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UNANIMOUS CABINET DECISION: A JUDICIAL COMMISSION WILL CONDUCT FULL, FORMAL INQUIRY INTO MASSACRE OF PALESTINIANS

By David Landau and Gil Sedan

JERUSALEM, Sept. 28 (JTA) -- The Cabinet decided unanimously today to establish a judicial commission to conduct a full, formal inquiry into the circumstances of the massacre of Palestinian civilians in the Shatila and Sabra refugee camps in west Beirut September 16-17.

The statement read to reporters by Cabinet secretary Dan Meridor said: "The matter which will be suggested to inquiry is all the facts and persons connected with the atrocity which was carried out by a unit of the Lebanese forces against the civilian population in the Shatila and Sabra camps."

The Cabinet explained in its statement that it was taking this step "in order to put an end to the false libels to the effect that the Israeli government has something to hide in this matter or that it would like to avoid its full clarification."

The decision in fact culminated a stormy 10-day period in which it was widely perceived at home and abroad that Premier Menachem Begin was seeking such avoidance. But according to today's statement, Begin himself proposed the judicial commission and it was then unanimously approved.

Commission's Terms Of Reference

The Cabinet is required by law to establish the commission's terms of reference. Meridor said it did so in very broad terms when it said the commission would be asked to inquire into "all facts and factors (i.e., institutions and individuals) related to the atrocity." Most observers agreed.

Meridor said the commission itself was implicitly empowered to decide what or who was "related" to the massacre and whether to investigate it or them. It was considered "probable and reasonable" that the commission would include within its ambit the Cabinet meeting of Thursday night, September 16, when the Ministers were informed that units of Israel's allied Christian Phalangists were about to enter the refugee camps.

No Time Limit On The Inquiry

The Cabinet placed no time limit on the inquiry and there was no estimate today as to how long it might take. Observers believe that given the limited and specific nature of the episode, the commission should not need more than a few weeks to sift through the material.

The Cabinet also left it up to the commission to decide whether to deliberate in secret or otherwise. This obviously was to indicate that the government does not seek to have the sessions concealed from the public.

It is expected here that the commission will decide to hold most of its meetings behind closed doors because the material under investigation is by its nature security sensitive. But the conclusions and recommendations are expected to be made public, though not necessarily all of the findings.

The Cabinet's action today represented the second reversal by the government on the issue of

an inquiry in little more than a week. On September 21 the Cabinet refused to take any action despite mounting calls in Israel and abroad for a judicial inquiry. Begin was adamantly opposed on grounds that to launch a full dress probe would be tantamount to admitting Israeli responsibility for the massacre. On the following day, the Knesset voted 48-42 against a Labor motion for an official inquiry.

But Begin relented somewhat last Friday when he asked the President of the Supreme Court, Chief Justice Yitzhak Kahan, to head an inquiry into the Beirut massacre. Kahan demurred, explaining that he could not act while there were two applications before the Supreme Court -- from outside the government -- to appoint a State commission of inquiry. Those applications were for a formal investigation under the 1968 Commissions of Inquiry Law under which the Agranat Committee was established following the Yom Kippur War.

Such statutory commissions have full power to subpoena witnesses and documents, hear testimony under oath and protect witnesses from libel actions. The inquiry proposed by Begin last Friday would not have had those powers.

Protests against the government escalated, particularly after Defense Minister Ariel Sharon's Knesset speech September 22 in which he admitted that units of Israel's Christian Phalangist allies were asked by Israel to enter the refugee camps, ostensibly to root out 2,000 armed Palestine Liberation Organization terrorists alleged to be hiding there after the main body of the PLO left west Beirut last month.

Last Friday, the Commander of the Israel Army Staff College, Brig. Gen. Amram Mitzna, asked to be relieved of his duties because of what an army spokesman termed "recent events in Beirut." Today however, the army spokesman said that Mitzna had withdrawn his request. His withdrawal is understood to have followed the Cabinet decision to establish a commission of inquiry. On Saturday night, an estimated 400,000 people held a rally in Tel Aviv. (See separate story.)

Cabinet Statement Summarizes Events In Beirut

The Cabinet's statement today summarized the government's version of events. It said: "On Tuesday, September 21, the Cabinet resolved to hold a discussion on an appropriate method of examining the acts regarding the atrocities carried out by a unit from the Lebanese forces in Beirut and to report on its decisions."

"The Minister of Justice announced in the Knesset in the name of the government that the decision would be adopted in the very near future."

"On Friday, September 24, the Cabinet unanimously resolved to ask the President of the Supreme Court to examine the facts connected with the above mentioned atrocity. The Cabinet is convinced that by employing this authority it took the appropriate way to examine the tragic incident as swiftly as possible and with complete objectivity."

"The President of the Supreme Court explained to the Minister of Justice that he could not consider the Cabinet's request because the Supreme Court, sitting as the High Court of Justice, has before it two appeals

submitted on this issue which renders the matter sub judice. The judicial qualification of the appeals as stated would take a number of weeks at least. In order to put an end to the false beliefs to the effect that the Israeli government has something to hide in this matter or that it would like to avoid its full clarification, the Cabinet has decided, at the Prime Minister's suggestion, to revise its previous decision.

"The Cabinet resolved to establish a commission of inquiry according to the Law of Commissions of Inquiry, 1968. The matter which will be suggested to inquiry is all the facts and persons connected with the atrocity which was carried out by a unit of the Lebanese forces against the civilian population in the Shatila and Sabra camps. The Prime Minister will inform the President of the Supreme Court tomorrow of the establishment of a commission of inquiry."

Extraordinary Knesset Session Wednesday

The Knesset, meanwhile, will convene in extraordinary session tomorrow to discuss recent comments by Sharon in the Knesset and in media interviews. Amnon Rubinstein, leader of the Shinui Party, will bring up Sharon's remark that a certain reserve brigade was not called into action in Lebanon because of the "anti-government" atmosphere among its soldiers. According to Rubinstein, this was disclosure of a military secret by the Minister of Defense and he will demand Sharon's resignation.

Former Premier Yitzhak Rabin, of the Labor Alignment, is expected to attack Sharon's attempt in his Knesset speech last week, to draw a parallel between the Shatila and Sabra camps massacre and the role of Israel in a similar massacre of Palestinians by Lebanese Christians at the Tel Za'atar refugee camp in Beirut in 1976—when a Labor government was in power.

The Agranat Commission Recalled

The decision to appoint a statutory commission to investigate the west Beirut massacre recalled to many Israelis the Agranat Commission, set up in 1973 to determine responsibility for Israel's lack of preparedness at the outset of the Yom Kippur War. Golda Meir was Premier at the time.

The late Yigal Allon, then Deputy Premier, explained in a radio broadcast the distinction the Agranat Commission drew between direct blame and ministerial responsibility. The Agranat panel did not consider it an inquiry commission's role to comment on ministerial responsibility which, it said, was within the purview of the democratic parliamentary political process. An inquiry commission's purpose was to make findings and recommendations, strictly in connection with direct blame, the Agranat commission stated.

The panel found the then Defense Minister Moshe Dayan was not directly to blame for Israel's military shortcomings but declined to comment on the extent of his ministerial responsibility. In the ensuing political crisis, he was forced to resign.

By the same token, Labor opposition leaders made it clear today that they do not intend to rent in their attacks on Begin and Sharon—particularly the latter—and to demand that both resign because of their ministerial responsibility for what occurred in west Beirut.

400,000 PEOPLE AT PROTEST RALLY By Hugh Orgel

TEL AVIV, Sept. 28 (JTA) — Last Saturday night's rally here to protest the massacre of Pales-

tinians in two refugee camps in west Beirut and the government's refusal (at that point) to launch a full independent investigation of the carnage was the largest rally ever to have taken place in Israel, either in support of or in opposition to government policies. It also saw a number of significant firsts.

The rally's organizers — the Labor Alignment; the Shinui Party and the Peace Now movement — claimed that "over 400,000" people participated from all over the country and that the participants crossed party lines. Police declined to give an estimate of attendance, but said it was "one of the largest" rallies to have been held.

Several Firsts Noted

According to observers who have attended rallies in the past, this one, at which speakers also called for the resignations of Premier Menachem Begin and Defense Minister Ariel Sharon, was marked by the presence of a small but significant number of protesters wearing knitted skullcaps which has become the mark of the young members of the National Religious Party. Few, if any, such headwear was seen at previous protest demonstrations.

Equally unusual was the presence this time of men and women who were described as "not Ashkenazim." This description was not used by commentators as a form of racism or denigration, but merely to state a visible fact. Previous rallies critical of the Likud government and its policies were notable for the almost complete absence of the Sephardic segment of the population which university sociologists and political researchers claim to be the largest single component in Begin's "constituency."

Both these firsts may indicate the start of a change in the hitherto solid support for Begin and Sharon in their prosecution of the war in Lebanon, political analysts noted. The presence of young NRP members and Sephardim may account for shifts in both the NRP and Tami Party stands, until now opposed to a judicial inquiry into the Beirut massacre and in general support of Begin and Sharon.

Speakers at the demonstration included Labor Party leaders Shimon Peres and Yitzhak Rabin, Shinui Party leader Amnon Rubinstein, Civil Rights Party leader Shulamit Aloni, Peace Now spokesman Tzali Reshef, Mapam leader Victor Shemtov, and Avraham Burg, a reserve combat officer and son of Interior Minister Yosef Burg.

Likud Cancels Plan For Rally

Meanwhile, Likud decided to cancel its plans to hold a mass rally here next Saturday night in answer to the massive rally last Saturday. Likud spokesmen said they did not wish "further to widen the gap within the Israeli public" or to "add to the waste of millions of Shekels spent by the opposition in organizing its rally."

But the real reason for the cancellation of the Likud demonstration, for which advertisements have already appeared in the local press, was the fear that the pro-Likud organizers would not be able to match the record turnout of last Saturday night's rally. A smaller attendance, it was noted, would be seen as a propaganda defeat for the government.

The first of the rallies to protest the government's military action in Lebanon, also organized by the Peace Now movement, drew 100,000 people. It was followed shortly afterwards by a pro-government rally at which the attendance was claimed to be about 250,000 people.

EITAN; EVACUATION OF IDF FROM WEST BEIRUT IS 'ALMOST COMPLETE'

By Hugh Orgel

TEL AVIV, Sept. 28 (JTA) — The evacuation of the Israeli army from west Beirut is "almost complete," Chief of Staff Gen. Rafael Eitan told reporters here

today. He said the Israelis have already handed over to the Lebanese army all areas the Lebanese are able to control.

Eitan, touring the much reduced Israeli positions in Beirut, said the port area would be evacuated within a few hours. But a small detachment of Israeli troops would remain at Beirut International airport "as long as Israeli forces remain" in the eastern sector and in the mountainous central sector of the Lebanese front, he said.

The Israeli presence at the airport is believed to have been the factor which delayed the landing of U.S. marines who were originally due in Beirut Sunday. The U.S. State Department announced today that 1,200 marines were prepared to go ashore tomorrow. They are to be deployed at the airport.

Reports last week said the marine contingent of the multinational force in Beirut would number about 800 men. The State Department said the force has been expanded by 400 men and would have a broader peacekeeping mission. Another 600 marines will remain in reserve aboard ships of the U.S. Sixth Fleet.

Meanwhile, French and Italian contingents, each numbering about 1,100 troops, took positions around the Shatila and Sabra refugee camps in west Beirut where they arrived yesterday.

Israeli sources reported today that most of the usable weapons and ammunition found in caches left behind in Beirut by the Palestine Liberation Organization, has been shipped to Israel. The unusable material was taken to sea in Lebanese vessels and dumped. Disputes have been reported between Israeli and Lebanese officers over who was entitled to what heavy equipment.

ARENS: CLOSE ISRAEL-U.S. COOPERATION NEEDED TO RESTORE LEBANESE SOVEREIGNTY

By David Friedman

WASHINGTON, Sept. 28 (JTA) -- Israeli Ambassador Moshe Arens stressed today that the restoration of Lebanese sovereignty cannot be achieved without the "close cooperation" of the governments of Israel and the United States.

Answering questions by reporters at a meeting sponsored by the American Enterprise Institute, Arens said that the goals that the Reagan Administration seeks in Lebanon cannot be achieved if there is a perception, especially in Lebanon, that the U.S. and Israel are "working at cross purposes."

The envoy noted that the U.S. goals in Lebanon, as outlined by President Reagan, are the same that Israel wishes to achieve there. This includes the restoration of Lebanese independence, the departure of all foreign forces, including thousands of Palestine Liberation Organization terrorists from north Lebanon and the Bekaa valley, the Syrian forces and the Israeli army; and the assurances for the security of northern Israel. "We want to be sure ... that south Lebanon cannot become once again a base for terrorist attacks against Israel," Arens said.

In addition to these goals, Arens said Israel had two other goals that had not been articulated by the U.S. They are assuring that Lebanon be part of the Western world and that it sign a peace treaty with Israel.

Arens rejected charges that Israel had "misled" the U.S. since the start of the "Peace for Galilee" operation last June. He said that since he arrived in Washington last February, he and visiting Israeli officials have made it clear to the U.S. that Israel

could not continue the situation in which its "population in northern Israel was held hostage to the PLO terrorists" and that eventually some type of military action would have to be taken. He said Israel delayed the military action to allow special U.S. envoy Philip Habib to carry on his negotiations aimed at removing Syrian anti-aircraft missiles from the Bekaa valley.

Arens conceded that there may have been a perception in the U.S. that Israel would stop at a line some 40 kilometers (25 miles) from its borders as had been stated by Premier Menachem Begin. He said the line on the eastern front with Syria was about 40 kilometers from the Israeli border because once Israel "unilaterally" declared a cease-fire, the Syrians accepted it.

But Arens noted the PLO never accepted the cease-fire and continued firing at the Israeli forces. However, he pointed out the line at Beirut at which Israel ended up is only about 51 to 53 kilometers from the Israeli border.

Explains IDF's Entry Into West Beirut

The Israeli envoy denied that his government had broken a commitment not to enter west Beirut under any circumstances when Israeli troops moved into that part of the Lebanese capital September 15 after the assassination of President-elect Bashir Gemayel of Lebanon. "I personally do not feel that any kind of commitment of that nature was made or was ever even asked for," he said.

Arens maintained that Israel entered west Beirut because the PLO had violated the commitment in its departure by leaving men and vast stores of arms behind. He said the multinational force left Beirut without turning over military positions and arms to the Lebanese army as they were supposed to do by the departure agreement and the Lebanese army in turn refused to move into west Beirut.

He said that when the Israeli army entered, it found more than 1,000 PLO terrorists still there and vast supplies of arms, including such heavy equipment as tanks and rocket launchers. He said the amount exceeded the estimates of intelligence services, including that of Israel. In the first two days, the terrorists fought back against Israel and six Israeli soldiers were killed and 50 injured, Arens said.

View Of Cabinet Decision

Arens noted that the Cabinet decision today to hold a commission of inquiry came after "painful process" in the Israeli political scene and a week of much "soul searching, agony and anguish" within the Israeli society. "I don't know if there are many parallel examples of this willingness for soul searching, for self interrogation," Arens said. "I think this is probably a pretty good example of how this kind of situation would be handled in a free and democratic society."

Arens also discussed the Reagan peace initiative, stressing that Israel did not refuse to discuss the U.S. President's proposals, but rejected them as a framework for the autonomy negotiations because of "significant deviation from the Camp David peace process." He said that even though this is not Reagan's intention, the proposals would mean a return for Israel to the pre-1967 borders and a division of east Jerusalem due to the U.S. insistence that the Arab residents of that part of the city be allowed to vote for self governing authority which would be established under the autonomy agreement for the West Bank and Gaza.

PARIS (JTA) -- Tight security measures were taken around and in synagogues in France during Yom Kippur. The most closely guarded area was the Rue des Rosiers Jewish quarter in Paris. Barriers blocked access to the street and passers-by, even non-Jews, had to show what they had in their bags.

SHCHARANSKY ON HUNGER STRIKE; HIS MOTHER SAYS SHE DOES NOT THINK HE WILL SURVIVE LONG FAST

NEW YORK, Sept. 28 (JTA) — Prisoner of Conscience Anatoly Shcharansky has begun an indefinite hunger strike in the Soviet Union's notorious Chistopol Prison to protest confiscation of his mail and the refusal by the authorities to allow visits by his family, it was reported here by the Student Struggle for Soviet Jewry (SSSJ) and the Union of Councils for Soviet Jews (UCSJ). Shcharansky began his hunger strike on the eve of Yom Kippur.

In Moscow, his mother, Ida Milgrom, said yesterday that "a long fast means inevitable death. I don't think he will survive," the two Soviet Jewry groups reported. She said her son had not been allowed to send letters since December, 1981 and that she had twice been prevented from seeing him last April and July.

"In January, when I last saw him, he looked like a virtual skeleton," Mrs. Milgrom was reported as saying. "Now they (Soviet authorities) are doing all they can to see that he dies." Avital Shcharansky, Anatoly's wife, said last night in a statement in Jerusalem where she resides:

"Jews around the world have just completed a fast for one day, Yom Kippur, but Anatoly has begun an unlimited hunger strike in a Soviet prison to protest his complete isolation from the outside world and from being cut off from his wife in Jerusalem and his family in Moscow. In spite of his deteriorating health, after serving for more than a year in isolation in strict regime during his imprisonment, and appeals to the Kremlin to no avail, he decided to go on a hunger strike."

Washington Protests Treatment

Meanwhile, in Washington, State Department spokesman Alan Romberg said: "We wish to emphasize how thoroughly we deplore the Soviet authorities' willful abuse of Mr. Shcharansky's rights which has led to this desperate decision. We call on Soviet authorities to reconsider their treatment of Mr. Shcharansky and restore his ability to be allowed to communicate with friends and relatives."

Shcharansky, 34, a computer scientist, was accused of espionage and treason and sentenced in 1977 to 13 years in prison and labor camps.

ISRAEL PROTESTS MEETING BETWEEN WEST GERMAN OFFICIAL AND PLO REP

By David Kantor

BONN, Sept. 28 (JTA) — Israel was disclosed here today to have protested to the West German government against a meeting last week between Peter Corterier, the West German Vice Foreign Minister, and the representative in Bonn of the Palestine Liberation Organization, Abdullah Frangi.

But a West German government spokesman said that while the Corterier-Frangi meeting took place in the Foreign Ministry office, it did not constitute a change of West German policy or represent an official recognition by Bonn of the PLO.

Meanwhile, Frangi and a PLO spokesman on a visit here were given an enthusiastic reception last Saturday by members of the Bundestag, representing various parties. Media reports and commentaries on the state-run television networks reflected a general mood of satisfaction over Israel's "involvement" in the Beirut massacre.

"Our victims behave very much like we did," a young German said in a television interview. A leading church leader commented "our victims pro-

duce yet more victims." However, the West German government dissociated itself today from allegations by Frangi that Israeli soldiers in Lebanese uniform carried out the massacre in Beirut. A government spokesman said the government had no evidence whatever to substantiate such a charge.

Arafat May Visit Bonn

Last week, the West German government published a very strong condemnation of Israel over the Palestinian massacre in Beirut and called for an independent investigation of the killings. At the same time, the government left open the possibility of inviting PLO chief Yasir Arafat to come to Bonn for talks with government officials.

Several thousand demonstrators protested today in Bonn against the massacre in two Beirut refugee camps and warmly applauded Frangi when he equated Israel with the Nazis. Many of the demonstrators were members of the Young Guard of Chancellor Helmut Schmidt's Social Democratic Party. The Young Guard is known for its anti-Israel attitude.

The visit by Frangi to Corterier was arranged on the basis of instructions last Friday by Schmidt to his aides to arrange the visit. Observers said this was the first time Frangi had received an official reception and it was made known immediately to the West German media.

AUSTRIAN F.M. SAYS HIS COUNTRY FAVORS REAGAN'S MIDEAST PROPOSALS

By Yitzhak Rabi

UNITED NATIONS, Sept. 28 (JTA) — The Foreign Minister of Austria, Willibald Pahr, told the General Assembly today that Austria regards President Reagan's Middle East peace plan "as a historic move." Pahr said Austria believes that the core of the problem in the Middle East is "a just settlement of the Palestinian question," and that the Reagan plan is addressing itself to solving that problem.

Expressing once again regret and condemnation of the Israeli invasion of Lebanon, the Austrian diplomat stated "Austria learned with horror and consternation of the recent massacre of Palestinian men, women and children in the area of Beirut which had been illegally occupied by Israel. We are deeply shocked by this atrocity." Pahr called on the United Nations to establish an inquiry committee to investigate the massacre.

Meanwhile, Security Council members were scheduled to meet here this afternoon for consultation regarding a call last Friday by a special General Assembly meeting that the Council should set up a panel to investigate the massacre.

In another development, Yitzhak Shamir, Israeli's Foreign Minister, was expected to arrive here later this afternoon or tonight to attend the General Assembly. He is scheduled to address the Assembly Thursday morning. Shamir will stay in New York for three weeks to meet with diplomats and officials attending the current Assembly session.

This afternoon, Egypt is scheduled to address the General Assembly. Sources said they expect a sharply worded attack on Israel.

PLO TO OPEN FINLAND OFFICE

VIENNA, Sept. 28 (JTA) — The PLO will open an office in Helsinki in the near future, Prime Minister Kalevi Sorsa of Finland said several days ago. In an interview, Sorsa stated that Finland views the PLO as the legitimate representative of the Palestinian people. The Finnish leader was in Austria last week on an official visit during which he met with Chancellor Bruno Kreisky. The two discussed international political developments.