



Daily News Bulletin

Vol. 79, No. 119

Wednesday, June 27, 2001

84th Year

TOP NEWS IN BRIEF

BEHIND THE HEADLINES

Ariel Sharon: A war criminal, or the victim of a witch hunt?

By Michael J. Jordan

Sharon to Bush: Violence is key

Israeli Prime Minister Ariel Sharon told President Bush during a White House meeting Tuesday that all violence must stop before Israel resumes negotiations with the Palestinians.

"Israel will not negotiate under fire and under terror," Sharon said. Praising Sharon for showing "a lot of patience in the midst of casualties," Bush expressed the hope that the fragile cease-fire would hold. [Page 4]

Israel tightens Hebron blockade

Israel tightened its blockade of the West Bank city of Hebron on Tuesday after a fierce gun battle pitted Palestinian gunmen against Israeli settlers and troops.

The battle erupted Monday after Palestinian snipers opened fire on a settler enclave in Hebron, wounding five Israelis, one of them a 7-year-old boy. Twelve Palestinians were wounded in the ensuing battle. The head of Palestinian security in the West Bank, Jibril Rajoub, later called the sniper attack a "mistake."

Sharon: Arafat heads terror gang

Israeli Prime Minister Ariel Sharon called Palestinian Authority President Yasser Arafat the "head of a terrorist gang" and said the fragile U.S.-brokered cease-fire is not working.

"It's not enough that Arafat lower the flames of violence temporarily," he said at a dinner Monday night in New York hosted by the America-Israel Friendship League. [Page 4]

Report: Mosques help terrorists

Mosques in Germany are collecting donations that are being funneled to terrorist groups, including Hamas and Islamic Jihad, according to the Jerusalem Post. A German official confirmed that there are problems with "certain Islamic groups" in Germany and their activities are being closely monitored.

Polish police to protect laborers

Polish officials said they will post extra police at banks to make sure that Nazi-era forced laborers who pick up compensation aren't robbed as they leave with their cash. Payments are slated to begin Thursday to 10,000 Polish survivors of the Nazis' slave and forced labor program.

NEW YORK (JTA) — The accusation that Ariel Sharon is a war criminal — back on the public agenda with two court cases in Belgium and a damning BBC documentary — is the latest step in a campaign to discredit and delegitimize Israel, supporters of the Jewish state say.

A quick Internet search reveals a plethora of Arab and Muslim Web sites demanding that Sharon be "brought to justice" for the 1982 massacre of Palestinians by Lebanese Christians in the Sabra and Shatila refugee camps.

However, the Israeli premier also seems to be caught in the cross hairs of advocates of an international criminal court and a "universal justice" that knows no borders.

Sharon's Arab antagonists may indeed be motivated by enmity toward Israel, but the international court proponents seem intent primarily on winning symbolic victories that they hope might deter future atrocities.

It's highly unlikely that Sharon ever will wind up in the dock. But the Belgian cases and the BBC film have focused hostile attention on Israel and its leader precisely when the Jewish state is fighting what many see as an uphill battle for world opinion in the ninth month of the intifada.

The second half of the 1990s saw major strides toward prosecuting war crimes and gross violations of human rights. It also emboldened those who have long wanted to go after polarizing figures such as Sharon, Henry Kissinger, Idi Amin, Muammar Gadhafi, Saddam Hussein, or the now-deceased Pol Pot and Hafez Assad.

First came war crime tribunals to prosecute perpetrators of the genocides in Rwanda and Bosnia in the mid-1990s.

Then came the October 1998 arrest and detention of Chile's former dictator, Gen. Augusto Pinochet. A Spanish judge issued the warrant over human rights crimes Pinochet allegedly ordered during his 17 years of rule, some of which were directed against Spanish nationals. Earlier this month, Belgian courts convicted four Rwandans — including two nuns — of murder and incitement to genocide.

That marked the first conviction under Belgium's ground-breaking 1993 law on "universal jurisdiction," which enables Belgian courts to judge atrocities committed elsewhere, regardless of whether or not they involved Belgians.

No one was ever prosecuted for the Sabra and Shatila massacres, when Lebanese Christian militiamen killed some 800 Palestinian men, women and children. Several of the planners and leaders of the attack are prominent figures in Lebanon today.

Sharon's election as prime minister in February may have spurred the embittered to take action.

In 1983, Israel established the quasi-judicial Kahan Commission to investigate the massacres. The commission found then-Defense Minister Sharon "indirectly responsible" because he had not foreseen the possibility that the Christians — who had entered the camps to root out Palestinian terrorists hiding there — would seek to avenge the recent assassination of their leader, Bashir Gemayel.

Sharon received what some saw as a slap on the wrist: He was pressured to resign as defense minister, but remained in the Cabinet as a minister without portfolio.

When Time later sought to assign Sharon a greater share of blame, he sued the magazine for libel. An American court ruled that the article was erroneous but lacked malicious intent.

Now, in light of the verdict against the Rwandans, Belgium has emerged as a

MIDEAST FOCUS

Bomber's driver: I didn't know

An Israeli court on Tuesday allowed publication of details surrounding the recent arrest of a Palestinian who admitted to providing transportation to the suicide bomber who killed 21 Israelis outside a Tel Aviv disco on June 1. Mahmoud Nadi, 29, told reporters at the court that he did not know he was giving a ride to a terrorist.

E.U. defends support for doves

E.U. officials defended the financial support they provide to dovish Israeli groups, according to the Jerusalem Post. Responding to criticism from conservative Israeli politicians who say the Europeans are interfering in Israel's domestic politics, one official told the newspaper, "the European Union has always held a policy of supporting nongovernmental organizations that work for peace, democracy and human rights."

Lebanon may sue Israel

Lebanon is considering suing Israel for damages for its 1982 invasion, Lebanese Prime Minister Rafik Hariri said. Experts in international law currently are analyzing the case, Hariri said after meeting Tuesday in Cairo with Egyptian President Hosni Mubarak.

Palestinians fire more mortars

Palestinians fired a mortar shell at the Karni Crossing on the border between Israel and the Gaza Strip. Earlier Tuesday, a bomb exploded under an Israeli tank near the Gaza settlement of Nisanit. There were no injuries in either incident.

Scholar: Expand the Knesset

An academic affiliated with the Israel Democracy Institute proposed that the Knesset be expanded from 120 to 180 members. Labor legislator Yossi Katz, chairman of the Knesset's Parliamentary Committee, backed the proposal, saying the small size of Israel's parliament harms its efficiency.



Daily News Bulletin

Shoshana S. Cardin, *President*
 Mark J. Jaffe, *Executive Editor and Publisher*
 Lisa Hostein, *Editor (on leave)*
 Michael S. Arnold, *Managing Editor*
 Lenore A. Silverstein, *Business Manager*

JTA DAILY NEWS BULLETIN is published five days a week, except holidays, by the Jewish Telegraphic Agency Inc., 330 Seventh Ave., New York, N.Y. 10001-5010. For information about how to subscribe by e-mail, fax or regular mail, call (212) 643-1890, or visit our Web site at www.jta.org.
 © JTA Reproduction only by previous arrangement.

pressure point against leaders like Sharon. "There is a general feeling here that a fight has to be fought against impunity, and that by having such a law at the national level, we contribute to the international fight," said Michel Malherbe, deputy spokesman of Belgium's Ministry of Foreign Affairs.

On June 18, a group of 28 Palestinians filed suit under the 1993 Belgian law, charging Sharon with ultimate responsibility for the massacre.

The suit came on the heels of a similar suit filed in Brussels earlier in the month by a private group, reportedly on behalf of Palestinian victims of the current intifada.

The Belgian magistrate is still weighing whether the law applies to these cases, Malherbe told JTA. In response, an Israeli Knesset member from Sharon's Likud Party, Avraham Herschson, has threatened to file suit in Brussels against Palestinian Authority President Yasser Arafat for alleged war crimes committed in the current intifada.

The anti-Sharon cases are causing "diplomatic embarrassment" for Belgium, which assumes the European Union's rotating presidency on July 1, Malherbe said.

Belgium and Europe both seek a greater diplomatic role in the Mideast conflict, but Israel has kept them at arm's length because of their perceived pro-Arab stance. A court case against Sharon, Malherbe conceded, "can affect the image of Belgium as a neutral player."

There is now talk within the Belgian Parliament of amending the law.

"Creating 'universal jurisdiction' means anyone can claim anything against anybody; this can blow up in any number of ways," said Alan Baker, legal adviser to Israel's Foreign Ministry.

He said the law may prompt a number a world leaders to avoid Belgian soil for fear of arrest. Baker dismissed the Sharon suits as groundless, saying that Israel assumes they "won't go far." Nevertheless, he said, the Foreign Ministry is mulling the "what if" scenario. But Belgium may not be the end of the legal action against Sharon.

A lawyer for the Palestinian victims said similar suits against Sharon will soon be filed in Britain, France and Denmark, according to the Jewish Chronicle of London.

Some also predict that just as American victims of Palestinian terror, and Bosnian Muslim victims of Bosnian Serbs, have successfully sued the perpetrators in U.S. civil courts, Palestinians may seek a court hearing in America.

Perhaps even more influential in blackening Israel's image was the recent broadcast of "The Accused" by the state-run British Broadcasting Corporation.

In the documentary, journalist Fergal Keane painted a picture that placed ultimate blame for the massacres on Sharon.

The documentary relied on interviews with Palestinian victims, international law experts and a former U.S. envoy to the Middle East under President Reagan.

The film was punctuated by the assertion of Princeton international law Professor Richard Falk that Sharon is "indictable" for war crimes.

Israeli officials immediately protested to the BBC, denouncing the program as "unfair, distorted and intentionally hostile" — with a whiff of the BBC's "well-known anti-Semitism and anti-Israel bias."

The BBC and Keane stood by the broadcast.

In an interview with JTA, Falk clarified his comments.

"All the evidence I saw would make him indictable to those crimes, but not necessarily convictable," Falk said of Sharon. "That's an important distinction. Everyone's entitled to a fair trial."

Falk drew on historical precedent.

"One of the things that Nuremberg and the Tokyo trials after World War II made very clear," he said, "was that a general or political official is responsible for the conduct of military operations under his command. So that means if he fails to exercise sufficient control over those operations, that person is criminally responsible for the harm that is done."

But Baker, from Jerusalem, countered that "the Nuremberg tribunal was intended to deal with Nazi war criminals. The mere fact that a fellow like that could draw such a comparison indicates the depth to which someone will go to incite against Israel."

Baker concluded that "when things were going well last year, everyone was happy with Israel. But as soon as problems arose, and the Palestinians decided they didn't want to negotiate anymore, we revert back to 15 years ago, where the name of the game is delegitimization of Israel and its basis for existence." □

JEWISH WORLD

Lawyers for Nazi-era slave laborers urged to use fees to help survivors

By Toby Axelrod

BERLIN (JTA) — Days after the first group of Holocaust-era slave laborers in Germany received their compensation checks, the leader of German Jewry is calling on the lawyers involved to donate some of their fees to the survivors.

On Sunday, Paul Spiegel, the president of the Central Council of Jews in Germany, publicly urged the lawyers to turn over some of the more than \$50 million recently awarded them.

"Earning money should not come before moralistic intentions," he said.

Even the \$50 million or so due the lawyers represents a much lower percentage — about 1 percent of the total payments — than lawyers usually receive as a contingency fee.

Spiegel's statement came after German officials announced last Friday that they may not be able to pay the full sum promised to the slave and forced laborers.

The foundation administering the approximately \$5 billion compensation fund said it had expected around 1.2 million applicants but is now estimating 1.5 million, and that late applicants may receive less money.

The lower house of the German Parliament is expected to vote this week to extend the deadline for applications from Aug. 11 to the end of the year. In addition, it is expected that requirements for proving that one worked as a slave laborer will be relaxed.

"I am convinced that the lawyers have a legal right to their money, but not a moral right," Spiegel told JTA.

"I am not saying that the lawyers are greedy," Spiegel said. "It is just immoral when the highest payments to survivors are about \$7,000 and the lawyers are getting millions."

He called on the lawyers to create their own fund for survivors or contribute a sum to the German Foundation for Remembrance, Responsibility and the Future, which earlier this month began releasing funds so that survivors could be paid.

The German government and a group of German businesses agreed in February 1999 to create the \$5.2 billion fund to compensate the laborers.

Under the terms of an agreement reached in March 2000, some 240,000 slave laborers — about 140,000 of whom are Jewish — would receive up to \$7,500 each. More than 1 million forced laborers — most of whom are not Jewish — would get up to \$2,500 each.

Hans Otto Brautigam, a member of the foundation board, said last Friday that the lawyers should set aside a part of their earnings for survivors.

Konrad Matschke, a spokesman for the German office of the Claims Conference, which was among the groups that negotiated on behalf of the laborers, also urged the lawyers to help the survivors.

"I think it is a nice idea if they could do it," he told JTA. "It would help their clients, and I think it would also be helpful for their image."

Michael Witt, the only German attorney among the 51 lawyers sharing the millions in fees, disagreed with this suggestion.

Witt, whose fee will be about \$4 million, said he will be receiving about \$95 for each of about 30,000 clients.

The fee will enable him to consider doing further humanitarian work, such as helping survivors recover confiscated property in Eastern Europe, he said.

He said he needs the financial security "so I can hire experts, so I can travel and have office staff," he told JTA. "And this money gives me the support for this."

Meanwhile, many survivors are still waiting to get symbolic compensation for forced work they endured more than 60 years ago.

Suzanne Schlein of the German city of Trier plans to give her funds away — to Israel, she said.

Schlein worked as a forced laborer in 1939. She and her husband managed to escape to bombed-out Berlin in 1943, where they were hidden by a Dutch family named Kaltenberg.

"I really don't need the money," she said. "I will give it to Israel, for youth aliyah. I am fortunate, because I never thought I could stand on my feet again." □

Maccabiah move hurts Jerusalem

A decision by the organizers of the Maccabiah Games to house the athletes along the coast and not in Jerusalem will result in a loss of \$1 million for Jerusalem hotels, the chairman of the Jerusalem Hotel Union said Tuesday.

A Maccabiah spokesperson said that due to the smaller than expected number of participants in the Games, organizers had decided to let the athletes choose for themselves where they wanted to stay, and the athletes had chosen to be close to the sports facilities in Haifa and Caesarea.

Assad confronted in Paris

Three Paris officials interrupted an official reception for visiting Syrian President Bashar Assad on Tuesday, accusing him of anti-Semitism.

The night before, Jewish groups led several thousand people in Paris and Marseille in demonstrations against Assad's official visit.

Assad has come under fire repeatedly for remarks he made at a welcoming ceremony for the pope on May 5, when he said the Jews betrayed Jesus and tried to betray and kill the Prophet Mohammed.

Indyk to join D.C. think tank

Martin Indyk, the current U.S. ambassador to Israel, is expected to join the Brookings Institution in September as a senior fellow in its Foreign Policy Studies Program.

Indyk served as assistant secretary of state for Near Eastern affairs under President Clinton and was the founding executive director of the Washington Institute for Near East Policy.

Austria assured on lawsuits

The U.S. State Department assured Austrian envoys that it would try to stop lawsuits in U.S. courts by plaintiffs seeking compensation for property seized in Holocaust-era Austria.

State Department officials told the Austrians they would file "statements of interest" advising courts that the claims were covered by agreements already reached with Austria, a U.S. official said Monday.

British Jews protest school plan

British Jewish leaders are objecting to a government proposal for a new school calendar that would not take religious holidays into account.

Jo Wagerman, the president of the Board of Deputies of British Jews, complained to Education Secretary Estelle Morris that under the proposed change, Passover would often fall during the school term, rather than during the Easter holiday as it does under the current system. The board said the change would harm Jewish children.

Bush praises Sharon's restraint, but conflicts emerge on cease-fire

By Matthew E. Berger

WASHINGTON (JTA) — As Israeli Prime Minister Ariel Sharon makes the rounds here and U.S. Secretary of State Colin Powell heads to the Middle East, Israel and the Bush administration are divided as to when Israel and the Palestinians should start on the next leg of the road back to peace talks.

Meeting with Sharon at the White House Tuesday, President Bush said the parties should discuss all opportunities to "advance the process" toward the cooling-off period advocated by a commission under former Sen. George Mitchell.

But Sharon said he believes that the cooling-off period should begin after 10 days without violence.

"When we'll see the 10 days is completely quiet and nothing really happened, and that Chairman Arafat did not manipulate us and did not maneuver us, and it's really quiet, then we will start the meaningful cooling-off period," he told reporters after the meeting.

A senior White House official said the Bush administration disagrees, saying that movement to the cooling-off period must be based on a reduced amount of violence, and after there is 100 percent effort by both parties.

The White House, which has become more active in recent weeks, is trying to utilize what they see as an opportunity to bring the parties forward. "The fundamental question my administration makes is, 'Are we making progress? Is peace closer today than it was yesterday?'" Bush said. "We believe the answer is yes."

Earlier, Sharon was adamant in his call for an end to violence.

"One must understand that if last week we had five dead, it's like the United States, Mr. President, having 250 killed, or maybe even 300 people killed by terror," Sharon said.

Bush praised Sharon's patience and leadership and said he understands the pressure Sharon is facing.

Before leaving Washington on Wednesday, Sharon was scheduled to meet with congressional leaders and South African President Thabo Mbeki.

In New York on Monday, Sharon had sounded a harsher tone, saying there had not been even one day of a real cease-fire, and describing Palestinian Authority President Yasser Arafat not as the leader of a state-in-the-making but as the "head of a terrorist gang."

Israel and the Palestinians differ on the duration of the cooling-off period that must separate fighting and diplomacy. Israel wants a six- to eight-week window of quiet, while the Palestinians say the diplomatic process must resume almost immediately.

State Department spokesman Richard Boucher said the United States favors a shorter period than does Israel.

After Sharon's meeting at the White House, Powell left for the Middle East, where he is expected to try to salvage the cease-fire agreement reached earlier this month with the aid of CIA Director George Tenet.

A State Department official said Powell's mission will not be to create a timetable or declare that the cooling-off period has begun.

Powell will tell both sides that they can increase efforts against violence. He also will urge Israel to discuss confidence-building measures during the cooling-off period.

Powell is expected to heap praise on Sharon for his restraint, but not to publicly chastise Arafat.

Sharon wants the United States to make clear to Arafat that the

Palestinians can't have it both ways, talking about peace while continuing to attack Israelis.

Sharon told Bush that Israel's restraint is not unlimited, and the United States must push Arafat harder to uphold the cease-fire.

Since the cease-fire was signed, Palestinian attacks have killed eight Israelis and injured 35.

Sharon's restraint has cost him points with the right wing of his Likud Party.

Sharon will meet with Powell in Jerusalem. Israel is worried that Arafat is gaining credit with the international community for agreeing to the cease-fire, while Palestinian violence continues.

"We are very concerned that Arafat is playing a game," an Israeli official in Washington said. "The cease-fire has to be unequivocal."

Powell has said repeatedly that Arafat can not control all outbreaks of violence, and that he is seeking "100 percent effort" from the Palestinian leader, rather than 100 percent results.

"The point of the trip is to continue to encourage them to take the steps necessary to reduce the violence," the State Department's Boucher said Tuesday.

"And we think a hundred percent effort is needed, and we'll keep working on full implementation of the Mitchell Committee report in all its aspects."

Powell said Monday that he hopes his mission will help "get their assessment of how the situation has developed and see how quickly we can move forward to an even lower level of violence, to the level that the sides say it's time to move into the Mitchell Plan."

A State Department official admitted Powell's trip is "amorphous" and lacks a clear agenda. Powell himself said he is bringing no new proposals to the Middle East; it is believed that he hopes the weight of his position will be enough to bully the parties toward further steps to peace.

Jon Alterman, a Middle East expert with the U.S. Institute for Peace, said Powell and Arafat will talk "general to general," and the secretary of state will make it clear that U.S. support depends on Arafat's cooperation.

"Arafat has no serious strategic assets without the United States, and he knows it," Alterman said.

An Israeli official in Washington said he views the current situation as "we cease; they fire."

"When he makes the effort, it will be clear to everyone that he is making the effort," the official said of Arafat.

In the next step of the process, confidence-building measures are expected to address contentious issues such as a freeze on Israeli settlement activity and the destruction of illegal Palestinian weapons.

The White House visit was Sharon's second since taking office in early March, and is especially significant considering that Arafat has not yet been invited.

While Bush has told Jewish leaders that he sees an invitation to Arafat as a "trump card" that he intends to use to his advantage, Mitchell and Edward Walker, a former ambassador to Israel and assistant secretary of state for Near Eastern affairs, have both said they believe Bush should invite Arafat.

If Powell "achieves a reasonable measure of success on his mission, the administration would do well to reconsider the prohibition of a visit by Arafat to the White House," Walker told the U.S.-Arab Chamber of Commerce last week. "I expect that Arafat has the message, and that further boycott of him will work to everyone's disadvantage." □