

IN THE NEWS

Clashes erupt throughout Gaza

Israeli forces killed six Palestinians in Gaza Strip clashes.

Near the Kissufim junction in central Gaza, two gunmen shot and moderately wounded an Israeli army officer before being killed Monday.

In Rafah, on Gaza's southern border with Egypt, two Palestinians were shot dead while planting a mine intended to be used against an Israeli patrol.

Before dawn, two terrorists managed to cross the Gaza boundary but were intercepted en route to the Israeli kibbutz of Holit.

They died in a firefight with border police.

Groups to back Gaza withdrawal plan

A leading American Jewish umbrella organization will issue a statement backing Israel's planned withdrawal from the Gaza Strip.

The move follows heated debate at an Oct. 14 meeting of the Conference of Presidents of Major American Jewish Organizations.

The statement will express support for U.S.-Israeli understandings on Israel's planned withdrawal from Gaza, while acknowledging that the issue is still being reviewed by the Knesset, said Malcolm Hoenlein, the conference's executive vice chairman.

A draft statement will be circulated among the group's 52 member organizations in the next few days, he told JTA last Friday.

U.N. report: Israel abuses rights

Israel violates human rights in the West Bank and Gaza Strip, according to the annual U.N. human rights report.

The report, slated for release to the U.N. General Assembly later this month, says Israel has practiced "massive and wanton destruction of property" and that some of its actions are unrelated to security concerns.

The Aug. 12 report was written before Israel's recent operation in Gaza.



WORLD REPORT

PUBLISHED WEEKDAYS BY JTA—THE GLOBAL NEWS SERVICE OF THE JEWISH PEOPLE · WWW.JTA.ORG

In showdown over referendum, Sharon faces gravest political test

By LESLIE SUSSER

JERUSALEM (JTA) — With opposition mounting among settlers and in his own Likud Party, Ariel Sharon's political future and the fate of his plan to withdraw from the Gaza Strip and northern West Bank may be decided in the Knesset next week.

The Israeli prime minister hopes to win a decisive majority in the Oct. 26 vote on his disengagement plan, laying to rest the debate over its legitimacy and blocking growing pressure for a nationwide referendum.

But a victory is not a foregone conclusion — and if he loses, it's difficult to see how Sharon can continue as prime minister.

On the face of it, Sharon would seem to be assured of a comfortable majority. As things stand, he can count on a total of 65-69 votes in the 120-member Knesset: 20-25 votes in Likud, 21 from Labor, 15 from Shinui, six from Yahad and two from breakaway legislators.

Of the remaining 51-55 Knesset members, up to 35, including as many as 20 Likud rebels, seem set to vote against. Another 21 legislators, including 16 from fervently Orthodox parties eyeing spots in a future Sharon coalition, are likely to abstain.

If those figures hold up, Sharon will silence calls for a referendum, open up coalition-building possibilities and secure both his own political future and the road to disengagement.

But there's a catch: A majority in the Likud's Knesset faction is trying to foist a referendum on Sharon. If they succeed, the Oct. 26 Knesset vote, rather than being a defining moment for disengagement, will be reduced to a virtually irrelevant sideshow. The final decision on whether or not to go ahead with

the disengagement plan effectively will have been removed from the Knesset and handed to the people.

Sharon sees the referendum idea as a ruse to delay implementation of the disengagement plan. He argues that having been elected prime minister, he has a mandate to conduct Israeli policy as he sees fit.

Referendum advocates know it would take months if not years to legislate the ballot, and will try to use the legislative process to delay disengagement indefinitely, Sharon says.

But Likud pressure for a referendum is welling up. Among the party heavyweights in favor are Finance Minister Benjamin Netanyahu, Foreign Minister Silvan Shalom and Education Minister Limor Livnat.

After meeting settler leaders over the weekend, Livnat declared that a referendum was necessary to prevent a serious split in Israeli society — even, "God forbid, a civil war."

Livnat is proposing that the Knesset vote go ahead as scheduled, but with a rider that makes it meaningless: that it be contingent on the results of a future referendum.

The mounting pressure led to a Likud faction meeting Monday in which the referendum issue topped the agenda. Most of the faction, even some of Sharon's supporters, backed the idea.

Some Likud legislators may condition their Knesset vote on a commitment from Sharon to hold a referendum. If he won't budge, and if enough Likud legislators vote against, Sharon conceivably could lose the crucial ballot.

Casting even more of a shadow on the
Continued on page 2

NEWS
ANALYSIS

■ *Upcoming vote could be key to Sharon's political future, disengagement plan*

Continued from page 1

Knesset vote is the fact that President Moshe Katsav also favors a referendum. The president has no formal political power in Israel and rarely expresses an opinion on contentious issues, but when he does his views have moral weight.

Katsav argues that a successful referendum will create a wider consensus around disengagement and will answer critics who claim Sharon has no mandate for such a radical move.

In the run-up to the Knesset vote, the settlers will make a supreme effort to convince Likud legislators to insist on a referendum and refuse to vote for disengagement unless Sharon gives way. Whichever way it turns out, they argue, a referendum will help them cool tempers among the settler population; it also will make it easier to persuade Orthodox soldiers to obey orders to evacuate settlers despite a recent rabbinical ruling that they should refuse to do so.

Another factor that could upset Sharon's calculations is the state budget: A budget vote is scheduled for the week after the disengagement ballot.

Labor and other opposition parties, which support Sharon on disengagement, oppose his economic policies and are certain to nix the budget. If the Likud rebels add their votes against, the budget won't pass.

That could set off a process leading to elections next spring, before disengage-

ment begins. According to Israeli law, failure to pass the budget by next April automatically will trigger an election.

That would delay implementation of the disengagement plan, but also might cost some of the rebels their Knesset seats — a prospect that might give them cold feet.

Sharon could still press for a Knesset vote unlinked to any referendum commitment. But even if he wins, and even if he manages to pass the budget, his opponents are not going to melt away.

Sharon therefore could give way and agree to a referendum-linked Knesset vote — but that could stymie his disengagement plan and leave him weakened and without credibility.

Worst of all, he could lose the Knesset vote and find himself staring into a political abyss.

What makes Sharon's position especially poignant is the fact that it's his own Likud faction that is threatening to bring him down. The fate of disengagement, then, could hinge on whether Sharon can outmaneuver the rebels within his own party. ■

(Leslie Susser is the diplomatic correspondent for the Jerusalem Report)

It is Sharon's own Likud faction that is threatening to bring him down.

Britain pays 'enemy residents'

By DANIELLA PELED

LONDON (JTA) — After nearly six decades, Eva Baer believes justice has finally been done for her parents.

Committed Anglophiles, the Hungarian pair decided to deposit their life savings in an English bank for safekeeping before the outbreak of World War II.

But after surviving the Nazi era, her Catholic father and Jewish mother were told the money had been confiscated.

After the outbreak of hostilities, the British government seized the assets of all residents of enemy countries — most of whom were Jewish — even victims of persecution who had seen Britain as a safe haven.

"My parents were pro-British all their lives," says Baer, now 71 and living in Blacksburg, Va. "They were very upset to be considered enemy aliens."

After the war, some heirs managed to reclaim their assets, but the process was so convoluted, requiring documents and witnesses few could access, that most received nothing.

Baer visited England in 1959 and made inquiries about the funds, but "the lawyer shrugged his shoulders and said I should forget about it."

Which she did — until early 2003, when her daughter discovered a British reparations project for others who had lost assets under the same law.

That project, the result of a lengthy campaign by the London-based Holocaust Education Trust, was officially completed Aug. 31,

although some cases have yet to be closed.

The trust's director, Karen Pollock, said she is proud her organization had helped ensure "Holocaust survivors and their heirs had some sort of opportunity to get back what was rightfully theirs."

A detailed study the group produced in 1997 finally publicized how the Enemy Property loophole enabled the government to keep the assets, including bank accounts and valuable possessions, of many Holocaust victims.

Overseen by the Department of Trade and Industry, the Enemy Property Payments Scheme, which organizers believe is the first and only one of its kind, was established in April 1999, with a projected timescale of just a few months.

But its independent tribunal went on to examine more than 1,100 claims. Three hundred and seventy-seven were successful, resulting in \$29 million that has been paid out.

Nearly 30 cases are still ongoing, and the tribunal chair, Lord Archer, said any further claims will be dealt with on an ad-hoc basis.

"Nobody is going to be shut out," he said.

For now, the only items that remain unclaimed are a gold-plated bracelet and tie-pin belonging to one Marck Kellerman, a brush salesman from Bratislava, Slovakia.

Until his heirs can be found, the items will go on display as part of the permanent Holocaust exhibition at London's Imperial War Museum. ■

JTA
WORLD
REPORT

Howard E. Friedman
President
Mark J. Joffe
Executive Editor and Publisher
Lisa Hostein
Editor
Michael S. Arnold
Managing Editor
Lenore A. Silverstein
Finance and Administration Director

JTA WORLD REPORT is published five days a week, except holidays, by the Jewish Telegraphic Agency Inc., 330 Seventh Ave., New York, N.Y. 10001-5010. For more 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 with permission.

Art restitution law stymies victim's kin in Prague

By DINAH A. SPRITZER

PRAGUE (JTA) — Michal Klepetar would like to know how many paintings in the Czech Republic's national gallery once belonged to his great-uncle, Richard Popper, who was murdered by the Nazis.

But the National Gallery has refused to provide Klepetar with details about the collection, despite the many requests he has sent to its researchers, its director, Culture Minister Pavel Dostal and even former Prime Minister Vladimir Spidla.

Government institutions won't deal with Klepetar because, according to the Holocaust Act of 2000, he is not a legitimate heir.

Only immediate kin of those murdered by the Nazis — brothers, sisters, wives, children, grandchildren and great-grandchildren — are allowed by law to claim art that was stolen by Hitler's henchmen and then taken over by the state. The Holocaust Act restitution criteria are stricter than those for Czech inheritance laws, which would allow nephews and nieces to claim property as well.

Klepetar's ineligibility to claim his great-uncle's collection of Old Masters illustrates what some say is the Czech government's Catch-22 legal reasoning about the restitution of looted art.

"The law completely ignores the fact that a genocide occurred, a genocide that makes it highly unlikely that direct descendants would even exist," said Klepetar, who lives in Prague and has waged a battle in Czech courts for the return of his family's real estate in Brno since 1992.

About five years ago, the current head of Prague's Jewish community, Tomas Jelinek, received a jolt when he was reviewing a government committee's papers on art looted by the Nazis.

Jelinek, at the time an adviser to then President Vaclav Havel, was reading about the art collection of Richard Popper, a Brno-born Jew who died in Poland's Lodz ghetto during the Nazi period.

Jelinek realized that the Popper case pertained to someone he knew well — a fellow member of the Prague Jewish community, Klepetar, Popper's great-nephew.

The committee report stated that at least some of Popper's Old Masters collection probably was in the National Gallery. Jelinek alerted Klepetar to the committee's findings.

"I was happily shocked," said Klepetar,

58, a resident of Prague. "I had thought the paintings had been lost or destroyed."

And then things went terribly wrong: He learned that according to the law, he was not entitled to even learn about the collection, much less claim it.

The Czech Republic is one of the few countries in Europe with a specific act dealing with art looted by the Nazis. The act is unique in that it opened up the possibility of restitution to those living outside the country.

The Holocaust Act followed the 1998 Washington Conference on Holocaust-era assets, at which European governments agreed to help restore looted art to the families of those who perished at the hands of the Nazis.

In 2000, the Czech Culture Ministry placed a list of 3,700 objects on a Web site, www.restitution-art.cz, and has returned 800 works of art to Jewish heirs. Pavel Rychetsky, chairman of the constitutional court and a former justice minister, worked on the committee that drafted the Holocaust Act, and he defended its application.

"The Czech Holocaust law is so far the farthest-reaching in Europe, and goes farther than earlier restitution laws in that it doesn't require that claimants be Czech citizens," Rychetsky said.

But Jelinek said that in the case of Klepetar, the law has enabled "the absolute failure of a system that should provide necessary and immediate information for those who want to make restitution."

Richard Popper knew by 1940 that his art collection was in jeopardy. Records show that he deposited it with a Prague auction house, according to Michaela Hajkova, a curator with the Jewish Museum in Prague who produced a report on the collection for the Rychetsky committee.

An inventory from 1940 puts the collection at 127 works by 15th- to 19th-century Flemish, Dutch, French, German and Spanish painters.

The Nazis deported Popper to the Lodz ghetto in 1941, where he, his wife and his only daughter perished.

Documents show the collection most likely was taken over by Nazi authorities in 1942. A Nazi collaborator told the Czechoslovak government after the war that the SS special police and others under Nazi command probably stole many of the works for themselves.

In 1950 the Czechoslovak government wrote that 41 works from the collection were known to be in the hands of the state. However, only eight works from the Popper collection are listed on the Culture Ministry's restitution Web site.

Based on her research, Hajkova said she believes the 41 surviving works are probably in the National Gallery's depositories, but that they were poorly documented as they passed

through many hands and would require an expert to identify them.

Ales Pejchal, attorney for the National Gallery, said that since Klepetar is not a legal heir, he sees no reason to treat him like one and facilitate his research. But he added that, as a lawyer, he would have expected the Holocaust Act "to include a wider definition of what an heir is."

Meanwhile, Klepetar and his brother Jan brought a lawsuit against the National Gallery to claim the Popper collection. A Prague court ruled in January that his claim could not be evaluated because he did not present a specific list of the holdings he was seeking.

After the ruling was upheld in March by a Prague district court, Klepetar petitioned the Czech Supreme Court, but said he expects it to take two years before a verdict is returned.

"I don't have a lawyer and I am doing all this myself," he said, leafing through the hundreds of pages he has collected on his case. "There is something very wrong with the country if I cannot even find out about whether the National Gallery has these paintings."

Critics say the National Gallery's attitude in the Klepetar case is representative of how the government deals with claimants of Nazi-confiscated art.

'There is something very wrong with the country if I cannot even find out about whether the National Gallery has these paintings.'

Michal Klepetar

Holocaust victim's great-nephew

NEWS IN BRIEF

NORTH AMERICA

Kerry says he'll do better on Israel

John Kerry told voters in Florida that he would do a "better job" protecting Israel than President Bush.

Speaking Monday to Jewish voters in West Palm Beach, the Democratic presidential candidate also said he would do more to hold Arab countries accountable for funding terrorists, and spoke of his visits to Israel as a U.S. senator from Massachusetts.

Kerry also expressed support for the security barrier Israel is erecting along the West Bank.

The Kerry campaign is reaching out to senior citizens in the hotly contested state, asking them to vote early to prevent the type of vote-counting problems that occurred in 2000.

Florida has opened early voting booths across the state.

GOP questions Kerry's Arab support

Republican Jews are suggesting that Arab American support for John Kerry means he will be less supportive of Israel.

The Republican Jewish Coalition is highlighting endorsements for the Democratic presidential candidate from the Arab American PAC and the Muslim American PAC, saying the groups prefer Kerry over President Bush because the Massachusetts senator would not be as tough on terrorism.

"Both of these groups obviously believe Sen. Kerry will not support Israel like President Bush has and will not be as resolute in the war on Islamic terrorists," said Matt Brooks, executive director of the coalition.

"It is not surprising given Senator Kerry's mixed messages and his complete reversal of important policy statements."

Ira Forman, executive director of the National Jewish Democratic Council, called Brooks' statement ridiculous.

"I see no connection whatsoever in the Kerry campaign with the Muslim community," Forman said.

Duke conference peaceful

The fourth annual conference of the Palestine Solidarity Movement took place with little disruption.

The weekend conference at Duke University, which drew some 600 people, generally was peaceful, except for a bomb threat, the campus newspaper, *The Chronicle*, reported.

Meanwhile, more than 100 students and community members attended events about the Israeli-Palestinian conflict at Duke's Freeman Center for Jewish Life.

A handful of protestors from the New York-based Amcha-The Coalition for Jewish Concerns stood outside the conference building on Sunday.

"When you refuse to condemn bombing, you support it," Amcha leader Rabbi Avi Weiss said, according to *The Chronicle*.

Conference-goers reconsidered the Palestine Solidarity Movement's policy of not denouncing Palestinian violence, but two resolutions condemning attacks against civilians failed to get the two-thirds majority required for approval.

WORLD

French news chief quits after remarks

The news director of France's international radio network resigned after fellow journalists criticized his remarks about Jews and Israel.

Alain Menargues handed in his resignation Monday to Antoine Schwartz, the director general of Radio France International, shortly after journalists at the station held a special meeting to condemn his comments.

During an Oct. 12 interview on Radio Courtoisie, Menargues,

author of a book titled "Sharon's Wall," said the Israeli desire to separate from the Palestinians was based on racism, and urged listeners to check out the Book of Leviticus: "It's the separation of the pure and the impure. A Jew who wants to pray has to be pure. Anything that runs contrary to that purity has to be separated. Read Leviticus, it's written in black and white."

Schwartz said later that Menargues would be employed at the network in another, unspecified capacity.

MIDDLE EAST

Israel wants European balance

Israel called on the European Union to be more balanced in handling the Palestinian issue.

"It is very important for the E.U. to be involved if they show a more balanced attitude towards the conflict," Foreign Minister Silvan Shalom told reporters Monday during a visit to Jerusalem by his French counterpart, Michel Barnier.

"But you cannot ask us to accept a mediator which in advance tells us that its solution to the conflict would be a Palestinian state within the 1967 borders with its capital in Jerusalem."

Barnier commended Israeli Prime Minister Ariel Sharon on his plan to withdraw from the Gaza Strip and parts of the West Bank next year, but called for bilateral negotiations to resume.

"To succeed in this first courageous step, one must seek accord with the responsible people in the Palestinian Authority" to help prevent Gaza from falling into chaos, Barnier said.

"We see disengagement as a first stage."

Karine-A crew jailed

Israel jailed the crew of the Palestinian arms-smuggling ship *Karine-A*.

The Erez Military Court on Monday sentenced the captain to 25 years in prison for arms trafficking, and two other Palestinian crewmen to 17 years each.

Israeli commandos seized the *Karine-A* in January 2002 in the Red Sea, while it was en route to deliver 50 tons of military ordnance to terrorist groups in the Gaza Strip.

Yasser Arafat at first denied Palestinian Authority involvement, but finally accepted responsibility after Israel presented an intelligence dossier to the White House.

"This was the most serious case of arms smuggling ever known by this region, which constituted a huge and destructive threat to the State of Israel and its citizens," the court said in its ruling.

Israel's Gaza raids criticized

Human Rights Watch accused Israel of using excessive force while hunting for arms smugglers in the Gaza Strip.

"The pattern of destruction strongly suggests Israeli forces demolished homes wholesale, regardless of whether they posed a specific threat, in violation of international law," the New York-based group said Monday in a 133-page report on Israeli sweeps of Rafah, a Palestinian town on the Gaza-Egypt border that sees regular arms smuggling through tunnels.

Over the past four years, Israeli forces have leveled rows of Rafah homes along the border to deny the tunnelers space to operate, expanding a corridor that the Jewish state may hold onto even after it withdraws soldiers and settlers from Gaza next year.

Israel defended its actions as necessary to combat terrorism.

"We are operating against terrorist infrastructure set up within residential areas and attacking us from there," a Foreign Ministry spokesman said.