

IN THE NEWS
Couple killed in Gaza Strip

Palestinian terrorists killed an Israeli couple returning from a visit to the Gaza Strip.

Dov and Rachel Kol, of Jerusalem, were killed in their car by gunfire on Saturday night as they ended a weekend visit to the Gush Katif settlement bloc and headed to the Gaza-Israel boundary. [Story, Pg. 3]

Sharon extends a hand to Mubarak

Ariel Sharon extended Israeli condolences to Egypt after a major terrorist attack in Sinai.

The Prime Minister's Office said Sharon telephoned Egyptian President Hosni Mubarak after an Al-Qaida-style cell bombed the Sharm el-Sheikh resort on Saturday, killing at least 88 people and wounding more than 200.

"The prime minister said that it is forbidden to compromise with Islamic extremist terrorism and added that it must be fought in every way," Sharon's office said.

"Egyptian President Mubarak thanked Prime Minister Sharon for his condolences and said that Israel and Egypt would cooperate in the war on terrorism."

Israel foils Tel Aviv bombing

Israeli forces captured a Palestinian would-be suicide bomber en route from the Gaza Strip to Tel Aviv.

The 18-year-old Al-Aksa Brigade terrorist apparently managed to climb over the security fence in the northern Gaza Strip last Friday, walking for several hours until he was intercepted near Kibbutz Nir Am.

He was carrying an 11-pound bomb and told Israeli interrogators he planned to blow himself up in Tel Aviv.

The Israeli media identified the terrorist as a relative of Salah Shehade, the Hamas chief assassinated by Israel in 2002.

WORLD REPORT

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After court denies his appeal, Pollard left with few legal options

By MATTHEW E. BERGER

WASHINGTON (JTA) — There appear to be few legal options left for Jonathan Pollard.

A U.S. federal appeals court last Friday rejected the former U.S. Navy intelligence analyst's claim that he had inadequate counsel when he was sentenced to life in prison in 1987 for spying for Israel. The court denied his request to vacate his life sentence.

At the same time, the three-judge panel at the U.S. Court of Appeals for the District of Columbia Circuit denied Pollard's attorneys access to classified information they say would help in their attempt to win presidential clemency for their client.

The rulings, which affirm decisions by a U.S. District Court in 2003, leave Pollard with little recourse but to appeal to the Supreme Court to

change his fate. Pollard's attorney, Eliot Lauer, said last Friday that another option was to ask the entire appeals court to hear the case.

"We are very disappointed with the appeals court decision," Lauer said. "We hope that in time, and we are confident that in time, the American judicial system will give Jonathan Pollard his rightful day in court."

The appeals hearing was the latest in the battle to free Pollard, who was given a life sentence after pleading guilty to spying for Israel as part of a plea bargain that the U.S. government did not respect.

Pollard's attorneys and members of the

American Jewish community lobbied hard for clemency during the Clinton administration, as well as previous administrations. Israel, which granted Pollard citizenship in 1995, has also raised the issue with successive American administrations.

They argue that Pollard's life sentence is unjust because he had pleaded guilty and because it is harsher than the penalties given to convicted spies who had worked for countries antagonistic to the United States.

The court said Pollard's claim of inadequate counsel was untimely because he knew the circumstances of his claim before he filed it in 2000. Motions can be filed up to a year after sentencing or when new facts are discovered.

"Pollard knew the facts; what he now claims not to have known is the legal significance of these facts," Judge David Sentelle wrote for the court, which was

unanimous on the issue.

Pollard's attorney, Jacques Semmelman, said in oral arguments that 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 under repeated questioning by Sentelle.

The new attorneys claim that Hibey was

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'Pollard knew the facts; what he now claims not to have known is the legal significance of these facts.'

Judge David Sentelle
U.S. Court of Appeals for the
District of Columbia Circuit

Continued from page 1

ineffective because he did not appeal after Pollard received a life sentence, even though his client had pleaded guilty and had cooperated with the U.S. government.

Pollard's attorneys also want to see 40 pages of a declaration written in 1987 by then-Secretary of State Casper Weinberger that outlines his assessment of Pollard's damage to U.S. interests. That declaration is believed to be key to Pollard's long sentence, but the court ruled that federal courts lack jurisdiction to review claims for access to documents for clemency purposes.

"The Constitution entrusts clemency decisions to the president's sole discretion," wrote Sentelle, joined by Judge Karen Lecraft Henderson.

Judge Judith Rogers dissented, dismissing the jurisdictional question but saying that Pollard's lawyers did not have a "need to know," which is required to access the information. A presidential grant of clemency is a government function, she said, while assisting Pollard's petition is a private act.

"Simply asserting that one's assistance is needed does not make it so, especially since executive clemency is a matter of grace," she wrote, adding that the president would have to seek the assistance of Pollard's attorney to meet the "need-to-know" standard.

It's unclear when and if Pollard's attorneys will appeal to the U.S. Supreme Court. The court could hear either or both of the two issues or choose not to review the case, essentially affirming last Friday's decision.

Pollard, who is being held at Butner Prison in North Carolina, 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. ■

Outrage at auction of Hitler items

By BRAM EISENTHAL

MONTREAL (JTA) — Which was the ultimate irony, some wondered: the fact that an auction that included six items illustrated or signed by Hitler was held in a church or that it took place in a city with one of the world's largest communities of Holocaust survivors?

Despite a glut of publicity, much of it negative, the Montreal auction house Iegore-Hotel des Encans went ahead with its art auction on July 17, selling almost all of its 212 lots, including the six Hitler items.

The auction house came into possession of the items — two signed greeting cards on Third Reich stationery and four architectural drawings done by the amateur artist and future dictator — through a party who wished to remain anonymous.

When the auction became public several weeks ago, auctioneer Iegor de Saint Hippolyte, 57, a Russian immigrant who came to Canada in 1983, was thrown on the defensive.

"I understand why some people might be upset," he was quoted as saying. "My own grandfather was in a concentration camp. But I'm doing it for the same reason I would sell a poster of Lenin or Trotsky," he claimed. "It is part of history and also my job."

Members of the Jewish community didn't accept that reasoning.

"We find it deplorable that these objects, originally belonging to one of the most reviled mass murderers in history, would financially benefit either the seller

or the purchaser," said Ann Ungar, the executive director of the Montreal Holocaust Memorial Center and Museum. "Without a doubt, these objects should be given to an institution devoted to education and research, for the benefit of the general public."

The three-hour auction included several Miros, a Picasso that was pulled because it was thought to be fake and a Warhol, among other items. But none of those artworks mattered to the people who came to see what happened to the Hitler works.

"Members of the media will have to leave the room," Saint Hippolyte announced in French five minutes before the Hitler lots came up. The winning bids, which all came from the same unidentified person, were placed by phone.

Hitler's pencil-on-paper drawing "House Wachenfeld," or Mountain House, went for \$7,000, as did "Monument," a charcoal drawing on paper.

The next two items — a greeting card signed in 1935 and another from 1938 — went for \$2,100 and \$2,300, respectively.

A pencil-on-paper drawing of the Linz Opera House by Hitler's chief architect, Albert Speer — which Hitler later "corrected" — went for \$7,500, while a pencil-on-paper sketch called "German School" sold for \$6,500.

In all, the Hitler items sold for a total of \$32,400.

The one other Nazi-related item — a black-and-white photo of the Christian Nazi Socialist Party of Canada, taken at an organizational assembly on June 20, 1938 — sold for \$250. ■

Canadian Muslims denounce terror

TORONTO (JTA) — Some 120 leaders of Islamic congregations from across Canada has issued a public condemnation of Muslim terrorism.

Meeting in Toronto, the group of imams, who represent only a fraction of Islamic leaders across Canada, also endorsed a religious edict issued by a British Muslim group condemning suicide bombings.

The statement came the same day that London was hit with a second round of terrorist blasts, which injured one person.

B'nai Brith Canada questioned why the statement, which appeared to be the ini-

tiative of the Canadian Jewish Congress, was so late in coming and whether the imams' rejection of Muslim fundamentalist violence included attacks on Israel.

"Where have their voices been when for years, sometimes on a daily basis, Palestinian bombers have lined up to wreak havoc on Israeli citizens and to inflict as much human damage as possible?" asked Frank Dimant, the Congress' executive vice president.

Dimant also challenged the Islamic congregations to post the statement in English, French and Arabic in their mosques. ■

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With killing, tensions over Gaza Strip rise

By DAN BARON

JERUSALEM (JTA) — A two-mile stretch of road leading to the main Gaza Strip settlement bloc has become Israel's security nightmare.

A Jerusalem couple, Dov and Rachel Kol, were killed in their car Saturday night in a Palestinian ambush as they drove home from a weekend visit with family at Gush Katif via the Kissufim route.

For Israel's top brass, such tragedy was just a matter of time. Kissufim, already an important road for Israelis traveling to Gaza, has become a major thoroughfare for people — some with permits, some without — flocking to Gush Katif, as part of efforts to prevent the upcoming Gaza withdrawal.

"With so many Israelis on the road at all hours of the day or night, it is hardly surprising the terrorists seized on the opportunity," a senior Israeli security source said Sunday.

There have been no reports that the Kol visit to Gaza was tied to the pullout protests.

Israeli troops killed the two gunmen who attacked the Kols' car, members of Islamic Jihad and the Al-Aksa Brigade. But it was no consolation for Prime Minister Ariel Sharon.

Sharon hinted that Israel had an unprecedented response in store for any further Palestinian attacks.

"Israel will not countenance this terrorism," he told the Cabinet. "I made clear to the secretary of state that our response will be of a different kind, using very tough

new measures," referring to his recent meetings with visiting U.S. Secretary of State Condoleezza Rice.

But Israel's security forces are already stretched to the limit, thanks in part to nationwide protests by anti-pullout activists.

Police blocked a planned pro-settler march on Gush Katif last week by declaring it illegal and then blocking the route.

In response, many of the younger would-be marchers slipped into Gush Katif on foot or by hiding in the trunks of residents' cars that traveled along the Kissufim route.

Security forces, which have sealed off Gaza settlements as a prelude to next month's withdrawal, arrested between 200 and 300 pro-settler infiltrators. But activists said that as many as 1,000 others managed to get in.

Israel's security fence around Gaza faced another challenge, from the United States.

Rice, who left Saturday after a whirlwind visit to Israel and the West Bank, urged Sharon to guarantee that Gaza gets a lifeline to the outside world after it is handed over to the Palestinian Authority.

"When the Israelis withdraw from Gaza, it cannot be sealed or isolated" with the Palestinian people closed in, she told reporters.

"We are committed to connectivity between Gaza and the West Bank and we are committed to openness and freedom of movement for the Palestinian people," Rice said.

To add to the internal Israeli pressure, the Yesha settler council said it would mount a new march on Gush Katif on Aug. 1.

On the other side of the issue is Ami Ayalon, a former Shin Bet chief who launched a countrywide tour to drum up support for the Gaza withdrawal.

Ayalon denied that the convoy he is leading on a weeklong trek between Israeli cities is seeking to boost Sharon.

"We are here to represent Israel's center, which wants the disengagement to lead to the beginning of a real reconciliation with the Palestinians," Ayalon told JTA.

"On that level, Sharon owes us as many answers as he does to the anti-disengagement crowd. Where is the country going? If our concessions end with the Gaza withdrawal, can the prime minister really guarantee we will remain a Jewish democracy?" ■

ISRAEL'S DISENGAGEMENT SUMMER

Anti-Semitism in Ukrainian elections

By VLADIMIR MATVEYEV

KIEV, Ukraine (JTA) — A new wave of anti-Semitic outbursts by public figures is surging in Ukraine.

Several newspapers of nationalist orientation recently published appeals by members of the Ukrainian Writers Union against the "Judaization" of the union and in favor of the expulsion of the group's Jewish members.

One of the newspapers published a call by the writers to convene an extraordinary congress of Ukrainian writers to destroy "the hotbed of the Elders of Zion" within the union.

In a separate development, the head of the Ukrainian Book Chamber published an open letter calling for violence against Jews. The letter by Nikolai Senchenko was published by the newspaper of MAUP, Ukraine's largest private university.

Most observers agree that the recent wave of anti-Semitic propaganda in Ukrainian media has to do with parliamentary elections due next spring and is in part directed against President Viktor Yushenko's team, which includes several

Jews in high offices.

Yushenko has made a number of public statements condemning anti-Semitism since his inauguration in January, but Jewish leaders say authorities must do more to combat anti-Semitism in the media.

"The wave of anti-Semitism continues to grow in Ukraine, but the authorities are doing nothing to stop it," Eduard Dolinsky, executive director of the United Jewish Community of Ukraine, an umbrella organization, told JTA.

Last Friday, leading Ukrainian intellectuals condemned MAUP's involvement in the anti-Semitic surge.

Yushenko's top Jewish ally also called on the authorities to take a tough stand.

Yevgeny Chervonenko, the country's minister of transport and communications, said in a recent interview that "people who have the disease of anti-Semitism should be severely punished."

Chervonenko, who also is a vice president of the United Jewish Community of Ukraine, was the first minister in Ukrainian history to have a mezuzah affixed to his office door when he took up his Cabinet post earlier this year. ■

THIS WEEK

THURSDAY

■ The U.S. Holocaust Memorial Museum opens its summer research workshop in Washington. Top Holocaust scholars from Britain, Germany, Israel and the United States consider "Survival, Displacement, Struggle: Jewish Displaced Persons in the Wake of the Holocaust."

SUNDAY

■ The Orthodox Union holds its first conference in New York City for mikvah attendants and mikvah board members. An afternoon event, "Pearls of Appreciation," will offer professional training, as well as recognition and appreciation for the important role that mikvah attendants fill and the time they spend assisting the observance of mikvah within Jewish communities.

NEWS IN BRIEF

NORTH AMERICA

Pentagon to sell equipment to Israeli air force

The Pentagon plans to sell Israel's air force up to \$600 million of equipment and maintenance.

The contract would cover service for Israel's F-15 and F-16A/B fighter jets for 10 years, the Pentagon said last Friday.

The primary contractor would be Pratt & Whitney.

"This proposed sale will contribute to the foreign policy and national security of the U.S. by helping to improve the security of a friendly country that has been, and continues to be, an important force for economic progress in the Middle East," the Pentagon said in a notice to Congress, a requirement of such sales. "The proposed sale of this equipment and support will not affect the basic military balance in the region."

Congress has 30 days to block the sale, but is unlikely to do so.

House approves Patriot Act

A version of the USA Patriot Act that passed the U.S. House of Representatives is "a measured response to the legitimate threat of terrorism," the Anti-Defamation League said.

The Patriot Act has been of concern to numerous Jewish groups because of perceived violations of civil liberties, but few have actively opposed its reauthorization or sought significant changes.

Abraham Foxman, the ADL's national director, said the new bill, which passed the House on July 21, adds several safeguards against abuse.

The act still must be approved by the Senate.

Dine to lead San Francisco federation

Thomas Dine, a former AIPAC head, was named CEO of the Jewish federation in San Francisco.

Dine, who is president of Radio Free Europe/Radio Liberty and who was executive director of the American Israel Public Affairs Committee from 1980 to 1993, will start work at the Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties in October.

MIDDLE EAST

Policeman blasted for cursing protesters

A senior Israeli police officer came under fire for cursing those protesting against the upcoming Gaza Strip withdrawal.

Nisso Shaham, the chief of police in the Negev region, was caught on camera last week giving a deputy instructions on how to handle protesters who had been penned in by security forces during a march on the main Gaza settlement bloc, Gush Katif.

"Crap on them. Let 'em burn. I'll screw their momma," he was heard saying.

Shaham issued an apology, calling his outburst a slip of the tongue brought on by three days of confrontations with the protesters. But several Cabinet ministers called for the officer's dismissal.

"Compared to him, the settlers have behaved with restraint and responsibility," Israeli Finance Minister Benjamin Netanyahu said.

Islamist video slams Egypt

An Islamist group released a video criticizing Egypt for allowing Israeli tourists to visit the resort that was bombed Saturday.

The video released by the group Al-Qaida of Iraq called Egypt's decision to allow Israelis to travel to an area that includes Sharm el-Sheikh "evidence of how the Jews are desecrating the land of Muslims."

The video did not specifically mention Saturday's bombings, which killed at least 88 people and wounded more than 200 in the resort town.

Sharm el-Sheikh is popular with Israeli tourists, but no Israelis died in the attack. One Israeli Arab woman was lightly wounded by shrapnel.

WORLD

Link found between London, Tel Aviv bombings

One of the terrorists in the July 7 London transit-system bombings reportedly knew one of the bombers in a 2003 Tel Aviv terrorist attack.

Mohammed Siddique Khan knew Omar Sharif, one of the two British terrorists to attack Mike's Place, a Tel Aviv restaurant, in April 2003, Britain's Independent newspaper reported.

Khan, 30, one of the four suicide bombers whose attacks on London's transport system killed more than 50 people and injured more than 700, was friendly with Sharif.

Both are thought to have attended the same mosque in Leeds.

In February 2003, Khan visited Israel for one day, leading to speculation that he may have been on a reconnaissance mission for the Mike's Place attack.

Sharif's accomplice, Asif Hanif, blew himself up, killing three people; Sharif failed to detonate his explosive belt in the attack.

He escaped only to be found dead in the sea some days later.

Envoy: Withdrawal is catalyst

The top U.N. envoy for the Middle East said Israel's withdrawal from the Gaza Strip could re-energize the peace process with the Palestinians.

"It is a moment pregnant with hope, but also fraught with peril," Alvaro de Soto told the Security Council on July 21, according to news agencies.

In his monthly report to the council, de Soto said a de facto cease-fire had eroded in recent weeks with a July 12 suicide bombing and Israel's resumption of targeted killings of terrorist leaders.

Still, he said there were encouraging developments in recent days: Palestinian Authority President Mahmoud Abbas' initial steps to rein in terrorist groups and restore law and order, and Israel's determination to go ahead with the Gaza withdrawal.

De Soto's speech was followed by a daylong council debate that Arab nations called to focus on the recent Israeli Cabinet approval of the security fence in Jerusalem, which will cut off 55,000 Palestinian residents from the city.

Russians guilty in attack

Two Russians found guilty of attacking two Moscow rabbis were given prison sentences.

A Moscow court on July 21 sentenced Dmitry Rozanov to four years and Andrei Maksin to 18 months in prison for their role in the Jan. 14 attack on Rabbis Alexander Lakshin and Elia Fomiuk.

The court found the defendants guilty of physical assault and hooliganism but refused to qualify the attack as a hate crime, claiming that the defendants were "unaware of the ethnic belonging of the victims."

Estonia unveils Holocaust memorials

Estonia is unveiling new Holocaust memorials.

On Sunday the former Soviet republic unveiled a memorial stone in the former concentration camp in Klooga.

Another memorial is slated to be unveiled on Monday, with three more planned for later in the week.

Twenty-two memorials honoring the Jews killed in Estonia during World War II are slated to be erected, the Associated Press reported.

Some 1,500 Estonian Jews died during the war, and an estimated 10,000 Jews were killed in Estonia after having been deported to camps there from elsewhere in Eastern Europe.