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### JERUSALEM TRIAL OPENS; DEFENSE LAWYER CHALLENGES COURT'S COMPETENCE

JERUSALEM, April 11. (JTA) -- With the eyes of the entire civilized world directed toward the courtroom at Beit Haam, the trial of Adolf Eichmann opened here today with an attempt by Eichmann's lawyer to challenge the competence of the tribunal and the right of the State of Israel to bring the ex-Gestapo colonel to justice for directing the mass-murder of 6,000,000 Jews in Nazi Europe.

The prosecution took up the challenge immediately. Attorney General Gideon Hausner, chief prosecutor, strongly and effectively refuted each of the arguments advanced by Dr. Robert Servatius, Eichmann's chief counsel, contesting the jurisdiction of the court. Dr. Servatius used every known legal stratagem during his three-hour attempt this morning, but the effective refutation of his arguments by Attorney General Hausner left no doubt that his attempt was doomed.

Dr. Servatius opened fire on the court as soon as the indictment against Eichmann was read and before Eichmann could be asked to plead guilty or not guilty. He first questioned the competence of the three-man court, asserting that its members might feel prejudice against his client since his actions might have caused harm to them or to their family relations. He asked the court to examine this claim thoroughly, asserting that it was sufficient that the defendant had a reasonable concern that the judges lacked objectivity.

The Cologne lawyer stressed that his argument was not directed against one judge who had presided over another case in which Eichmann had figured (a reference to Judge Benjamin Halevi and the Kastner libel case). He said he had examined the records of that case but found no indications of prejudice. "But," he added, "my claim is against all the judges of the bench."

Dr. Servatius listed several grounds on which he held the present court incompetent to sit in judgment on his client. He asserted that the basic Israel law for the punishment of Nazis, under which Eichmann is being tried, was contrary to the law of nations. He said that Israel had seized Eichmann's person by an act of aggression and had brought him before the court illegally. He charged further that the State of Israel had no right to try a man for crimes committed prior to the establishment of the state and outside its territorial limits against persons who were not citizens of the state.

The attorney also complained that the defendant was denied complete rights of defense. He did not, Dr. Servatius said, have the financial means to bring witnesses to Israel to testify in his behalf. Members of the SS - Hitler's Elite Guard in which Eichmann was an officer - were afraid to come to Jerusalem to testify for Eichmann, the attorney asserted, because by so doing, they would jeopardize their own security.

### Eichmann Made His Deposition Under Duress, His Lawyer Claims

Dr. Servatius denounced what he termed the harshness of the law under which Eichmann was brought to trial and assailed Israel's motives in bringing the defendant to trial. Several of the West German states, he asserted, had requested that the West German Federal Republic demand Eichmann's extradition. Eichmann, Dr. Servatius said, "cannot atone for the crimes of an entire people or its leaders. Atonement must be made by all of Germany."

The attorney concluded this line of argument by reminding the court that the West German Federal Republic had "accepted responsibility" for the actions of Nazi Germany and was paying reparations. He claimed that world opinion had judged Eichmann too hastily and asserted that Eichmann was certainly not a top-level war criminal like those who had stood trial at Nuremberg. He said he would submit written briefs covering the legal issues he had raised.

When the court resumed sitting after a brief recess, Dr. Servatius attacked the validity of the deposition made by Eichmann in Argentina. "Needless to say," Dr. Servatius told the court, "this deposition was obtained under duress and I shall prove to the court that it was made under pressure and threats and is, therefore, without value. A man in hiding for 15 years to avoid trial will certainly not submit voluntarily, and especially to the state he had reason to fear more than any other."

The attorney concluded by announcing his intention of bringing as his first two witnesses, the chief operations officer and the chief pilot of the El Al airline to prove his contention

that Eichmann had been kidnaped. Their testimony, he said, would be important in determining the court's jurisdiction.

### Prosecutor Demolishes the Arguments of Eichmann's Lawyer

Attorney General Gideon Hausner, chief of the prosecution, answered the German attorney point by point. He opened his reply with a brief reference to the decision of the United Nations Security Council not to request Israel to return Eichmann to Argentina, thus implying that Israel had the right to put the prisoner on trial.

He challenged a statement by Dr. Servatius that the attorney had asked West Germany to ask for Eichmann's extradition. No extradition request had been received by the Israel Government, he declared. "At this moment," he told the court, "no one but the State of Israel wishes to try Eichmann. It is not the Jewish people who will try Eichmann here but many who are not here, including millions of neutrals, will sit in judgment upon him."

The Attorney General countered the defense claim that the court might be influenced unfairly by the tremendous interest in the case by declaring that the fact that the trial was being held in the full glare of world publicity was the strongest guarantee of its fairness. He noted that this was the principle behind the Nuremberg trials and reminded Dr. Servatius that if that principle had been applicable at Nuremberg, it was certainly applicable in the Eichmann trial.

The Attorney-General, who spoke throughout in calm, low tones, showed some emotion when he dealt with the defense attorney's intimation that the three judges, as Jews, could not deal with Eichmann without prejudice. "No one expects you to be neutral regarding the charge of the destruction of a nation," the Attorney General told the three jurists. "On the contrary," he added, "if any judge could remain neutral in regard to such an indictment, he would be disqualified. You are, however, expected to conduct the fairest trial and to judge according to the evidence presented to you."

### Eichmann's Lawyer Withdraws Letter Sent to Israel Government

The Attorney General sharply attacked Dr. Servatius on the question of Eichmann's deposition in Buenos Aires after his capture there. He asked the Cologne lawyer why he now considered that statement unacceptable when he himself had based his request to the Israel Minister of Justice that Israel pay for Eichmann's defense on that statement. He said, however, that this question was irrelevant to the fundamental question of the competence of the court.

Dr. Servatius then asked that his own letter to the Minister of Justice not be accepted in the record because it was irrelevant. When a spectator laughed, the court warned that a similar disturbance would result in the eviction of the culprit.

Dr. Servatius then tried to explain his earlier remarks about the composition of the court. He said there was nothing wrong in a Jewish judge trying the arch-enemy of his people. On the contrary, he added, the existence of a sovereign Jewish State qualified to try Eichmann should be welcomed. But, he added, the matter of abduction was arguable.

Attorney General Hausner also took exception to the defense claim it was handicapped because it could not bring witnesses to the court. If Dr. Servatius really had German witnesses with relevant testimony, Mr. Hausner declared, he was prepared to implement the legal assistance agreement with Bonn so that these witnesses could go before a German judge in Germany to testify and to be cross-examined by an Israel representative. Dr. Servatius, he added, thus far had not presented the prosecution with the names of any witnesses he wished to use but could not either because of their fears for their life, self-incrimination or lack of funds.

The Attorney General reverted to the question of the court's jurisdiction and cited a series of precedents to dispose of the defense arguments as to the legal effects of the methods used in bringing Eichmann into the court's jurisdiction.

### Cancellor Adenauer's Party Reacts Favorably to Eichmann Trial

BONN, April 11. (JTA) -- The Christian Democratic Party of Chancellor Adenauer said today that Germans rightfully have to bear the reaction of the world to the trial of Adolf Eichmann, Nazi war criminal, now in progress in Israel.

Speaking for the party was Dr. Franz Boehm, member of the Bundestag, who represented West Germany in the negotiations that led to the reparations agreement with Israel several years ago. Dr. Boehm said all inhabitants of a country must share blame for misdeeds of their government.

### NAZI CAMP COMMANDANT SENTENCED TO LIFE IMPRISONMENT IN GERMANY

ANSBACH, April 11. (JTA) -- The Ansbach jury court sentenced today Karl Chmielewski, former commandant of the Gusen sub-camp of the Mauthausen concentration camp, to life imprisonment for the murder of nearly 300 camp inmates.

The former SS officer was sentenced after several weeks of testimony by more than 100 witnesses who gave descriptions of unbelievable horrors which took place at the sub-camp. These included the death baths devised by Chmielewski in which inmates were taken naked to the camp courtyard and hosed down with ice cold water until they died.

# DRAMATIC IMPACT OF EICHMANN CASE FELT IN COURT AT OPENING OF TRIAL

JERUSALEM, April 11, (JTA) -- The opening session of the trial of Adolf Eichmann here today constituted a scene of the greatest dramatic impact, when the most damning indictment ever to be faced by a single mortal was read, charging Eichmann with committing one of history's most savage series of crimes against the Jewish people and against humanity.

The drama began precisely at nine o'clock before the three-judge court--Supreme Court Justice Moshe Landau, Judge Benjamin Halevi, president of the Jerusalem District Court, and Judge Yitzhak Raveh of the Tel Aviv District Court. All of them are German-born and all of them, but for the luck of having had immigration certificates for Palestine, might have been one of the many Moshes, Benjamins and Yitzhak's done to death in the Nazi holocaust.

In the glass-enclosed, bullet-proof box sat the thin-lipped defendant, a man without a country, spurned by his own people, his defense paid by his accusers. There was no trace in his manner of the Nazi "herrenvolk" arrogance or power as he stood listening to the reading of the bill of indictment by Justice Landau. He occasionally would wet his lips or swallow slightly. At the mention of the various Nazi murder camps, his lips contracted slightly. When the indictment recalled that the Nazi murder machinery was particularly active on Saturdays and Jewish holidays, a slight twitch was observed in his cheeks.

Wearing a dark grey suit, a bright shirt and a dark necktie, the defendant seemed calm. He leaned back on his chair not looking at the audience of correspondents from all over the world and diplomats from many countries but keeping his gaze on the court bench. He stood with all others when the judges walked into the chamber and from that time on he remained standing, looking stiffly at the judges only.

His first publicly spoken word since he was brought to Israel last May was a "jawohl," made in reply to the formal question from Justice Landau, "Are You Adolf, the son of Karl Eichmann?" The reply was translated into Hebrew, just as the questions were translated into German for him. He replied in the affirmative when he was asked whether he was being represented by Dr. Robert Servatius, his chief counsel, and Dieter Wechtenbruch, the assistant counsel. The judge then named the prosecutor, Attorney General Gideon Hausner, and stated that the defendant was charged by the Israel State prosecution with crimes against the Jewish people and against humanity and with war crimes under 15 counts. Each of these was translated into German as it was read to the court.

## Eichmann Remains Motionless Throughout Opening Session

During Dr. Servatius' arguments against the competence of the court and on various subtleties of international law, Eichmann apparently feigned attention. He either stared into nowhere or looked slightly to the left as if to avoid the eyes of Deputy Attorney General Yaacov Baror, the bearded skull-capped, Frankfurt-born scion of the Breuer family, founders of the Agudat Israel.

Whether Eichmann was brooding over the riddle of Jewish existence or the fate of his "final solution," which took the lives of one out of every three Jews then living, may never be known. But one thing was certain: wherever he turned in the improvised hall of his judgment, he saw signs of the sovereign Jewish State, ranging from the gilded Menorah hanging directly behind Justice Landau's bench to the Hebrew tags on the shoulders of the two Israeli police guards who flanked him in the box, to the words of the indictment, which rolled out in the tongue of the Hebrew prophets.

Except when he donned or removed his earphones, Eichmann remained almost motionless throughout the morning session. He looked like a groomed scarecrow or a haberdasher's dummy in his well-fitting suit. His sharp features tensed somewhat when Justice Landau interrupted the interpreter with a request to improve the nuances of the Counsel's German in the Hebrew translation.

Before the opening of the trial, residents of buildings on Bezalel Street, across from the Community Center, the Beit Haam, which was converted into a court for the trial, watched the scene from balconies and windows. Hundreds of spectators lined up behind the grilled fences erected on Bezalel and Narkiss streets. Dozens of policemen, including the green-bereted border police and some mounted police, were deployed throughout the area to maintain order.

At nearby Ratisbonne Hall, the court proceedings were televised. Admission was free on a first-come, first-served basis. Sixty-five persons were in line when the doors opened at 7:30 in the morning and all of the 670 seats were occupied by 8:45 a. m. The audience was hushed and attentive even during the reading of the lengthy indictment. Spectators who talked were immediately shushed by their neighbors.

Many of the world press and other media correspondents apparently changed their minds after hearing the morning session. They had expressed themselves before the session as dubious about the venue and purpose of the trial. Many openly expressed second thoughts at the noon recess and it appeared to be taken for granted that the trial was historically and objectively appropriate. This apparently also appeared to be the view taken by previously skeptical Israelis.

AMERICAN PRESS, RADIO TELEVISION REPORT EXTENSIVELY ON EICHMANN TRIAL

NEW YORK, April 11. (JTA) -- The opening of the Eichmann trial today in Jerusalem is extensively covered in the entire American press with the major newspapers in New York and in other cities reporting the proceedings from the courtroom on their front pages and devoting columns of space on the inside pages to various aspects of the historic trial. Similar attention to the trial proceedings was paid all day today by the radio and television networks.

The New York Times, in an editorial commenting on the trial, said: "There are crimes--historic crimes--so monstrous that they shatter the bounds of normal legal procedure and dwarf both the criminal and any punishment that may be inflicted on him. Such a crime was the Nazi attempt to exterminate the Jews in Europe--a crime which led to the mass murder of six million men, women and children in Nazi concentration camps. And such a criminal is Adolf Eichmann, the shrunken, colorless little man who as an arrogant and ruthless Nazi officer became the chief executioner of the Jews and who now goes on trial before a tribunal of his intended victims."

The Times editorial pointed out that "while it would have been better to have had this trial in Germany, it is a continuation of the Nazi war crime trials that began in Nuremberg after the war and continued and still continue in many countries, including West Germany itself. And though Eichmann is being tried under what is an Israeli ex post facto law, he is really being tried under the law laid down at Nuremberg, where he was indicted with Hitler, Himmler and others who managed to evade justice, and where the judgment of the international high tribunal merely codified the "common law of mankind."

The New York Herald Tribune said in its editorial, "Probably no other trial like the Eichmann trial has ever been held. No trial has dealt with a crime of greater magnitude; no trial has been more closely watched by so many nations; no trial has aroused such controversy and evoked such memories; no trial has opened history's pages so plainly and so pitilessly."

Pointing out that the proceedings at the trial "will reach far beyond the question of one man's culpability for crimes in which many men were involved," the Herald Tribune editorially continued: "One might have preferred that Eichmann be tried elsewhere than in Israel, but the grim reality remains that no one else except Israel cared enough about him to apprehend him and to try him. And there, with the whole world watching, he will present his case protected by the rules of civilized jurisprudence which his victims were never permitted to invoke."

The New York Journal American in an editorial on the Eichmann trial lauded "the political and intellectual maturity of the Israeli people" for their reaction to the entire case. At the same time the editorial, which appeared in Hearst papers throughout the country, expressed support for the legality of the proceedings as substantiated by the precedent of the Nuremberg trials.

Other New York newspapers commented in similar vein. All newspapers carried a photograph of Eichmann undergoing a pre-trial physical examination as well as pictures of the inside of the courtroom and the figures involved in the prosecution and defense of the man who is charged with directing the mass-killing of 6,000,000 Jews in Nazi Europe.

EICHMANN TRIAL FINDS STRONG ECHO IN GERMANY; EICHMANN FILM SHOWN

BONN, April 11. (JTA) -- Bishop Otto Dibelius, in an address over the West German radio network, said today that the Eichmann trial was of "great moral significance to the German people. We will not be able to say that only a few Germans did this." The Protestant clergyman said that those responsible for the wartime atrocities and mass killings "were human beings out of our midst, of our blood and kind, of our people."

A 40-minute documentary film, tracing the life of Adolf Eichmann from his birth at Solingen, Austria, to his seizure in Argentina, was shown tonight on the German national television network, coinciding with the opening of the former Gestapo colonel's trial in Jerusalem.

A pamphlet denying the claim that most Germans knew nothing about Nazi brutalities toward the Jews until after the Second World War, was issued by the Frankfurt municipality. Insisting that all Germans who reached their teens by 1938 were "eyewitnesses of the horror or else heard the screams of the tortured and dispossessed," the pamphlet declares: "Whoever denies this today is a liar."

Meanwhile, trials are being held in various parts of Germany, highlighting the country's interest in prosecuting war criminals. One trial, opened today at Tuebingen, charges two former members of the Tilsitz Einsatz Commando with "complicity in cooperatively committed murder" of several hundred Lithuanians, Jews and others during the war. The men are Richard Wiechert, 56, and Bruno Schultz, 58. They had both been living peacefully in Baden-Wuerttemberg, under their own names. Almost 50 witnesses have been summoned to testify against the men.

Another step illustrating government interest in the Nazi past was taken today by the Central War Crimes Commission at Ludwigsburg. The commission issued a list of high-ranking SS leaders "who are known to be dead." Included in the list is Eichmann's superior officer, SS Group Leader Heinrich Mueller, said to have been killed in Berlin.

U. N. SECURITY COUNCIL ADOPTS RESOLUTION AGAINST PARADE IN JERUSALEM

UNITED NATIONS, N. Y., April 11. (JTA) -- On the initiative of the United States Government, the Security Council today adopted a resolution which enjoins Jordan as well as Israel to comply with the terms of the 1949 armistice agreement between the two countries. Eight of the 11 members-of the Council voted for the resolution, none voted against it, and only three members--the Soviet Union, the United Arab Republic and Ceylon abstained.

The resolution, however, does, in effect condemn Israel for holding a rehearsal in Jerusalem, last month, of heavy tanks, artillery and other armaments to be used April 20 in connection with Israel's forthcoming celebration of the State's 13th anniversary. But the body of the condemnatory resolution, introduced yesterday by Ceylon and the United Arab Republic in support of a complaint by Jordan that the parade would be a threat to peace and security, was eased considerably by an amendment introduced this morning by Francis T. P. Plimpton, deputy permanent representative of the U. S. A. here.

Against sharp objections by Jordan and the UAR, the United States insisted on its amendment which requests the Jordan-Israel Mixed Armistice Commission "to cooperate so as to ensure that the General Armistice Agreement will be complied with." Both Jordan and the UAR told the Council this amendment puts Jordan on an equal footing with Israel whereas, they affirmed, only Israel is guilty of a violation at this time.

"The purpose of the United States amendment," Mr. Plimpton told the Council, "is to put on record again the fact that compliance with the General Armistice Agreement is not a unilateral obligation. Neither party to any of the General Armistice Agreements can expect the other party will fully honor the provisions of the agreement if it itself is not prepared to show good faith in compliance. So long as the General Armistice Agreements are in effect and still govern the relations of the parties, this Council must, we submit, take every appropriate opportunity to demonstrate its continued determination to ensure their effectiveness."

Abdel Monem Rifai, of Jordan, who introduced the complaint before the Council, threatened that, if the United States amendment were adopted, the result would be an increase in tensions in the Middle East, permitting "Israel to take the law into its own hands," and would make a "dead letter" of the armistice agreement. He was supported in this view by Dr. Omar Lutfi, of the United Arab Republic, a member of the Council.

Arthur Lourie, on behalf of Israel, warned the Council it must take into account "the implicit and explicit threats" by Jordan. He told the Council that, since the Israel-Jordan armistice agreement was adopted, Jordan had been condemned by the Mixed Armistice Commission for a total of 355 violations, while only 155 MAC votes had been cast against Israel.

Mr. Plimpton's address, prior to the introduction of his amendment, seemed to make a deep impression upon the Council since this was the first time the United States Government has been called upon in the United Nations to take a stand on an Israeli-Arab dispute since the Kennedy Administration came into office last January 20.

Throughout his address, Mr. Plimpton dealt equally with both Jordan's and Israel's desire for continued tranquility in the Middle East. Over and over again, he emphasized the current Jordanian complaint against Israel's planned military parade concerned only a holiday observance and was in no sense a threat to the peace. He appealed to "all parties" to refrain from increasing tensions, termed Israel's parade plans "not ill-intentioned," and said "both Israel and Jordan have a particularly heavy responsibility for the exercise of patience and statesmanship."

It was this American equation of Jordan, the complainant, with Israel, allegedly the "defendant," that angered the Arab spokesmen here and led them to threaten the general peace in the area.

U. S. Discourages Holding Israel's Anniversary Parade in Jerusalem

WASHINGTON, April 11. (JTA) -- Israel should cancel its scheduled April 20 Independence Day parade in Jerusalem, in the interest of regional peace and harmony, State Department sources said today.

These sources expressed a view that Israel could hold an appropriately festive celebration by parades of military forces in Tel Aviv, Haifa, and any Israeli city other than Jerusalem. According to Department sources, relative peace has existed for some time on the Israel frontier and in the Jerusalem area, and should not be endangered by "dogmatic insistence" on staging the controversial military parade.

The Israeli position is that the parade is no threat to peace but that Jordan's deliberate generation of new tensions through its complaints to the UN on this issue is such a threat. Israel has announced that the parade will follow an announced route as far as possible from the armistice line in Jerusalem. Ammunition will not be carried for weapons displayed, and no aircraft will be used. The State Department has been informed that the parade is merely of a peaceful ceremonial nature.

### JEWS ARRESTED IN ROME DURING CLASH WITH FASCISTS ARE RELEASED

ROME, April 11. (JTA) -- Three young Jews who were arrested along with several neo-fascists following a clash over the weekend between the two groups, were released last night. Jewish leaders here had resented the fact that the police arrested the young Jews along with their fascist attackers.

In Bologna, meanwhile, a memorial to victims of Nazi concentration camps was unveiled today. During the ceremony, an urn containing ashes and earth collected from crematory ovens at the site of the Gusen concentration camp, was placed in the memorial. Most of the Jews deported from Bologna, were killed at Gusen. Among those participating in the ceremony were Eugene Heymann, president of the Bologna Jewish community and leading officials of the town.

### SCHOLARSHIP FUND BEQUEST RESTRICTED TO GENTILES RULED INVALID

TRENTON, N.J., April 11. (JTA) -- A bequest of a \$50,000 scholarship fund which Amherst College refused to accept because beneficiaries were restricted to Protestant Gentile students had that restriction ruled invalid yesterday by the New Jersey Supreme Court in a five to one decision.

The restriction was in the will left by C. Edward McKinney, Jr., of East Orange who died in 1957. The retired school teacher left a \$200,000 estate to his alma mater with instructions that the estate income be used for the scholarship fund. The will provided the fund be held in trust for "deserving American-born, Protestant, Gentile boys of good moral repute."

When the college rejected the bequest, the Howard Savings Institution of Newark, executor of the will, and three relatives filed court request that the gift should go either to another college or revert to surviving heirs. They argued that the bequest was not a charitable trust because few Amherst students could meet the requirements.

Justice Hadyn Proctor, who wrote the majority opinion, held that the donor's interest in Amherst College was greater than his interest in religion because he was an active alumnus but did not go to church. He ruled the will would be carried out by elimination of the restrictive clause.

### LAWRENCE A. WIEN ELECTED PRESIDENT OF NEW YORK JEWISH FEDERATION

NEW YORK, April 11. (JTA) -- Lawrence A. Wien, attorney, was elected president of the Federation of Jewish Philanthropies of New York at a meeting of the organization's Board of Trustees, last night. Mr. Wien will now serve for a second term as head of the 116 affiliated health and welfare institutions in Greater New York which comprise the Federation.

A prominent philanthropist, Mr. Wien is known in educational circles as sponsor of the Wien International Scholarship Program at Brandeis University which grants 100 scholarships annually to students from 50 foreign nations, and as founder of a national scholarship program for students at Columbia University Law School.

### MONTREAL JEWISH LIBRARY GETS GRANT FROM QUEBEC PROVINCIAL GOVT.

MONTREAL, April 11. (JTA) -- The Jewish Public Library became the first Jewish cultural institution here to receive Government support today when the Quebec Provincial Government allocated a token grant of \$1,000 to the library. The Provincial secretary has promised additional grants in the future to the institution, which is the only Jewish sponsored general public library outside Israel.

### ISAAC ROSENGARTEN, EDITOR OF 'JEWISH FORUM', DIES IN NEW YORK

NEW YORK, April 11. (JTA) -- Isaac Rosengarten, editor of the Jewish Forum for 44 years, was found dead in his home here last night. An examination indicated he had died of a heart attack. He was 74 years old.

Born in Lithuania, he came to the United States in 1888 and received his education in New York schools. He taught at Yeshiva College and in various Jewish day schools before becoming editor of the Jewish Forum. He was a founder of Young Judea and the author of a number of books on Jewish education.

### ISRAEL STATE ATTORNEY GILON DIES OF LUNG ILLMENT; BORN IN SOUTH AFRICA

JERUSALEM, April 11. (JTA) -- Israel's State Attorney C. Gilon-Gluckman died here of a lung ailment yesterday, at the age of 52. Born in South Africa, Mr. Gilon served as information officer in Jerusalem shortly after the establishment of the State of Israel and later joined the Ministry of Justice. He was chief prosecutor in the notorious Kafr Kassim trial.