

SUPREME COURT UPHOLDS DEPORTATION OF PALESTINIAN ACTIVIST MUBARAK AWAD
By Gil Sedan

JERUSALEM, June 5 (JTA) -- Israel's Supreme Court on Sunday upheld the deportation order against Mubarak Awad, a Palestinian activist and American citizen.

The court stayed execution of the order for one week, however, to allow Awad to testify in his libel suit against Maariv. The newspaper alleged he was a drug trafficker in the United States and that he channeled his income to the Palestine Liberation Organization.

Militant Jewish settlers and other right-wing Israelis promptly demanded Awad's immediate expulsion lest Premier Yitzhak Shamir, the acting interior minister, come under American pressure, during his visit to the United States this week, to rescind the deportation order.

Israelis who support Awad's right to remain in the country rallied for him Sunday outside the Supreme Court building. They surrounded Awad's American wife, Nancy, who read a statement from him and sang "We Shall Overcome," the theme song of the American civil rights movement.

Awad, who was born in East Jerusalem, is an advocate of non-violent Palestinian resistance to Israeli control of the West Bank and Gaza Strip. His method has been to encourage civil disobedience. But ultranationalists claim he also fomented violence in the administered territories.

Although Shamir claimed Awad was subverting state security and public order, the official grounds for his deportation were that he is in the country illegally. Awad's residence visa expired last November.

The high court rejected Awad's argument that as a native of East Jerusalem he does not come under the Israeli residency law. According to that law, an Israeli resident loses his status if he either remains outside of the country for seven years or becomes a citizen of another country.

Awad left Jerusalem after the 1967 Six-Day War and lived in the United States, where he acquired citizenship. He returned to Jerusalem about three years ago and founded an institute for the study of non-violence.

Justice Aharon Barak, who wrote the court's decision, said the interior minister's decision was fully justified on legal grounds. "Regarding the wisdom of this act of deportation, we will not express our opinion on it," Barak said speaking for the court.

Status Of East Jerusalemites

Legal experts noted that the significance of the court's decision was its unequivocal ruling that the annexation of East Jerusalem to Israel in 1967 and the imposition of Israeli law on the entire city did not grant residents of East Jerusalem the same rights as Israeli citizens.

The court affirmed that the right of East Jerusalem residents to remain there is subject to the approval of the interior minister. Therefore, under Israeli law, even permanent residents can be deported by the minister, whereas Israeli citizens cannot be.

In short, the high court ruled that the

annexation of East Jerusalem applied to the territory, not the people living there, the legal experts said.

Awad's written statement, read by his wife, said he had expected defeat of his appeal. "I am a Palestinian in an enemy court, I am Christian in a Jewish justice, I am from occupied Jerusalem in an Israeli high court," he wrote.

"As a Palestinian, I never hated you," Awad told the Israelis. "But as a Jerusalemite, I am telling you: I will be back."

'You Are Outsiders Here'

Awad's lawyer, Jonathan Kuttub, said after the ruling, "The message that Premier Shamir has sent us is very clear: You are outsiders here, you don't belong in this land."

Awad reportedly has asked to see U.S. Secretary of State George Shultz, who is presently in Israel on his latest Middle East peace effort. Jewish militants fear the secretary might intervene for Awad, as the U.S. State Department did last November. As a result of that appeal, Awad's deportation was put on hold for six months.

A group of right-wing Jews demonstrated Sunday demanding Awad's immediate ouster. Among the most vocal was Ira Rapaport, a former member of a Jewish terrorist underground only recently released from prison, where he served a sentence for acts of violence against Arabs.

"This is a person who has consistently tried to overthrow our country, in talk and in practice," said Rapaport. "Let him go to the United States. There they like terrorists. We don't want any terrorists in our country."

KEEPING STATUS QUO IN TERRITORIES IS 'AN ILLUSION,' SHULTZ WARNS ISRAELIS
By David Landau

JERUSALEM, June 5 (JTA) -- U.S. Secretary of State George Shultz arrived in Israel on Sunday, apparently encouraged that the Middle East peace initiative he began last winter is still showing vital signs.

Shultz arrived from Amman, where he met Saturday with King Hussein of Jordan. It is his fifth visit to the Middle East since he embarked on his peace mission late in February.

This time he comes almost directly from Moscow, where the Middle East was on the agenda at the summit meeting between President Reagan and Soviet leader Mikhail Gorbachev.

According to Israeli Radio, Shultz told Premier Yitzhak Shamir and Foreign Minister Shimon Peres at separate meetings Sunday that he had detected a discernible shift in the Soviet stance on the Middle East.

He said he also noticed a change with respect to human rights. The issue can now be freely discussed with Soviet policymakers, Shultz said, adding that he hoped this would translate into more exit visas for Jewish refuseniks.

His assessment reportedly drew different reactions from Israel's top leaders. Sources close to Shamir said he viewed the ostensible Soviet shift on the Middle East as mainly semantic.

Peres, on the other hand attached significance to the changes described by Shultz, Foreign Ministry sources said.

With respect to Jordan, Shultz reportedly assured the Israelis that rumors Hussein was trying to disengage from the peace process and the fate of the West Bank were wholly without foundation. He said the Jordanian ruler conveyed an entirely different impression during their talk in Amman, Israel Radio reported.

'A Dead-End Street'

Shultz arrived here with blunt words for the Israelis, the Palestinians and the Arab states. The continued occupation of the West Bank and Gaza Strip and the frustration of Palestinian rights is a "dead-end street," he declared.

"The belief that this can continue is an illusion," he told his Israeli hosts. At the same time, he warned the Palestinians that the belief that violence can end the Israeli occupation is also an illusion.

From the Arab states he demanded "realism, not rhetoric." Shultz seemed to agree with Shamir that the Palestinian uprising is on the wane.

Shultz and Shamir emerged from a working session late Sunday afternoon, apparently in a good mood. The U.S. official characterized their talks as "constructive, worthwhile and frank."

Shamir said he was "grateful to the secretary for sharing with us his comments, interpretations and views."

Shultz also had meetings with Defense Minister Yitzhak Rabin and with six ranking members of the Knesset Foreign Affairs and Defense Committee. He was to dine at Shamir's residence Sunday night, and then return to Cairo, which has been his base for his current Middle East trip.

Shamir was to leave at midnight for the United States, where he will participate Tuesday in a United Nations session on disarmament and raise funds for the Likud party's election campaign war chest.

The Israeli premier was scheduled to address the Conference of Presidents of Major American Jewish Organizations on Monday afternoon and the 75th annual meeting of the Anti-Defamation League of B'nai B'rith on Thursday night.

THOUSANDS OF ISRAELIS PROTEST HOLDING ON TO THE TERRITORIES

By Hugh Orgel

TEL AVIV, June 5 (JTA) -- Thousands of pro-Palestinian Israeli demonstrators clashed with police and hostile bystanders during a march along Dizengoff Street here Saturday protesting the continued occupation of the West Bank and Gaza Strip.

Eight people were arrested, including a woman who wrapped herself in a Palestinian flag. Two foreign press photographers were injured in scuffles with police. The camera of one of them was allegedly smashed when he took pictures of club-wielding cops wading into the unruly crowds.

The march down Tel Aviv's main business thoroughfare ended with a rally at Malchei Yisrael Square outside City Hall.

The event was organized by an ad hoc coalition of a score of far left-wing organizations. According to police estimates, 5,000 attended. The organizers claimed a turnout of 10,000.

Peace Now, the largest and best-known group opposed to government policies in the territories, did not participate. Apparently Peace Now did not want to associate itself with the blatantly pro-Palestinian extreme left.

SETTLERS KILL PALESTINIAN YOUTH, AS ARABS IN TERRITORIES STRIKE

By Gil Sedan

JERUSALEM, June 5 (JTA) -- Two Palestinians were killed over the weekend, one apparently by militant Jewish settlers, as Palestinians in the West Bank and Gaza Strip staged a general strike to protest the arrival of U.S. Secretary of State George Shultz.

Mustafa Halaika, 20, was killed Friday morning in the West Bank Arab village of Shuyukh, near Kiryat Arba, in what was described by villagers as an attack by five young armed Jews wearing civilian clothes and skullcaps. A 15-year-old boy and a 46-year-old man were wounded in the incident.

Maariv reported Sunday that a member of Rabbi Meir Kahane's extremist Kach party boasted of the raid on Shuyukh. He was quoted as saying Kach did it to avenge the death of yeshiva student Eliczer Schlesinger, who was shot by an Arab girl in a Jerusalem park after midnight on Thursday.

But police said Sunday they were still in the dark about the circumstances surrounding the incident. The IDF confirmed there were no soldiers in Shuyukh at the time.

But troops were sent in when riots broke out in Shuyukh and nearby Si'r village after the raid. Two Arab women were overcome by tear gas.

The eyewitnesses said the Israeli settlers entered the village Friday morning, smashed windows with rifle butts, broke into homes, clubbed people and vandalized furniture.

The intruders then allegedly opened fire, killing Halaika, and also fired on villagers trying to go to his aid. Finally, they fled toward the nearby Jewish settlement of Asfar, the witnesses said.

According to Maariv, the Kach activist told the newspaper that 11 people participated in the raid, some of whom fired toward the villagers' homes.

"The youth was killed because he had left his home. Had he stayed at home, nothing would have happened," the activist was quoted as saying.

The newspaper said its informant showed reporters maps, communications equipment and a Baretta pistol, and boasted that the entire operation took between 5 and 10 minutes.

Another Killed Near Ramallah

Elsewhere in the West Bank, soldiers killed Mahmoud Ghanem, 26, during a stone-throwing incident in Saffa village, west of Ramallah.

Military sources said trouble began Friday evening, when a patrol was surrounded by villagers who hurled rocks at them.

An officer fired into the air and later into the crowd, killing Ghanem. According to the sources, the officer was in danger when he opened fire.

The general strike in the territories, in its third day Sunday, was occasioned by the 21st anniversary of the start of the Six-Day War and the latest visit to the Middle East by Shultz.

Shops were closed and public transportation was spotty. Only a handful of Arab day laborers went to their jobs in Israel.

But schools in the territories, reopened by the Israeli authorities last week after a three-month closure for security reasons, held classes as usual.

JAPANESE FOREIGN MINISTER TO PAY AN UNPRECEDENTED VISIT TO ISRAEL

By Howard Rosenberg

WASHINGTON, June 5 (JTA) -- Japanese Foreign Minister Sosuke Uno's visit to Israel later this month will be the first by a high-level Japanese official to the Jewish state.

Shingo Yamagami, second secretary at the Japanese Embassy here, said Uno will visit Israel sometime between June 22 and June 27.

The purpose of the visit will be to "exchange opinions" with heads of state in the Middle East, Yamagami said, because achieving peace in the Middle East is "vitaly important to Japan."

Yamagami explained that Japan has placed a new emphasis on foreign affairs. He quoted Prime Minister Noboru Takeshita, who told the United Nations General Assembly June 1 that he is trying to increase Japan's role abroad.

A political counselor at the Israeli Embassy here concurred that Japan is seeking to increase its stature worldwide. He said Japan currently provides aid to Syria and Egypt and could be seeking to increase its level of assistance to them.

Uno will meet with Prime Minister Yitzhak Shamir, Foreign Minister Shimon Peres and President Chaim Herzog, the Israeli counselor said.

Uno's itinerary will include visits to Syria, Jordan, and Egypt, although Yamagami said those plans have not been completed. It has not been confirmed that Uno will visit Palestinians in the administered territories, but the Israeli said Uno "wants to meet Palestinians" to help understand the Arab unrest.

David Harris, Washington representative of the American Jewish Committee, said that Japan's good relations with Arab countries won't be "jeopardized" because the trip to Israel coincides with a world oil glut that reduces Arab leverage over Japan.

Harris said the lack of a Cabinet-level visit was "long overdue" and had "stained" Japan's relations with both Israel and the United States.

FRENCH COURT REJECTS APPEAL OF WAR CRIMINAL KLAUS BARBIE

PARIS, June 5 (JTA) -- The French Supreme Court rejected Friday an appeal by Nazi war criminal Klaus Barbie, known as the "Butcher of Lyon," of a life sentence he received last year.

A criminal court in Lyon sentenced Barbie to life imprisonment on July 4, 1987, on 17 counts of war crimes committed when he served as Gestapo chief in the city from 1942 to 1944.

Barbie, 74, was found guilty of deporting Jewish children to the Auschwitz death camp, arresting thousands of the city's Jews and the arbitrary torture of countless other people.

His lawyers sought to overturn the verdict on 14 legal technicalities, but the court ruled Friday that there had been no violation of judicial procedure during the eight-week trial.

The main argument of Barbie's lawyers was that having been tried previously for war crimes, he should not have been tried a second time.

Barbie, who fled to South America after the war, was sentenced to death in absentia in 1952 and 1954 by French courts. The death sentence was nullified by the statute of limitations and the fact that France abolished the death penalty in 1981.

DOCTORS CRITICIZE CABINET MOVE TO SET UP PANEL ON MEDICAL CRISIS

By David Landau

JERUSALEM, June 5 (JTA) -- The government's plan to resolve the health care crisis got a resounding thumbs down from the medical and allied professions as soon as it was announced after Sunday's Cabinet session.

Doctors, paramedics and representatives of other employee groups at the government and Histadrut hospitals condemned the plan. They said they would continue their strikes, slowdowns and other work sanctions in defiance of the Cabinet.

The ministers decided unanimously, after a stormy five-hour session, to establish a government commission to examine the state of the health services and make far-reaching proposals to overhaul them. They would be binding under the law.

Although the details were not announced, the panel presumably would be headed by a judge and include experts in the fields of medicine and administration.

In the interim, the Cabinet established a ministerial committee to resolve the most critical problems. It consists of Premier Yitzhak Shamir, Foreign Minister Simon Peres, Finance Minister Moshe Nissim and Health Minister Shoshana Arbeli-Almoslino.

The dispute that has crippled health care in Israel for months is largely between hospital personnel and the Treasury over wage-related issues. The Cabinet called on the employees to end their job actions and give the two panels a chance to work.

But Dr. Yehoshua Weissbord, who heads the doctors' union at the government hospitals, demanded immediate agreement to one of his group's major demands: the establishment of afternoon shifts in operating theaters. The purpose is to reduce the backlog of patients waiting for elective surgery and enhance the income of doctors.

"It's not our fault the government's taking months to move," the doctor said. "We won't stop our sanctions until they understand what has to be done, and do it."

ISRAEL'S NUCLEAR CAPABILITY A THREAT TO THE ENTIRE WORLD, JORDAN CHARGES
By Yitzhak Rabi

UNITED NATIONS, June 5 (JTA) -- Jordan's King Hussein charged Friday that Israel's nuclear capabilities are a threat to the entire world.

Ambassador Abdullah Salah of Jordan, in a statement to the special General Assembly session on disarmament, said on behalf of the Jordanian monarch that Israel "has been building up its nuclear capabilities since the 1950s and is still continuing to develop and expand them to the extent that it now represents a terrible threat, not only to the Middle East region, but to the world as a whole."

The king urged the United Nations to halt Israel's alleged nuclear build-up.

"Jordan looks to the United Nations as the appropriate forum through which effective measures must be taken to ensure that the Middle East region is kept free of nuclear weapons in such a way that Israel's military nuclear program is halted and its nuclear weapons eliminated," the Jordanian envoy said.

Prime Minister Yitzhak Shamir is scheduled to address the General Assembly session Tuesday.

EXPERTS ON WALDHEIM CASE QUESTION THE FAIRNESS OF HBO TV 'TRIAL'

By Susan Birnbaum

NEW YORK, June 5 (JTA) -- American experts familiar with the Kurt Waldheim case have expressed strong reservations about the propriety of a cable television special probing the Austrian president's guilt for wartime crimes.

The Home Box Office program "Waldheim: A Commission of Inquiry," which was to premier in several countries worldwide Sunday night, is an unusual television "trial" of a living person for alleged wartime crimes not tried by any other court.

According to HBO, 20 researchers working in 19 different countries located more than 10,000 pages of material on the Waldheim case, much of which they claim is newly uncovered and unpublished.

Evidence against Waldheim was presented in front of a panel of five respected judges from various Western countries. The eight-day hearing was to culminate with the judges rendering a verdict on whether Waldheim "wrongly participated in acts which were contrary to the international laws of war" while serving as a German army intelligence officer in the Balkans during World War II.

The judges' verdict, which has been kept secret, was to be broadcast by satellite from London on Sunday at 11 p.m. British time.

The program is a co-production of HBO and Thames Television in London. Following its three-and-a-half-hour debut Sunday at 8 p.m. Eastern Daylight Time, a special two-and-a-half-hour program will be telecast June 9, 13, 17, 25 and 28. The program is an HBO exclusive.

The head of the Justice Department's Office of Special Investigations, Neal Sher, criticized the television trial as being "troubling."

'Don't Try A Man On Television'

"Generally, you don't try a man on television," he said in a telephone interview. "No matter how it's packaged, it's not a trial, it's still television. But to put it in a courtroom setting, I think it's demeaning to what my office does."

Sher declined the request of HBO researchers for any information the OSI had on Waldheim. The Austrian president was placed on the U.S. "Watch List" of undesirable aliens who may not enter the country.

Sher drew attention to the difficulty of verifying testimony provided by witnesses in a television forum. Noting that no witnesses called for the program testified under oath, he asked, "If a witness lies, what do you do with him? Could you subpoena documents? The question is, how was the information analyzed?"

"Regardless of the amount of resources, the fact is they have no subpoena power, nothing to guarantee perjury provisions," he said.

Sher said he had no intention of watching the broadcast. But he added that if it had been produced as a documentary, "I would have absolutely no problem."

Brooklyn District Attorney Elizabeth Holtzman was concerned that a "verdict" of "insufficient evidence to stand trial" could jeopardize Waldheim's inclusion on the U.S. Watch List, according to a spokesperson. It was Holtzman who, as a member of Congress 10 years ago, authored legislation denying entry to the United States to anyone who had abetted the Nazis.

But one official familiar with the Waldheim case had no such qualms. Allan Ryan Jr., Sher's predecessor as head of OSI, served as Waldheim's "prosecutor" in the unusual trial.

Chance To Provide Information

"I would be a lot more concerned about usurping a government's function if there were a court out there who I thought would try him," Ryan said. He said he saw the program as an opportunity to disseminate information on Waldheim to the public.

Ryan was present at an abridged premier of the program Thursday night at the Jewish Museum in New York. During the 90 minutes of video seen that night, two former German army associates of Waldheim disclaimed any knowledge of massacres against Greek civilians or Italian soldiers.

This conflicted with witnesses' claims that the German army's Mountain Division brutally killed civilians and deported soldiers and Jews with no conformity to international law.

Witnesses for the prosecution called include a Greek survivor of the Komeno massacre; a British legal expert, a British historian and a West German historian.

Telford Taylor, U.S. chief prosecution counsel at the Nuremberg Trials in 1946, oversaw legal proceedings for the "trial." Taylor, who was present at the premier Thursday, said that the "Waldheim question is very much broader than the film endeavors."

He called the film "the most unique and the best feature. This could have been done with actors. Instead, it was done with five of the most prestigious judges."

VICTIMS OF NAZIS DENIED PENSION BONUS; MORE REPARATIONS FUNDS MAY BE MISSING
 By David Kantor

BONN, June 5 (JTA) -- Those persecuted by the Nazis and their surviving relatives are not entitled to an extra month's pension payment each year, similar to the bonuses received by most German wage-earners and salaried employees, the federal court in Karlsruhe decided last week.

The court, the Bundesgerichtshof, acted on the appeal of the widow of a Nazi persecutee who has been receiving a state pension since 1986. She asked that a 13th monthly payment be transferred to her account each year, inasmuch as German workers are normally paid 13 months' salary a year. The court's ruling cannot be appealed.

Meanwhile, the economic institute Treuarbeit has refused to comment on its investigation into the embezzlement of reparations funds intended for Nazi victims by the late Werner Nachmann, who headed the West German Jewish community until his death in January.

The institute would not confirm reports that more money was misappropriated by Nachmann than the 33 million marks (now about \$20 million) he was originally accused of transferring from the reparations account to his own use. According to the Treuarbeit, its probe so far has been inconclusive.

The charges against Nachmann were made last month by Heinz Galinski, who succeeded him as president of the Central Council of Jews.

The former secretary of the Central Council, Alexander Ginsburg, has admitted, meanwhile, that Nachmann transferred 30,000 marks (\$17,000) from the reparations fund to the account of Ginsburg's wife. He said they planned to pay it back.