



ON THE OTHER HAND
CHAIM BERMANT

Under Israeli justice even Eichmann had a fair trial

I'M SORRY that Yitzhak Zamir has been replaced as Israel's Attorney General.

As chief law officer of the state Mr Zamir has been the conscience of Israel and a man with a conscience can be a troublesome element in public life.

In 1984 two Arabs were captured after the hijacking of an Egged bus. At first it was said they were killed when the Army stormed the bus, but when an Israeli paper showed that they had been taken alive, Mr Zamir ordered an inquiry which led to the trial of Brigadier Itzhak Mordechai who had been in charge of the operation. The Brigadier claimed that while he had used force in the interrogation of the prisoners, he had handed them over alive to the Shin Bet, and he was eventually acquitted.

The Government (then headed by Mr Shamir) did not want an inquiry, and the general public did not see what the whole fuss was about. The Arabs had, after all, embarked on a course of murder and mayhem, and

it was widely felt that the fate they eventually suffered was no more than they deserved. The fact, however, remains that they were prisoners at the time of their death, and the civilised treatment of prisoners, no matter how heinous their crimes, is one of the hallmarks of the civilised state. After all, Eichmann received a fair trial before he was eventually hanged.

If Brigadier Mordechai did not kill the Arabs, who did? The matter was left in abeyance until recently when three senior Shin Bet officials

laid information against their chief, Avraham Shalom, alleging that he had tampered with evidence and more. The details are, of course, unknown, but Mr Zamir was sufficiently impressed with them to call for a police inquiry or the resignation of Mr Shalom.

In every organisation there are rivalries, clashes of personality, conflicting ambitions, and Mr Peres, who has unbounded admiration for

who has unbounded admiration for Shalom, has questioned the motives of the officials. Mr Zamir, on the other hand, regards them as idealists and even martyrs, who have put their careers at risk for the sake of principle, the principle being the rule of law. But where public servants feel they are so far above the law that they may pervert the course of justice, they become a danger to security themselves.

Most fair-minded people would, I think, side with Mr Zamir on this issue, not necessarily because lawyers are more trustworthy than politicians (though they usually are), but as Mr Peres is ultimately in charge of the Shin Bet, he is an interested party.

The trouble with the secret services is that they are necessarily secret so that one has to take their integrity on trust, yet given the relentless war against terror they are sometimes involved in activities which in normal life might be, indeed would be, regarded as reprehensible. One needs individuals of outstanding probity to withstand the corrosive effects of such a life, and there is always the danger that they may apply the habits acquired

in furthering the security of the state, to further their own security. Indeed, they may come to think of the two as inseparable, which is what appears to have happened in this instance.

Secret servicemen work under the most trying and dangerous conditions, and one hears of their work at all when there has been an almighty fiasco, as in the Lavon affair, or the Pollard affair (of which it appears, we have not heard the last). Their triumphs generally go unsung, but because of the very fact that they are not subjected to the same sort of scrutiny as the other

same sort of scrutiny as the other arms of the state, it is doubly important that any serious allegations against them should be fully and promptly investigated. Mr Peres has argued that Avraham Shalom cannot defend himself in public, which is, of course, true, but he can defend himself in private before a special court and the public faith in Israel's judges is such that their verdict would be accepted and the matter would be laid to rest.

Mr Zamir let it be known as long ago as February that he was anxious to retire, but no one will believe that his replacement at this particular moment had nothing to do with the Shalom affair. Much will now depend on his successor, Mr Yosef Harish. If he continues to press for an inquiry, critics may be silenced. If, however, he should consign the matter to a limbo, Mr Shalom will still remain under suspicion, as will the government, while the role of Attorney General will have been reduced from that of conscience to that of *apparatchick*.