandalous divorces and noisy interpersonal affairs. In the late 1980s, the media reported sensationally on how the newly-appointed Head of the Shabak, Yaacov Perry, was playing the saxophone in internal parties. A renegade Mossad recruit, Victor Ostrovski, reported in a book on sex parties and orgies at Mossad headquarters. However, everyone even remotely acquainted with Israeli society knows such reports to be pure imagination, not for the lack of sexual drive but because Mossad employees are simply ordinary people, and that kind of behavior is not tolerated in Israeli society.

One old example illustrates the attitude towards personal morals in the early years of the Mossad. In the 1950s, a young case officer successfully recruited an Arab diplomat serving in a West European capital. The Mossad officer lavished on the man expensive meals, luxurious hotels and extravagant gifts, and was able to obtain from him a wealth of much needed secret information. On several occasions, the evening meetings with the Arab spy ended in a high class brothel.

In accordance with common practice, the officer submitted receipts and expense claims when returning to Israel. One day he was called in for a personal meeting with Mossad head Isser Harel. A strict disciplinarian, Harel was known for his fearsome and austere personality. He congratulated the young officer on his successful recruitment but said there was a slight problems with the accounts. The fact that the officer took his agent to a brother was a sound operational decision, he said, but how dare he think that the Israeli taxpayer should pay for his OWN personal pleasures!

Conclusions

Intelligence ethics in Israel are a combination of four basic sources:

- Ideology (Zionism)
- Religion (Jewish)
- Democracy (tradition)
- Morals (personal)

The importance of intelligence ethics expand in the murky and shadowy world of counter-terrorism warfare. Laws and regulations are often insufficient, and ethics augment those rigid rules by providing a behavioral framework supported by basic elements of the individual Israeli identity: Zionist ideology, Jewish religion, democratic tradition and personal morals.

As part of their work, intelligence officers are often expected to carry out dangerous, illegal, even violent and deadly activities. Laws and service regulations are legal barriers to the excess of power. Ethics provide the moral base for carrying out such activities when justified by real security needs. In this sense, laws and ethics balance one another, providing the working environment for intelligence work.

Perhaps the strongest evidence of the importance of intelligence ethics is the open discussion in recent years about what constitute these ethics. Their importance will grow even further as the war on terrorism expands all over the world.

Remark: The full version of this article, with footnotes, will be available around the end of May 2007. For a copy please contact me by email at sshpiro@mail.biu.ac.il