

9/1/97

## On My Mind

A. M. ROSENTHAL

# Execution and Torture

JERUSALEM, May 5 — The Israeli Government announced today that Israeli Jews who sell land to Palestinians will face execution.

"The death penalty will be imposed on anyone who is convicted of selling one inch to Palestinians," said the Israeli Justice Minister in an interview. "Even middlemen involved in such deals will face the same penalty."

Change a few words and that is a real dispatch from Jerusalem by the Associated Press. The warning of execution was made — but by the Minister of Justice of Yasir Arafat's Palestinian Authority, Frith Abu

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### Dispatches from Jerusalem.

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Medein. It was a warning to all Palestinians, inside its present control or not. It should be taken as a different warning by Israel and those who wish it well.

Imagine the worldwide denunciation had it been a warning of execution to Jews from Israel, for selling land to Palestinians.

America and Europe erupt in justified fury. President Clinton is bombarded by press questions and does not conceal his shock. Almost every newspaper and TV news program leads with it, carries editorials, columns, commentary, talk shows.

Imagine the meetings at the U.N., the boycott demands of the Muslim countries, the mock horror of the budding China-Russia alliance. Christian church groups are publicly horrified, and so too the whole world of Jewish organizations.

And what happened after the real death warning was dispatched around the world? Why, nothing.

No government, including those financially holding up the Palestinian Authority, said anything. Nothing from the American Friends Service Committee, the National Council of Churches and other church groups normally solicitous of Palestinian rights, no angry faxes flooding in from Jewish groups, except the alert Anti-Defamation League. From the U.N.: nothing.

U.S. newspapers I saw printed it not at all, or barely. I saw one editorial of protest, in The New York Post.

Though the world refused to witness, the death warning was probably the most important statement the Arafat people have made since the Oslo agreement for Israeli-Palestinian peace talks in 1993.

As David Bar-Ilan, the Israeli spokesman, said, it recalls the Nazi Nuremberg race laws. But it is far more significant for what it tells us of the kind of regime that will rule the Palestine to be.

Whether or not a peace agreement is signed, the Palestinian Authority made possible by Israel under Rabin-Peres is headed toward worldwide recognition as an independent state, whatever Israel might call it. And it will be one more Mideast racist despotism on Israel's borders. Time and again, and purposefully, the Arafat Authority has shown where it is going. It jails political critics, makes deals with terrorists, talks repeatedly in their language of incitement and jihad.

As I began writing this, I became aware of the U.N.'s Geneva meeting and the New York Times article from Jerusalem on torture of Palestinians by Israeli interrogators.

Torture is wrong and unacceptable, any place, any time. Friends of Israel understand the terrorist danger in which it lives perpetually. They know that torture of Arabs by Arab governments is unspeakably worse. For these regimes, it is routine, always was.

But Israel is different. Using torture demeans its most important asset next to its defense force — civilized democratic decency.

But I will not allow the coincidence of the torture reports to prevent me from calling attention to the execution policy and what it should tell us all.

Before the execution policy was announced we knew that Mr. Arafat was creating a Palestinian despotism. What we did not know, or did not want to believe, was how readily, how silently, the world would accept and welcome such a Palestine.

The world, including the West, cares nothing for Arab human rights unless violated by Israelis. Nor does it care that every despotism on its borders is by nature and intent one more security threat to Israel. Now the silence informs those who do care.

So whatever the result of negotiations, Israel will have to remain at arms until Palestinians achieve democracy, while perfecting its own. That will not be easy for Israel, but then it never has been. □

## Palestinian Justice

Consider for one spellbinding second the following scenario: With mikes turned on to the world, the Israeli Justice Minister announces that "the death penalty will be imposed on any Jew selling a kernel of sand to an Arab." And quicker than anyone can stuff a knish, a Jewish realtor gets his head caved in. His neighbors are thrilled and the local rabbi refuses the family a proper funeral.

Imagine the outcry and front-page headlines across the U.S. and Europe. Now imagine the reverse: The Palestinian Justice Minister proclaims that "the death penalty will be imposed on anyone who is convicted of selling one inch to Israel." A few days later, Farid Bashiti, an Arab land dealer, is found gagged and beaten to death in the Palestinian-controlled city of Ramallah. All of this happened in the past fortnight, but the response is hard to hear.

It is not hard to connect the dots. Anonymous Israeli officials have already told the Associated Press there was "no doubt" that Mr. Bashiti was killed by Force 17, Yasser Arafat's personal bodyguard. While Palestinian officials have denied the charge, they have made no attempt to hide their sympathy for the murderer. "Nobody from this moment will accept any traitor who sells his land to the Israelis," said Fethi Abu Medein, the Palestinian Justice Minister. "Everybody now realizes the danger of selling land to a Jew." For this clarification, much thanks is also due to the Mufti of Jerusalem, Ikrama Sabri, who issued a fatwa (or death sentence) against Muslims who sell land to Israelis. In a sermon at the Al Aqsa mosque in Jerusalem, the Arafat appointee also called Mr. Bashiti an infidel who could not be buried in a Muslim cemetery. He forbade Muslims to pray for him.

From the international community that has repeatedly condemned Israel

for building what it mistakenly describes as "Arab east Jerusalem," there has come not a word of concern about either the murder or the Palestinian Authority's new category of capital crime. Indeed, it looks as if Mr. Abu Medein's very public announcement was a test of the waters. Once Palestinian extremists understood that there would be no international protest, they may have felt free to make an example of Mr. Bashiti.

Such political murder among Palestinians does homage to a long tradition beginning with Mohammed Amin al-Husseini, appointed Mufti of Jerusalem in 1921. Husseini, who was pro-German during the height of the Holocaust, also carried out the systematic extermination of Arab moderates. Their absence is a significant reason the Arabs did not accept the postwar U.N. partition of Palestine. It is also the reason that peace seems so distant today. Many Arab "collaborators" were murdered during the intifada between 1987 and 1994.

A fair settlement for the Palestinian Arabs remains a goal to pursue, but it is time to recognize that the fundamental flaw of the Oslo agreements was the recognition of Mr. Arafat and his gang as the legitimate representatives of the Palestinian people. Those who have watched subsequent developments in the quasi-state created by Oslo should find these latest events unsurprising. Numerous human rights groups have criticized the abuses of the Palestinian Authority, and Mr. Arafat himself seems quite willing to put his own people in harm's way whenever he isn't happy with Israeli decisions.

Unfortunately, even though events in the Middle East continue to disprove the popular hypothesis that Benjamin Netanyahu's "intransigence" is the obstacle to peace, we can probably expect the Arafat fans of the international community to avert their eyes.



June 3, 1997  
כ"ז באייר התשנ"ז  
B4.990

To: Dr. Sa'eb Erakat  
Head of the Palestinian side of the Steering and Monitoring Committee

RE: Statements and Actions Regarding the Sale of Land to Israelis

We have followed with increasing concern, the recent statements and acts emanating from members of the Executive Authority of the Palestinian Council regarding the sale of land by Palestinians to Israelis and, as such, feel the necessity to respond in a clear and forthright manner.

The above mentioned statements have included reference to the prohibitions and restrictions which will be imposed upon such sales in addition to the various punishments and penalties that will be incurred by Palestinians engaging in the sale of land to Israelis. In certain cases it has even been stated by high ranking Palestinian officials that the death penalty would be imposed on the perpetrators of such "offenses", which have been titled "treasonous".

Furthermore, as you are no doubt well aware, land dealers from Jerusalem and Ramallah have been recently assassinated. These callous murders have not been condemned by officials on the Palestinian side. On the contrary, statements made by such officials, both before and after the execution of these heinous acts, have conveyed the message that such crimes are to be commended.

We regard such statements and acts, as well as the underlying policy that they reveal, as totally unacceptable. It is particularly grave and serious that such statements have been made by the very individuals entrusted with the implementation and enforcement of law and justice. Such statements and acts represent a flagrant violation of both the spirit and the letter of the Interim Agreement and stand in blatant contradiction to the principles of peace, trust and cooperation which underlie the entire peace process.



We emphatically demand that the Palestinian Council and its Executive Authority fulfill their obligation and undertaking under the peace agreements to immediately and effectively cease all such acts of incitement and call upon you to take all appropriate steps against anyone involved in the perpetration of such hostile acts, in accordance with the principle of the rule of law.

It is in the mutual interest of both parties to contribute to the calming of the current climate. We should accordingly invest all our efforts in the avoidance of any acts that may result in the deterioration of the already sensitive situation.

Sincerely,

Dan Naveh  
Coordinators of the Israeli Negotiating Team

Jacob Bardugo

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May 20, 1997, Tuesday, Final Edition

SECTION: OP-ED; Pg. A19

LENGTH: 760 words

HEADLINE: An Ugly One-Two Punch

BYLINE: Richard Cohen

BODY:

The Israeli statesman Abba Eban once said of the Palestinians that they never miss an opportunity to miss an opportunity. Now, with much of the world in a snit over Prime Minister Binyamin Netanyahu's hard-line policies, the Palestinian leadership has done it again — a one-two punch of thuggish policies and ugly rhetoric.

First the policy — death to any Palestinian who sells land to Israel. The promulgator of that policy is Yasser Arafat's Palestinian Authority, and its first alleged victim was Farid Bashiti, a 70-year-old real estate dealer. He was found May 9 with his hands tied and his skull crushed.

At the moment, no one knows with absolute certainty who killed Bashiti. But he was denied a Muslim burial by the mufti of Jerusalem on the grounds that he sold land "to the enemy." This seems like a hit.

For the PLO, the killing of collaborators was once routine — and hundreds of people, some of them no doubt guilty of little more than having a beautiful wife, were dispatched in this fashion. Such murders are not to be condoned, but they are understandable. The PLO was fighting a guerrilla war against Israel, and war, as Gen. Sherman once remarked, is hell.

But that particular chapter in the Arab-Israeli conflict is over. And the PLO is a guerrilla organization no more. It has been transmuted into the Palestinian Authority, complete with a parliament and pretensions to nationhood. Nations ought not act like the Gambino Mafia family. Even if the sale of land to Jews is made a capital crime, a trial would have been nice. Instead, Bashiti was beaten to death — maybe by his own police.

Interestingly enough, one of those who promulgated the new policy was Freih Abu Medein, a loudmouth with the ironic title of justice minister. "Nobody from this moment

will accept any traitor who sells his land to the Israelis," he said. "Everybody now realizes the danger of selling land to a Jew."

Lest you think that Medein has inadvertently conflated nationality with religious identity, let me assure you that this is apparently not the case. To him, Dennis Ross, the U.S. special envoy, is something other than a diplomat and Bill Clinton's man in the Middle East. He is also -- if not foremost -- a Jew.

In fact, Medein has referred to "five Zionist Jews" whom he said are running the Clinton administration's Middle East policy. They are Defense Secretary William S. Cohen, U.S. Ambassador to Israel Martin Indyk, Ross's deputy Aaron

Miller, Secretary of State Madeleine K. Albright and Ross. Cohen, though, does not identify himself as a Jew (his father was Jewish, his mother not) and Albright, as all the world must know by now, did not know until just recently that she is of Jewish ancestry and thus, as it is now clear, biased in favor of Israel.

The charge is worse than preposterous. It is ugly and dumb, and if it is not retracted -- or, worse, if it is repeated -- it is likely to do great damage to the Palestinian cause. The fact of the matter is that American Jews, while nearly unanimous in their support of Israel, have been far less unanimous in their antipathy to the Palestinian cause. On the contrary, some American Jews have been in the forefront on insisting that any Middle East settlement recognize Palestinian aspirations.

But if Palestinian rhetoric is going to be polluted with what, to my ears, sounds like antisemitism, then a good number of PLO sympathizers will simply retreat to a neutral corner -- and relax the considerable pressure on the U.S. government to come up with a fair peace plan. Who cares about fair when one side talks like skinheads?

I, for one, have never had any illusions about either the old PLO, the Palestinian Authority or the envisioned -- and all but inevitable -- Palestinian state. It will not be a Western-style democracy, as is Israel, but more like the other Islamic countries in the Middle East -- a creature of the region (as is Israel in its tolerance for torture). That does not mean, though, that Palestinian aspirations are bogus or that a land-for-peace deal with Israel is not in the interests of both parties.

But summary executions -- either by the police or by vigilantes -- and ugly rhetoric are bound to deprive the nascent Palestinian entity of the goodwill it has enjoyed here. Given the clumsiness of the Netanyahu government, Arafat and his colleagues had an opportunity to score some PR points and, possibly, increase the pressure on Israel. As it is, they pulled an Eban: They took the opportunity to miss the opportunity.

LANGUAGE: ENGLISH

LOAD-DATE: May 20, 1997



## URGENT ACTION

EXTERNAL

AI Index: MDE 15/24/97

UA 148/97 Fear of death penalty / Fear of extrajudicial execution / Fear for safety

22 May 1997

PALESTINIAN AUTHORITY: Minister's statements herald new use of death penalty and may lead to extrajudicial punishments

On 5 May 1997 Minister of Justice Freih Abu Middein announced that the Palestinian Authority (PA) would begin using a Jordanian law which provides for the death penalty in cases of Arabs selling land to Jews. He said this was an interim measure until the PA created their own law. If the land is sold by an agent then the agent rather than the owner of the land will face the death penalty. The Minister of Justice reportedly stated that the "official" position of the PA is to send those accused to a military or civilian court but he reportedly stated "actually we have to punish him very strongly, very severely. Everybody now realises the danger of selling land to a Jew."

Since the Minister's announcement, two land dealers have been killed. On 9 May, Farid Bashiti, an East Jerusalem land dealer, was found dead in Ramallah and on 17 May the body of another land dealer, Harbi Abu Sara, was found. Palestinian security services denied involvement in the killings. Another land dealer, Rashid Salameh, from Nablus has been reported missing and it is feared that he may be at risk, having apparently sold land to Jews.

On 21 May, President Yasser Arafat defended the decision to apply the death penalty for land sales to Jews. In a press interview he said "We are talking about a few traitors and will apply what has been determined by law against them". His spokesman stated that the PA did not sanction summary executions and insisted that those charged with such land sales would be brought to court. However, neither man condemned the killings of the two land dealers.

Amnesty International opposes the death penalty in all cases as a violation of the fundamental right to live as enshrined in the Universal Declaration on Human Rights. International human rights standards, which the PA has said that it will adhere to, state that in countries which retain the death penalty, it should only be imposed for the most serious crimes, namely for crimes with lethal or extremely grave consequences.

Amnesty International fears that the statements made by the Minister of Justice appear to constitute permission to security services to commit killings or extrajudicial punishments with impunity.

**RECOMMENDED ACTION:** Please send telegrams/telexes/faxes/express/airmail letters in Arabic/English or your own language:

- calling for the decision to impose the death penalty on those who sell land to Jews to be rescinded;
- stating that the death penalty is a violation of the fundamental right to life;
- expressing concern that the statements of the Minister of Justice may encourage members of the PA security forces to commit extrajudicial punishments, including killings, and calling on President Arafat and the Minister of Justice to make a public statement that such punishments and killings will be investigated and those responsible brought to justice;
- calling on the President and Minister to unequivocally condemn the killings of Farid Bashiti and Harbi Abu Sara.

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INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND  
JURISTS WORLD COUNCIL MEETING, LONDON, ENGLAND  
JUNE 1-3, 1997

***RESOLUTION ON DEATH PENALTY FOR LAND SALES BY  
PALESTINIANS AND ISRAELI ARABS TO JEWS***

1. The IAJLJ condemn the recent statements made by leaders of the Palestinian Authority ("PA") concerning the imposition of the death penalty against Palestinians and Israeli Arabs found to have sold or attempted to sell land to Jews.
2. In particular, the IAJLJ deplors the May 5, 1997 public statement of Frekh Abu Middein, a PA member in charge of the administration of justice, who justified the death penalty for the sale of land by Jews by Palestinians and Israeli Arabs.
3. The IAJLJ expresses its shock and horror at the recent brutal murders of three Palestinian land dealers, which were justified by PA Chairman Yasser Arafat and other PA leaders as legitimate in the circumstances.
4. The IAJLJ therefore calls upon the international community to proscribe these pronouncements of the PA as incitement to hatred, violence and murder in utter disregard of the sanctity of human life and in flagrant violation of universally accepted human standards.
5. The Association calls upon the United Nations Commission on Human Rights and other appropriate UN and intergovernmental bodies and national and international bar associations, to denounce such practices by the PA. Further, the Association calls upon the PA to cease forthwith advocating, encouraging and condoning these extra-judicial, summary and arbitrary killings, and to apprehend the perpetrators of these criminal acts and bring them to justice.





PERMANENT MISSION OF ISRAEL  
TO THE UNITED NATIONS

המסלחת חקבועה  
של ישראל לאומות המאוחדות

5 June 1997

Excellency,

I have been instructed to call your attention to an ominous and disturbing series of events which occurred in the last month, in which three Palestinian individuals were brutally murdered in the Jerusalem and Ramallah areas. These murders were carried out in almost identical circumstances and manner, and a further potential murder was foiled by actions of the Israeli police.

The above acts of terror were perpetrated against persons who had been involved in bona fide commercial real estate transactions with Israelis. Two of the murder victims were Palestinians holding Israeli identity cards, as is the individual whose abduction and murder are prevented.

Regrettably, these abductions and murders were preceded, and given justification, by the wave of public incitement by high-ranking Palestinian officials, advocating punishment of persons selling real estate to Israelis, and even going so far as to declare that such transactions are treason, and punishable by death.

Both the circumstances of the incitement and the subsequent abductions and murders, which are clearly and inherently connected, represent a flagrant abuse of all civilized norms, as well as of the principles of human rights and the rule of law. They constitute an assault on the fundamental tenets of the Middle East peace process - to foster mutual trust and cooperation and to create a basis for friendly relations between Palestinians and Israel.

Israel is appalled by these murders, and urges the international community represented at the U.N. to unequivocally and publicly condemn this abhorrent phenomenon, and to call upon the Palestinian leadership to take the necessary steps to put an end to it.

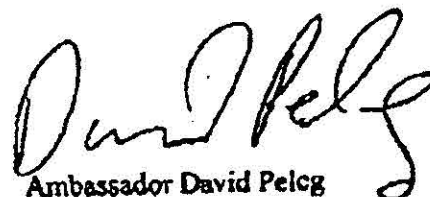
800 SECOND AVENUE, NEW YORK, N.Y. 10017

TEL: (212) 499-5510

FAX: (212) 499-5515

I should be grateful if you would have this letter circulated as an official document of the General Assembly at its fifty-second session under agenda items 37, 114, 155 of the preliminary list.

I avail myself, Excellency of this opportunity to renew to you the assurances of my highest consideration.



Ambassador David Pelog  
Charge d'Affaires a.i.

H.E. Mr. Kofi Annan  
Secretary-General  
United Nations  
New York



Mission Permanente d'Israël  
auprès de l'Office des Nations Unies  
et des Organisations Internationales à Genève

מסלחת ישראל  
ליד משרד האומות המאוחדות  
והארגונים הבינלאומיים בג'נבה

H.E. Ambassador Miroslav SOMOL  
Chairman of the 53 rd Session  
of the Commission on Human Rights  
Permanent Mission of the Czech Republic  
17, chemin Louis Dunant  
Case postale 109  
1211 Geneva 20

16 June 1997

Dear Mr. Chairman,

I have been instructed to call your attention to an ominous series of events which occurred in the last month, in which three Palestinians were abducted and brutally murdered in the Jerusalem and Ramallah areas. These murders were carried out in almost identical circumstances and manner, and a further potential murder was foiled by intervention of the Israel police.

Each of these acts of terror was perpetrated against individuals who had been involved in bona fide real estate transactions with Israelis. Two of the murder victims were Palestinians holding Israeli identity cards, as was the individual whose abduction and murder were averted.

Regrettably, these abductions and murders were preceded, and given public justification, by a wave of incitement by high-ranking Palestinian officials, advocating violent action of persons selling real estate to Israelis, and even going so far as to declare that such transactions are treason and punishable by death.

1031 213

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Mission Permanente d'Israël  
auprès de l'Office des Nations Unies  
et des Organisations Internationales à Genève

משלחת ישראל  
ליד משרד האומות המאוחדות  
והארגונים הבינלאומיים בג'נבה

Both the circumstances of the incitement and subsequent abductions and murders, which are clearly connected, represent flagrant violations of human rights, of the rule of law and of civilized norms. They constitute an assault on the fundamental tenets of the Middle East peace process - to foster mutual trust and cooperation and to create a basis for close and amicable relations between the Palestinians and Israel.

Israel is appalled by these murders. It urges the Commission on Human Rights to condemn this phenomenon and to call upon the Palestinian leadership to take the necessary steps, unequivocally and publicly, to put an end to it.

I should be grateful if you would have this letter circulated as an official document of the Commission, under agenda items 4 and 9.

I avail myself, Excellency, of this opportunity to renew to you the assurances of my highest consideration.

*Yosef Lamdan*

Yosef Lamdan  
Ambassador  
Permanent Representative

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## Concerning the Palestinian Authority and the sale of land to Israelis. (Introduced in the Senate)

SCON 31 IS

105th CONGRESS

1st Session

S. CON. RES. 31

Concerning the Palestinian Authority and the sale of land to Israelis.

**IN THE SENATE OF THE UNITED STATES**

**June 5, 1997**

Mr. D'AMATO (for himself, Mr. BOND, Mr. MACK, and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

### CONCURRENT RESOLUTION

Concerning the Palestinian Authority and the sale of land to Israelis.

Whereas the Palestinian Authority Justice Minister Freih Abu Medein announced last month that anyone selling land to Jews was committing a crime punishable by death;

Whereas since this announcement three Palestinian individuals were murdered in the Jerusalem and Ramallah areas for, what would anywhere else in the world be considered normal business activity--selling real estate;

Whereas recently Israeli police managed to foil the attempted abduction of a fourth person;

Whereas Israeli security services have acquired evidence indicating the intelligence service of the Palestinian Authority were directly involved in at least two of these murders;

Whereas subsequent statements by high-ranking Palestinian Authority officials have justified these murders which have further encouraged this intolerable policy;

Whereas the Palestinian Authority has failed to condemn the policy of murdering people for business transactions;

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http://rs9.loc.gov/cgi-bin/query/z?c105:S.+Con.+Res.+31:

Whereas this policy is in direct contravention to the peace agreements already reached between the Palestinian Authority and the State of Israel; and

Whereas credible evidence exists that the Palestinian Authority has played an active role in these murders and in enforcing this policy: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that--*

- (1) the Clinton administration should thoroughly investigate the Palestinian Authority role in enforcing this racist policy and should immediately report to the Congress its findings;
- (2) the Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and this policy;
- (3) this policy is an affront to all those who place high value on peace and basic human rights; and
- (4) the United States should not provide foreign assistance to the Palestinian Authority until this policy is reversed.

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