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## COMMISSION OF INQUIRY MAKES PUBLIC ITS REPORT

**RECOMMENDS SHARON RESIGN OR BE DISMISSED BY BEGIN; FAULTS PREMIER FOR HIS DETACHMENT FROM EVENTS, BUT FINDS MITIGATING CIRCUMSTANCES**  
By David Landau

**JERUSALEM, Feb. 8 (JTA)** — The commission of inquiry into the Sabra and Shatila refugee camp massacre called for the resignation of Defense Minister Ariel Sharon or his dismissal by Premier Menachem Begin for willfully ignoring the obvious dangers of "vengeance and bloodshed" against civilians when he allowed armed Christian Phalangists to enter the west Beirut camps last September 16 to root out Palestinian terrorists suspected of hiding there.

The commission, in its report and recommendations published here this morning, accepted Begin's testimony that he knew nothing of the massacres until he heard of them from a foreign radio broadcast after the fact. But it faulted the Premier for his detachment from events, though it found mitigating circumstances.

The commission's report was sharply critical of Foreign Minister Yitzhak Shamir for disregarding information from a Cabinet colleague that the massacres were occurring but did not call for his resignation.

### Ranking Military Officers Castigated

Apart from Sharon, the report dealt most harshly with the chief of military intelligence, Gen. Yehoshua Seguy whose dismissal it recommended, and Chief of Staff Gen. Rafael Eitan, whose dismissal it would have asked for but for the fact that Eitan's term of office expires in April and an extension of his command is not under consideration.

Other ranking military officers were severely castigated. But the three-member panel, while finding grave faults with aspects of policy-making procedures and communications procedures within the Israel Defense Force and between the IDF and the government, determined categorically that no one in a position of responsibility in Israel wanted or intended a massacre to take place or any harm to come to the civilian population of the camps.

The report implied that the Lebanese army and the United States representative in Beirut might share indirect responsibility for the events with Israel which was in occupation of west Beirut at the time.

It completely absolved Israel's ally, Maj. Saad Haddad and members of his Christian militia of any involvement in the massacre. It placed sole direct responsibility on the Christian Phalangist units which carried out the killings but found no evidence that the Phalange leadership itself had ordered a massacre of the camp inmates.

The commission, appointed last October 20 after a public outcry in Israel against Begin's initial

resistance to a judicial inquiry, consists of Justice Yitzhak Kahan, retiring President of the Supreme Court, Supreme Court Justice Aharon Barak and Maj. Gen. (res.) Yona Efrat.

Last November it warned nine top political and military figures, including Begin, Sharon and Shamir, and Gens. Saguy and Eitan that they may be harmed if it drew certain conclusions as a result of their testimony. Only one of the persons warned, Avi Duda, an aide to Sharon, was completely absolved by the report.

### Panel Does Not Fault Cabinet Decision

The initial decision to send the Phalangists into the camps was taken by Sharon and Eitan on Tuesday, September 14, following the assassination of Lebanon's President-elect, Bashir Gemayel. It was approved retroactively by the Cabinet on Thursday evening, September 16, by which time the killings had already begun.

The commission's report did not fault the decision. It took note of the advantages which Israeli political and military leaders saw in having the Phalangists enter the camps where it was believed armed elements of the Palestine Liberation Organization were hiding.

But, the commission stated in effect, Sharon and Eitan failed to weigh the possible disadvantages, such as innocent bloodshed, which if it transpired would have outweighed the political and military advantages of the move.

Begin testified that the massacre was "in the nature of a disaster which no one imagined and which no one could have foreseen." The commission said it was "unable to accept the Prime Minister's remark that he was absolutely unaware of such a danger." It did not fault him, however, for failing to ask either Sharon or Eitan during Tuesday and Wednesday, September 14-15, what if any role had been assigned to the Phalangists after the Israel Defense Force moved into west Beirut or for failing to object to the Phalangists' entry into the camps when he learned of it at Thursday's Cabinet meeting.

With respect to the interim between the Sharon-Eitan decision and the Cabinet meeting, the commission observed that the Premier had "many and diverse tasks and he was entitled to rely on the optimistic and calming reports of the Defense Minister that the entire operation (in west Beirut) was proceeding without any hitches and in the most satisfactory manner."

The commission accepted Begin's testimony that he paid no heed at the Cabinet meeting to Deputy Premier David Levy's warning, near the end of the session, that there might be a massacre.

But it is sharply critical of Begin's "indifference" from the time he learned of the Phalangists' entry into the camps until he first heard of the massacre on a BBC broadcast Saturday afternoon, September 18. "He showed absolutely no interest," the com-

mission found, suggesting that had he done so his interest might have influenced his subordinates to greater alertness.

"The Prime Minister's failure to involve himself in the entire matter casts on him a certain degree of responsibility," the report said.

#### Sharon's Lack Of Concern Cited

With respect to Sharon, the report acknowledged that the intelligence experts had failed to warn adequately of a possible massacre. But the Defense Minister, given his vital role in the war and close ties with the Phalangists, given their "common knowledge" of their battle ethics and their long-standing hatred of the Palestinians -- intensified by the assassination of Gemayel -- did not require "prophetic powers to know that concrete dangers of acts of slaughter existed when the Phalangists were moved into the camps without the IDF being with them... and without the IDF being able to maintain ongoing effective supervision," the commission said.

It observed that "the advantages to be gained (from the Phalangists' entry into the camps) distracted him from the proper consideration in this instance."

The report stated further: "From the Defense Minister himself we know that this consideration (the likelihood of atrocities) did not concern him in the least ... and that this matter was neither discussed nor examined in the meetings held ... by the Defense Minister ... It is ostensibly puzzling that the Defense Minister did not in any way make the Premier privy to the decision on having the Phalangists enter the camps.

"It is our view that responsibility is to be imputed to the Minister of Defense for having disregarded the danger of acts of vengeance and bloodshed by the Phalangists against the population of the camps, and having failed to take this danger into account when he decided to have the Phalangists enter the camps.

"In addition, responsibility is to be imputed to the Minister of Defense for not ordering appropriate measures for preventing or reducing the danger of massacre as a condition for the Phalangists' entry into the camps. These blunders constitute non-fulfillment of duty with which the Defense Minister was charged."

#### Finding On Shamir

The commission found that Foreign Minister Shamir reacted with reprehensible "disdain" when he received from Communications Minister Mordechai Zippori on Friday morning (September 17) a report of killings in the camps. He failed to do anything effective to check out the report, the commission said.

It found Shamir guilty of an "error" in that regard. It was sharply critical of the state of relations within the Cabinet that led Shamir to discount and disparage the telephone call from Zippori. The commission said it "tended to accept" Zippori's evidence, implying that it rejected Shamir's testimony on whether or not his colleague had used the word "massacre." The commission conceded, however, that Shamir may "not have caught" the import of Zippori's warning.

The commission categorically rejected Eitan's testimony that "we never could have imagined the danger" of a massacre. The possibility of a massacre should have arisen based on well known facts and common sense assessments, it said.

"The Chief of Staff must be viewed as a partner to the decision (to send the Phalangists into the camps) and as bearing responsibility for its adoption and implementation," the commission said, noting that had he objected, he could have challenged Sharon and appealed to Begin.

The commission described as "worthless" the operation of IDF look-out and listening posts to monitor Phalange radio communications in the camps but observed that the fact such measures, though "worthless," were in fact taken, therefore "is not congruent with the claim that such excesses were not foreseen at all."

#### Eitan Blasted For 'Naivete'

Eitan was blasted for "naivete" in his behavior in Beirut on Friday, September 17 when he flew there, following reports of excesses from the commander of the north, Gen. Amir Drori, and met with Phalangist leaders. He said nothing to them on the matter of atrocities, according to his testimony, "for fear of offending their honor. But this fear was out of place," the commission declared.

It concluded that Eitan's "conduct stemmed from his disregard of the suspicions that the Phalangists were perpetrating acts of slaughter and this disregard went so deep that even the information that had arrived meanwhile and reached the Chief of Staff could not shake it ... He should have ordered the immediate removal of the Phalangist forces from the camps, admonished the Phalangist commanders about the aberrance of their actions and demanded that they issue immediate orders to their forces to refrain," the commission stated.

Instead, Eitan authorized the supply of an IDF tractor to the Phalangists in the camps until the next morning, the report noted. His actions, it stated, constitute "a breach of duty and dereliction of duty... We have arrived at grave conclusions. He (Eitan) is about to complete his term of service in April, 1983. Taking into account the fact that an extension is not under consideration, there is no practical significance a recommendation regarding his continuing in office as Chief of Staff and therefore we have resolved that it is sufficient to determine responsibility without any further recommendation."

#### Panel Refuses To Accept Saguy's Testimony

The commission flatly refused to accept the testimony of military intelligence chief Gen. Saguy that he knew nothing of the plans to send the Phalangists into the camps until Friday morning, September 17. Saguy was present at several brief discussions between Tuesday and Thursday and must have heard something, the commission stated.

It faulted him for failing to convey to higher echelons express warnings of what was likely to happen. Citing Saguy's own testimony, the commission determined that his position and his perception of it stemmed from his long-standing opposition to IDF cooperation with the Phalangists. "Thus, he apparently wanted no part in the planning of their entry and felt warnings from him would fall on deaf ears," the commission said.

Nevertheless, this background cannot exonerate Saguy, the report stated. "In our opinion, it was the

duty of the Director of Military Intelligence, as long as he occupies this post, to evince alertness regarding the role of the Phalangists in the entry into Beirut after Bashir's (Gemayel) assassination, to demand an appropriate deliberation and to warn expressly and explicitly all those concerned of the expected danger even prior to receipt of the report on Friday and certainly after receipt of the report," the commission said.

It concluded that Saguy's "fear that his word would not receive sufficient attention and be rejected does not justify total inaction. This inaction constitutes a breach of the duty incumbent on the director of military intelligence."

#### Mixed Findings About Drori

The commission had mixed findings on the conduct of Gen. Drori, commander of the northern command and therefore the senior field officer in command of Israeli forces in Lebanon. It praised his order to halt the Phalangist operations in the camp when he first heard of excesses on Friday morning.

But it found that his "alertness declined" as soon as Eitan arrived in Beirut and was reduced to "total passivity ... disengagement from any treatment of the subject" when he accompanied the Chief of Staff at his meeting with the Phalangist leaders where Eitan failed to raise the matter of excesses.

"A commander at such a level and rank should be expected to take the initiative when he sees that the Chief of Staff does not intend to deal with the issue which was the main cause of his coming to Beirut and meeting with the Phalangist staff," the commission said.

#### Yaron Found Guilty Of Breach Of Duty

The panel found Brig. Gen. Amos Yaron, the immediate commander of Israeli forces in Beirut, guilty of breach of duty and recommended that he hold no command post for at least three years. The commission faulted Yaron for failure to act on Thursday night, September 16, when initial reports of over 300 dead civilians filtered out of the camps and reached him. Moreover, he failed to pass on those reports to his superiors, the report said.

Instead, Yaron made do with "reiterating warnings to the Phalange ... officers not to kill women and children. But beyond that he did nothing to stop the killings ..." The report also accused Yaron of failure to convey the reports he received from Drori to the Chief of Staff and of enabling the Phalangists to replace their forces inside the camps "despite the fact that the order (by Drori) halting the operation was not rescinded."

The commission pointedly noted in its report that it did not deal with the question of whether and to what extent the Lebanese army and the U.S. government representatives might share with Israel some indirect responsibility for the massacre. "We will only discuss the issue of Israel's indirect responsibility, knowing that ... it is not an exclusive responsibility laid on Israel alone," the report declared.

**CABINET MEETS TO CONSIDER PANEL'S REPORT AND WILL MEET AGAIN WEDNESDAY**  
By Gil Sedan

JERUSALEM, Feb. 8 (JTA) -- The Cabinet met today for less than two hours to consider the report by the judicial commission of inquiry and

decided to hold another session tomorrow in an apparent effort to provide time for the political scene to be clarified.

The key issue on the Cabinet agenda was whether Defense Minister Ariel Sharon should resign, as the inquiry panel recommended. Israel Radio reported that Premier Menachem Begin announced at the session that he had no intention of dismissing Sharon. The commission had suggested that if Sharon did not "draw personal conclusions" from its findings, the Premier should consider dismissing him.

One senior Likud minister was quoted as saying that if Sharon did not resign of his own choice, the matter should be brought before the Cabinet plenary for a decision.

Sharon himself told the Cabinet meeting that one should study carefully the commission's recommendations and "not act in haste." He warmly defended the Israel Defense Force officers who were reprimanded in the report.

#### Adoption Of Panel's Recommendations Urged

Deputy Premier Simcha Ehrlich, who is recovering from heart surgery he underwent in the United States last month, recommended in a telephone call to the Cabinet that the commission's recommendations be adopted in its entirety. This view was reportedly accepted by a large number of ministers.

Rafael Ben-Natan, the behind-the-scenes strongman of the National Religious Party, said his party was demanding that the government honor the recommendation of the inquiry panel, especially since it was established by the government.

#### Opposition To Sharon's Resignation

Meanwhile, as the nation awaited the outcome of the Cabinet's deliberations, Sharon's supporters in the Likud rallied to prevent his resignation. One of his key supporters, David Magen, urged the Cabinet to ignore the recommendations of the inquiry panel and to allow Sharon to continue to serve as Defense Minister.

Magen argued that the work of the commission was faulty. He contended the principle of sub judice was violated in that the panel members were influenced by a "lynch" atmosphere created by the mass media against the government. He also accused the commission of having suffered from the "complex of the Agranat report," a reference to the inquiry commission that was set up after the Yom Kippur War which failed to blame the country's political leadership for Israel's lack of preparedness at the time.

However, other coalition partners, such as the Liberal Party wing of Likud, the NRP and Tami, demanded that Sharon resign. The NRP reportedly suggested as an alternative that Sharon remain in the Cabinet but as a Minister-Without-Portfolio.

The Aguda Israel party said it would support any step taken by Begin. The Aguda leaders recalled that they had objected to the establishment of the commission of inquiry in the first place, just as Begin himself had initially resisted it.

The Labor Alignment's Knesset faction has refrained for the time being from any statements. The faction met in caucus this afternoon to hear a brief statement from Labor Party chairman Shimon Peres.

Peres said, "The recommendations of the commission are unequivocal and serious. We shall wait for the government to draw the full conclusions, both on the personal and the functional level." Peres added that any delay in drawing those conclusions would be "unacceptable."

Peres had warned party members several days before the commission published its report to avoid hasty comments when it appeared. He apparently hopes that internal pressures in Likud and the coalition will be strong enough to force the resignation of Sharon.

On the other hand, Peres appears to feel, an all-out attack by Labor could only strengthen those elements in Likud urging rejection of the commission's recommendations. There was speculation today that the Alignment might strike a deal with Likud for creation of a national unity government in which Peres would replace Sharon as Defense Minister. Peres has strongly rejected those rumors and they were ruled out by the left-wing of the Alignment, notably Mapam and MKs Yossi Sarid and Shulamit Aloni.

While no official comment was available today from Likud or Herut, its members and supporters appeared deeply divided. Demonstrations for and against Sharon were held throughout Israel today, some of them ending in shouting matches between the two sides and in a few instances, blows were exchanged. Most commentators said tonight that the choice before the Cabinet is Sharon's resignation or a call for new elections.

#### U.S. SAYS IMPACT ON INQUIRY PANEL'S FINDINGS WILL HAVE NO EFFECT ON ISRAEL-LEBANON TALKS

By David Friedman

WASHINGTON, Feb. 8 (JTA) -- The Reagan Administration rejected any suggestion today that the impact of the findings of the Israel commission of inquiry into the massacre at the Beirut refugee camps last September will have any effect on the current negotiations between Israel and Lebanon.

"We don't see why the impact of this report, whatever that may be, should effect the Lebanese negotiations or the current Habib mission," State Department deputy spokesman Alan Romberg said. Special envoy Philip Habib, who President Reagan said he sent out to the Middle East with new ideas, arrived in Jerusalem today. "Our view is clear," Romberg stressed. "The issues being addressed are urgent and must be resolved as soon as possible in the interest of Lebanese stability and sovereignty as well as in the interests of Israeli security."

Romberg said it would not be "appropriate to comment" on the findings of the Israeli commission. Nor would he comment on the commission's finding that the U.S. shared some blame for the massacre because it withdrew its marines too soon after the PLO terrorists left Beirut and because it did not pressure the Lebanese army to take the responsibility to police the camps.

#### DULZIN PRAISES PANEL'S REPORT

By Yitzhak Rabi

NEW YORK, Feb. 8 (JTA) -- Leon Dulzin, chairman of the World Zionist Organization Executive, praised the recommendations made by the commission that investigated the massacre in Beirut.

"The report and the recommendations by the commission are an example of justice coming out of Jerusalem" Dulzin declared in a press conference at the Jewish Agency headquarters here today. "It shows the world that there is justice in Jerusalem and I hope that the government (of

Prime Minister Menachem Begin) will carry out the recommendations." Dulzin said that Defense Minister Ariel Sharon ought to follow the decision of the commission and resign. He said that he does not believe that Sharon's resignation will have any effect on the ability of the Begin government to function properly. "Sharon has to step down now. This is the recommendation of the commission and, yes, I think he should resign," Dulzin said.

#### REACTIONS BY JEWISH OFFICIALS

By Kevin Freeman

NEW YORK, Feb. 8 (JTA) -- Leading officials of American Jewish organizations said today that the findings of Israel's commission of inquiry into the massacre of Palestinians in the Sabra and Shatila refugee camps in Beirut last September is representative of the vitality of Israel's democratic process.

At the same time, two of the officials urged full implementation of the commission's findings which include a call for the resignation of Defense Minister Ariel Sharon or the Defense Minister's dismissal by Premier Menachem Begin.

Calling the commission's report a "striking example of Israel's democracy at work" which "stands in vivid contrast to the thunderous silence out of Beirut," Julius Berman, chairman of the Conference of Presidents of Major American Jewish Organizations, declared: "As painful as this experience was, Israel has emerged stronger for it." He said he believed Sharon will offer his resignation "out of a sense of patriotism" as called for in the report.

Gerald Kraft, president of the B'nai B'rith International, said the "free operation" of the commission "is indicative of the strength of democracy in the Jewish State." He added: "The anguish of the Israeli people in this tragedy reaffirms the high moral character and humanitarianism of the nation."

Maynard Wishtner, president of the American Jewish Committee, said, "There are few countries in the world that would freely undertake so painful and far reaching an inquiry into the conduct of its highest elected officials and its defense establishment."

Nathan Perlmutter, national director of the Anti-Defamation League of B'nai B'rith, said the commission's investigating "procedure is a remarkable testimonial to a vibrant democracy. Letting the chips fall where they may is a bold confirmation of this young democracy's vitality."

The findings of the commission "brings to a culmination a process that does only honor to Israel," Rabbi Alexander Schindler, president of the Union of American Hebrew Congregations said. "Very few nations in the world would have had the courage and the freedom to go through so relentless a self searching." He said he was "confident" the recommendations of the commission would be accepted by the Israeli government.

Ivan Novick, president of the Zionist Organization of America, called on journalists and Reagan Administration officials to "admit that while Israel may have committed the fault of omission, it was not commission. The tragic events of Shatila and Sabra still fall squarely on the Lebanese themselves. Israel did not plan it, did not do it, and did not want such a catastrophe to occur."

Bernice Tannenbaum, acting chairman of the World Zionist Organization American Section, said the genesis and conclusion of the inquiry panel is symptomatic of "moral decency, self-examination and forthright devotion to democratic principles which demonstrate to America the worthiness of its only democratic ally in the Mideast."