

חבר הוועדה יערי

כולם מודעים שיש לו
חוש צדק מפותח במידה.
שדוא איש אשכולות. שדוא
יערי יחדיו מפלס. יערי



נציגו בו תחמי' תומכות שונים ומגוונים, כשכל קבר
צד תאמי' כעקב דרגל וכל צדור מוקדם בתקופה העיר
תומכיות וזכים לחוקי' משלהם. ורבה אנשים מרבים
בתקופה גלויה על היכולת של יערי להמנעא בכל.
הוא מבין במדויק המכר המדויק ודוח המדויק המכר.
והוא מנע על צדו המנעא בהימנעא ובחז' לחוג
לכלכלה, פרופ' דוד לבסד'י. 'הוא איש רחב אגות'. כש
הייתי צריך לנסח משנה הייתי פונה אליו פעמים רבות,
כי הוא ידע מאדיו את השפה המכר'. ברינק: 'בשכל'
כלכלן ומתמטיקאי הידע שלו במספרות ובאסטטיקה
פשוט מדהים'.

יערי הביא את גישור התנחלים הזה לאקדמיה. הוא
היה בין מקימי המכון לחוקי' הרציונליות באוניברסיטת
סיני. התמכיות שחברים בו אנשי' כלכלה ופילוסופיה,
ביולוגיה ומטרימולוגיה. הוא מנע עד היום במדיניות
למטרימולוגיה במי שיש. בין 1985 ל-1992 הוא כיהן
כראש המכון. ללימודים מתמטיים באוניברסיטה
שכבא ארצה אישי' מוקד' חושבים מתקדם כיי שיש
כאן בשנת שנתו ודעותיה. מאז התחלת כהונתו מנה
קיד המכר יערי להשתנה באישי' של שלוש עכ'
שי. הוא טען אן שמוקדד מדי' אנו למעלותיות
הנענ.

בסוף 1992 חתמה האוניברסיטה הפתוחה מנהל
חוקי' אחי' שדור' נחמיה לבסד'י-הי' לפרוש ממנה
◀ ◀

**ועדת החקירה הממלכתית לבדיקת אירועי הטבח
בחברון עדיין לא החלה בעבודתה, אבל כבר בשלב
זה ברור, שהמרוויח העיקרי מעצם הקמתה הוא הפרופ'
מנחם יערי. השתלחותו של ח'כ' מיכאל איתן במימיו של
יערי לוועדה, בסענה שהוא מזוהה עם שלום-עכשין,
עוררה בתגובה גל של מתמאות שמהן מצטייר יערי,
כלכלן בעל שם עולמי ונשיא האוניברסיטה הפתוחה,
כאיש אשכולות, ישר כסרגל, רגיש, אמיץ, חכם וחסר
פניות (רשימה חלקית). יש כאלה החוששים שרבין עצמו
עוד יצטרך לשלם בגלל עודף התכונות הטובות האלה**



ועדת החקירה
לעניין הטבח במערת המכפלה בחברון
התשנ"ד

דין - וחשבון

ירושלים, התשנ"ד - 1994

Information Division
Jerusalem

Israel Foreign Ministry -

COMMISSION OF INQUIRY INTO THE MASSACRE
AT THE TOMB OF THE PATRIARCHS IN HEBRON

EXCERPTS FROM THE REPORT

The excerpts from the Report were translated by the Government Press Office. They include the Introduction (chapter 1); the Conclusions (chapter 8); and the Recommendations (chapter 9) of the official Report of the Commission of Inquiry written originally in Hebrew. This is not an official version of the Report.

Chapter 1. Introduction

Following the massacre in the Tomb of the Patriarchs in Hebron, which occurred on 14 Adar, 5754 - 25.2.94, the Government decided on 16 Adar, 5754 - 27.2.94 to appoint a Commission of Inquiry. On 17 Adar, 5754 - 28.2.94, after consultation with the President of the Supreme Court, it was decided that the Commission would consist of five members. On 17 Adar, 5754 - 28.2.94, the President of the Supreme Court, Justice Meir Shamgar, decided that he would serve as Chairman of the Commission, and that its other members would be: Justice Eliezer Goldberg, Judge Abed el-Rahman Zouabi, Professor Menachem Ya'ari and Lieutenant General (res.) Moshe Levy. The Commission began hearing evidence on 25 Adar, 5754-8.3.94. Judge Alon Gillon was appointed as the Commission's Coordinator. In accordance with section 13 of the Commission of Inquiry Law, 5729 -1969, the Chairman of the Commission appointed investigators to collect information; Attorney Michael Shaked of the Attorney General's office served as the coordinator of the investigators. Attorney Dafna Beinwall of the Attorney General's office and Deputy Commander Anton Iyov, Inspector Armand Edri and Inspector Daniel Israel of the Israel Police worked with him.

The Commission heard most of the testimony in sessions that were open to the public.

The Commission held 31 sessions and heard evidence from 106 witnesses, some of them at the Commission's initiative and some at their own request. The complete or partial testimony of 16 witnesses was heard behind closed doors. During one of the first days of its activities, the Commission engaged in a thorough and detailed examination of the Tomb of the Patriarchs and the surrounding area.

The Commission made a public announcement requesting that anyone who wished to testify before the Commission or present it with documents or exhibits, make their intention known to it in writing, for that purpose.

Each of the 167 requests was discussed and the appropriate procedure to be followed concerning it was determined.

The Commission received 1,140 exhibits, 37 of them written testimony collected by the investigators and the rest orders, documents, files, books, findings from the scene of the crime, expert opinions, photographs, etc. All of this material has been catalogued in files according to a filing number which appears in



International Convention
on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Documents submitted in compliance with
a special decision of the Committee*

ISRAEL

[8 August 1994]

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* By a decision of 7 March 1994, the Committee requested the Government of Israel to submit an urgent report on measures taken to guarantee the safety and protection of the Palestinian civilians in the occupied Palestinian territory and to bring to an end the illegal action of Israeli settlers and to disarm them. The present documents constitute the urgent report requested by the Committee. The annexes to them are available for consultation in the files of the Centre for Human Rights.

A failure to inform

SUPPOSE the Shamgar Commission investigating the massacre at the Cave of the Patriarchs had recommended that the occupation be ended within 45 days.

For a month, it would have been impossible to turn on the radio or read the papers without hearing or seeing the word "Shamgar," and praise for the commission's courageous findings.

But the report came up with different recommendations, and interest in it died within 24 hours. Only a nudnik like myself would write about it weeks later.

My excuse? The newspapers declined to print sections of the report, implying lack of public interest. I wish to bring them to light.

Since copies of the report aren't easily available at local bookstores, the public doesn't know that the commission charged a key witness from the Wakf with giving false testimony, expressed an understanding of the motivations of the Jews in Hebron, indirectly rebuked Yitzhak Rabin, and even mentioned the purchase of the Cave of the Patriarchs by Abraham from a local merchant.

The Shamgar Commission took the chaos which preceded the massacre seriously. It went back to the Jibril prisoner exchange, a deal which took place under the supervision of Yitzhak Rabin.

"It should be noted that the release of over 1,000 terrorists in May 1985 not only created an immediate security danger, but also [undermined] belief in the rule of law and the effective punishment of criminals. The release of the terrorists raised tension between the Jewish residents and the Arab population in the area" (page 178).

Oddly, we didn't hear this quote on the radio. And, wonder of wonders: it didn't appear in the press.

For some reason, but apparently not by chance, the media have failed to mention the astounding statistics for Judea and Samaria

HAGGAI SEGAL

collected by the commission: "Between the outbreak of the intifada and the time of the massacre, there were 154,754 reported cases of rock-throwing, 5,655 firebomb attacks, 2,979 assaults and knifings, 821 shooting incidents and 256 hand grenades thrown... 64 Israelis were killed and 3,866 injured... 373 Arabs were killed by Arabs... the car of Yair Lior, a resident of Beit Hagai, was stoned

Parts of the Shamgar Commission's report never made the media

in Hebron no less than 47 times" (page 167).

The Shamgar Commission concluded from these statistics that "The failure to maintain law and order on the part of the Jews in the area must be considered within the context, and not disconnected from it. The authorities' helplessness in enforcing the law is apt to make the residents feel abandoned and encourage them to take the law into their own hands" (pages 167-8).

More: "Since the outbreak of the intifada, this population has lived under the shadow of constant physical threat, principally when driving on the roads. In situations where Israeli residents pass through densely populated Arab settlements, the physical threat is even greater, and a resident who does this unarmed puts his life in his hands" (page 152).

THE MEDIA had a field day with the testimony regarding the terribly brutal treatment of Moslems by Jewish worshippers, but buried

the commission's opinion of this testimony:

"To summarize, we can say that the overwhelming majority of incidents in the Cave of the Patriarchs did not go beyond disturbances of the peace and provocations. Some of the complaints were baseless, for example the Moslems' claim that Jews brought dogs into the Cave [of the Patriarchs]" (page 140).

One section of the report censored by the media lays heavy responsibility on the Palestinians for the death of some of those wounded in the massacre, for refusing services from a hospital sponsored by the civil administration (page 86).

An additional section, as yet uncited, verifies the claim of the residents of Kiryat Arba that Goldstein acted fearing a massacre from the other side.

"It should be pointed out that a day before the massacre, a proclamation was distributed in Hebron from a terrorist organization, saying that a terrorist action would take place within one to two days" (page 79).

There is also an official verification of calls for the murder of Jews within the area of the Cave: "On February 12, 1993, in the course of Friday services in the Cave of the Patriarchs, Sheikh Tayassir Tamimi gave a sermon which was recorded by the civil administration: 'For those who fly the flag of the armed struggle and those who kill, their deeds are writ in gold, theirs are exalted acts in the battle between the believers and the infidels'" (page 139).

In short, press reports of the Shamgar Commission's findings didn't quite tally with the report published by the commission. Not even one reporter quoted the commission's sensational recommendation that the intifada be crushed: "It is necessary to end the attacks against Jews, from gunfire to stone throwing" (page 245).

The writer is a columnist at Ma'ariv.

בס"ד

קרית ארבע 306/20
90100

כ"ד בשבט תשנ"ה
25 בינואר 1995

לכ'
כב' השופט מאיר שמגר
נשיא בית המשפט העליון
ירושלים

שלום וברכה,

כתוב בדו"ח ועדת שמגר, עמ' 254: "פרוטוקול הדיונים של הישיבות שהתנהלו בפומבי והמוצגים שאינם חסויים מטעמים של בלחון המדינה, יהיו פתוחים לעיונו של כל מעוניין".

אולם מנסיוני האירועי זה לא כך! אני מנסה במשך תקופה ממושכת לעיין בחומר הנ"ל, אך ללא הצלחה!

אני מביא לכב' השופט את התשובות השונות שקבלתי מפקידים שונים, יחד עם הערותי:

1) צריך אישור מרשם בית המשפט העליון
מדוע צריך אישור עבור עיון בחומר אשר בו "פתוחים לעיונו של כל מעוניין"?

2) חייבים לנמק את הסיבות מדוע אתה רוצה לעיין בחומר
מדוע צריך לנמק סיבות לעיין בחומר אשר בו "פתוחים לעיונו של כל מעוניין"?

3) חייבים לפרט בדיוק באיזה חלק בחומר אתה רוצה לעיין בו
נניח שמישהו בציבור רוצה לעיין בנושא מסויים בחומר, ומפני שהוא לא יודע כלל את מיקומו, הוא צריך לערוך חיפוש. כמו-כן יתכן שמישהו ירצה לעיין בחומר באופן כללי. האם לאנשים אלו אין זכות לעיין בחומר?

4) זה לא מדויק שהחומר פתוח לעיון ע"י הציבור
תשובה מאוד מוזרה!

לכן אני מאוד מבקש מכב' השופט לוודא שהחומרים הנ"ל יהיו "פתוחים לעיונו של כל מעוניין" בלי שירחא יתירה על הציבור ובלי "חקירות".

בתודה ובברכה,

ד"ר חיים סיימונס

Rabin's testimony concludes Shamgar Commission hearings

PRIME Minister Yitzhak Rabin testified yesterday for nearly five hours before the Shamgar Commission of Inquiry into the Hebron massacre.

Rabin's testimony, in his capacity as defense minister, was given behind closed doors, at his request.

The prime minister arrived at Hall 3 of the Supreme Court accompanied by his legal adviser and cabinet secretary, Elyakim Rubenstein, and did not make

BATSHEVA TSUR

any statement to the media. After four and a half hours, he left via a side exit.

Radio reports said that Rabin rushed from the court to his office to be updated on the Afula car-bomb attack.

Rabin was the last scheduled witness to testify before the five-member panel, which wrapped up five weeks of hearings.

Judges are still undecided

whether to subpoena Baruch Goldstein's wife, Miriam, who had refused to turn up on Sunday, her scheduled day to testify.

The commission is now expected to decide which persons to warn of possible legal jeopardy as a result of its decisions. Such persons will have to appear before the commission again, but have the right to be represented by a lawyer and to cross-examine other witnesses.

JERUSALEM POST

7

APRIL 1994

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Message 24 from the thread "LETTER FROM DR. BARUCH GOLDSTEIN'S FATHER"

From: Yehuda Silver (ysilver@panix.com)

Message 24 in thread

Subject: Re: LETTER FROM DR. BARUCH GOLDSTEIN'S FATHER

Newsgroups: soc.culture.israel, soc.culture.jewish, talk.politics.mideast

Date: 1996/04/21

[View complete thread \(46 articles\)](#)

j0ja@netcom.com wrote:

```
: data@tiac.net (James Garner) writes:
: >Andrew Mathis (fresh@panix.com) wrote:
: >: Isaac, if you don't like Arens then fine, but you don't actually
: >: defend Goldstein, do you?
: >   There is a difference between defending him, and understanding
: >what made a man who was a doctor, who healed people day and night, crack
: >under the pressure. Understanding what the Arabs have done to create such
: >pressures, and what Israel has failed to do in protecting Jewish life in
: >the region.
: Difference? Try this difference:
:   If you cant take the pressure of remaining a
:   *doctor*..even in a war- get out of the EMV
: What if all physcians behaved a la goldstein?
```

What if all "mosques" were like the Hebron murder mosque?

The Hebron murder mosque, makes Shiek Abdul Omar Rachman's Jersey city bomb factory mosque, look like a "day care center" by comparison!

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: This certainly gives a great breadth to medical professionals
: who are/have served in war zones/times. I guess that they are
: all entitled to "crack under the pressure".
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No! They are entitled to support from their ARMY!

But if for "political reasons" their ARMY would abandon them, and their family's to a massacre, some might snap!
 SO far, aside from the Hebron case, it never happened!

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: By these pathetic justifications of goldstein's acts, you
: justify so much evil and pain in the world.
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a) We still don't know if he was right or wrong!
If he really stopped a massacre he was right!
There is a secret part of the Shagar Commission report
that some newspapers claims "leaked" and affirmed his version!
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b) If untrue, then what he did was wrong, but understandable, sine
he propably snapped after all the people who died in his arms; and HE
thought he was justified!
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: *lastima*
: [u should b ashamed!]
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The real villains, not matter what is or isn't true about Goldstein was the HAMAS-(MUFTI) murder mosque, their murderous "prayers" of "Itbach al Yahud" and their long history of MURDER!

A STUDY OF DR. BARUCH GOLDSTEIN'S ACT IN THE CAVE OF MACHPELAH, ACCORDING TO MATERIAL IN THE POSSESSION OF THE SHAMGAR COMMISSION

Rabbi Dr. Chaim Simons

ref 120

Date sent: Thu, 23 Apr 1998 13:33:38 +0300
From: citydesk@iinsnews.com
To: snsheadlines@ploni.virtual.co.il
Subject: 4/23/98 - IINS III-489

IINS News Headlines Time 13:35
hrs April 23, 1998.. 27 Nissan 5758.. Volume III, Number 489
..Update from Israel

"(IINS) Israel Internet News Service Ltd."
Israel's Only 24-Hour Internet News Service

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GOLDSTEIN- SPECIAL REPORT ON THE MACHPELAH SHOOTING (106SR)

Norman's Steak'n Burger (KOSHER - JERUSALEM RABBINATE)
Caesar Salad..Norman's own variation of this classic salad
House salad..Crunch on this crisp combination of vegetables.
27 Emek Refaim, in the heart of the German Colony, Jerusalem.
Tel: 02-566-6603 E-mail: < burger@normans.co.il > Fax:
02-673-1768 <<http://www.normans.co.il>>

Goldstein- Special Report on the Machpelah Shooting (106sr)
(IINS News Service -Israel-4/23) On February 25, 1994, Purim
day, Dr

Baruch Goldstein, a captain in the IDF reserves and a
decorated member of the IDF Medical Corps, opened fire in the
Maarat Hamachpelah (Cave of the Patriarchs), killing 29 Moslem
worshippers and wounding many others before he too was killed
by the mob and his body torn apart.

Goldstein, a well-known figure in the Chevron/Kiryat Arba
communities, was the head of all emergency medical services in
the area, was called upon countless numbers of times to
respond to motor vehicle accidents, regular medical
emergencies and in the months prior to the shooting, many
terrorist attacks.

Close associates of Goldstein stated that one particular
attack, in which the doctor's close friends, Mordechai and
Shalom Lapid were killed by Arab terrorists, left the doctor
in a different frame of mind, as he was the one who held his
dying friend in his arms as he breathed his last breaths of
life.

Following the shooting in the Machpelah, the Shamgar
Commission was appointed to investigate the events leading up
to the shooting, as well as what took place, and to make
recommendations for the future.

Only selected sections of testimony were released from the
Shamgar Commission's findings. This report reveals additional
information that was not originally made known to the public.

The proponents of exhuming the body feel the grave of a
murderer may not be permitted to become a national landmark
and Goldstein must be reburied in another secluded location.

translation into Russian of Chaim Simons'
first booklet on Baruch Goldstein
ref 121

Библиотечка политического ликбеза
Приложение к журналу "Слово"

АКЦИЯ Д-РА ГОЛЬДШТЕЙНА В ПЕЩЕРЕ МАХПЕЛА

НАУЧНОЕ ИССЛЕДОВАНИЕ

РАВ Д-Р ХАИМ САЙМОНС

КИРЬЯТ-АРБА

Июль 1995 г.