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Bonn Justice Minister Fears Criminals May Get Amnesties If Statute Takes Effect

BONN, Dec. 8 (JTA)--West Germany's Minister of Justice Gustav Heinemann expressed concern today that some already convicted Nazi war criminals may get amnesties if the statute of limitations on war crimes prosecutions goes into effect as scheduled at the end of next year. Dr. Heinemann addressed a seminar of West German and Israeli journalists who are visiting here. The seminar was also addressed by Minister of Interior Ernst Benda.

Dr. Heinemann, who has long advocated abolition of the statute of limitations, said current war crimes investigations could not possibly be completed by the end of 1969 or even after next year although 50 state prosecutors are working at the Ludwigsburg central investigations office and 300 others are sifting evidence elsewhere in the Federal Republic. He noted that no statutes of limitations on war crimes exist in Austria, Italy or in the English-speaking countries. Asked about the light sentences that many former Nazis convicted of mass murder have received in West German courts, the Justice Minister said they were not only the fault of judges since the latter must consult with juries, which have an important role in determining sentences. In reply to another question, Dr. Heinemann said that war criminals convicted at the Auschwitz trials are still at large because their appeals are pending. Until the appeals are decided, the defendants are not considered to have been convicted, he said.

Mr. Benda said he did not share the belief of many West German political observers that the extreme right-wing National Democratic Party (NPD) was on the decline as a result of its poor showing in recent local elections. He predicted that the reputedly neo-Nazi party would win more than five percent of the vote required for entering the Bundestag (Lower House) in next year's general elections.

In Dortmund, a former chief of police went on trial today on charges of having ordered the shooting of 3,000 Jews in Riga, Latvia, between 1941 and 1942. Gunter Tabbert was removed from his police post in 1952 and has been free on bail since 1955. One hundred witnesses from the United States, Canada, Australia, Israel and the Soviet Union are expected to testify.

See Possibility Of Legal Precedent In Freeing Of Former Nazi Judge

BONN, Dec. 8 (JTA)--A West Berlin court established what may become a legal precedent in the trial of former Nazi judges who sentenced political offenders to death during World War II when it acquitted 66-year-old Hans Joachim Rehse of charges of murder and attempted murder Friday. Judge Rehse, who presided over one of the notorious Peoples Courts in 1943 and 1944, was freed by Judge Ernst Jurgen Oske on grounds that the prosecution had failed to prove that the defendant deliberately "bent" the law in his wartime judgments. The prosecution announced that it would seek to have the acquittal revised.

The prosecution, which demanded a life sentence -- the most severe punishment under West German law -- charged that Judge Rehse had signed the death sentences of 250 political prisoners. The case against him was based on seven of those sentences which he signed against persons, all Germans, who allegedly made remarks against the Nazi regime or had cracked jokes about Hitler and other Nazi leaders. Two of them were Roman Catholic priests and one was a demented 16-year-old youth. The cases were regarded as the most arbitrary and most offensive of Judge Rehse's "crimes in office." Rehse was sentenced to a five year term last summer but it was reversed on technical grounds and a new trial led to Friday's acquittal.

Judge Oske said in his acquittal judgment that while the verdicts of the Peoples Courts are inhuman by today's standards, they were rendered 25 years ago at a time of crisis when everything depended on maintaining national security. He based his ruling on an earlier decision by West Germany's Federal Court declaring that judges could not be convicted of having deliberately manipulated the law "if they were blinded by the Nazi ideology and legal philosophy of that time." Judge Rehse testified that as a judge he was "bound to the law of Hitler and was convinced of the justification of that law." He said that the situation in Germany during the fourth and fifth years of World War II called for "severe action" and that he was only executing "the letter of the law."

Transplant Patient Improves Slightly, Operation Generates Halachic Questions

TEL AVIV, Dec. 8 (JTA)--The outlook for Israel's first heart transplant patient appeared slightly improved today, the third day since surgery was performed by a team headed by Dr. Morris Levi at the Beilinson Hospital in Petach Tikvah. Dr. Levi said he was more "optimistic" than he had been in the past 24 hours although the patient, 41-year-old Itzhak Sullam, was still unconscious.

Dr. Levi said there was no sign that Mr. Sullam's body was rejecting the heart, that his blood pressure and breathing were normal and he did not require the aid of artificial breathing mechanisms or even oxygen. The patient's wife was permitted to see him through a window. The Sullams have

four children. Mr. Sullam, an immigrant from Algeria who settled in Israel in 1948 and was employed as an elevator operator in the Bank Leumi building in Jaffa, became the world's 99th heart transplant patient Friday. He was reported in satisfactory condition initially but yesterday his condition was reported to be critical as his body apparently started to reject the new heart. A special anti-rejection serum was flown here from France but at noon yesterday it was reported that the patient's condition had deteriorated. Today, however, a medical report said the drug had been used only as a precautionary measure.

The heart surgery performed on Mr. Sullam appeared to have complications other than medical ones as a result of questions of Jewish law involved. The Sephardic Chief Rabbi, Yitzhak Nissim, expressed best wishes for the patient's recovery Friday without taking a special position on whether Jewish law permitted such an operation. The Ashkenazic Chief Rabbi, Isser Unterman, also expressed good wishes but said that from the Halachic (religious law) point of view there are reservations and restrictions that could make heart transplant surgery unacceptable.

Rabbi Untermann said transplants are permitted on condition that there is no shadow of a doubt that the donor is dead when his heart is extracted. Discussing the matter several weeks ago, the Chief Rabbi said a man should be considered dead when he stopped breathing. But the question of the exact moment when death occurs is one on which all medical authorities have not yet agreed. In Mr. Sullam's case, the identity of the donor has been a closely guarded secret. Some reports said it was a traffic accident victim. The Chief Rabbinate is apparently waiting for further details of the circumstances before taking a stand in the case. A spokesman for the Chief Rabbinate told reporters today that unofficially Rabbi Nissim would like a mixed team of rabbis and doctors to decide in each case if a donor is dead according to all criteria.

Forty-two-year-old Dr. Levi who performed the eight-hour operation on Mr. Sullam was born in Bulgaria and studied medicine in Israel. He trained in Tokyo and between 1961 and 1964 he studied at the Minnesota Medical School in Minneapolis where he was a classmate of Dr. Christian Barnard of South Africa, who performed the world's first heart transplant operation in Cape Town a year ago. Mr. Sullam had been suffering from a severe heart ailment for more than a year.

Gov. Scranton Due in Israel Today, Confers With Egyptian President, King Hussein

TEL AVIV, Dec. 8 (JTA)--Former Gov. William W. Scranton of Pennsylvania, due here tomorrow on the final leg of a fact-finding mission to the Middle East on behalf of President-elect Richard M. Nixon, has cancelled plans to visit the Golan Heights in occupied Syrian territory and has also asked Foreign Minister Abba Eban to cancel a formal dinner in Jerusalem tomorrow night. No explanation was given for the reported change of schedule. Gov. Scranton will enter Israel from Jordan via the Allenby Bridge and the West Bank. He will see Mr. Eban, Prime Minister Levi Eshkol and other officials. He will return to the United States on Tuesday.

Gov. Scranton has visited Saudi Arabia, Iran, Lebanon, Egypt and Jordan. He had a two-hour meeting with President Gamal Abdel Nasser in Cairo on Friday. According to reports from the Egyptian capital, he was "encouraged" about prospects for peace in the Middle East and pleased by Col. Nasser's "openness and frankness." According to the Cairo reports, he said he felt "even-handedness" was desirable in United States Middle East policy and thought that U.S. interests in that region did not entail "absolute support" for Israel.

Mr. Scranton reportedly said in Cairo that he had taken no diplomatic initiative toward a settlement because he was on a purely fact-finding mission. U.S. relations with Egypt were discussed but Mr. Scranton said he was not in a position to judge the prospects for the resumption of diplomatic relations between the two countries under the Nixon Administration. Relations were broken by Egypt during the June, 1967 Arab-Israel war amid charges that U.S. planes had aided the Israeli Air Force. Those charges were subsequently retracted by President Nasser. The Nixon envoy met today with Jordan's King Hussein, Premier Bahjat al-Talhouni and Foreign Minister Abdel Moneim Rifai.

Eban Placed Blame For Continued Deadlock On Egypt, He Tells Israel Cabinet

JERUSALEM, Dec. 8 (JTA)--Blame for the continuing deadlock in Ambassador Gunnar V. Jarring's Middle East peace mission was placed squarely on Egypt by Israel's Foreign Minister Abba Eban in his most recent talks with the United Nations envoy on Cyprus, it was learned today. Mr. Eban reported on those talks to the Cabinet. He said he had cited to Dr. Jarring Egypt's refusal of a suggestion that its Foreign Minister, Mahmoud Riad, be present on Cyprus when Mr. Eban was there. The Israeli Foreign Minister also referred to Mr. Riad's refusal to remain in New York last month for further contacts through Dr. Jarring at UN headquarters and Egypt's failure to reply to a series of questions on matters of substance which Mr. Eban had submitted through the UN envoy.

Mr. Eban also reported on the latest exchange of views between Israel and the United States on the Middle East crisis. A U.S. State Department spokesman said last week that American policy remains the same as enunciated by President Johnson in his Middle East statements of June 19, 1967 and Sept. 10, 1968.

Mr. Eban and Minister Without Portfolio Menachem Begin voiced sharply opposed views on the future of occupied Arab territories in separate speeches over the week-end. Mr. Eban, who addressed students here, said that whoever declares that Israel would give up none of the occupied territories, even within the framework of peace negotiations, was "unrealistic." He said he believed

that Israel must be a Jewish State, not a bi-national state and that efforts should be made to enlist Arab cooperation pending a peace settlement but not to integrate Arabs from the occupied territories into Israel. Mr. Beigin, who spoke in Jerusalem, demanded an end to talk about "returning" territories to King Hussein of Jordan. He said Israel could only "give" Hussein the territories not "return" them because they have already been returned to the people of Israel. He discounted the belief that concessions by Israel might bring peace.

In a related development, Mohamed Hubeishi resigned as deputy mayor of Acre, explaining that, "I resigned before I would have been ousted" for declaring that he preferred a bi-national state of Jews and Arabs to the present Jewish State. His statement generated widespread criticism, particularly because of the mixed Jewish and Arab population of Acre.

Two East Jerusalem Arab women were under arrest yesterday for alleged activities "hostile to Israel." One of them was Zaidi El-Khatib, 40, wife of former East Jerusalem mayor, Rouhi El-Khatib, who was banished to Jordan last March 7. The other was Mrs. Maliha Hussein, 57, wife of a former property manager of an Arab company and a member of a Moslem Women's organization.

Deputy Prime Minister Yigal Yadin will establish his official residence in a four-room apartment in what was formerly the Jewish quarter of East Jerusalem. The quarter was destroyed by the Jordanian Army in 1948 and is now being rebuilt. Mr. Allon, who heads the Ministry for Immigrant Absorption, makes his home at Kibbutz Ginossar near Lake Tiberias.

Israel Imposes New Restrictions On Freedom Of Movement Between Territories, State

JERUSALEM, Dec. 8 (JTA)--Severe restrictions on freedom of movement of Arabs between the occupied territories and Israel proper went into effect today. The restrictions are intended to reduce vehicular traffic drastically and thereby reduce the chances of explosives and other sabotage materiel being smuggled into Israel in trucks, buses or cars from the West Bank. Explosives that killed 12 persons in the Machane Yehuda market blast in Jerusalem last month were believed to have been smuggled in by truck.

Beginning today, checkpoints were established on all entry points to Israel from the West Bank and the Gaza Strip and the issuance of personal and vehicular passes was drastically curtailed. Traffic from East Jerusalem to the western sector of the city also must stand inspection. Private cars and taxis travelling between the West Bank and East Jerusalem are banned from passing through West Jerusalem although buses are permitted to use West Jerusalem streets under the new regulations. The same ban applies to private vehicles passing through Jerusalem between points in the occupied territories.

All vehicles must have special permits in addition to their occupants' travel permits. The latter, which were previously issued almost without restriction and rarely inspected, will be issued now on a very limited basis. Permanent passes will be issued only to "trusted dignitaries" — clergymen and some Arab officials — and to specified drivers of vehicles carrying citrus to loading ports in Israel or other produce. Arabs entering Israel for business purposes will be issued passes good for only one day and will be required to adhere strictly to the route of travel to their destination specified in their permits. No travel permits are likely to be issued for purposes other than business, according to a military government spokesman, unless the traveller uses a public bus.

The travel curbs between the West Bank and Israel followed new restrictions last week on vehicular traffic across the Allenby and Damiya Bridges which link the West Bank with Jordan. Trucks carrying goods are required to unload their cargoes for inspection. The goods must be transported by porters on foot to the opposite bank for reloading. The restriction has already brought the hitherto brisk trade between the West Bank and Jordan to a virtual standstill. Private vehicles are not permitted on the bridges and their occupants must cross on foot. The new measures are also expected to reduce the number of Arab laborers from the occupied territories seeking employment in Israel. Job-seekers must apply for work at any of the six labor exchanges which Israel opened on the West Bank. Those selected will be issued travel permits by the military governor.

Israeli officials held out the hope that the restrictions will be temporary. They are, according to observers, as much a psychological measure as a precaution against sabotage. They are intended to show the Arabs that life can be made uncomfortable for all if terrorism is allowed to continue. The Israelis believe that Arab marauders could not operate effectively without the tacit cooperation of the local population, but they are reluctant to impose collective punishment on the residents of the occupied territories.

UJA Leaders Told Of Israel's Growing Welfare Requirements, Need For Western Aid

TEL AVIV, Dec. 8 (JTA)--Israel's growing social welfare requirements and its need for Western professionals to help integrate new immigrants were put before a group of United Jewish Appeal leaders who are here on a week-long survey tour in connection with the 1969 Israel Emergency Fund campaign in the United States.

Harold Trobe, director of Malben, the Joint Distribution Committee-Jewish Agency institution for the care of ill and indigent immigrants, expressed serious concern over the freezing of the Israel Government's budgetary allocations for social services at its current level. He said that step,

combined with the country's growing welfare needs, will place "a heavier burden than ever before on Malben." He said his organization had also been requested to expand its welfare program.

Mordechai Barron, head of the Jewish Agency's youth department, stressed the need of Western physicians, social workers, teachers and other professionals in new immigrant townships to hasten the integration of those communities. He said Israel was the only country in the world that was building the infra-structure of a fast-growing society within a half century, a task that takes other countries hundreds of years to accomplish.

UN Unit Votes Resolution Seeking Committee To Probe Rights Status In Occupied Areas

UNITED NATIONS, N.Y., Dec. 8 (JTA)--A coalition of the Afro-Asian states and the Communist bloc pushed through the Social, Humanitarian and Cultural Committee on Friday a resolution empowering the General Assembly president to name a special committee composed of representatives of three member states "to investigate Israeli practices affecting the human rights of the population" of the territories Israel occupied in the Six-Day War. The draft resolution, backed by 13 states, was carried by a vote of 55 to 16 with 41 abstentions. The United States cast one of the opposition votes. Great Britain abstained.

Israel was expected to make its rejection of the resolution clear when its representative in the committee, Mrs. Tamar Eshel, speaks on Monday. The resolution calls on Israel to "receive the special committee, to cooperate with it and to facilitate its work." Israel previously declined to receive a special UN representative of the Secretary-General, who was to be named under a Security Council resolution, unless his terms of reference also included investigation of the treatment of Jewish civilians in the Arab states.

Several states that abstained from voting on the resolution took the position that the resolution was political in nature rather than humanitarian in purpose. The committee has been largely stymied in its work by the continuing efforts of the Arab representatives and their allies to use it as a forum for anti-Israel attacks. The resolution pushed through the committee incorporated an anti-Israel resolution adopted by the international conference on human rights at Teheran last May.

Earlier in the debate, Mrs. Eshel characterized the draft resolution as part of the "continuing political warfare" carried out against Israel by the Arab states. She pointed out that of the 13 co-sponsors, nine did not recognize Israel.

Sen. Cooper Criticizes Israeli Response To UN Appeals On Refugees

In the General Assembly's Special Political Committee on Friday, the U.S. representative, Sen. John Sherman Cooper of Kentucky, said that Israel's response to UN appeals on behalf of Arab refugees had been "inadequate" and that Israel must establish a more liberal policy toward the return of refugees to the West Bank as a first step in any Middle East settlement. The committee is considering extending the mandate of the UN Relief and Works Agency for Arab refugees due to expire next June.

Sen. Cooper, a Republican, said that Israel has not yet carried out the Security Council's resolution asking it to facilitate the return of persons who fled the West Bank in the wake of the June 1967 war. He asked Israel "to take meaningful steps to carry out the purposes of this resolution, purposes which we hope very much will help to lay the foundations of a just peace." He said Israel had taken back only 20,000 of an estimated 250,000 refugees which the U.S. considers an "inadequate response." Sen. Cooper was reported to have said privately that his speech represented a change of U.S. policy. Observers said it was the sharpest U.S. public criticism of Israel so far.

Ambassador Michael Comay of Israel branded as "nonsense" the position that Israel should disregard political and security aspects of the Arab refugee situation. Speaking during the debate, he said that Israel would do nothing to prejudice its own security. Who could expect it to "open the battle lines to an uncontrolled influx of people indoctrinated with hate for Israel?" he asked. Referring to the proposed investigation of the condition of Arabs in the occupied territories, Mr. Comay said his Government could not accept a representative on a "discriminatory" basis ignoring the plight of the "wretched, captive Jews in the surrounding countries." Sen. Cooper announced a pledge of \$22,200,000 by the United States to UNRWA. A total \$35,750,474 was pledged for the coming year by 38 countries. This included a special pledge of \$2.5 million by West Germany in addition to its usual contribution. The U.S. pledge was based on the condition that it must not be more than 70 percent of the total received.

Israel responded to appeals in the UN on behalf of refugees from the West Bank by announcing that the deadline for 7,000 re-entry permits issued last year would be extended until Jan. 31, 1969. The permits represent the unused balance of about 20,000 that were issued to Arabs. So far only a handful have taken advantage of the extension. Israel announced that permits still unused by the new deadline would be transferred to other Arabs who apply for repatriation.

Cassin Declines To Comment On Designation Of Nedbailo As UN Rights Award Winner

UNITED NATIONS, N.Y., Dec. 8 (JTA)--Prof. Rene Cassin, 81, the 1968 Nobel Peace Prize laureate and one of the recipients of this year's United Nations human rights awards, declined on Friday to comment on the designation of Prof. Petr Nedbailo of the Ukraine as an award winner. The Ukrainian representative and former chairman of the UN Human Rights Commission, has been denounced as "an unflinching apologist" for a much-publicized violently anti-Semitic book published in the Ukraine and for speeches in the Human Rights Commission in which he equated Zionism and Nazism. Prof. Cassin told reporters, in response to persistent questioning, that he was "embarrassed" at being asked to pass judgment on a colleague and said it was not his function to judge the jury which had made the selections.