

IN THE NEWS

At Yad Vashem, Annan makes vow

The United Nations has the "sacred responsibility" to fight anti-Semitism, Kofi Annan said.

Speaking Tuesday in Jerusalem at the opening of the new museum at Yad Vashem, the U.N. secretary-general said that a "United Nations that fails to be at the forefront of the fight against anti-Semitism and other forms of racism denies its history and undermines its future." [Story, Pg. 3]

Bush presses Hezbollah on terror

President Bush called on Hezbollah to prove it is not a terrorist organization.

"We view Hezbollah as a terrorist organization," Bush said Tuesday after meeting with King Abdullah II of Jordan.

"And I would hope that Hezbollah would prove that they're not by laying down arms and not threatening peace."

The president's remarks appear to be a slight modification of the U.S. refusal to deal with Hezbollah, arising apparently from an assessment that the terrorist group will play a role in Lebanon even after Syria ends its occupation.

Israel agrees to hand over Jericho

Israel finalized a deal to hand over the first of five West Bank cities to the Palestinian Authority.

The new schedule was set in overnight negotiations Monday following several disputes over the scope of Israeli troop withdrawals. Jericho is slated to go first, on Wednesday, followed by Tulkarm and Kalkilya next week.

No date has been set yet for the Palestinian Authority to resume control of the last two cities on the roster, Ramallah and Bethlehem. Israeli authorities said Jericho would be a test of Palestinian security forces' ability to stop terrorism in the West Bank.



WORLD REPORT

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Judges challenge Pollard attorneys in latest legal move toward clemency

By MATTHEW E. BERGER

WASHINGTON (JTA) — A U.S. federal appeals court appears unwilling to give lawyers for Jonathan Pollard access to classified information they say would help in their appeals for clemency for the former U.S. Navy intelligence analyst, who is serving life in prison.

In oral arguments at the U.S. Court of Appeals for the District of Columbia Circuit on Tuesday, members of the three-judge panel repeatedly questioned whether the court could let Pollard's attorneys see classified information for a clemency petition, suggesting it was outside the judicial process.

The court also seemed poised to rule against Pollard's other motion, to seek a new sentencing hearing because of ineffective counsel, saying Pollard is asking for provisions beyond the normal appeals process.

"I think that's a problem with Mr. Pollard's litigation," said a visibly frustrated Judge David Sentelle. "He thinks he's unique."

The appeals hearing is the latest in the battle to free Pollard, who was sentenced in 1987 after pleading guilty to spying for Israel.

Pollard's attorneys and members of the American Jewish community lobbied hard for Pollard's clemency during the Clinton administration as well as previous administrations.

They argued that his life sentence was unjust because he had pled guilty and that it was harsher than sentences of other convicted spies who had worked for countries that were not allies of the United States.

If this appeal is denied, Pollard is likely to petition the U.S. Supreme Court to hear the case.

The Pollard case has captured the attention of Jews worldwide for nearly 20 years. Israel, which granted Pollard citizenship in 1995, has also raised the issue with successive American administrations.

On Tuesday, the Israeli Knesset passed a resolution demanding that the Israeli government make the United States releasing Pollard a condition for Israel's freeing more Palestinian prisoners

In court here on Tuesday, Sentelle questioned the court's jurisdiction from the first moment Pollard attorney Eliot Lauer began arguing to declassify 40 pages of a declaration written in 1987 by then-Secretary of State Casper Weinberger, which outlines his assessment of Pollard's damage to U.S. interests and is believed to be key to Pollard's long sentence.

Lauer said he needs access to the documents to assist the executive branch in determining Pollard's clemency claim.

With access to the information, he said, "we may be able to show that with the passage of time, the harm that may have been attributed to Pollard is not attributed to Pollard, and may be attributed to other spies."

Sentelle said there is no precedent for granting access to documents for the purpose of clemency, despite a protective order that allows Pollard's attorneys access if they can show a "need to know" and proper security clearance to review the documents.

Pollard's attorneys have gotten the security clearance.

Mary McCourt, the assistant U.S. attorney in the case, suggested the protective order was not applicable for furthering the quest for clemency.

"There is simply no right in the further-

Continued on page 2

■ Pollard attorneys argue for new hearing for spy

Continued from page 1

ance of clemency petitions for discovery, for hearings," she said, calling clemency a "plea for mercy" rather than a formal appeal. She also said those reviewing the clemency — the president and executive branch officials — could gain access to the materials, and there is no need for the prisoner's attorney to have access.

On the sentencing issue, Jacques Semmelman, another Pollard attorney, said a conflict of interest between Richard Hibey, Pollard's original attorney, and Hamilton Fox III, who filed a motion in 1990 seeking a withdrawal of Pollard's guilty plea, prevented Fox from claiming ineffective counsel.

"The conflict of interest is that Mr. Fox could not bring himself to say anything negative about Mr. Hibey," Semmelman said, after being asked repeatedly by Sentelle.

The new lawyers claim Hibey was ineffective because he did not appeal after Pollard received a life sentence, despite having pled guilty and cooperated with the government.

But Sentelle seemed to reject Semmelman's argument, saying he did not show a true conflict of interest.

He also said the attorneys' claims of

Hibey's ineffectiveness were subjective, calling Hibey "eloquent," "excellent" and "one of the most prominent defense lawyers."

While Sentelle was more vocal, Judge Judith Rogers also questioned the attorneys, and seemed to echo Sentelle's concerns. Judge Karen LeCraft Henderson did not speak.

Pollard, who is serving his sentence in Butner Prison in North Carolina,

did not attend the hearing. The last time he appeared in court was in Washington in September 2003 for a hearing on the same matter by the U.S. District Court. That court rejected the motions, prompting this appeal.

Pollard's wife, Esther, sat in the front row of the courtroom.

"The clemency issue is an adversarial process," she told JTA after the hearing. "How can you say it is fair for the government agencies to access the documents 24 times, but Jonathan's lawyers are not allowed to see the documents?"

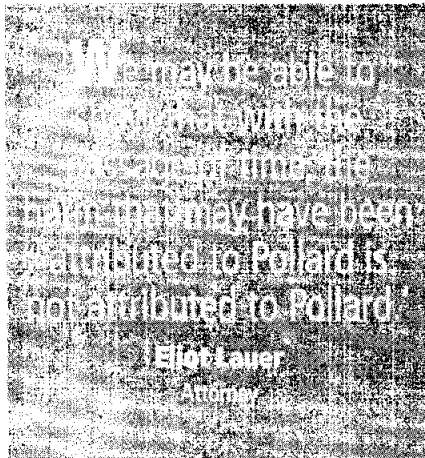
The court is expected to rule later in the year. If the appeals are denied, Pollard could ask the U.S. Supreme Court to hear either or both of the two issues.

If the appeals court rules for Pollard, he could potentially receive a new sentencing hearing or his attorneys could gain access to the classified material, or both, depending on the decision.

Sentelle suggested that Pollard would be able to exercise relief through the parole process.

Pollard is eligible for parole, but his attorneys said he has not sought a parole hearing because it would be hard to argue for parole without the classified information.

"Obviously, if parole were the solution, we wouldn't be here today," Esther Pollard said.



■ Britian decides kosher slaughter's OK

By DANIELLA PELED

LONDON (JTA) — Jewish groups are welcoming the British government's decision to reject a recommendation to ban kosher slaughter as a victory for their unified campaign.

The threat to ritual slaughter, known as shechitah, was raised after a June 2003 report from the government-sponsored Farm Animal Welfare Council advised that the practice should be outlawed.

The council had argued that shechitah and the Muslim method of halal slaughter — both of which demand the animal be fully conscious when its throat is cut — contravened British laws against animal cruelty, which mandate that all animals butchered in Britain must be electrically stunned before they are killed.

But a specially formed Jewish coalition, Shechita UK, fought the recommendation by emphasizing scientific evidence that shechitah — which involves cutting an animal's throat with a surgically sharp blade, leading to rapid loss of consciousness — is a humane method of slaughter.

The British authorities initially appeared inclined to accept the council's asser-

tions, the result of a four-year investigation, that "animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress."

But in its final statement, issued last week, the government emphasized that it was "committed to respect for the rights of religious groups."

Describing the council report as "inaccurate and biased," Henry Grunwald, the chairman of Shechita UK, said, "The government's response means that the Jewish community can continue freely to practice the Jewish religious humane method of animal slaughter for food in this country."

"We are pleased that the government has recognized and understood our concerns," he added.

Jewish leaders say the campaign not only has served to preserve the right of British Jews to produce and eat kosher meat, but also highlighted a rare example of community unity.

Shechita UK took pains to incorporate members of the Board of Deputies — the representative body of Anglo Jewry — along with various shechitah bodies and all the British authorities that oversee kosher food.

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New Yad Vashem history museum inaugurated

By DINA KRAFT

JERUSALEM (JTA) — The call of a shofar made secretly at a Polish work camp by Jewish prisoners in 1943 blasted into the Jerusalem night sky as presidents, diplomats and Holocaust survivors gathered to mark the opening of the new Yad Vashem history museum.

The surge in anti-Semitism across Europe to levels that have not been seen since World War II added more poignancy to Tuesday night's inauguration of the \$56 million museum commemorating the Holocaust.

Speaking at the ceremony, United Nations Secretary-General Kofi Annan told the dignitaries that the United Nations had an obligation to fight anti-Semitism.

"A United Nations that fails to be at the forefront of anti-Semitism and other forms of hatred undermines its mission," he said.

He said the museum should "stand as testimony that we are standing for a better way." Paraphrasing the Israeli author Aharon Appelfeld, who is a Holocaust survivor, Annan added, "Let Yad Vashem inspire us to keep striving as long as the darkest dark crawls the face of the earth."

Israeli Prime Minister Ariel Sharon said in his speech that the existence of Israel was the Jewish people's most potent weapon in ensuring they would never again know the horrors of genocide

launched against them.

"The State of Israel is the only place in the world where the Jews have the right and the power to protect themselves by themselves," he said. "This is the only guarantee that the Jewish people will never know another Holocaust."

Leaders and officials representing some 40 countries came to the opening. They included French Prime Minister Jean-Pierre Raffarin, German Foreign Minister Joschka Fischer and Polish President Aleksander Kwasniewski.

A representative of the Vatican was there as well.

New York City Mayor Michael Bloomberg led the U.S. delegation.

Sallai Meridor, chairman of the Jewish Agency for Israel, said that rising anti-Semitism made the opening of the new museum at Yad Vashem especially important.

"It makes it that much more important that the lessons the Holocaust do not just become a history lesson, but a living memory for people to take with them," Meridor told JTA.

"For years we worked diligently to recover the shards of their stories and the fragments of their memories, their faded pictures — too little — that the victims left behind," said Yad Vashem director Avner Shalev, who is also the museum's chief curator.

Earlier Tuesday evening, after the ribbon-cutting ceremony at the museum, the Joe Wilf family and other donors were photographed along with

Israeli President Moshe Katsav.

Philanthropist and survivor Wilf and his family are among the largest donors to Yad Vashem and the new museum.

Mark Wilf, one of his sons, is a member of the executive committee of the American Society for Yad Vashem, national campaign chairman of the United Jewish Communities, a JTA vice president and a leading member of the group called Second Generation.

Among the other dignitaries were the presidents of Albania, Switzerland, Serbia and Macedonia, along with the vice presidents of Denmark, France, the Netherlands and the Dominican Republic. ■



A NEW
YAD VASHEM

Fires strike synagogue, store in resort town in Switzerland

By JACQUES WEILL

LUGANO, Switzerland (JTA) — This week's fires in a synagogue and a Jewish-owned clothing store here are being called rare acts of anti-Semitic violence in Switzerland.

"This kind of violence against Jewish institutions in Switzerland is new. Nobody remembers a similar act," said Thomas Lyssy, a spokesman for the Swiss Federation of Jewish Communities.

Police are investigating both cases of suspected arson. Both fires were set on Sunday night and the leader of the local Jewish community said both were acts of anti-Semitism.

The mayor of the city, Giorgio Giudici, condemned the attacks.

The fire at the synagogue in the resort town near the Italian border caused considerable damage, destroying the library before firefighters put it out.

The store was completely destroyed, Etti Stein told JTA from Los Angeles.

Stein's sister, Pagit Schreiber, lives in Lugano. Her in-laws own the store.

"She's very, very upset," Stein said.

Hans Stutz of the Foundation Against Racism and Anti-Semitism told the Swiss Telegraphic Agency that this was the first fire set in a Swiss synagogue in the last 25 years.

But synagogues have been smeared with anti-Semitic slogans and swastikas in Lausanne in April 2003, in Geneva in February 1998 and in Lugano in 1996. The worst anti-Semitic incident occurred in 2001 in Zurich, when a rabbi was stabbed by an unknown assailant.

Eli Bollag, the chairman of the Jewish community in Lugano and a member of the City Council, said that he was sad and angry over the fires: sad about the stupidity that lies at the origins of the fires and angry at the cowardice of the perpetrators, who chose to attack such a small Jewish community.

Orthodox Jews have lived in Lugano since World War I. At the end of World War II, the city was home to more than 1,000 refugees.

There are now only about two dozen members of Lugano's Jewish community, and about 500 Jews in the region. ■

(JTA Foreign Editor Peter Ephross in New York contributed to this report.)

NEWS IN BRIEF

WORLD

Nazi-looted painting returned

The Israel Museum returned a Nazi-looted Degas painting.

Israel's leading art museum is returning Degas' "Four Nude Female Dancers Resting" to the daughter-in-law of Jacques Goldstikker, a Dutch art dealer who died while fleeing the Nazi invasion of the Netherlands in 1940.

The return of the Degas comes amid efforts to return some of the more than 1,300 paintings, dispersed around the world, that were once owned by Goldstikker to Marei von Saher, his only living heir.

New Zealand bars top Israeli official

A top Israeli general was barred from entering New Zealand.

Maj. Gen. Gabi Ashkenazi, the deputy chief of military staff, called off a visit to Auckland on behalf of the United Israel Appeal this month after being refused a visa, the New Zealand Herald said Tuesday.

The daily quoted officials as saying the decision was part of New Zealand's suspension of diplomatic ties with Jerusalem in response to two suspected Israeli spies who tried to acquire New Zealand passports fraudulently last year.

A spokesman for New Zealand Prime Minister Helen Clark told the Herald that barring Ashkenazi "would be in keeping with the official position on contacts with Israel at present."

Israel's Defense Ministry had no immediate comment.

Historian tells C-SPAN to stay out

A leading Holocaust historian refused to let C-SPAN tape one of her talks because the U.S. cable network is airing a talk by a Holocaust denier.

Deborah Lipstadt told the network that it couldn't tape her talk at Harvard on Wednesday because it is preparing to air a talk by David Irving, a Holocaust denier.

"I am not going to be the enabler," Lipstadt, a Jewish studies professor at Emory University in Atlanta, told JTA. In 2000, Irving lost his lawsuit against Lipstadt and her publisher, Penguin Books; Lipstadt had accused him of being a Holocaust denier.

Connie Doebele, executive producer of Book TV, expressed disappointment at Lipstadt's decision.

"We always say to ourselves, 'Where is another view of this? Is there another voice that needs to be heard?'"

Tsunami claims another victim

A Jewish man from Zimbabwe died of injuries suffered in the tsunami.

Clive Walter Baron, 70, died last week in Bangkok, according to Chabad of Thailand.

Some 165,000 people are estimated to have died from the Dec. 26 tsunami, according to The Associated Press.

MIDDLE EAST

Activist's family sues Israel

The family of a pro-Palestinian American activist killed by an Israeli army bulldozer in the Gaza Strip sued the State of Israel and the Israeli army.

Rachel Corrie's relatives sued for \$324,000 in direct damages, as well as punitive damages, in a Haifa court on Tuesday, Ha'aretz reported.

Corrie, a member of the pro-Palestinian International Solidarity Movement, was crushed to death in March 2003 by an army bulldozer while trying to prevent Israeli troops from demolishing a Palestinian house as part of an anti-terrorist operation.

NORTH AMERICA

Anti-Semitic incidents in Canada rise

Anti-Semitic incidents in Canada rose by 50 percent in 2004, a survey said.

B'nai Brith Canada's annual audit of anti-Semitic incidents for 2004, released Tuesday, said there were 857 incidents across Canada last year — the highest in the audit's 22-year history.

Only 13 criminal charges were filed in connection with the incidents and only one prison sentence has been doled out so far, said Harold Davis, the group's national president.

Davis said the criminal code and legal system have been far too lax in dealing with hate crimes.

House presses E.U. on Hezbollah

The U.S. House of Representatives passed a resolution calling on the European Union to add Hezbollah to its list of terrorist groups.

On Monday, House members voted to pass the resolution by a vote of 380-3.

The European Parliament defined Hezbollah as a terrorist group last week.

Yoffie blasts budget priorities

The Bush administration's budget showed that American politics are "fundamentally broken," a Reform Jewish leader said.

Speaking to members of the Reform movement's Religious Action Center for Reform Judaism on Monday in Washington, Rabbi Eric Yoffie, president of the Union for Reform Judaism, said he is concerned that cuts to health care and Social Security are in the offing, camouflaged by religious language and family values.

"I believe that there are many religious Americans who, like us, regard poverty as a moral issue; who believe that giving tax cuts to the rich and a deficit to the grandkids is a matter of religious concern; who know that it could never be religiously right to be craven toward the economically powerful and vicious toward the economically weak," he said.

Howard Dean backs Israel

Howard Dean said strong support for Israel is critical to U.S. foreign policy and that Iran was potentially the most dangerous place on earth.

Dean spoke Monday to the American Israel Public Affairs Committee's New Leadership Network, his first meeting with the pro-Israel community since his election as chairman of the Democratic National Committee last month.

He sought to assuage concerns arising from his bid for the presidency in 2004, when he called for a more "even-handed" approach to the Middle East.

"A strong Israel is an essential part of the ability of the United States to build democracy everywhere in the world," he said to applause.

Also speaking Monday at AIPAC was Dean's Republican counterpart, Ken Mehlman, who is Jewish.

Poll: Americans know the Holocaust

Americans believe they have a good understanding of the Holocaust, according to a new poll.

More than 80 percent feel they know something or a great deal about it, and 62 percent can correctly identify that 6 million Jews died in the Holocaust, according to a recent study by the Israel Project.

About 98 percent of Americans believe the Holocaust took place, the Israel advocacy group said.

Furthermore, 75 percent of Americans with at least some knowledge about the Holocaust have warm feelings toward Jews.