

## MANY STUNNED BY VERDICT ACQUITTING THE MAN ACCUSED OF MURDERING KAHANE

By Debra Nussbaum Cohen

NEW YORK, Dec. 22 (JTA) -- The acquittal of El Sayyid Nosair in the murder of Rabbi Meir Kahane was a surprise to almost everyone involved in the trial, including his own lawyer.

And it has angered the late Jewish Defense League founder's supporters, some of whom have vowed to exact revenge.

Kahane's son, Rabbi Binyamin Ze'ev Kahane, pledged that Nosair would be haunted by Kahane followers until his death.

"We vow that El Sayyid Nosair will not see a day without fear until his very last day," the younger Kahane, who is director of a militant group called Kahane Chai, said after the verdict was announced Saturday evening.

Nosair, an Egyptian-born Moslem, was acquitted by a jury of nine women and three men of murdering Kahane on the night of Nov. 5, 1990, while he was giving a speech at a hotel on the East Side of Manhattan.

He was also found not guilty of attempting to murder a postal officer who allegedly attempted to prevent Nosair from leaving the murder scene. But the jury did convict Nosair on lesser charges of assault and weapons possession.

The verdict stunned many, who had assumed it was an "open and shut" case.

Nosair's own attorney, William Kunstler, had told The New York Times, in an interview before the verdict was returned, that he expected the jury to be deadlocked or to come back from four days of deliberation with a guilty verdict.

"It was just so open and shut that Kahane was murdered by Nosair," said Rabbi Avi Weiss, president of a direct-action group called the Coalition for Jewish Concerns. "I can't pinpoint it, but there is the sense that the District Attorney's office was no match for Kunstler.

"I'm not at all arguing conspiracy, but this is the second time that New York authorities have failed in high-powered cases regarding Jews," Weiss said. "It makes you wonder."

The rabbi was referring to the fact that a single youth was arrested in the murder of Yankel Rosenbaum, the Australian scholar attacked by a gang of black youths during the riots last August in Brooklyn's Crown Heights section.

### 'Boggles The Mind'

Abraham Foxman, national director of the Anti-Defamation League, said he finds the verdict "bizarre, totally inconsistent."

Foxman, no advocate of Kahane's but one of the few non-Kahane supporters to attend his funeral in November 1990, said that "to find Nosair guilty of assault and possession, and not of murder, boggles the mind."

Speculating that a deal may have been cut among the jurors, he called for a special investigation by the appropriate authorities into the apparent inconsistencies. But Foxman said he did not suspect a government conspiracy.

"This was one big surprise for everyone," said State Assemblyman Dov Hikind (D-Brooklyn).

Hikind is coordinating a campaign of advertisements and rallies to push for maximum sen-

tences for the four counts of assault and weapons possession of which Nosair was convicted.

Hikind said \$25,000 has already been pledged toward the campaign.

Nosair's sentencing by New York State Supreme Court Judge Alvin Schlesinger is scheduled for Jan. 29.

Hikind said he is also trying to have federal charges brought against Nosair for breaching the civil rights of Kahane and the two bystanders who were wounded in the incident.

The president of the Jewish Community Relations Council of New York said that the case should not be closed.

Kenneth Bialkin called on "state and federal officials to launch a meticulous review of the evidence and the way law officials handled the case, in order to ascertain whether federal charges against Mr. Nosair or some other individuals should be brought."

### Son 'Never Expected Justice'

Kahane's son, who found the assistant district attorneys heading the prosecution unsatisfactory throughout the trial, was probably least surprised of anyone involved.

"I never expected justice from an American court," he said in a statement. "I never expected to see justice emanate from the same USA that displays its hostility to Jewish people and to the State of Israel in a flagrant fashion."

In Israel, Kahane supporter Noam Federman said Nosair was acquitted because the American judicial system is anti-Semitic and anti-Israeli.

A handful of members of the Kach movement, which Kahane founded in Israel, demonstrated Saturday night in front of the U.S. Consulate in West Jerusalem.

Nosair's acquittal is "a clear message to Jew-haters that you can kill a Jewish leader and get away with it," said Moshe Phillips, a spokesman for Kach International, the movement's American arm.

Phillips expressed resentment toward "establishment" Jewish organizations for not speaking out against Kahane's murder before, during or after the trial.

"The so-called defense groups, which have been silent the last year and did not attempt to draw any attention to this case, are also to be blamed" for the verdict, Phillips said.

Shifra Hoffman, who described herself as a good friend and close associate of the late Kahane's, said that "the Jewish community's so-called leadership will have to bear the guilt of abandoning Rabbi Meir Kahane in death, as many of them did in life.

"To my knowledge, there was not one representative of any Jewish organization at the trial, while Nosair had help from all different areas, including the government of Egypt," said Hoffman, who is founder of an organization called Victims of Arab Terror International.

Rabbi Weiss said he is "terribly disappointed that more people, even those who had nothing to do with Kahane, haven't spoken out about this. He was isolated in his politics and isolated even in his murder."

(JTA correspondent Gil Sedan in Jerusalem contributed to this report.)

## ISRAEL ACCEPTS ANOTHER ROUND OF PEACE TALKS IN WASHINGTON

By David Landau

JERUSALEM, Dec. 22 (JTA) -- Israel has dropped its insistence on a Middle East venue for the time being and will return to Washington next month to resume the bilateral peace talks with the Arabs, which recessed there last week.

Prime Minister Yitzhak Shamir made that clear at Sunday's Cabinet meeting.

Afterward, Transport Minister Moshe Katsav told the media Israel had agreed from the outset to "two rounds" of talks in Washington before pressing for their shift near the Middle East.

"I believe the third round will be held closer," he said.

The first round began Nov. 3, after the ceremonial opening of the peace talks in Madrid, and the second opened in Washington on Dec. 10.

President Bush, who said he was frustrated by the lack of progress toward substantive issues, complained last week that the parties had spent too much time talking about "where the next meeting is going to be."

But the Israeli delegates were more upbeat when they returned to Jerusalem. After six days of meetings with Syrian and Lebanese negotiating teams and with a joint Jordanian-Palestinian delegation, all parties agreed to meet again.

The date set with the Palestinians, Jan. 7, apparently was accepted by the Syrians and Lebanese as well.

Shamir also indicated that Israel would continue to meet simultaneously with the three Arab teams. Previously it wanted to stagger the negotiations to erase any impression of an international conference.

The Cabinet dismissed the objections of one of its extreme right-wing members, Rehavam Ze'evi of the Moledet party, who declared it was time Israel rejected procedural concessions and refuse to return to Washington.

## ISRAELI COMMANDO RAID IN LEBANON CRITICIZED AS INTELLIGENCE FOUL-UP

By Hugh Orgel

TEL AVIV, Dec. 22 (JTA) -- An Israeli raid into southern Lebanon, in which commandos kidnapped three Lebanese security suspects Friday, has been criticized in defense establishment circles here for its faulty execution and poor timing.

But the Israel Defense Force, rejecting such conclusions, hailed the operation as a deterrent to future guerrilla attacks on the IDF and its allies in the region.

Nevertheless, the three suspects, who were seized by an IDF elite unit in southern Lebanon early Friday morning and transported to Israel for questioning, were returned unharmed to Lebanon on Saturday through the International Red Cross.

The Israeli interrogation apparently failed to link the three to Hezbollah or any other radical group harassing the IDF and its allied South Lebanon Army.

Two of the prisoners were identified as working journalists and the third is a butcher.

The Israeli raid was denounced by Lebanese authorities as an aggressive act and a massive intelligence failure that led to snatching the "wrong men" from Lebanon.

But an official statement issued by the IDF said, "The chief of staff rejects outright the

claim that there might have been an intelligence error in the context of the IDF's activity in Lebanon last Friday."

The statement said the commando raid was one of varied tactics employed by the IDF "to thwart and disrupt terrorist activity from Lebanon and makes clear to the terrorists that the IDF operates in the areas outside the security zone where they organize."

But defense establishment officials, expressing fear of an intelligence foul-up, questioned the wisdom of kidnapping Lebanese from their own soil at a time when Israel is engaged in bilateral peace negotiations with Lebanon.

The talks, which opened in Washington on Dec. 10, recessed last week until next month.

Israel is also engaged in a delicate search for information about the fate and whereabouts of seven IDF servicemen long held captive in Lebanon. At least one of them, air force navigator Ron Arad, is presumed to be alive.

The IDF denied any connection between the abductions and negotiations for the release of Arad, who was shot down over Lebanon in 1986.

## Three Youths Killed

According to media reports, a crack commando unit was helicoptered to the northern edge of the security zone.

The unit proceeded on foot to Jibchit village, 7.5 miles north of the zone, where it set up a roadblock to intercept passersby heading toward Nabatiya, where Hezbollah is known to have a headquarters.

The road was said to be frequented by Hezbollah officials.

It was in Jibchit that Israeli commandos abducted Sheik Abdel Karim Obeid, a spiritual leader of Hezbollah, from his home in July 1989. Obeid has been held prisoner in Israel ever since. Until recently, he was considered Israel's trump card to exchange for Arad.

On Friday, the commandos reportedly stopped about 12 men at the roadblock, releasing all but three after brief questioning.

The three were questioned intensively in Israel but apparently could not be connected to guerrilla activity.

According to reports from Lebanon, two of the men worked for a cable television station in Nabatiya and one of them, Shawki Fahs, was also a part-time reporter for the Reuters news agency.

The third man was a local Jibchit butcher, Kamal Abed Nahal. He collapsed on returning home to learn that his two young sons had been killed, along with a third boy, when one of them picked up a booby-trapped flashlight they found in Nahal's car after he was kidnapped.

Lebanese security officials charged the device had been planted by the Israelis. The IDF denied any connection, saying it was not its practice to leave booby-traps in the reach of children.

The Israeli daily Ha'aretz, quoting a senior military official Sunday, said the debriefing of the commando unit confirmed that the IDF special forces operated according to the high standards governing such activities and no mishap resulted from their operation.

An IDF spokesman described the operation as routine within the context of preventing terrorist acts against the IDF in southern Lebanon.

But Ha'aretz also quoted military sources as saying unofficially that there must have been an intelligence failure because the people detained were of no importance to security.

## EXTREMIST SETTLERS DEFY LEADERS BY CONTINUING TO RAID ARAB AREAS

By Gil Sedan

JERUSALEM, Dec. 22 (JTA) -- Jewish extremists, flouting the authority of the elected leadership in the West Bank, continued to make violent forays into Arab townships and villages over the weekend, despite appeals by the security forces not to take the law into their own hands.

The situation posed a dilemma for Defense Minister Moshe Arens, who appeared to have convinced the Council of Jewish Mayors to reject vigilantism as a response to recent road ambushes and other terrorist acts perpetrated by Arabs.

The problem is that the so-called "action committees" that are responsible for the violence no longer accept the authority of the Council of Mayors, the elected representative body of Jewish settlers in the administered territories.

They demand that Arens negotiate with them instead of the mayor.

The action committees apparently are governed by religious injunctions proclaimed by militant rabbis who influence Orthodox, ultra-nationalist settlers to bypass their recognized leaders.

For the first time since Jewish settlement in the territories began, there is no single, officially recognized body in charge.

Arens is unwilling to negotiate with a welter of ad hoc groups. But the only alternative to an all-out confrontation between the Israel Defense Force and the settlers is an understanding between the two parties.

An understanding is possible only if the IDF can convince the settlers that it can best cope with the growing number of Arab terrorist attacks.

There was speculation here Sunday that another "senior minister" would mediate between Arens and the militants, but no indication who that minister might be.

### Shots Reportedly Fired

High on the list of settler demands is legal action against leaders of the Palestinian intifada. The settlers have protested against the apparent immunity given Palestinian leaders such as Faisal Hussein and Hanan Ashrawi.

Ashrawi has been serving as spokeswoman for the Palestinian delegation engaged in bilateral peace talks with Israelis in Madrid last month and most recently in Washington.

Jews from Kiryat Arba and Hebron, associated with the late Rabbi Meir Kahane's extremist Kach movement, ranged through the neighboring Arab village of Si'ir on Friday, smashing windows, solar heaters and one car, local residents reported.

The Arabs complained that the settlers fired shots during their rampage.

In Nablus, local residents said that Jews fired shots at houses and cars in the Rafidiya neighborhood. Four cars were reportedly damaged.

The anti-Arab Kach movement, ousted from the Knesset several years ago for its blatantly racist platform and program, seems to be behind the incursions.

At the other end of the political spectrum, about 5,000 members of the Peace Now movement on Friday formed a human chain in Silwan, an Arab enclave in East Jerusalem, to protest the recent takeover of Arab houses by Jewish settlers there.

## U.S. TEAR GAS MANUFACTURER SUED FOR DEATHS OF EIGHT PALESTINIANS

By Tom Tugend

LOS ANGELES, Dec. 22 (JTA) -- A California firm supplying tear gas to Israel is being sued for alleged responsibility in the deaths of eight Palestinians.

The suit accuses TransTechnology of Sherman Oaks, Calif., and its manufacturing division, Federal Laboratories of Saltsburg, Pa., of selling tear gas to Israel, even though they knew their product would be used recklessly by the Israeli military, resulting in multiple civilian deaths.

The two companies "are guilty of the worst kind of negligence and indifference, the kind that results in the deaths of innocent people," charged Beth Stephens of the Center for Constitutional Rights, a New York public interest firm representing the plaintiffs.

In filing the suit in federal district court in Pittsburgh, Stephens also charged that the product, called CS gas, "is a toxic substance which is highly dangerous to people who inhale its fumes," the Los Angeles Times reported last Friday.

Company officials in California and Pennsylvania refused to comment on the suit and were not even willing to explain the term "CS gas."

In a prepared statement, however, Robert Tunno, president of Federal Laboratories, said that tear gas was a preferred alternative to "use of deadly force" and that all sales to foreign countries had to be approved by the U.S. State Department.

The Israeli Consulate in Los Angeles would only say that newspaper reports about the suit had been forwarded to the appropriate authorities in Jerusalem.

The suit seeks compensatory and punitive damages on behalf of the spouses and children of the eight victims, all residents of the West Bank, Gaza Strip or East Jerusalem.

### Sales Suspended, Then Resumed

One of the plaintiffs is Rihab Essawi, a West Bank resident and U.S. citizen. He claims his mother, Fatima Essawi, 68, was killed on June 29, 1990, after a CS gas canister landed on the enclosed porch outside a window and filled the living room with its fumes.

"She had difficulty breathing, turned blue and died 40 minutes after arriving at a hospital," the suit stated.

Another alleged victim was Mohammed Abed Ahmad Mash'al, 47, a father of eight, who died May 22, 1990, after walking through a tear gas-infested area to his home in Jaba Mukalber.

A lawyer for the plaintiffs, Jules Lobel, professor of international law at the University of Pittsburgh, said, "The principle involved in this case is that U.S. companies should be held liable when they knowingly aid in the commission of human rights abuses."

TransTechnology suspended sales of tear gas to Israel in April 1988, after public protests about its misuse by the Israel Defense Forces, according to the Times report. Sales were resumed four months later, after Israeli officials assured the company that the gas was being used properly.

The suit alleges that Israel continued to misuse tear gas after the sales were resumed in 1988, such as firing it directly at people, not allowing them a means of escape, and failure to provide medical assistance to those overcome by the gas.

**ENVOY FROM MOSCOW ARRIVES IN ISRAEL  
UNSURE WHAT COUNTRY HE REPRESENTS**

By David Landau

JERUSALEM, Dec. 22 (JTA) -- The first ambassador from Moscow in nearly 25 years arrived here Saturday and was to present his credentials Monday to President Chaim Herzog.

The only problem is that Ambassador-designate Alexander Bubin, who came overland from Egypt on Saturday, is not sure himself what country he represents.

Bubin said that since his letter of assignment came from the Soviet Foreign Ministry in Moscow, he would present himself as the Soviet ambassador when he appeared at the presidential residence in Jerusalem.

But the Russian republic took over the Foreign Ministry last week, and the Soviet Union as a political entity will apparently cease to exist as a nation on Dec. 31.

It will be replaced by the Commonwealth of Independent States, a confederation of 11 republics that were part of the old Soviet Union.

The commonwealth, announced two weeks ago by Russia, Ukraine and Byelorussia, was formally established Saturday during a meeting of leaders of the republics in Alma Ata, Kazakhstan.

Russia, the largest of the republics, which claims the Soviet Union's position as a permanent member of the U.N. Security Council, has said it will assume the Soviet Union's foreign policy obligations for the time being.

But Bubin said he would not know until a later date the state he actually represents.

In a telephone interview from Moscow published last week, Bubin told the Israeli daily Ma'ariv that he would represent "the legal heirs of the Soviet Union."

Whatever that turns out to be, Bubin is probably the last Soviet envoy to present his credentials to a head of state anywhere.

And the ceremonies at Herzog's residence will probably be the last time the Soviet national anthem is performed at an official occasion overseas.

**Free Emigration Urged**

In New York, meanwhile, Shoshana Cardin, chairman of the National Conference on Soviet Jewry, urged the new commonwealth to "adhere to policies of free emigration and pursuit of religious and cultural rights for Jewish citizens."

Cardin's statement also called on the 11 republics "to continue to pursue the full diplomatic relations with Israel, which were resumed by the Soviet Union under President (Mikhail) Gorbachev's leadership."

The Soviet Union broke diplomatic relations with Israel during the 1967 Six-Day War. They were restored on Oct. 18, 1991, when then-Soviet Foreign Minister Boris Pankin signed an agreement with Israeli Foreign Minister David Levy in Jerusalem.

Bubin, a former political commentator, received his official letter of appointment from Gorbachev on Dec. 16, a formality duly recorded by the official Soviet news agency, Tass.

Israel's ambassador in Moscow, Arye Levin, is accredited to the Soviet Union and presented his credentials to Gorbachev.

Bubin pointed out that Gorbachev remains the constitutional head of state of the Soviet Union until it ceases to exist.

Asked by Ma'ariv if he was sorry to be

leaving his homeland at this historic moment, Bubin replied, "I dare say it will be interesting in Israel, too."

Referring to Soviet immigrants in Israel, Bubin said he expected to find "half a million broken threads, which I hope to reconnect to us."

The new envoy paid an unofficial visit Sunday to the Foreign Ministry in Jerusalem. The reopened Soviet Embassy is in Tel Aviv.

**IPO POSTPONES WAGNER CONCERT  
IN ORDER TO POLL SUBSCRIBERS**

By Hugh Orgel

TEL AVIV, Dec. 22 (JTA) -- The Israel Philharmonic Orchestra has canceled a special concert scheduled for Friday that was to have included music by Richard Wagner.

The orchestra decided last Friday to postpone the concert, so that its Public Committee, an advisory group, could poll the thousands of IPO subscribers on the issue.

Daniel Barenboim, the Israeli concert pianist and conductor who was to have led the IPO's Dec. 27 concert, said it could not take place because the poll results would not be known in time.

Wagner is not on the IPO's repertoire because it is unacceptable to a large bloc of Israelis that a Jewish state-sponsored orchestra should perform the works of the 19th-century German composer, who was rabidly anti-Semitic and venerated by Hitler.

The announcement, made Dec. 15, that the IPO members had voted by large majority to include Wagner in the upcoming concert stirred fierce protests.

Knesset Speaker Dov Shilansky, a Holocaust survivor, was one of several public figures who urged the IPO to reconsider. But many music-lovers supported the orchestra's decision. They argued that great art should not be banned because the artist was evil.

They noted that many other 19th-century composers were known anti-Semites, including the Polish Frederic Chopin, whose music nevertheless is regularly performed in Israel.

Wagner, who died in 1883, left a body of work that is regarded as integral to the development of modern music. He became an idol and icon of the Nazis, who took power in Germany 50 years after his death.

The IPO's conductor and musical director, Zubin Mehta, agreed with Barenboim that it was ludicrous for a symphony orchestra of world repute such as the IPO to deliberately boycott Wagner.

The Indian-born Mehta was widely criticized in 1981 when he tried to include Wagner as an encore piece at a public concert. Much of the audience walked out.

Barenboim planned to include the overture to the operas "The Flying Dutchman" and "Tristan and Isolde" in Friday's program.

In anticipation of protests, the concert was scheduled as a special event, rather than part of the regular season. IPO subscribers therefore would not feel Wagner was being forced on them.

Now they are being asked to decide the issue. Should the poll show that a majority has no objections to Wagner's music, the concert may be rescheduled.

But Barenboim, an authority on Wagner's music and one of its foremost exponents, will not conduct because of prior commitments.