

**IDF PLACES BLAME FOR CLASH IN BEITA ON ARAB VILLAGERS, 'TRIGGER-HAPPINESS'**

By Gil Sedan

JERUSALEM, April 27 (JTA) -- The Arab residents of the West Bank village of Beita were chiefly responsible for the fatal April 6 clash with a group of Jewish teen-agers from the nearby settlement of Eilon Moreh, an investigation by the Israel Defense Force has concluded.

The IDF submitted its report on the incident to the Inner Cabinet on Wednesday. It confirmed that 15-year-old Tirza Porat of Eilon Moreh was killed by a bullet from an M-16 rifle accidentally fired by Romam Aldubi, one of two armed Jewish settlers escorting the teen-agers, who were on a Passover hike.

The report also confirmed that Aldubi, 26, had killed two Palestinians in the encounter and that the hike had not been properly coordinated with the military authorities in the region.

Nevertheless, responsibility for the events rests with the villagers who attacked the youths, Maj. Gen. Amram Mitzna, commander of the central region, said in summing up the IDF report at a news conference here.

He said the IDF probe determined that "the motivation and aggression of local Arabs and their readiness to hurt a group of Jewish hikers are the main contributors to the development of the affair and its tragic ending."

But he also said, "Had the hike been properly planned and coordinated, according to standard procedures, the event and its tragic consequences could have been prevented."

Mitzna also pointed to "carelessness in the use of firearms and trigger-happiness" as being "contributing factors to the escalation of events."

No Evidence Arabs Fired

The report ruled out claims by Jewish settlers and some right-wing politicians who interviewed the hikers that Arabs had fired on the group or thrown grenades. But the report affirmed the hikers' account that they had been forced to run a gauntlet through Beita village.

According to the IDF, the incident began when the public address system atop the local mosque announced that "settlers are approaching the village."

The hikers were attacked, the IDF report said. Aldubi fired several warning shots from his Uzi submachine gun. The attack continued and he fired his M-16 rifle, killing one villager.

Aldubi then engaged in an angry exchange with another villager who, according to the report, tried to grab his rifle. He then fatally shot the villager.

The Jewish hikers were forced to walk through the village. Aldubi was attacked and stoned unconscious by the sister of the Palestinian youth he had killed, the report said. He is still listed in serious condition at Hadassah Hospital in Jerusalem.

Aldubi, a yeshiva student, is a follower of Rabbi Meir Kahane's extremist Kach movement and is known for his hostility toward Arabs.

He was barred by the IDF from entering Nablus for six months last year because of a shooting spree, but was allowed to keep his

government-issued rifle.

The IDF report admitted that a few villagers tried to calm tempers during the clash. A day later, the IDF demolished 14 homes in Beita, whose owners allegedly participated in the attack on the hikers.

Meanwhile, three days of relative quiet in the administered territories ended Wednesday. A 13-year-old Palestinian girl from Dik village, near Tulkarm in the West Bank, died Tuesday in a Nablus hospital of wounds suffered in a clash with Israeli security forces.

TWO MORE INFILTRATORS KILLED BY IDF AS ISRAEL BURIES SLAIN SOLDIERS
JTA Staff Report

JERUSALEM, April 27 (JTA) -- Two terrorist infiltrators were killed by Israel Defense Force soldiers near Kiryat Shmona on the northern border Wednesday, after they opened fire on a civilian truck, wounding its driver.

There were no IDF casualties. The clash was the second in two days in the area, where terrorist infiltration attempts have been increasing in recent months.

Two IDF soldiers were killed and two were wounded in a skirmish early Tuesday morning on the western slopes of Mount Hermon. The incident, in which three terrorists were killed, occurred less than 200 yards inside Israel's border.

Wednesday's encounter occurred as funeral services were being held for the soldiers who died Tuesday. They were Lt. Col. Shmuel Adiv, 29, of Hod Hasharon, commander of the unit involved in the clash, and Sgt. Ramzi Wahash, 27, of Ya'ara village in Western Galilee, a Bedouin tracker who had picked up and followed the trail of the infiltrators, accompanied by his commanding officer.

Both men were members of the crack Givati Brigade. Adiv, who was promoted only last week, on Independence Day, from major to lieutenant colonel, was buried at the Magdiel cemetery.

Wahash was buried in the cemetery in his village, a moshav shared by Jews and Bedouins. Even as they were laid to rest, soldiers of their unit were thwarting the infiltration attempt near Kiryat Shmona.

Shamir Sends Condolences

Premier Yitzhak Shamir sent a telegram of condolence. "Shmuel gave his life for the well-being of residents of the North," Shamir said. "The people of Israel will always remember Ramzi, who gave his life to defend the northern settlements," he said.

Although several terrorist groups have claimed credit for Tuesday's aborted infiltration attempt, documents found on the bodies of the three slain terrorists indicated they were members of Naif Hawatmeh's Democratic Front for the Liberation of Palestine.

They were heavily armed and carried hand-drawn maps of the region. Defense Minister Yitzhak Rabin said on a radio interview Wednesday that since the IDF adopted its present policy of frontier defense three years ago, no Israeli civilian has been killed in Galilee because of terrorist infiltration. But 34 soldiers have died

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protecting the region, he said.

Rabin reported that six terrorist gangs have managed to reach the vicinity of Israel's northern border during the last five months, but none have penetrated the country.

U.N. PLEASED, U.S. MUM OVER RULING BY WORLD COURT ON PLO MISSION JTA Staff Report

April 27 (JTA) -- The United Nations on Wednesday welcomed the World Court ruling that the United States must submit to arbitration over its decision to close the Palestine Liberation Organization's observer mission in New York.

American officials declined comment on the ruling, but Caroline Dulin, a spokeswoman at the U.S. Mission to the United Nations, said Wednesday, "The World Court ruling was premature because the matter is still in litigation."

The International Court of Justice issued its unanimous, 12-page ruling on Tuesday, which is described by officials as "advisory," meaning that it has moral and judicial weight but cannot be imposed on the United States government.

The United Nations had appealed to the court after Congress passed a law in December closing the PLO mission and the group's information office in Washington. The United Nation's argument was that under the 1947 Headquarters Agreement between the world body and the United States, the PLO has a right to a presence in New York because it has observer status at the United Nations.

In Washington, at a State Department briefing Wednesday, spokesman Charles Redman said, "We have just received the text of the ICJ's opinion along with the separate opinion of several of the judges. We are presently reviewing them. As a consequence, I don't have any comment at this stage."

The Reagan administration, based on previous statements, apparently would never consent to international arbitration of the matter.

When Charles Cooper, assistant attorney general in the Justice Department's Office of Legal Counsel, announced March 11 that the department would enforce that legislation, he said unequivocally that the United States would never agree to international arbitration of the dispute, since "international law has been superseded by the statute" adopted by Congress. His office is charged with enforcing federal legislation.

Cooper said the Supreme Court has consistently upheld Congress's right to "abrogate" international law for the benefit of enforcing domestic law.

On Wednesday, Redman was asked whether previous State Department comments that it does not feel bound by World Court rulings still apply. "I don't know of any reason to change previous statements," he responded.

U.N. spokesman Francois Giuliani said Tuesday that the World Court ruling confirmed that the United Nations was right in demanding to submit the dispute between the United States and the United Nations to arbitration.

He said that Secretary-General Javier Perez de Cuellar will submit a report on the issue to the General Assembly after he receives the text of the World Court opinion.

(Contributing to this report were correspondents Yitzhak Rabi at the United Nations, Howard Rosenberg in Washington, and Edwin Eytan in Europe.)

ITALIANS URGE TERRITORIES BE PUT UNDER A UNITED NATIONS MANDATE By Yossi Lempkowitz

BRUSSELS, April 27 (JTA) -- A proposal that the European Community administer the West Bank and Gaza Strip under a United Nations mandate is making the rounds of diplomatic circles here, but so far there has been no official reaction from the E.C. foreign ministers.

The idea was floated by Bettino Craxi, leader of Italy's Socialist Party, as a transition measure pending a settlement of the Israeli-Arab dispute.

Italian Foreign Minister Giulio Andreotti relayed it to his 11 colleagues Tuesday at a meeting of the E.C. Council of Ministers in Luxembourg. He stressed that the proposal has not been formally adopted by the Italian government.

The Socialists are members of the recently formed five-party coalition government in Italy headed by Premier Ciriaco de Mita, a Christian Democrat.

Craxi's formula is aimed at easing the tension in the Israeli-administered territories and giving the European Community a direct role in Middle East affairs. But observers in Luxembourg doubt it could ever be implemented in the face of expected opposition from Israel.

Meanwhile, snags are developing over the scheduled meeting of the E.C.-Israel Cooperation Council here on May 24. The council is the ministerial body that monitors the trade and financial agreements between Israel and the 12 E.C. member states.

Spain, Italy and Greece have expressed reservations over the meeting unless Israel agrees to include political issues on the agenda. They want to discuss such issues as the unrest in the administered territories, prospects for an international peace conference and the assassination of the Palestine Liberation Organization's second in command, Khalil al-Wazir in Tunis April 18. His killers are widely believed to have been Israelis.

According to Foreign Minister Hans-Dietrich Genscher of West Germany, current chairman of the E.C. Council of Ministers, if Israel agrees to discuss these issues, the meeting of the Cooperation Council certainly will take place.

Avraham Tamir, director-general of Israel's Foreign Ministry, who is in Brussels to prepare for next month's meeting, tackled another source of friction between Israel and the European Community.

Tamir met Wednesday with the European Parliament's Foreign Economic Relations Committee to discuss the problem of direct Palestinian farm exports to the E.C. countries.

Israel's past insistence on controlling those exports was one of the reasons why the Strasbourg-based European Parliament, the E.C.'s legislative body, refused to ratify three economic and trade accords Israel signed with the E.C. countries last year.

But apparently the matter has been resolved. Claude Cheysson of France, the E.C.'s commissioner for Mediterranean affairs, informed the committee that he has received a satisfactory memorandum from Israel.

JTA has been experiencing problems setting up production equipment in our new offices. The normal mailing schedule for the Daily News Bulletin should resume shortly.

**ISRAELI GRAPEFRUITS TAINTED
BY HARMLESS DYE, NOT POISON**
By Ruth E. Gruber

ROME, April 27 (JTA) -- The "deadly poison" said to contaminate grapefruits from Israel has turned out to be a harmless coloring agent, Italy's state-owned television channel, RAI, reported Wednesday.

The health authorities reported that several people who had consumed the blue-stained fruit suffered no ill effects, though the substance did kill laboratory mice.

Israel Adato, an Israeli Agriculture Ministry expert who flew to Rome on Tuesday to help local health authorities trace the tainted fruit, said in a television interview that it was virtually impossible to inject any substance into grapefruit without it showing.

But for a while there was near panic. The Italian Health Ministry ordered grapefruit removed from shops, markets and warehouses all over Italy on Tuesday, after the blue-dyed fruit was found in a Rome supermarket and lab mice died from eating it.

The authorities had been alerted by anonymous telephone calls to the news media last week that grapefruit from Israel had been sabotaged to protest the Israelis' treatment of Palestinians in the West Bank and Gaza Strip.

Scare Spreads To Switzerland

More than half the grapefruit sold in Italy is imported from Israel. Cofres, an Italian company in Verona, is the import agents. A search of its warehouses found no tainted fruit.

Nevertheless, the scare spread from Italy to Switzerland, which also imports large quantities of Israeli fruit. The Health Ministry in Bern said Wednesday there was no cause for alarm.

Israeli exports to European Community countries were the targets of sabotage 10 years ago. In 1978, Israeli citrus fruit on sale in Holland, Belgium, West Germany and France was found to have been contaminated with mercury.

(Geneva correspondent Tamar Levy contributed to this story.)

**BEHIND THE HEADLINES:
ARAFAT-ASSAD MEETING MAY PUT
MIDEAST PEACE PROCESS IN PERIL**
By David Friedman

WASHINGTON, April 27 (JTA) -- The apparent rapprochement between Yasir Arafat, head of the Palestine Liberation Organization, and Syrian President Hafez Assad may end any chances Secretary of State George Shultz has for success of his peace initiative, according to experts on the Middle East.

Arafat and Assad met in Damascus Monday, five years after the Syrian president threw Arafat out of Syria in an attempt to gain control of the PLO.

Since then, the PLO has been split between Arafat and a more extreme pro-Syrian segment, which includes such terrorist groups as one led by Abu Nidal and the Popular Front for the Liberation of Palestine, led by George Habash.

"It's bad news for the Shultz initiative, which was already flagging," said Martin Indyk, executive director of the Washington Institute for Near East Policy.

"The peace process is less likely," agreed Daniel Pipes, director of the Philadelphia-based

Foreign Policy Research Institute.

The State Department has not made any public comment on the Arafat-Assad meeting.

Indyk and Pipes agreed that the Assad-Arafat rapprochement is more harmful to Jordan than to Israel. Pipes noted that it is a victory for the more hard-line PLO factions, and "Israel finds it easier to deal with rejectionists."

"Israel wasn't about to deal with Arafat" and thus the rapprochement was "irrelevant" for Israel, Indyk said.

Hussein Role 'Impossible'

As for Jordan, Indyk said King Hussein's ability to agree to negotiations with Israel, "which was limited, is now impossible," since Hussein needs backing from the PLO or Syria.

He noted that for five weeks Arafat has refused an invitation from Hussein for talks.

Arafat's return to Damascus was facilitated by the assassination of his second-in-command, Abu Jihad, in Tunis April 16, an attack believed to have been carried out by the Israelis.

Although Abu Jihad's family had wanted him to be buried in Jordan, the PLO leadership decided on Syria, at Assad's invitation, in what was considered a slap at Hussein.

Pipes said that Arafat's decision to go to Damascus was a sign of weakness, following the Palestinian uprising on the West Bank and Gaza Strip which was launched independently of the PLO. He noted that Arafat has used this approach before, when he needed to strengthen his position.

For example, Pipes said, Arafat went to Cairo for a meeting with President Hosni Mubarak after the PLO was forced out of Beirut in 1982, following the Israeli invasion of Lebanon. It was Arafat's first visit to Cairo since the 1978 Camp David accord, Pipes noted.

PLO Now 'Spectators'

Indyk said that the "spontaneous" uprising in the territories reversed the roles of the local Palestinians and the PLO, since the Palestinian inhabitants were now the "actors" and the PLO "spectators."

He said that both the PLO and Syria want to control the uprising. "Arafat had no choice but to take a more extreme position," Indyk said.

The PLO has to show it is still effective and is thus doing the only thing it can, which is to attempt to infiltrate terrorists into Israel, Indyk said.

He noted that in the last several weeks, there have been at least nine attempts by terrorists to infiltrate into Israel.

Indyk called the rapprochement a "matter of convenience," since neither Syria nor the PLO can accept that the Palestinians in the territories act independently.

But he said it will not be "smooth sailing" since Assad wants "Arafat under his thumb" so that he can control the Palestinian movement.

This was the reason Arafat was expelled from Syria in 1983. Pipes noted that there have been numerous clashes between Assad and Arafat as far back as 1966, when Assad, then defense minister, jailed Arafat.

But as for now, Indyk stressed, it is the "common interest" of Assad and Arafat, as well as the Soviet Union, to "appear united for a new administration" in Washington and to "show that Shultz cannot succeed" without their participation.

KOCH APOLOGIZES TO BLACKS FOR ATTACKS ON JESSE JACKSON

By Andrew Silow Carroll

NEW YORK, April 27 (JTA) -- New York City Mayor Edward Koch issued a flurry of apologies to blacks Tuesday for getting "carried away" in his criticism of the Rev. Jesse Jackson.

At a breakfast meeting in Washington, in a statement issued upon his return to New York and in a letter to the editor printed in The New York Times, Koch defended the substance of his attacks on the Democratic presidential candidate, but said that he underestimated the black community's emotional tie to Jackson.

Koch, who is Jewish, criticized Jackson repeatedly during the New York primary campaign, saying at one point that Jews and other supporters of Israel would be "crazy" to vote for Jackson based on his Mideast views.

The remarks sparked racial tensions and led to widespread discussion among black and white voters of a "Stop Koch" movement prior to next year's mayoral race.

At the Tuesday breakfast meeting, Koch said he would try to make amends with the black community.

"I am sorry that I injured their feelings and I will redress that as best I can, not just with words, but with programs" dealing with health and housing problems, he said.

In his letter to the Times, Koch wrote, "If I was carried away in my language and the repetition of my attacks, it was because of what I perceived to be a danger at hand."

Koch's statements during the primary campaign and his support of Sen. Albert Gore (D-Tenn.) seemed to have backfired. Network television polls indicated that 62 percent of the Democrats surveyed opposed a fourth term for the flamboyant mayor.

HOUSE ADOPTS GENOCIDE BILL

By David Friedman

WASHINGTON, April 27 (JTA) -- The bill making genocide a crime in the United States was adopted by a voice vote in the House Monday.

A Senate vote is not expected before next week on the bill, which implements the United Nations Convention Against Genocide which the Senate ratified in 1986.

While the Senate is expected to approve the legislation, supporters of the bill fear that an effort may still be made to include the death penalty as one of the punishments.

The House bill did not contain capital punishment, and an amendment for the death penalty died on a 6-to-6 tie vote when the Senate Judiciary Committee approved the implementation legislation April 14.

However, a death penalty amendment could still be offered on the Senate floor, according to Reva Price, of B'nai B'rith International.

The Washington Post, in an editorial this week, urged the Senate to adopt the legislation without the death penalty.

The editorial noted that supporters of the amendment may have been strengthened by the decision of a three-judge district court in Israel to impose the death penalty on John Demjanjuk, the former Treblinka death camp guard.

The legislation now would impose a fine of up to \$1 million and/or 20 years in prison if an act of genocide committed in the United States or

by a U.S. citizen abroad results in death. Anyone convicted of "incitement to genocide" would face a fine of up to \$500,000 and/or five years in prison.

STATE DEPT. NIXES AUSTRIA'S REQUEST FOR HELP ON BRONFMAN LIBEL SUIT

By Howard Rosenberg

WASHINGTON, April 26 (JTA) -- The Justice Department is refusing to help Austrian President Kurt Waldheim prepare a libel suit against World Jewish Congress President Edgar Bronfman.

John Russell, a Justice Department spokesman, acknowledged that Waldheim had asked for assistance in preparing a slander case against Bronfman, but said the department declined because it would constitute a "conflict of interest."

Russell explained that the conflict existed because the department had been compiling "adverse information" about Waldheim, and had placed him on its "watch list" prohibiting entry into the United States.

The New York Times reported Wednesday that Austria's chief prosecutor is gathering evidence to sue Bronfman for accusing Waldheim of being "part and parcel of the Nazi killing machine" during World War II.

Those comments were made when Bronfman arrived in Budapest, Hungary for a meeting of the World Jewish Congress's governing board in May 1987.

A similar statement by Bronfman appeared in an op-ed piece in The Times Feb. 14, in which Bronfman called Waldheim "a liar and an unrepentant man who was part and parcel of the Nazi killing machine."

POLICE CONDUCT DURING HIJACKING IN THE NEGEV COMES UNDER SCRUTINY

By Hugh Orgel

TEL AVIV, April 27 (JTA) -- Police Inspector General David Kraus told a Knesset panel Tuesday that there are no grounds for disciplinary action against three police officers who let terrorists speed by their roadblock March 7 in a stolen military car.

While Kraus called the incident "an understandable accident," Knesset member Mordechai Virshubski of the Shinui Party insists it was a serious blunder. The terrorists went on to hijack a bus carrying workers from Beersheba to the nuclear plant at Dimona, resulting in the deaths of three of the passengers.

The Israel Defense Force already has disciplined three junior officers who allowed the terrorists to seize their vehicle because they were unarmed -- in violation of regulations.

Now that the Supreme Court has ordered the military censor to lift its ban on publishing details of the incident, the public can decide whether the police were in any way culpable.

Kraus, who appeared at a closed-door meeting of the Knesset Interior Committee Tuesday night, before censorship was lifted, said the police officers were in the process of setting up the roadblock when the terrorists appeared in the stolen car.

One police officer who was moving the barrier into place was not carrying his weapon. Another fired his Uzi submachine gun at the terrorists, but it jammed. The third policeman fired and hit the speeding vehicle, but was not able to disable it.