

NEWS AT A GLANCE

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■ **Three senior Argentine police officers and a retired officer were indicted as accomplices in the 1994 bombing of the Jewish community headquarters in Buenos Aires. A local Jewish leader commended the action as a major breakthrough in the investigation of the attack. [Page 3]**

■ **Palestinian Authority leader Yasser Arafat called for the establishment of a commission to investigate the death of a Palestinian demonstrator in Tulkarm and the wounding of seven others in clashes between residents and Palestinian police.**

■ **Israel gave Palestinian Council member Hatem Abdel Kader 24 hours to close down his Jerusalem office. Israeli Public Security Minister Avigdor Kahalani said the recently opened office was an example of activities the Palestinian Authority was carrying out in Jerusalem that violated the accords signed with Israel.**

■ **Israeli security forces launched a widespread search for two Palestinian security prisoners who escaped from the Ashmorot jail at Beit Lid via a tunnel they dug under the prison. Both prisoners belonged to the Islamic Jihad.**

■ **An Israeli military court sentenced an Islamic militant to 30 years in prison for his role in the kidnapping and murder of Israeli soldier Nachshon Waxman two years ago. Waxman was killed in an Oct. 14, 1994, rescue raid by Israeli commandos. [Page 2]**

■ **British Holocaust denier David Irving lost another bid to enter Australia. The country's highest appeals court rejected an attempt to reverse earlier decisions barring Irving, the author of several books denying that the Holocaust took place, from entering the country. [Page 4]**

Priebke verdict causes outcry; judicial authorities seek retrial

By Ruth E. Gruber

ROME (JTA) — Jewish leaders here and abroad have joined an international chorus of criticism after a Rome military court freed former SS Capt. Erich Priebke while at the same time declaring him guilty of taking part in Italy's worst World War II atrocity.

The Aug. 1 ruling, which embarrassed the Italian nation, sent local officials scrambling to find legal solutions to ensure that the 83-year-old Priebke was punished for crimes he admitted committing.

Italy's justice minister ordered Priebke rearrested just eight hours after he was freed. The order came after Germany submitted a request for Priebke's extradition.

And prosecutors vowed to appeal the verdict — or to find another way to get the case retried.

"A great opportunity was lost which could have been a definitive condemnation of a regime that turned Europe upside down 50 years ago," said Tullia Zevi, president of the Union of Italian Jewish Communities.

"We expected the court to express with its verdict a strong message that could have transmitted to young people the general evils and dangers that stem from authoritarianism, violence, extreme nationalism and racism."

The Los Angeles-based Simon Wiesenthal Center, which had been instrumental in tracking Priebke down in Argentina in 1994, issued a blistering condemnation of the court's decision.

"Aug. 1, 1996, will go down as a day of infamy in Italian history. This is another black mark in the Italian justice system and a slap in the face of his victims and their grieving families," the statement said.

Other American Jewish organizations issued similarly harsh statements.

The verdict also brought protests from Jewish groups in Germany and Argentina. The Vatican newspaper *L'Osservatore Romano* said it reopened "a wound never forgotten by Italians."

Verdict hit like a bombshell

The verdict, which was read Aug. 1 by presiding Judge Agostino Quistelli, hit Italy like a bombshell.

After a dramatic three-month trial, the court found Priebke guilty of participating in the March 24, 1944, massacre of 335 men and boys, some 75 of them Jews, at the Ardeatine Caves south of Rome.

The massacre was personally ordered by Hitler in reprisal for a partisan bomb that killed 33 German soldiers.

But, admitting extenuating circumstances, the court cleared Priebke of the specific war-crimes charges of premeditation and cruelty, thus reducing the gravity of the crime. This enabled it to fall under a 30-year statute of limitations, which had already expired.

Priebke, who had admitted to killing two of the Ardeatine Caves victims, was declared a free man. Protest and anger erupted immediately.

Friends and relatives of the victims, who heard the verdict read out while crowded into a corridor outside the courtroom, exploded into tears, curses and shouts of "Assassins!" and "Shame! Shame!"

Scores of protesters, many of them militant young Jews wearing kipot, chanted prayers, clashed with police and tried to storm the courthouse.

At least five policemen were injured and four cars on the street were damaged during clashes that lasted hours.

Priebke was prevented from leaving the courthouse for eight hours until Justice Minister Giovanni Maria Flick ordered him rearrested and had him escorted under guard to a police van that took him to the civilian Regina Coeli prison in downtown Rome. It was the same prison from which some of the Ardeatine Caves victims were rounded up.

"This verdict makes me ashamed to be Italian," said Giovanni Gigliozzi, leader of an association of victims' relatives.

Said a woman who was the daughter of one of the victims: "They have killed them a second time."

"I no longer have faith," she added. "There is no justice."

Italy's political leaders — from the far left to the far right — were

virtually unanimous in expressing dismay and embarrassment about the verdict.

The government issued a statement expressing "extreme bitterness." Parliament stood for a minute of silence; President Oscar Luigi Scalfaro met with families of the victims and declared that crimes remained crimes no matter how many years had passed.

Prime Minister Romano Prodi and other Italian leaders made a pilgrimage to the Ardeatine Caves, now a national shrine, in a show of solidarity with the victims.

Rome Mayor Francesco Rutelli ordered spotlights to illuminate the Ardeatine Caves the night after the verdict was handed down. He also ordered the lights to be darkened on the Coliseum and other historic Roman monuments. Far right leader Gianfranco Fini, whose National Alliance party has its roots in fascism, declared the verdict "morally unjust."

Jewish communities in Rome, Milan and Turin staged protest gatherings and prayers.

Meanwhile, prosecutors and judicial authorities began tackling the legal means to have Priebe retried.

But they warned that technical legal complications could make efforts difficult.

Prosecutors announced that they would appeal the case. But an appeal cannot be lodged until the original verdict is officially published — in about three months.

Prosecutors and lawyers for Rome's Jewish community also said they would ask Italy's highest court to reconsider earlier requests to dismiss the military judges who brought the controversial verdict.

Two such requests were presented during the course of the trial, claiming that the judges were biased in favor of Priebe.

Both of these requests were rejected by a military appeals court. Should the high court reverse these decisions, a new trial would have to take place.

Meanwhile, experts in Italy, Germany and Argentina were examining the possibility of re-extraditing Priebe. Germany is seeking his extradition, but the terms of Priebe's extradition from Argentina to Italy last year specifically bar him from being extradited to another country.

But officials in Argentina, where Priebe lived openly for nearly 50 years until he was discovered there by a American television news crew in 1994, said they would refuse to let Priebe back into the country.

A spokesman for the German Justice Ministry said Germany would ask Argentina not to oppose Priebe's transfer.

Such opposition appeared unlikely. Argentine Foreign Minister Guido Di Tella reportedly said last Friday that Priebe "is no longer an Argentine resident."

"He is a terrible immigrant who has done nothing for the country and has a criminal past at an international level," Di Tella added. □

Israeli government to lift curbs on settlement activity

By Naomi Segal

JERUSALEM (JTA) — A decision by the government of Prime Minister Benjamin Netanyahu to allow for the expansion of Jewish settlements has elicited an angry response from Arab leaders, who warn that it could bring the peace process to a halt.

At its weekly Cabinet meeting last Friday, the government cleared the way for the expansion of Jewish settlements in the West Bank and Gaza, effectively reversing building restrictions imposed by the Labor-led government four years ago.

But in an apparent effort to stave off criticism on

the delicate settlement issue, the Cabinet did not approve any specific building projects and said all settlement construction plans would require special advance government approval.

The Cabinet decision appeared aimed at satisfying settlers while not angering the United States and Israel's Arab neighbors, which consider settlements an obstacle to advancing the peace process.

"We have not adopted any new kind of policies or initiative. We have given ourselves room to maneuver," Netanyahu was quoted as saying at the Cabinet meeting.

Settler leader Pinchas Wallerstein said the Cabinet move indicated that Netanyahu would be more sympathetic to settlers than the previous Labor-led government.

But he expressed disappointment that no construction projects were approved.

The Netanyahu government consulted with the United States, Jordan and Egypt before reaching its decision regarding settlement growth, according to the Israeli daily Ha'aretz.

The Cabinet decision came before Netanyahu's foreign policy adviser, Dore Gold, met last Friday in Washington with Secretary of State Warren Christopher to discuss the settlement issue. A State Department spokesman later said that the United States was seeking clarification of the Cabinet decision.

In Israel, Palestinians and the left-wing Peace Now group denounced the decision as a violation of the accords signed by Israel and the Palestinians.

"The government is pushing the situation to a confrontation," said Palestinian peace negotiator Hassan Asfour. "If they continue in this way, the peace process will face a big danger."

Egyptian Foreign Minister Amre Moussa warned in an interview published in Ha'aretz that Israel "cannot have both peace and settlements."

"Israel cannot have it all," he added. □

Islamic militant gets 30 years for Waxman's kidnapping, murder

By Naomi Segal

JERUSALEM (JTA) — An Israeli military court has sentenced an Islamic militant to 30 years in prison for his role in the kidnapping and murder of Israeli Cpl. Nachshon Waxman nearly two years ago.

An unrepentant Jihad Yaghmour, 29, told the Lod military court that he bought the skullcaps and black hats used by the kidnapers to disguise themselves as observant Jews when they picked up Waxman at a hitchhiking site.

He admitted that he drove the car used in the Oct. 9, 1994, kidnapping of Waxman. Yaghmour also said he rented the video camera that the kidnapers used to tape Waxman's plea for help while he was held in a house in a West Bank village just north of Jerusalem.

Waxman was killed Oct. 14, 1994, during a rescue attempt by Israeli commandos. Three kidnapers and an Israeli officer, Capt. Nir Poraz, were also killed during the exchange of gunfire.

Waxman's mother, Esther, said this week that she was appalled that the court had not handed down a sentence of life imprisonment. She also said she believed that the death penalty was warranted.

Waxman said she had met in the United States recently with U.S. National Security Adviser Anthony Lake and requested his assistance in capturing Mohammed Deif, the Hamas terrorist who masterminded the kidnapping.

Waxman said her family had been in contact with officials in the Palestinian Authority who told them that Deif's whereabouts were known, but that Palestinian leader Yasser Arafat was preventing his arrest. □

Senior police officers charged in connection with AMIA blast*By Sergio Kiernan*

BUENOS AIRES (JTA) — The Argentine judge in charge of investigating the bombing of the Jewish community headquarters here has indicted three senior police officers and a retired officer as accomplices in the attack.

Announcing the indictments last week of the commissioner, two deputy commissioners and a retired inspector with the Buenos Aires provincial police, Judge Juan Galeano said July 31 that the four had been placed in preventive custody.

A leader of the Buenos Aires Jewish community commended Galeano's action as a major breakthrough in the investigation of the July 18, 1994, bombing of the Argentine Jewish Mutual Aid Association, also known as AMIA.

The bombing left 86 dead and more than 300 wounded.

Ruben Beraja, president of the Argentine Jewish umbrella organization DAIA, said, "Galeano's decision shows decisiveness and is a step toward the restoration of trust in our judiciary."

The four under indictment — Commissioner Juan Jose Ribelli, Deputy Commissioners Raul Ibarra and Irineo Leal and former Inspector Mario Barreiro — also face separate charges of extortion and kidnapping.

Galeano said the four are accused of providing the Renault van used in the AMIA car-bombing.

Investigators said the four headed a ring of police officials that gave protection to stolen-car dealers and that traded in stolen vehicles themselves.

Eamon Mullen, one of the prosecutors in the case, said, "There are serious grounds for presuming that these people knew who they were providing the van to or that they are actually linked with those who carried out the attack."

Six other police arrested last month in connection with the AMIA blast face lesser charges and remain under arrest.

The Argentine government has come under constant attack from Jewish officials here and abroad for its inability to find those responsible for the bombing of AMIA.

The March 17, 1992, bombing of the Israeli Embassy in Buenos Aires, which left 29 dead and some 100 wounded, also remains unsolved.

Jewish officials have cited incompetence, corruption and anti-Semitism among security and government officials as causes for the Argentine government's inability to solve either case.

In recent weeks, Argentine police officials became suspected of involvement in the AMIA attack after the investigation of the case exposed an extensive ring of police officials allegedly involved in selling stolen cars, explosives and weapons. □

Judge rules proceedings against Nemsila must go on*By Bill Gladstone*

TORONTO (JTA) — A Canadian federal judge has ruled that no judicial interference exists in the case against accused war criminal Josef Nemsila, whom Canada seeks to deport.

Nemsila, 83, is accused of serving in the notorious Hlinka Guard in the Nazi vassal state of Slovakia and taking part in the roundup of the country's 100,000 Jews and their deportation to Auschwitz and other death camps in Poland.

Canada charges that Nemsila lied to immigration officials about his wartime activities when he came to Canada in 1950.

Nemsila's lawyer had asked the Federal Court of Canada to halt the case after learning that it had been mentioned in correspondence between a chief justice and a top government official.

The lawyer called the letter an abuse of the court process.

Justice Paul Rouleau, however, said the case was only mentioned in reference to the scheduling of other deportation cases against accused war criminals.

"It's an important decision because for the first time, it allows the courts to deal with the substance of the issue instead of with legal technicalities, which is what they've been dealing with until now," said Irving Abella, past president of the Canadian Jewish Congress and national chairman of its war crimes committee.

B'nai Brith Canada said it was pleased with the judge's move.

"It is imperative that the courts now proceed with the substantive aspects of the war crimes cases on an urgent basis," David Matas, honorary senior legal counsel for B'nai Brith Canada, said in a statement.

Deportation hearings were halted last year before evidence could be presented because an immigration adjudicator decided that Nemsila was covered by an obscure 1910 law protecting people who have been in Canada for more than five years from being deported.

The government appealed, but Nemsila's lawyer sought for a halt in the proceedings on the basis of judicial interference.

Canada now awaits a decision on its appeal.

If it wins, Nemsila again faces a deportation hearing.

In 1995, Ottawa pledged to bring deportation proceedings against 12 men who are suspected of war crimes.

In July, a federal judge halted proceedings against three of the accused war criminals: Helmut Oberlander, Johann Dueck and Erichs Tobiass.

Matas added in the statement that the decision "to stay the proceedings amounted to a grant of immunity for those suspected mass murderers, and that the decision placed the Canadian judicial system in disrepute."

The government is now appealing that decision.

Canadian Jewish groups have repeatedly asked Ottawa to launch proceedings against the six war crimes suspects who have not yet been charged. □

Bomb scare delays Israel-bound plane*By Naomi Segal*

JERUSALEM (JTA) — A Polish airplane on its way to Tel Aviv was diverted Sunday to Cyprus after a bomb scare.

The plane from Warsaw was searched, but nothing suspicious was found, Cypriot police said.

A spokesman for LOT Polish Airlines said the scare was a hoax.

The flight resumed its route later Sunday, but with only three Israelis on board.

The other 47 Israeli passengers aboard the plane opted to wait in Cyprus for two smaller Israeli planes to shuttle them on the last leg home.

Most of them were members of the Israeli soccer team Hapoel Taibe.

Yossi Halperin, one of the three Israeli passengers who continued on to Israel aboard the LOT flight, said the crew initially told the passengers that the unscheduled stopover was because of a technical problem. □

Jury rejects hijacker's claim of suffering trauma illness

By Sheryl Silverman
Washington Jewish Week

WASHINGTON (JTA) — Is it possible to hijack a plane, kill two passengers at close range, shoot three more and be acquitted on grounds of insanity?

Not to federal prosecutor Scott Glick.

The veteran Justice Department attorney said he never doubted that the jury in U.S. District Court here would convict Palestinian radical Omar Mohamed Ali Rezaq of hijacking a plane in 1985.

Despite Rezaq's claim that he was suffering from post-traumatic stress disorder and therefore was insane at the time of the hijacking, the jury found him guilty July 19.

Along with other terrorists from Abu Nidal's Fatah Revolutionary Council, Rezaq hijacked an Egypt Air passenger plane in Athens, forcing it to land in Malta.

Separating Israelis and Americans from the rest of the passengers, Rezaq kicked a young Israeli woman, then shot her in the head.

An American was killed the same way.

Three more passengers were also shot but managed to survive after they were thrown onto the runway.

In the Egyptian rescue effort that followed, dozens of other passengers were killed.

Imprisoned in Malta for seven years, Rezaq was granted amnesty but was later arrested by the FBI and brought here to be tried.

After emotionally gripping testimony of the three who had survived Rezaq's murder attempts, the focus of the trial shifted to the insanity defense.

Clinical psychologists gave clashing opinions as to Rezaq's mental state at the time of the crime.

Not widely diagnosed until this decade, post-traumatic stress disorder involves exposure to a traumatic event, such as combat, or a major accident, rape or other near-death catastrophe.

Those who have the syndrome, popularly associated with Vietnam War veterans, suffer from nightmares, flashbacks in which they relive the experience, anxiety, depression and other symptoms.

'Bogus defense'

Rezaq claimed that his experience of violence and terror as a Palestinian refugee growing up in Lebanon sufficiently altered his mental state to lead him to hijack a plane and kill Israelis and Americans.

Post-traumatic stress disorder was a "bogus defense," said prosecutor Glick.

"Rezaq had a plain, rational motive for the crime: hatred."

Glick said Rezaq showed no remorse on the stand.

"He testified in the same cool, calm and collected manner in which he executed the passengers," Glick said.

After testing Rezaq and interviewing his family in Jordan, a Washington clinical psychologist, Nuha Abudabbeh, testified for the defense that Rezaq was in a disturbed, depressed state of mind well before he took up the mission.

"He is definitely mentally ill; there is no question about it," said Abudabbeh, who believed Rezaq to be remorseful as well.

John Wilson, a Cleveland clinical psychologist, also testified that Rezaq, having witnessed atrocities in his youth, developed post-traumatic stress disorder and was suffering from it since 1982.

To Wilson, Rezaq sounded like the Vietnam veterans with whom he has worked over the years.

"When the lead hijacker was shot during the mission, it reactivated Rezaq's own trauma," Wilson said. "He went into automatic pilot once under attack and simply reacted automatically and instinctively."

Rezaq was told by his leader that there would be only plastic bullets, Wilson said.

"Part of his shock was that the bullets were live, not plastic," he said.

In asking for fuel for the hijacked airliner, Wilson said, Rezaq only looked like he was rational.

On the inside he was "disoriented, confused, aroused and desperate," Wilson said.

According to Wilson, today Rezaq feels that he was "used" and that if given the opportunity to do it again, he would "absolutely not."

Terrence Keane, of the National Center for Post-Traumatic Stress Disorder in Boston, testified that Rezaq was not suffering from the syndrome or severe mental disease at the time of the crime.

If he were experiencing a flashback, it would have been impossible for him to engage in complex activities, Keane said.

Rezaq's behavior was neither erratic nor disorganized, Keane pointed out, noting that Rezaq was singularly effective in negotiating with the control tower.

"There was no evidence of hallucinations on the tapes," Keane said.

"He was very much aware of where he was and what he was trying to accomplish. There was no irrational speech."

Post-traumatic stress disorder "does not necessarily lead to violence," Keane said, adding, "Certainly millions across the world suffer from [it]; none but one claim it as defense for airplane hijacking."

At least no one before Rezaq. □

Holocaust denier Irving loses another bid to enter Australia

By Jeremy Jones

SYDNEY, Australia (JTA) — British Holocaust denier David Irving has lost another bid to enter Australia.

The country's highest appeals court last week rejected his attempt to have earlier decisions — one made by a judge, the other by a past immigration minister — reversed.

In arguing against those decisions, Irving said it was not relevant to his application that he had been deported from Canada, convicted in West Germany of defaming the memory of the dead, refused entry to Italy and South Africa and jailed in England for contempt of court.

The court, in turning down Irving's application, noted that it was not its function to determine whether Irving was of good character, but simply that it needed to be satisfied that there were reasonable grounds for the government's refusal of his visa application.

Irving, the author of several books that deny that the Holocaust took place, has also spoken at rallies and meetings of Holocaust deniers and other extreme right-wing groups in Europe and the Americas.

In December 1992, Irving applied to come to Australia on a speaking tour.

But he was refused a visa in February 1993 on the grounds that he was "likely to become involved in activities disruptive to the Australian community or a group within the Australian community."

Irving has been appealing the decision ever since.

After his first visa request was refused, he released a Holocaust-denial video that included attacks on Australian Jewish community leaders and journalists. □