



UNIVERSITY OF CALIFORNIA PRESS
JOURNALS + DIGITAL PUBLISHING



Final Report of the Israeli Commission of Inquiry into the Events at the Refugee Camps in Beirut

Source: *Journal of Palestine Studies*, Vol. 12, No. 3 (Spring, 1983), pp. 89-116

Published by: [University of California Press](#) on behalf of the [Institute for Palestine Studies](#)

Stable URL: <http://www.jstor.org/stable/2536155>

Accessed: 09-03-2015 20:38 UTC

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



University of California Press and Institute for Palestine Studies are collaborating with JSTOR to digitize, preserve and extend access to *Journal of Palestine Studies*.

<http://www.jstor.org>

Final Report of the Israeli Commission of Inquiry into the Events at the Refugee Camps in Beirut

[Editor's note: On February 7, 1983, the Final Report of the "Commission of Inquiry into the Events at the Refugee Camps in Beirut" was sent to the government by the three Commission members, Yitzhak Kahan (President of the Supreme Court and Commission Chairman), Aharon Barak (a Supreme Court Justice), and Yona Efrat (a retired army general). The following excerpts are from the authorized English translation of the Report, and cover the Commission's description of the unfolding of events in West Beirut between September 14 and 18, 1982, the finding of indirect Israeli responsibility for the massacres, the judgement of the conduct of leading Israeli officials, and the final recommendations of the Commission.]

*A Description of the Events**

... When the war broke out in Lebanon in June 1982, the Phalangist force included a nucleus of approximately 2,000 full-time recruited soldiers. In addition, the Phalangists had a reserve armed force—that is, men who served part-time

in their free hours or when they were called up for special service. When fully mobilized, the number of Phalangist soldiers reached 5,000. Similarly, the Phalangists had militias in the villages. There were no ranks in this military force, but it was organized along military lines, with Bashir Gemayel as the military and political leader who enjoyed unimpeachable authority. The Phalangists had a general staff comprised of several commanders. At the

*All spellings are as used in the authorized translation—*Ed.*

head of this general staff was a commander named Fadi Frem; at the head of the Phalangists' intelligence division was a commander by the name of Elie Hobeika.

The link between the Christian forces and the State of Israel was formed shortly after the start of the civil war. In the course of time, this link grew stronger, from both political and military standpoints. The Christian forces were promised that if their existence were to become endangered, Israel would come to their aid. Israel extended significant aid to the Christian armed forces, supplying arms, uniforms, etc., and also training and instruction. Over the course of time, a considerable number of meetings were held between leaders of the Phalangists and representatives of the Government of Israel and the I.D.F. In the course of these meetings, the ties between the leaders of the two sides grew stronger. The Institute for Intelligence and Special Assignments (henceforth, the Mossad) was made responsible for the link with the Phalangists; and representatives of the Mossad maintained—at various times, and in various ways—a rather close connection with the Phalangist leadership. In the course of these meetings, the Phalangist leaders brought up various plans for strengthening the Christian forces' position, as well as various ways of bringing about the end of the civil war in Lebanon and restoring the independence of that nation, while (simultaneously) buttressing the status of the Phalangists and those allied with them in a regime that would be established in Lebanon. Israel's representatives expressed various reservations with regard to these plans and Israel's involvement in their realization.

A separate armed force is the military force in South Lebanon—the "Army of Free Lebanon" under the command of Major Haddad. This force comprises sev-

eral hundred full-time soldiers. In addition, there is in South Lebanon a National Guard, which, under the command of local officers, does guard duty in the villages. Relations between the Phalangists and Haddad's men are not particularly close, for various reasons, and there were points of tension between these two forces. In 1982, soldiers of both Major Haddad and the Phalangists wore uniforms provided by Israel—and similar to those worn by the I.D.F. The Phalangists' uniforms bore an emblem consisting of the inscription "Keta'ib Lubnaniyeh" and the drawing of the cedar, embroidered over the shirt pocket. Major Haddad's soldiers had an emblem on the epaulet inscribed with the words "Army of Free Lebanon" in Arabic and the drawing of a cedar. During the war, Haddad's force advanced and reached the Awali River. Pursuant to I.D.F. orders, Haddad's army did not proceed north of the Awali River.

The subject of the Palestinian population in Lebanon, from among whom the terrorist organizations sprang up and in the midst of whom their military infrastructure was entrenched, came up more than once in meetings between Phalangist leaders and Israeli representatives. The position of the Phalangist leaders, as reflected in various pronouncements of these leaders, was, in general, that no unified and independent Lebanese state could be established without a solution being found to the problem of the Palestinian refugees, who, according to the Phalangists' estimates, numbered half a million people. In the opinion of the Phalangists, that number of refugees, for the most part Muslims, endangered [both] the demographic balance between the Christians and Muslims in Lebanon and (from other standpoints as well) the stability of the State of Lebanon and the status of the Christians in that country.

Therefore, the Phalangist leaders proposed removing a large portion of the Palestinian refugees from Lebanese soil, whether by methods of persuasion or other means of pressure. They did not conceal their opinion that it would be necessary to resort to acts of violence in order to cause the exodus of many Palestinian refugees from Lebanon. . . .

In all the testimony we have heard, there has been unanimity regarding [the fact] that the battle ethics of the Phalangists, from the standpoint of their attitude to noncombatants, differ greatly from those of the I.D.F. It has already been noted above that in the course of the civil war in Lebanon, many massacres had been perpetrated by the various forces that had taken part in the fighting. When the war began in June 1982, the prevailing opinion among the Mossad agents who had maintained contacts with the Phalangist leadership was that the atrocities and massacres were a thing of the past, and that the Phalangist forces had reached a stage of political and organizational maturity that would ensure that such actions would not repeat themselves. This opinion was based both on personal impressions of the character of the Phalangist leadership, as well as on the recognition that the interest of the Phalangist elite to eventually rule an independent Lebanese nation, half or more of whose population is Muslim and would be interested in maintaining relations with the Arab world, requires moderation of actions against Palestinians and restraint as to modes of operation. At the same time, there were various facts that were not compatible with this outlook. During the meetings that the heads of the Mossad held with Bashir Gemayel, they heard things from him that left no room for doubt that the intention of this Phalangist leader was to eliminate the Palestinian problem in Lebanon when he came

to power—even if that meant resorting to aberrant methods against the Palestinians in Lebanon (testimony on pps. 16, 17, and 168 of the transcripts; exhibit 85 of 30 June 1982, clause 14—section 2 of Appendix B).^{*} Similar remarks were heard from other Phalangist leaders. Furthermore, certain actions of the Phalangists during the war indicated that there had been no fundamental change in their attitude toward different segments of the Lebanese population, such as Druze and Palestinians, whom the Phalangists considered enemies. There were reports of Phalangist massacres of women and children in Druze villages, as well as the liquidation of Palestinians carried out by the intelligence unit of Elie Hobeika (testimony no. 105 of intelligence officer B before the staff investigators, part of which appears in section 3 of Appendix B; also, a document which mentions the Phalangist attitude toward terrorists they had taken prisoner—section 4 of Appendix B, exhibit 39). These reports reinforced the feeling among certain people—and especially among experienced intelligence officers—that in the event that the Phalangists had an opportunity to massacre Palestinians, they would take advantage of it. . . .

On the night between 14.9.82^{**} and 15.9.82, the Chief of Staff flew to Beirut with a number of people and met there with the G.O.C. Northern Command [Mayor General Amir Drori]† and with the commander of the division (henceforth

^{*}Appendix B is a secret appendix—Ed.

^{**}Throughout the report, the European style of date is used, with day, month, then year. Thus 14.9.82 is September 14, 1982—Ed.

†All brackets are used in the authorized translation—Ed.

the division). Afterwards, the Chief of Staff, together with the people accompanying him, went to the Phalangists' headquarters, where, according to his testimony (p. 210), he ordered the Phalangist commanders to effect a general mobilization of all their forces, impose a general curfew on all the areas under their control, and be ready to take part in the fighting. The response of the Phalangist commanders who took part in that meeting was that they needed 24 hours to organize. The Chief of Staff requested that a Phalangist liaison officer come to the place where the division's forward command post was located (henceforth forward command post) under the command of Brigadier General Amos Yaron. At that meeting, the Phalangist commanders were told by the Chief of Staff that the I.D.F. would not enter the refugee camps in West Beirut but that the fighting this entails would be undertaken by the Phalangists (Chief of Staff's testimony, p. 211). The Chief of Staff testified that the entry of the Phalangists into the refugee camps was agreed upon between the Minister of Defense and himself at 8:30 P.M. on the previous evening. The camps in question were Sabra and Shatilla. After the meeting in the Phalangists' camp, the Chief of Staff went to the forward command post.

The forward command post was located on the roof of a five-story building about 200 meters southwest of the Shatilla camp. The borders of the two camps were not defined exactly. The Sabra camp extended over an area of some 300 X 200 meters and Shatilla over an area of about 500 X 500 meters (testimony of the deputy assistant to the director of Military Intelligence, p. 29). The two camps were essentially residential neighborhoods containing, in the area entered by the Phalangists, as will be stated below, low permanent structures along narrow alleys and

streets. From the roof of the forward command post it was possible to see the area of the camps generally but—as all the witnesses who visited the roof of the command post stated, and these were a good number of witnesses whose word we consider reliable—it was impossible to see what was happening within the alleys in the camp from the roof of the command post, not even with the aid of 20 X 120 binoculars that were on the command post roof. . . .

On Wednesday, 15.9.82, the Minister of Defense arrived at the forward command post between 8:00 and 9:00 A.M. He met with the Chief of Staff there, and the latter reported on what had been agreed upon with the Phalangists, namely, a general mobilization, curfew, and the entry of the Phalangists into the camps. The Minister of Defense approved this agreement. From the roof of the command post, the Minister of Defense phoned the Prime Minister and informed him that there was no resistance in Beirut and that all the operations were going along well. . . .

From the forward command post the Minister of Defense went to the Phalangist headquarters. A record was made of this meeting, which was attended by a number of Phalangist commanders as well as the Minister of Defense, the director of Military Intelligence, the head of the General Security Services and representatives of the Mossad (exhibit 79). At that meeting, the Minister of Defense stated, *inter alia*, that the I.D.F. would take over focal points and junctions in West Beirut, but that the Phalangist army would also have to enter West Beirut after the I.D.F. and that the Phalangist commanders should maintain contact with Major General Drori, G.O.C. Northern Command, regarding the modes of operation. A record of this meeting was made by Intelligence

officer B (exhibit 28). From there the Minister of Defense went to Bikfaya, to the Jemayel family home, to pay a condolence call. . . .

The Chief of Staff remained at the forward command post in Beirut and followed the development of the I.D.F. actions from there. On that day the Phalangist officers did not arrive at the forward command post to coordinate operations, but Major General Drori met with them in the evening and told them generally that their entry into the camps would be from the direction of Shatilla. Major General Drori, who was not at ease with the plan to send the Phalangists into the camps, made an effort to persuade the commanders of the Lebanese Army that their forces should enter the camps and that they should prevail upon the Prime Minister of Lebanon to agree to this move. The reply of the Lebanese Army at the time was negative. . . .

The commanders of the Phalangists arrived for their first coordinating session regarding the entry of their forces into the camps at about 11:00 A.M. on Thursday, 16.9.82, and met with Major General Drori at the headquarters of one of the divisions. It was agreed at that meeting that they would enter the camps and coordinate this action with Brigadier General Yaron, commander of the division. This coordination between Brigadier General Yaron and the Phalangist commanders would take place on Thursday afternoon at the forward command post. It was likewise agreed at that meeting that a company of 150 fighters from the Phalangist force would enter the camps and that they would do so from south to north and from west to east. Brigadier General Yaron spoke with the Phalangists about the places where the terrorists were located in the camps and also warned them not to harm the civilian population.

He had mentioned that, he stated, because he knew that the Phalangists' norms of conduct are not like those of the I.D.F. and he had had arguments with the Phalangists over this issue in the past. Brigadier General Yaron set up lookout posts on the roof of the forward command post and on a nearby roof even though he knew that it was impossible to see very much of what was going on in the camps from these lookouts. An order was also issued regarding an additional precautionary measure whose purpose was to ascertain the actions of the Phalangist forces during their operation in the camps (this measure is cited in section 5, Appendix B). It was also agreed that a Phalangist liaison officer with a communications set would be present at all times on the roof of the forward command post—in addition to the Mossad liaison officer at the Phalangist headquarters. The Phalangist unit that was supposed to enter the camps was an intelligence unit headed, as we have said, by Elie Hobeika. Hobeika did not go into the camps with his unit and was on the roof of the forward command post during the night (testimony of Brigadier General Yaron, p. 726). This unit was assigned the task of entering the camps at that time for two reasons, first—since the . . . Phalangists had difficulty recruiting another appropriate force till then; second—since the members of this unit were considered specially trained in discovering terrorists, who tried to hide among the civilian population.

On 16.9.82 a document was issued by the Defense Minister's office, signed by the personal aide to the Defense Minister, Mr. Avi Duda'i, which contained "The Defense Minister's Summary of 15 September 1982." This document is (exhibit 34) a summary of the things which Mr. Duda'i had recorded during his visit with the Defense Minister in Beirut on 15.9.82,

as detailed above. In various paragraphs of the document there is mention of the Defense Minister's instructions regarding the entry into West Beirut. The instruction in paragraph F. is important to the matter at hand; it is stated here:

"F. Only one element, and that is the I.D.F. shall command the forces in the area. For the operation in the camps the Phalangists should be sent in."

The document is directed to the Chief of Staff, the Deputy Chief of Staff and the director of Military Intelligence. The document was received at the office of the director of Military Intelligence, according to the stamp appearing on the copy (exhibit 35), on 17.9.82.

In the testimonies we have heard, different interpretations were given to the instruction that only the I.D.F. command the forces in the area. According to one interpretation, and this is the interpretation given the document by the Chief of Staff (p. 257), the meaning of the instruction is that in contacts with external elements, and especially with the Phalangists, only the I.D.F., and not another Israeli element, such as the Mossad, will command the forces in the area—but this does not mean that the Phalangist force will be under the command of the I.D.F. On the other hand, according to the interpretation given the document by the director of Military Intelligence (pp. 127, 1523), the meaning is that all forces operating in the area, including the Phalangists, will be under the authority of the I.D.F. and will act according to its instructions. . . .

On Thursday, 16.9.82, at approximately 1800 hours, members of the Phalangists entered the Shatilla camp from the west and south. They entered in two groups, and once they had passed the battery surrounding the camps their movements within the camps were not visible from the roof of the forward command

post or from the observation sites on other roofs. The Divisional Intelligence Officer tried to follow their movements using binoculars which he shifted from place to place, but was unable to see their movements or their actions. With the entry of the Phalangists into the camps, the firing which had been coming from the camps changed direction; the shooting which had previously been directed against the I.D.F. now shifted in the direction of the Phalangists' liaison officer on the roof of the forward command post. G. (his full name appears in the list of names, Section I, Appendix B) requested the I.D.F. to provide illumination for the force which was moving in, since its entry was taking place after dark. Initially, the illumination was provided by a mortar company, and subsequently also by aircraft; but because the illumination from the planes interfered with the evacuation of casualties of an I.D.F. unit, this source of illumination was halted; mortar illumination continued intermittently throughout the night.

At approximately 8:00 P.M., the Phalangists' liaison officer, G., said that the Phalangists who had entered the camps had sustained casualties, and the casualties were evacuated from the camps. Major General Drori was at the forward command post from approximately 7:30 P.M. and followed the fighting as it was visible from the roof of the forward command post. He left the site after 8:00 P.M.

Several Intelligence Branch personnel, headed by the Division Intelligence Officer, were in the building on whose roof the forward command post was situated. The Intelligence Officer, who wanted to obtain information on the Phalangists' activities, ordered that two actions be carried out to obtain that information (these actions are detailed in Section 5, Appendix B). No information was obtained in the

wake of the first action. As a result of the second action the Intelligence Officer received a report according to which the Phalangists' liaison officer had heard via radio from one of the Phalangists inside the camps that he was holding 45 people. That person asked what he should do with the people, and the liaison officer's reply was "Do the will of God," or words to that effect. The Intelligence Officer received this report at approximately 2000 hours from the person on the roof who heard the conversation. He did not convey the report to anyone else, because an officers' briefing was scheduled to take place at field headquarters shortly afterward.

At about the same time or slightly earlier, at approximately 7:00 P.M., Lieutenant Elul, who was then serving as Chef de Bureau of the Divisional Commander, overheard another conversation that took place over the Phalangists' transmitter. According to Lt. Elul's testimony, while he was on the roof of the forward command post, next to the Phalangists' communications set, he heard a Phalangist officer from the force that had entered the camps tell Elie Hobeika (in Arabic) that there were 50 women and children, and what should he do. Elie Hobeika's reply over the radio was: "This is the last time you're going to ask me a question like that, you know exactly what to do;" and then raucous laughter broke out among the Phalangist personnel on the roof. Lieutenant Elul understood that what was involved was the murder of the women and children. According to his testimony, Brigadier General Yaron, who was also on the forward command post roof then, asked him what he had overheard on the radio; and after Lieutenant Elul told him the content of the conversation. Brigadier General Yaron went over to Hobeika and spoke with him in English for about five

minutes (for Lt. Elul's testimony, see pp. 1209-1210a). Lt. Elul did not hear the conversation between Brigadier General Yaron and Hobeika. . . .

An additional report relating to the actions of the Phalangists in the camps vis-à-vis the civilians there came from liaison officer G. of the Phalangists. When he entered the dining room in the forward command post building at approximately 8:00 P.M., that liaison officer told various people that about 300 persons had been killed by the Phalangists, among them also civilians. He stated this in the presence of many I.D.F. officers who were there, including Brigadier General Yaron. We had different versions of the exact wording of this statement by Phalangist officer G., but from all the testimony we have heard it is clear that he said that as a result of the Phalangists' operations up to that time, 300 terrorists and civilians had been killed in the camps. Shortly thereafter, Phalangist officer G. returned to the dining room and amended his earlier report by reducing the number of casualties from 300 to 120.

At 2040 hours that evening an update briefing was held in the forward command post building with the participation of various I.D.F. officers who were in the building at that time, headed by Brigadier General Yaron. The remarks made at that meeting were recorded by a Major from the History Section in the Operations Branch/Training Section. We were given the tape recording and a transcript thereof (exhibit 155). At the meeting Brigadier General Yaron spoke of the I.D.F.'s progress and deployment, and about the Phalangists' entry into the camps and the combing operations they were carrying out. Following that briefing, the Divisional Intelligence Officer spoke. In the course of his intelligence survey regarding the

terrorists and other armed forces in West Beirut, he said the following (pp. 4 and 5 of the transcript, Exhibit 155):

"The Phalangists went in today. I do not know what level of combat they are showing. It is difficult to see it because it is dark. . . . The impression is that their fighting is not too serious. They have casualties, as you know—two wounded, one in the leg and one in the hand. The casualties were evacuated in one of their ambulances. And they, it turns out, are pondering what to do with the population they are finding inside. On the one hand, it seems, there are no terrorists there, in the camp; Sabra camp is empty. On the other hand, they have amassed women, children and apparently also old people, with whom they don't exactly know what to do. (Amos, this refers back to our talk), and evidently they had some sort of decision in principle that they would concentrate them together, and lead them to some place outside the camps. On the other hand, I also heard from—(the Phalangists' liaison officer G.) . . . that 'do what your heart tells you, because everything comes from God.' That is, I do not—"

At this point Brigadier General Yaron interrupted the Intelligence Officer and the following dialogue ensued between them:

Brigadier General Yaron: "Nothing, no, no. I went to see him up top and they have no problems at all."

Intelligence Officer: "People remaining in the field? Without their lives being in any danger?"

Brigadier General Yaron: "It will not, will not harm them."

Following this exchange, the Intelligence Officer went on to another subject. The Phalangists' actions against the people in the camps were not mentioned again in this update briefing.

In his testimony, Brigadier General Yaron explained his remark about his visit "with him up top and they have no problems at all" by saying that he had spoken several times that evening with the Phalangist officers on the roof of the forward command post after he had heard the first report about 45 people and also after the further report about 300 or 120 casualties; and even though he had been skeptical about the reliability of these reports and had not understood from them that children, women or civilians had been murdered in massacres perpetrated by the Phalangists, he had warned them several times not to harm civilians and he had been assured that they would issue the appropriate orders to that effect (pp. 731-732).

Between approximately 2200 hours and 2300 hours the Divisional Intelligence Officer contacted Northern Command, spoke with the Deputy Intelligence Officer there, asked if Northern Command had received any sort of report, was told in reply that there was no report, and told the Deputy Intelligence Officer of Northern Command about the Phalangist officer's report concerning 300 terrorists and civilians who had been killed, and about the amendment to that report whereby the number of those killed was only 120. The Divisional Intelligence Officer asked the Deputy Intelligence Officer of Northern Command to look into the matter more thoroughly. Intelligence Officer A. was in the room while that conversation took place, and when he heard about that report he phoned Intelligence Branch Research at the General Staff, spoke with two Intelligence Branch officers there and told them that Phalangist personnel had so far liquidated 300 terrorists and civilians (testimony of Intelligence Officer A., p. 576). He went on to add that he had a heavy feeling about the

significance of this report, that he regarded it as an important and highly sensitive report which would interest the senior responsible levels, and that this was the kind of report that would prove of interest to the Director of Military Intelligence personally. In the wake of these remarks, the personnel in Intelligence Branch research of the General Staff Branch who had been given the report carried out certain telephone clarifications, and the report was conveyed to various persons. . . . The text of the report, which was distributed to various Intelligence units and, as noted, also reached the office of the director of Military Intelligence, appears in Appendix A of Exhibit 29. That document contained a marking, noting that its origin lay with the forward command post of Northern Command, that it was received on 16.9.82 at 2320 hours, and that the content of the report was as follows:

"Preliminary information conveyed by the commander of the local Phalangist force in the Shatilla refugee camp states that so far his men have liquidated about 300 people. This number includes terrorists and civilians."

The action taken in the wake of this report in the office of the Director of Military Intelligence will be discussed in this report below.

On Thursday, 16.9.82, at 1930 hours, the Cabinet convened for a session with the participation of—besides the Prime Minister and the Cabinet Ministers (except for 5 Ministers who were abroad)—a number of persons who are not Cabinet members, among them the Chief of Staff, the head of the Mossad and the director of Military Intelligence. The subject discussed at that meeting was the situation in Lebanon in the wake of the assassination of Bashir Jamayel. At the start of the session, the Prime Minister reported on the

chain of events following the report about the attempt on Bashir's life. The Minister of Defense then gave a detailed survey. The Chief of Staff provided details about the I.D.F.'s operation in West Beirut and about his meetings with Phalangist personnel. He said, *inter alia*, that he had informed the Phalangist commanders that their men would have to take part in the operation and go in where they were told, that early that evening they would begin to fight and would enter the extremity of Sabra, that the I.D.F. would ensure that they did not fail in their operation but I.D.F. soldiers would not enter the camps and would not fight together with the Phalangists, rather the Phalangists would go in there "with their own methods" (p. 16 of the minutes of the meeting, Exhibit 122). In his remarks the Chief of Staff explained that the camps were surrounded "by us," that the Phalangists would begin to operate that night in the camps, that we could give them orders whereas it was impossible to give orders to the Lebanese Army, and that the I.D.F. would be assisted by the Phalangists and perhaps also the Lebanese Army in collecting weapons. With respect to the consequences of Bashir's assassination, the Chief of Staff said that in the situation which had been created, two things could happen. One was that the entire power structure of the Phalangists would collapse, though as yet this had not occurred. Regarding the second possibility, the Chief of Staff said as follows (pp. 21-22 of Exhibit 122):

"A second thing that will happen—and it makes no difference whether we are there or not—is an eruption of revenge which, I do not know. I can imagine how it will begin, but I do not know it will end. It will be between all of them, and neither the Americans nor anyone else will be of any help. We can cut it down, but today they already killed Druze there. What dif-

ference does it make who or what? They have already killed them, and one dead Druze is enough so that tomorrow four Christian children will be killed; they will find them slaughtered, just like what happened a month ago; and that is how it will begin, if we are not there—it will be an eruption the likes of which has never been seen: I can already see in their eyes what they are waiting for.

“Yesterday afternoon a group of Phalangist officers came, they were stunned, still stunned, and they still cannot conceive to themselves how their hope was destroyed in one blow, a hope for which they built and sacrificed so much; and now they have just one thing left to do, and that is revenge; and it will be terrible.”

At this point the Chief of Staff was asked “if there is any chance of knowing who did it, and to direct them at whoever perpetrated the deed,” and he continued:

“There is no such thing there. Among the Arabs revenge means that if someone kills someone from the tribe, then the whole tribe is guilty. A hundred years will go by, and there will still be someone killing someone else from the tribe from which someone had killed a hundred years earlier . . .

“I told Draper this today, and he said there is a Lebanese Army, and so on. I told him that it was enough that during Bashir’s funeral, Amin Jemayel, the brother, said ‘revenge’; that is already enough. This is a war that no one will be able to stop. It might not happen tomorrow, but it will happen.

“It is enough that he uttered the word ‘revenge’ and the whole establishment is already sharpening knives. . . .”

Toward the end of his remarks, the Chief of Staff referred to a map and explained that with the exception of one section everything was in the hands of the I.D.F., the I.D.F. was not entering the ref-

ugee camps, “and the Phalangists are this evening beginning to enter the area between Sabra and Fakahani” (p. 25). At that meeting the Head of the Mossad also gave a briefing on the situation after the assassination of Bashir, but made no reference to the Phalangists’ entry into the camps. There was considerable discussion in that meeting about the anger of the United States at the I.D.F.’s entry into West Beirut, the general opinion being that the decision to go in was justified and correct. Toward the close of the meeting there was discussion regarding the wording of a resolution, and then Deputy Prime Minister D. Levy said that the problem was not the formulation of a resolution, but that the I.D.F.’s continued stay in Beirut was liable to generate an undesirable situation of massive pressure regarding its stay there. Minister Levy stated that he accepted the contention regarding the I.D.F.’s entry into Beirut, and he then continued (p. 91):

“We wanted to prevent chaos at a certain moment whose significance cannot be disregarded. When confusion exists which someone else could also have exploited, the situation can be explained in a convincing way. But that argument could be undercut and we could come out with no credibility when I hear that the Phalangists are already entering a certain neighborhood—and I know what the meaning of revenge is for them, what kind of slaughter. Then no one will believe we went in to create order there, and we will bear the blame. Therefore, I think that we are liable here to get into a situation in which we will be blamed, and our explanations will not stand up . . .” . . .

Brigadier General Yaron did not inform Major General Drori of the reports which had reached him on Thursday evening regarding the actions of the Phalangists vis-à-vis non-combatants in the camps, and

reports about aberrations did not reach Major General Drori until Friday, 17.9.82, in the morning hours. On Friday morning Major General Drori contacted Brigadier General Yaron, received from him a report about various matters relating to the war, and heard from him that the Phalangists had sustained a number of casualties, but heard nothing about casualties among the civilian population in the camps (testimony of Major General Drori, p. 404). That same morning Major General Drori spoke with the Chief of Staff and heard from him that the Chief of Staff might come to Beirut that day.

In the early hours of that morning a note lay on a table in the Northern Command situation room in Aley. The note read as follows:

"During the night the Phalangists entered the Sabra and Shatilla refugee camps. Even though it was agreed that they would not harm civilians, they 'butchered.' They did not operate in orderly fashion but dispersed. They had casualties, including two killed. They will organize to operate in a more orderly manner—we will see to it that they are moved into the area."

Lieutenant Colonel Idel, of the History Section in Operations Branch/Training Section, saw this note on the table and copied it into a notebook in which he recorded details about certain events, as required by his position. It has not been clarified who wrote the note or what the origin was of the information it contained, even though on this matter the staff investigators questioned many persons who held various positions where the note was found. The note itself was not found, and we know its content only because Lieutenant Colonel Idel recorded it in his notebook.

The G.O.C. held a staff meeting at 8:00 A.M. in which nothing was said about the

existence of reports regarding the Phalangists' actions in the camps.

Already during the night between Thursday and Friday, the report about excesses committed by the Phalangists in the camps circulated among I.D.F. officers who were at the forward command post. Two Phalangists were killed that night during their operation in the camps. When the report about their casualties reached the Phalangists' liaison officer, G., along with a complaint from one of the Phalangist commanders in the field that the I.D.F. was not supplying sufficient illumination, the liaison officer asked Lieutenant Colonel Treiber, one of the Operations Branch officers at the forward command post, to increase the illumination for the Phalangists. Lieutenant Colonel Treiber's response was that the Phalangists had killed 300 people and he was not willing to provide them with illumination (testimony of Lieutenant Elul, pp. 1212-1213). Lieutenant Colonel Treiber subsequently ordered that limited illumination be provided for the Phalangists.

In the early hours of the morning, additional officers at the forward command post heard from the Phalangists' liaison officer, G., that acts of killing had been committed in the camps but had been halted (statements 22 and 167).

At approximately 9:00 A.M. on Friday, Brigadier General Yaron met with representatives of the Phalangists at the forward command post and discussed with them the entry of an additional force of Phalangists into the camps. Afterwards, according to the testimony of Major General Drori (p. 1600), he met with Brigadier General Yaron in the *Cité* of Beirut, where they discussed the activity of the I.D.F. troops and other matters related to the war; but Brigadier General Yaron said nothing to him at that meeting about ex-

cesses committed by the Phalangists. Brigadier General Yaron's testimony contains a different version of the talk between him and Major General Drori that morning. According to that testimony, Brigadier General Yaron received reports that morning about a woman who claimed that she had been struck in the face by Phalangists (and) about a child who had been kidnapped and whose father had complained to the Divisional Operations Officer; and Brigadier General Yaron had seen liaison officer G. arguing with other Phalangists. From all this Brigadier General Yaron inferred that something was amiss, or as he put it, "something smelled fishy to me" (p. 700). He phoned Major General Drori and told him something did not look right to him, and as a result of this conversation, Major General Drori arrived at the forward command post at approximately 11:00 A.M. According to Major General Drori, he arrived at the forward command post without having heard any report that something was wrong in the camps, simply as part of a routine visit to various divisions. We see no need to decide between these two versions.

When Major General Drori arrived at the Divisional forward command post he spoke with Colonel Duvdevani and with Brigadier General Yaron. We also have differing versions regarding what Major General Drori heard on that occasion. In his statement (No. 2) Colonel Duvdevani related that he said he had a bad feeling about what was going on in the camps. According to his statement, this feeling was caused by the report of liaison officer G. about 100 dead and also because it was not known what the Phalangists were doing inside the camps. Colonel Duvdevani did not recall whether Major General Drori had asked him about the reasons for his bad feeling. According to Major Gen-

eral Drori's testimony, he heard about three specific matters on that occasion. The first was the blow to the woman's head; the second—which was not directly related to the camps—was that in one neighbourhood, namely San Simon, Phalangists had beaten residents; and the third matter was that a feeling existed that the Phalangists were carrying out "an unclean mopping-up"—that is, their soldiers were not calling on the residents—as I.D.F. soldiers do—to come out before opening fire on a house which was to be "mopped up," but were "going into the house firing" (testimony of Major General Drori, pp. 408, 1593-1594). No evidence existed that, at that meeting or earlier, anyone had told Major General Drori about the reports of 45 people whose fate was sealed, or about the 300 killed; nor is there any clear evidence that he was told of a specific number of people who had been killed. After Major General Drori heard what he heard from Colonel Duvdevani and Brigadier General Yaron, he ordered Brigadier General Yaron to halt the operations of the Phalangists, meaning that the Phalangists should stop where they were in the camps and advance no further. Brigadier General Yaron testified that he suggested to Major General Drori to issue this order (p. 701). The order was conveyed to the Phalangist commanders. On that same occasion Major General Drori spoke with the Chief of Staff by phone about several matters relating to the situation in Beirut, told him that he thought the Phalangists had perhaps "gone too far" and that he had ordered their operation to be halted (p. 412). A similar version of this conversation appears in the Chief of Staff's testimony (pp. 232-233). The Chief of Staff testified that he had heard from Major General Drori that something was amiss in the Phalangists' actions. The Chief of Staff asked

no questions, but told Major General Drori that he would come to Beirut that afternoon. . . .

As mentioned above, the reports of unusual things occurring in the camps circulated among the officers at the forward command post already during the night and in the morning hours of Friday, and they reached other I.D.F. officers and soldiers in the area. At approximately 8:00 A.M., the journalist Mr. Ze'ev Schiff received a report from the General Staff in Tel Aviv, from a man whose name he has refused to disclose, that there was a slaughter in the camps. The transmitter of the report used the Arabic expression *dab'h*. He was not told of the extent of the slaughter. He tried to check the report with Military Intelligence and Operations, and also with the Mossad, but received no confirmation, except the comment that "there's something." At 11:00 A.M., Mr. Schiff met with Minister Zipori at the minister's office and spoke with him about the report he had received. Minister Zipori tried to contact the director of Military Intelligence and the head of the General Security Services by phone, but did not reach them. At approximately 11:15 A.M., he called the Foreign Minister, Mr. Yitzhak Shamir, and spoke with him about the report he had received from Mr. Schiff. According to the testimony of Minister Zipori, he said in that telephone conversation with Mr. Shamir that he had received reports that the Phalangists "are carrying out a slaughter" and asked that Minister Shamir check the matter with the people who would be with him momentarily and whose planned visit was known to Minister Zipori (Minister Zipori's testimony, p. 109). According to Mr. Schiff's statement to the staff investigators (no. 83), Minister Zipori said in that conversation that "they are killing in the camps" and proposed that "it is worth checking

the matter through your channels."

We heard a different version of the content of the conversation from Minister Shamir. Minister Shamir knew of the entry of the Phalangists into the camps from what he had heard at the aforementioned cabinet meeting of 16.9.82. According to him, Minister Zipori told him in the aforementioned telephone conversation that he knows that Minister Shamir was to meet soon with representatives of the United States on the situation in West Beirut, and therefore he deems it appropriate to report what he had heard about what is occurring there. The situation in West Beirut is still not as quiet as it may seem from the media, and he had heard that three or four I.D.F. soldiers had been killed, and had also heard "about some rampage by the Phalangists" (p. 1232). Minister Shamir said in his testimony that as far as he could remember there was no mention in that conversation of the words massacre or slaughter. According to him, he was not asked by Minister Zipori to look into the matter, he did not think that he was talking about massacre, [rather] he got the impression from the conversation that its main aim was to inform him of the losses suffered by the I.D.F., and therefore he himself made no check and also did not instruct Foreign Ministry personnel to check the report, but asked someone in the Foreign Ministry whether new reports had arrived from Beirut and was satisfied with the answer that there is nothing new.

In addition, Minister Shamir thought, according to his testimony, that since a meeting would shortly be held at his office with Ambassador Draper, in which the Defense Minister, the director of Military Intelligence, the head of the General Security Services and their aides would be participating on the Israeli side, then he would hear from them about what is hap-

pening in West Beirut. This meeting was held at the Foreign Minister's office at 12:30, between Ambassador Draper and other representatives of the United States and a group of representatives of Israel, including the Minister of Defense, the director of Military Intelligence, and the head of the General Security Services (exhibit 124). The Foreign Minister did not tell any of those who came to the meeting about the report he had received from Minister Zipori regarding the actions of the Phalangists, and he explained this inaction of his by the fact that the matter did not bother him, since it was clear to him that everything going on is known to the persons sitting with him, and he did not hear from them any special report from Beirut (p. 1238). The meeting ended at 3:00 P.M., and then the Foreign Minister left for his home and took no additional action following the aforementioned conversation with Minister Zipori. . . .

On Friday, 17.9.82, already from the morning hours, a number of I.D.F. soldiers detected killing and violent actions against people from the refugee camps. We heard testimony from Lieutenant Grabowsky, a deputy commander of a tank company, who was in charge of a few tanks which stood on an earth embankment—a ramp—and on the adjacent road, some 200 meters from the first buildings of the camps. In the early morning hours he saw Phalangist soldiers taking men, women and children out of the area of the camps and leading them to the area of the stadium. Between 8:00 and 9:00 A.M. he saw two Phalangist soldiers hitting two young men. The soldiers led the men back into the camp, after a short time he heard a few shots and saw the two Phalangist soldiers coming out. At a later hour he went up the embankment with the tank and then saw that Phalangist soldiers had killed a group of five women and children.

Lieutenant Grabowsky wanted to report the event by communications set to his superiors, but the tank crew told him that they had already heard a communications report to the battalion commander that civilians were being killed, [and] the battalion commander had replied, "We know, it's not to our liking, and don't interfere." Lieutenant Grabowsky saw another case in which a Phalangist killed a civilian. In the afternoon hours his soldiers spoke with a Phalangist who had arrived at the spot, and at the request of Grabowsky, who does not speak Arabic, one of the soldiers asked why they were killing civilians. The answer he received was that the pregnant women will give birth to terrorists and children will grow up to be terrorists. Grabowsky left the place at 1600 hours. Late in the afternoon he related what he had seen to his commander in the tank battalion and to other officers. At their suggestion he related this to his brigade commander at 2000 hours (Grabowsky testimony, pp. 380-388). In various statements made to the staff investigators, soldiers and officers from Lieutenant Grabowsky's unit and from other units stationed nearby related that they saw on Friday various acts of maltreatment by the Phalangist soldiers against men, women and children who were taken out of the camp, and heard complaints and stories regarding acts of killing carried out by the Phalangists. One of those questioned heard a communications report to the battalion commander about the Phalangists "running wild."

The battalion commander did not confirm in his statements (no. 21 and no. 175) and testimony that he had received reports on Friday from any of his battalion's soldiers about acts of killing or violent actions by the Phalangists against the residents of the camps. According to him, he indeed heard on Thursday night,

when he was in the forward command post, about 300 killed, a number which was later reduced to 120 killed; but on Friday the only report he received was about the escape of a few dozen beaten or wounded persons northward and eastward, and this was in the afternoon. At a later date, after the massacre in the camps was publicized, the battalion commander made special efforts to obtain a monitoring report of the battalion's radio frequency and he submitted this report to us (exhibit 1240). In this document no record was found of a report of acts of killing or maltreatment by the Phalangists on Friday. . . .

The Chief of Staff reached the airport at Khalde near Beirut at 1530 hours with a number of I.D.F. officers. At the airport he met with Major General Drori and travelled with him to a meeting at Phalangist headquarters. Major General Drori testified that they had told the Chief of Staff on the way what he knew regarding the Phalangists' actions. The Chief of Staff was satisfied with what he had heard and did not ask about additional matters (Drori testimony, pp. 415, 416). Brigadier General Yaron joined those travelling to the meeting with the Phalangist commanders. The Chief of Staff testified in his first appearance that he had heard from Major General Drori and from Brigadier General Yaron only those things which he had heard on the telephone, and does not remember that he asked them how the improper behavior of the Phalangists had expressed itself. In that testimony he explained that he had refrained from asking additional questions since the discussion had dealt mainly with the situation in the city, that he generally does not like to talk while travelling, and that he thought the matter would be clarified at Phalangist headquarters, where they were headed (testimony of the Chief of Staff, pp.

243, 234). . . .

At about 1600 hours, the meeting between the Chief of Staff and the Phalangist staff was held. We have been presented with documents containing summaries from this meeting: In a summary made by Mossad representative A who was present at the meeting (exhibit 80 A) it was said that the Chief of Staff "expressed his positive impression received from the statement by the Phalangist forces and their behavior in the field" and concluded that they "continue action, mopping up the empty camps south of Fakhani until tomorrow at 5:00 A.M., at which time they must stop their action due to American pressure. There is a chance that the Lebanese Army will enter instead of them." Other matters in this summary do not relate to the matter of the two camps (a summary with identical contents appears in exhibit no. 37). We heard more precise details on the content of the meeting from witnesses who participated in it. The Chief of Staff testified that the Phalangists had reported that the operation had ended and that everything was alright, that the Americans are pressuring them to leave and they would leave by 5:00 A.M., and that they had carried out all the objectives. His reaction was "O.K., alright, you did the job."

According to the Chief of Staff, the discussion was very relaxed, there was a very good impression that the Phalangists had carried out the mission they had been assigned or which they had taken upon themselves, and there was no feeling that something irregular had occurred or was about to occur in the camps. During the meeting they requested a tractor from the I.D.F. in order to demolish illegal structures; the Chief of Staff saw this as a positive action, since he had long heard of illegal Palestinian neighborhoods, and therefore he approved their request for

tractors (pp. 234-239). In his second testimony, the Chief of Staff added that the commander of the Phalangists had said that there was almost no civilian population in the camps, and had reported on their killed and wounded (p. 1666). He did not ask them questions and did not debrief them about what had happened in the camps. They wanted to send more forces into the camps, but he did not approve this; and there was no discussion at that meeting of relieving forces (pp. 1667-1670). At the same meeting, the Chief of Staff approved the supply of certain arms to the Phalangists, but this has nothing to do with events in Beirut. Major General Drori testified during his first appearance that the commander of the Phalangist force, who was present at the meeting, gave details of where his forces were and reported heavy fighting—but did not make mention of any irregularities, and certainly not of a massacre. The Phalangist commanders spoke of American pressure [on them] to leave the camps. . . .

After the Chief of Staff returned to Israel, he called the Defense Minister between 2000-2100 hours and spoke with him about his visit to Beirut. According to the Defense Minister's testimony, the Chief of Staff told him in that conversation that he had just returned from Beirut and that "in the course of the Phalangists' actions in the camps, the Christians had harmed the civilian population more than was expected." According to the Defense Minister, the Chief of Staff used the expression that the Lebanese Forces had "gone too far," and that therefore their activity had been stopped in the afternoon, the entry of additional forces had been prevented, and an order had been given to the Phalangists to remove their forces from the camps by 5:00 A.M. the following morning. The Defense Minister added that the Chief of Staff also men-

tioned that civilians had been killed (testimony of the Defense Minister, pp. 293-294). According to the Defense Minister's statements, this was the first report that reached him of irregular activity by the Phalangists in the refugee camps. The Chief of Staff did not confirm that he had told the Defense Minister all the above. According to him, he told the Defense Minister that the Phalangists had carried out their assignment, that they had stopped, and that they were under pressure from the Americans and would leave by 5:00 A.M. does not recall that he mentioned disorderly behavior by the Phalangists, but he is sure he did not speak of a massacre, killing or the like. When the Chief of Staff was asked whether the Defense Minister had asked him questions in that same conversation, his reply was that he didn't remember (p. 243). In his second round of testimony, the Chief of Staff said that it was possible and also reasonable that he had told the Defense Minister the content of what he had heard from Major General Drori, although he reiterated that he didn't recall every word that was said in that same conversation (pp. 1687-1688). At the conclusion of his second round of testimony, the Chief of Staff denied that there had been discussion, in the telephone conversation with the Defense Minister, of killing beyond what had been expected (p. 1692).

This conversation was not recorded by anyone, and the two interlocutors testified about it from memory. It is our opinion that the Defense Minister's version of that same conversation is more accurate than the Chief of Staff's version

The Phalangists did not leave by 5:00 A.M. on Saturday, 18.9.82. Between 6:30-7:00 A.M., a group of Phalangist soldiers entered the Gaza Hospital, which is located at the end of the Sabra camp and

which is run by the Palestinian Red Crescent organization. These soldiers took a group of doctors and nurses, foreign nationals working in that same hospital, out of the hospital and led them under armed escort via Sabra St. We heard from three members of the group, Drs. Ang and Morris and the nurse Ellen Siegel, about what happened in that hospital from the time of Bashir's murder until Saturday morning. As this group passed along Sabra St., the witnesses saw several corpses on both sides of the street, and groups of people sitting on both sides of the street with armed soldiers guarding them. The members of the group also saw bulldozers moving along Sabra St. and entering the camp's alleyways. The group of doctors and nurses arrived, with those who were leading them, at a plaza at the end of Sabra St.; they passed by the Kuwaiti Embassy building and were brought into a former U.N. building by their guards. There several members of the group were interrogated by the Phalangists, but the interrogation was halted, their passports restored to them, and they were taken to a building where there were I.D.F. soldiers—that is, the forward command post. After a while, the members of the group were taken by I.D.F. soldiers to another part of Beirut, where they were released; and several of them, at their request, returned to the hospital after receiving from one of the I.D.F. officers a document which was meant to grant them passage as far as the hospital. We will return again later to the testimony of three of the members of the group.

When Brigadier General Yaron realized that the Phalangists had not left the camps by 0630 hours, he gave the Phalangist commander on the scene an order that they must vacate the camps without delay. This order was obeyed, and the last of the Phalangist forces left the camps at approx-

imately 8:00 A.M. Afterwards there was an "announcement"—that is, it was declared over loudspeakers that people located in the area must come out and assemble in a certain place, and all those who came out were led to the stadium. There, refugees from the camps gathered, and the I.D.F. gave them food and water. In the meantime, reports circulated about the massacre in the camps, and many journalists and media personnel arrived in the area

It is impossible to determine precisely the number of persons who were slaughtered Taking into account the fact that Red Cross personnel counted no more than 328 bodies, it would appear that the number of victims of the massacre was not as high as a thousand, and certainly not thousands. According to I.D.F. intelligence sources, the number of victims of the massacre is between 700 and 800 (testimony of the director of Military Intelligence, pp.139-140). This may well be the number most closely corresponding with reality. It is impossible to determine precisely when the acts of slaughter were perpetrated; evidently they commenced shortly after the Phalangists entered the camps and went on intermittently until close to their departure.

According to the testimony we heard, no report of the slaughter in the camps was made to the Prime Minister on Saturday, with the possible exception of the events in the Gaza Hospital, regarding which we made no finding. The Prime Minister heard about the massacre on a B.B.C. radio broadcast towards evening on Saturday. He immediately contacted the Chief of Staff and the Defense Minister, who informed him that the actions had been halted and that the Phalangists had been removed from the camps (p.771).

When a public furor erupted in Israel and abroad in the wake of the reports about the massacre, and accusations were levelled that the I.D.F. and Haddad's men had taken part in the massacre, several communiques were issued by the I.D.F. and the Foreign Ministry which contained incorrect and imprecise statements about the events. These communiques asserted explicitly or implied that the Phalangists' entry into the camps had been carried out without the knowledge of—or coordination with—the I.D.F. The incorrect statements were subsequently amended, and it was stated publicly that the Phalangists' entry into the camps had been coordinated with the I.D.F. There is no doubt that the publication of incorrect and imprecise reports intensified the suspicions against Israel and caused it harm

[The Commission places direct responsibility for the massacre upon the Phalangists—*Ed.*]

The Indirect Responsibility

Before we discuss the essence of the problem of the indirect responsibility of Israel, or of those who operated at its behest, we perceive it to be necessary to deal with objections that have been voiced on various occasions, according to which if Israel's direct responsibility for the atrocities is negated—i.e., if it is determined that the blood of those killed was not shed by I.D.F. soldiers and I.D.F. forces, or that others operating at the behest of the state were not parties to the atrocities—then there is no place for further discussion of the problem of indirect responsibility. The argument is that no responsibility should be laid on Israel for deeds perpetrated outside of its borders by members of the Christian community against Palestinians in that same country, or against Muslims located

within the area of the camps. A certain echo of this approach may be found in statements made in the cabinet meeting of 19.9.82, and in statements released to the public by various sources.

We cannot accept this position. If it indeed becomes clear that those who decided on the entry of the Phalangists into the camps should have foreseen—from the information at their disposal and from things which were common knowledge—that there was danger of a massacre, and no steps were taken which might have prevented this danger or at least greatly reduced the possibility that deeds of this type might be done, then those who made the decisions and those who implemented them are indirectly responsible for what ultimately occurred, even if they did not intend this to happen and merely disregarded the anticipated danger. A similar indirect responsibility also falls on those who knew of the decision; it was their duty, by virtue of their position and their office, to warn of the danger, and they did not fulfill this duty. It is also not possible to absolve of such indirect responsibility those persons who, when they received the first reports of what was happening in the camps, did not rush to prevent the continuation of the Phalangists' actions and did not do everything within their power to stop them A basis for such responsibility may be found in the outlook of our ancestors, which was expressed in things that were said about the moral significance of the biblical portion concerning the "beheaded heifer" (in the Book of Deuteronomy, chapter 21). It is said in Deuteronomy (21:6-7) that the elders of the city who were near the slain victim who has been found (and it is not known who struck him down) "will wash their hands over the beheaded heifer in the valley and reply: our hands did not shed this blood and our eyes did not see."

Rabbi Yehoshua ben Levi says of this verse (Talmud, Tractate Sota 38b):

“The necessity for the heifer whose neck is to be broken only arises on account of the niggardliness of spirit, as it is said, ‘Our hands have not shed this blood.’ But can it enter our minds that the elders of a Court of Justice are shedders of blood! The meaning is, [the man found dead] did not come to us for help and we dismissed him, we did not see him and let him go—i.e., he did not come to us for help and we dismissed him without supplying him with food, we did not see him and let him go without escort.” (Rashi explains that escort means a group that would accompany them; Sforno, a commentator from a later period, says in his commentary on Deuteronomy, “that there should not be spectators at the place, for if there were spectators there, they would protest and speak out.”)

When we are dealing with the issue of indirect responsibility, it should also not be forgotten that the Jews in various lands of exile, and also in the Land of Israel when it was under foreign rule, suffered greatly from pogroms perpetrated by various hooligans; and the danger of disturbances against Jews in various lands, it seems evident, has not yet passed. The Jewish public's stand has always been that the responsibility for such deeds falls not only on those who rioted and committed the atrocities, but also on those who were responsible for safety and public order, who could have prevented the disturbances and did not fulfill their obligations in this respect. It is true that the regimes of various countries, among them even enlightened countries, have side-stepped such responsibility on more than one occasion and have not established inquiry commissions to investigate the issue of indirect responsibility, such as that about which we are speaking; but the develop-

ment of ethical norms in the world public requires that the approach to this issue be universally shared, and that the responsibility be placed not just on the perpetrators, but also on those who could and should have prevented the commission of those deeds which must be condemned

The heads of Government in Israel and the heads of the I.D.F. who testified before us were for the most part firm in their view that what happened in the camps was an unexpected occurrence, in the nature of a disaster which no one had imagined and which could not have been—or, at all events, need not have been—foreseen. It was stressed in the remarks made in testimony and in the arguments advanced before us, that this matter should not be discussed in terms of hindsight, but that we must be careful to judge without taking into account what actually happened. We concur that special caution does not exempt us from the obligation to examine whether persons acting and thinking rationally were dutybound, when the decision was taken to have the Phalangists enter the camps, to foresee, according to the information that each of them possessed and according to public knowledge, that the entry of the Phalangists into the camps held out the danger of a massacre and that no little probability existed that it would in fact occur. At this stage of the discussion we shall not pause to examine the particular information possessed by the persons to whom notices were sent under Section 15(A) of the law, but shall make do with an examination of the knowledge possessed by everyone who had some expertise on the subject of Lebanon.

In our view, everyone who had anything to do with events in Lebanon should have felt apprehension about a massacre in the camps, if armed Phalangist forces were to

be moved into them without the I.D.F. exercising concrete and effective supervision and scrutiny of them. All those concerned were well aware that combat morality among the various combatant groups in Lebanon differs from the norm in the I.D.F. that the combatants in Lebanon belittle the value of human life far beyond what is necessary and accepted in wars between civilized peoples and that various atrocities against the non-combatant population had been widespread in Lebanon since 1975. It was well known that the Phalangists harbor deep enmity for the Palestinians, viewing them as the source of all the troubles that afflicted Lebanon during the years of the civil war. The fact that in certain operations carried out under close I.D.F. supervision the Phalangists did not deviate from disciplined behavior could not serve as an indication that their attitude toward the Palestinian population had changed, or that changes had been effected in their plans—which they made no effort to hide—for the Palestinians. To this backdrop of the Phalangists' attitude toward the Palestinians were added the profound shock in the wake of Bashir's death along with a group of Phalangists in the explosion at Ashrafiya, and the feeling of revenge that event must arouse, even without the identity of the assailant being known.

The written and oral summations presented to us stressed that most of the experts whose remarks were brought before the commission—both Military Intelligence personnel and Mossad personnel—had expressed the view that given the state of affairs existing when the decision was taken to have the Phalangists enter the camps, it could not be foreseen that the Phalangists would perpetrate a massacre, or at all events the probability of that occurring was low; and had they been asked for their opinion at the time they

would have raised no objections to the decision. We are not prepared to attach any importance to these statements, and not necessarily due to the fact that this evaluation was refuted by reality. It is our impression that the remarks of the experts on this matter were influenced to a certain extent by the desire of each of them to justify his action or lack thereof, the experts having failed to raise any objection to the entry of the Phalangists into the camps when they learned of it. In contrast to the approach of these experts, there were cases in which other personnel, both from Military Intelligence, from other I.D.F. branches, and from outside the governmental framework, warned—as soon as they learned of the Phalangists' entry into the camps, and on earlier occasion when the Phalangists' role in the war was discussed—that the danger of a massacre was great and that the Phalangists would take advantage of every opportunity offered them to wreak vengeance on the Palestinians. Thus, for example, Intelligence Officer G. (whose name appears in Section I of Appendix B), a branch head in Military Intelligence/Research, stated that the subject of possible injury by the Phalangists to the Palestinian population had come up many times in internal discussions (statement No. 176). Similarly, when Intelligence Officer A. learned on Thursday, in a briefing of Intelligence officers, that the Phalangists had entered the camps, he said, even before the report arrived about the 300 killed, that he was convinced that the entry would lead to a massacre of the refugee camps population. In a working meeting held at 7:00 P.M. between Major General Drori and the liaison officer with the Lebanese army at Northern Command [headquarters], the officer was told by Major General Drori that the Phalangists were about to enter the Sabra and Shatilla refugee

camps; his reaction was that this was a good solution, but care should be taken that they not commit acts of murder (statement No. 4 and testimony of Major General Drori, pp. 402-403). In his statement, Captain Nahum Menahem relates that in a meeting he had with the Defense Minister on 12.9.82, he informed the Defense Minister of his opinion, which was based on considerable experience and on a study he had made of the tensions between the communities in Lebanon, that a "terrible" slaughter could ensue if Israel failed to assuage the intercommunal tensions in Lebanon (statement No. 161, p. 4). We shall mention here also articles in the press stating that excesses could be expected on the part of the Christian fighters (article in the journal *Bamahane* from 1.9.82, appended to the statement—No. 24—of the article's author, the journal's military reporter Mr. Yinon Shenkar) and that the refugee camps in Beirut were liable to undergo events exceeding what had happened at Tel el-Za'atar (article in a French paper in Beirut from 20.8.82 appended to the statement, No. 76, of the journalist Mr. Strauch). We do not know whether the content of these articles was made known to the decision-makers regarding the operation of the Phalangists in West Beirut, or to those who executed the decision. We mention them solely as yet another indication that even before Bashir's assassination the possibility of the Phalangists perpetrating a massacre in the camps was not esoteric lore which need not and could not have been foreseen. . . .

The Prime Minister, Mr. Menachem Begin
 . . . We have already said above, when we discussed the question of indirect responsibility, that in our view, because of things that were well known to all, it should have been foreseen that the danger of a massa-

cre existed if the Phalangists were to enter the camps without measures being taken to prevent them from committing acts such as these. We are unable to accept the Prime Minister's remarks that he was absolutely unaware of such a danger. According to what he himself said, he told the Chief of Staff on the night between 14 and 15 September 1982, in explaining the decision to have the I.D.F. occupy positions in West Beirut, that this was being done "in order to protect the Moslems from the vengeance of the Phalangists," and he could well suppose that after the assassination of Bashir, the Phalangists' beloved leader, they would take revenge on the terrorists. The Prime Minister was aware of the mutual massacres committed in Lebanon during the civil war, and of the Phalangists' feelings of hate for the Palestinians, whom the Phalangists held responsible for all the calamities that befell their land. The purpose of the I.D.F.'s entry into West Beirut—in order to prevent bloodshed—was also stressed by the Prime Minister in his meeting with Ambassador Draper on 15.9.82. . . .

As noted, the Prime Minister first heard about the Phalangists' entry into the camps about 36 hours after the decision to that effect was taken, and did not learn of the decision until the Cabinet session. When he heard about the Phalangists' entry into the camps, it had already taken place. According to the "rosy" reports the Prime Minister received from the Defense Minister and the Chief of Staff, the Prime Minister was entitled to assume at that time that all the operations in West Beirut had been performed in the best possible manner and had nearly been concluded. We believe that in these circumstances it was not incumbent upon the Prime Minister to object to the Phalangists' entry into the camps or to order their removal. On the other hand, we find no reason to

exempt the Prime Minister from responsibility for not having evinced, during or after the Cabinet session, any interest in the Phalangists' actions in the camps. It has already been noted above that no report about the Phalangists' operations reached the Prime Minister, except perhaps for the complaint regarding the Gaza Hospital, until he heard the BBC broadcast towards evening on Saturday. For two days after the Prime Minister heard about the Phalangists' entry, he showed absolutely no interest in their actions in the camps. This indifference would have been justifiable if we were to accept the Prime Minister's position that it was impossible and unnecessary to foresee the possibility that the Phalangists would commit acts of revenge; but we have already explained above that according to what the Prime Minister knew, according to what he heard in the Thursday cabinet session, and according to what he said about the purpose of the move into Beirut, such a possibility was not unknown to him. It may be assumed that a manifestation of interest by him in this matter, after he had learned of the Phalangists' entry, would have increased the alertness of the Defense Minister and the Chief of Staff to the need to take appropriate measures to meet the expected danger. The Prime Minister's lack of involvement in the entire matter casts on him a certain degree of responsibility.

The Minister of Defense, Mr. Ariel Sharon . . . In the circumstances that prevailed after Bashir's assassination, no prophetic powers were required to know that concrete danger of acts of slaughter existed when the Phalangists were moved into the camps without the IDF's being with them in that operation and without the IDF being able to maintain effective and ongoing supervision of their actions there.

The sense of such a danger should have been in the consciousness of every knowledgeable person who was close to this subject, and certainly in the consciousness of the Defense Minister, who took an active part in everything relating to the war. His involvement in the war was deep, and the connection with the Phalangists was under his constant care. . . .

We do not accept the contention that the Defense Minister did not need to fear that the Phalangists would commit acts of killing because in all outward aspects they looked like a disciplined and organized army. It could not be inferred from the Phalangists' orderly military organization that their attitude toward human life and to the non-combatant population had basically changed. It might perhaps be inferred from their military organization that the soldiers would heed the orders of their commanders and not break discipline; but at the very least, care should have been taken that the commanders were imbued with the awareness that no excesses were to be committed and that they give their men unequivocal orders to this effect. The routine warnings that I.D.F. commanders issued to the Phalangists, which were of the same kind as were routinely issued to I.D.F. troops, could not have had any concrete effect.

We shall remark here that it is ostensibly puzzling that the Defense Minister did not in any way make the Prime Minister privy to the decision on having the Phalangists enter the camps.

It is our view that responsibility is to be imputed to the Minister of Defense for having disregarded the danger of acts of vengeance and bloodshed by the Phalangists against the population of the refugee camps, and having failed to take this danger into account when he decided to have the Phalangists enter the camps. In addition, responsibility is to be imputed

to the Minister of Defense for not ordering appropriate measures for preventing or reducing the danger of massacre as a condition for the Phalangists' entry into the camps. These blunders constitute the non-fulfillment of a duty with which the Defense Minister was charged.

We do not believe that responsibility is to be imputed to the Defense Minister for not ordering the removal of the Phalangists from the camps when the first reports reached him about the acts of killing being committed there. As was detailed above, such reports initially reached the Defense Minister on Friday evening; but at the same time, he had heard from the Chief of Staff that the Phalangists' operation had been halted, that they had been ordered to leave the camps, and that their departure would be effected by 5:00 A.M. Saturday. These preventive steps might well have seemed sufficient to the Defense Minister at that time, and it was not his duty to order additional steps to be taken, or to have the departure time moved up, a step which was of doubtful feasibility.

The Foreign Minister, Mr. Yitzhak Shamir . . . The impression we got is that the Foreign Minister did not make any real attempt to check whether there was anything in what he had heard from Minister Zipori on the Phalangists' operations in the camps because he had an *a priori* skeptical attitude toward the statements of the minister who reported this information to him. It is difficult to find a justification for such disdain for information that came from a member of the Cabinet, especially under the circumstances in which the information was reported. . . . The Foreign Minister should at least have called the Defense Minister's attention to the information he had received and not contented himself with asking someone in his office whether any new information had

come in from Beirut and with the expectation that those people coming to his office would know what was going on and would tell him if anything out of the ordinary had happened. In our view, the Foreign Minister erred in not taking any measures after the conversation with Minister Zipori in regard to what he had heard from Zipori about the Phalangist actions in the camps.

The Chief of Staff, Lieutenant General Rafael Eitan . . . If the Chief of Staff did not imagine at all that the entry of the Phalangists into the camps posed a danger to the civilian population, his thinking on this matter constitutes a disregard of important considerations that he should have taken into account. Moreover, considering the Chief of Staff's own statements quoted above, it is difficult to avoid the conclusion that the Chief of Staff ignored this danger out of an awareness that there were great advantages to sending the Phalangists into the camps, and perhaps also out of a hope that in the final analysis, the Phalangist excesses would not be on a large scale. This conclusion is likewise prompted by the Chief of Staff's behavior during later stages, once reports began to come in about the Phalangists' excesses in the camps. . . .

We find that the Chief of Staff did not consider the danger of acts of vengeance and bloodshed being perpetrated against the population of the refugee camps in Beirut; he did not order the adoption of the appropriate steps to avoid this danger; and his failure to do so is tantamount to a breach of duty that was incumbent upon the Chief of Staff. . . .

In our opinion, after the Chief of Staff received the information from Major General Drori in a telephone conversation that the Phalangists had "overdone it" and Major General Drori had halted their

operation, this information should have alerted him to the danger that acts of slaughter were being perpetrated in the camps and made him aware of his obligation to take appropriate steps to clarify the matter and prevent the continuation of such actions if the information proved to be of substance. Toward that end, the Chief of Staff should have held a detailed clarification [session] with Major General Drori, Brigadier General Yaron, and other officers of the division, as well as with the Phalangist commanders, immediately upon his arrival in Beirut. If, as a result of this clarification, he was not satisfied that excesses had not been committed in the camps, he should have ordered the immediate removal of the Phalangist forces from the camp, admonished the Phalangist commanders about the aberrant actions, and demanded that they issue immediate orders to their forces to refrain from any act that would cause harm to civilians while they were still in the camp. None of these things were done by the Chief of Staff. On the contrary, the Phalangist commanders could have gotten the impression from the Chief of Staff's words and from his agreement to supply them with tractors that they could continue their operations in the camp without interference until Saturday morning and that no reports of excesses had reached the I.D.F. — and if they had reached the I.D.F. they had not roused any sharp reaction.

We determine that the Chief of Staff's inaction, described above, and his order to provide the Phalangist forces with tractors, or a tractor, constitute a breach of duty and dereliction of the duty incumbent upon the Chief of Staff.

Director of Military Intelligence, Major General Yehoshua Saguy . . . The Director of Military Intelligence testified that he

did not know at all about the decision regarding the sending of the Phalangists into the camps and did not hear about the role assigned to the Phalangists in connection with the entry into Beirut until he discovered the matter in the cable regarding the 300 killed on Friday morning (17.9.82). . . .

We cannot believe that no information about the plan to send the Phalangists into the camps reached the Director of Military Intelligence until Friday morning, keeping in mind that he was present at a number of meetings in which this plan was mentioned and he had ample opportunities to ascertain the role given to the Phalangists. . . .

Less so is there any satisfactory explanation for the lack of substantial action by the director of Military Intelligence in connection with the entry of the Phalangists into the camps, after he had heard on Friday morning not only about the entry of the Phalangists into the camps, but also about the killing of 300 persons in this operation. All he did was give an order to check the veracity of this report, and nothing else. He made no attempt to contact the Chief of Staff or the Defense Minister, to make them aware of the danger in the very operation of the Phalangists in the camps, especially after receipt of the report of the killing of 300 persons. . . .

. . . In our opinion, it was the duty of the director of Military Intelligence, as long as he occupies this post, to demonstrate alertness regarding the role of the Phalangists in the entry into Beirut after Bashir's assassination, to demand an appropriate clarification, and to explicitly and expressly warn all those concerned of the expected danger even prior to receipt of the report on Friday, and certainly after receipt of the report. The fear that his words would not receive sufficient attention and be rejected does not justify total

inaction. This inaction constitutes breach of the duty incumbent on the director of Military Intelligence in this capacity.

Head of the Institute for Intelligence and Special Projects (Mossad). . . . The head of the Mossad testified that he first learned of the role given to Phalangists to enter the camps, only at the cabinet meeting on Thursday 16.9.82. . . .

. . . The head of the Mossad was present at the cabinet meeting until its conclusion. He heard what was said there, but did not himself give a situation assessment regarding the entry of the Phalangists into the camps, and did not express any reservation about the entry. . . .

The question is whether this inaction by the head of the Mossad constitutes breach of a duty incumbent upon the head of the Mossad.

The answer to this question is not easy. As mentioned above, the view of the Mossad, which had been expressed for a fairly long period prior to the I.D.F.'s entry into Lebanon, as well as afterwards, was that there should be greater cooperation with the Phalangists. The view prevalent in the Mossad, as expressed in the various documents, was that the Phalangists are a trustworthy element which can be relied upon, and this despite the Phalangists' past regarding their attitude to the Palestinians and their statements on the way to solve the Palestinian problem once they reach power. The head of the Mossad himself noted in part of his testimony mentioned above, that this approach of the Mossad was influenced by the development of subjective feelings by representatives of the Mossad, who were in constant contact with the leaders of the Phalangists. We do not believe that the head of the Mossad can be held responsible for the existence of such a "conception." He assumed the position of head of

the Mossad only on 12.9.82 — that is, two days before the murder of Bashir.

It appears to us, that even in the situation described above, the head of the Mossad was obligated to express his opinion at the Cabinet meeting on the entry of the Phalangists and deal in this expression of opinion with the dangers involved in the Phalangists' operation — especially after he had heard Minister David Levy's remarks. In consideration of all the aforementioned circumstances, it is our opinion that this inaction of the head of the Mossad should not be considered serious.

G.O.C. Northern Command, Major General Amir Drori. . . . It should be noted that Major General Drori was aware that the Phalangists were liable to act in an uncontrolled way, and this not necessarily from his conversation with an officer connected with the Lebanese Army on Thursday evening, but mainly from his knowledge of the Phalangists, based on his constant contact with them. There is therefore no room for doubt that after the conversations which he held on the roof of the forward command post on Friday morning, he was aware that the continuation of the Phalangists' actions in the refugee camps posed a danger. Three actions which he took are evidence of this. The first — the order he gave regarding cessation of the Phalangists' actions; the second — a telephone report to the Chief of Staff that the Phalangists "had overdone it" and that he had ordered their operation stopped; and the third — the continuation of his efforts to impress upon the commander of the Lebanese Army that this army enter the camps instead of the Phalangists. . . .

Taking into consideration that it has not been proved that Major General Drori had [received] explicit reports about acts

of killing and about their extent, it appears to us that he acted properly, wisely, and responsibly, with sufficient alertness at this stage. He heard from the Chief of Staff that the latter was to arrive in Beirut in the afternoon hours and could rely on the fact that this visit by the Chief of Staff, which was to take place within a few hours, would lead to positive results regarding the Phalangists' activity in the camps.

In the notification as per Section 15(A) of the law, Major General Drori was informed that he is liable to be harmed if it is determined that he did not warn the Chief of Staff when the latter arrived in Beirut on 17.9.82 of the danger posed to the population in the camps from the continued activity or continued presence of the Phalangists in the camps, and did not try — at a meeting with the Phalangist commanders, or shortly thereafter — to prevent the continuation of such activity.

According to the testimony of Major General Drori, it was clear that he was satisfied with an absolutely passive role regarding the issue of the Phalangists in the camps, from the time the Chief of Staff arrived in Beirut and later. Major General Drori did not emphasize to the Chief of Staff before the meeting with the Phalangist commanders that it was necessary to end the Phalangists' presence in the camps or take some kind of action which could ensure that the Phalangists' actions against the non-combatant populace would stop. . . .

We described above what happened at the meeting with the Phalangist commanders, in which the subject of the Phalangist forces' behavior in the camps did not come up at all. In our opinion, even though the Chief of Staff conducted the meeting for the Israeli side, it was Major General Drori's duty to at least make an attempt to raise the issue at this meeting.

He also made no attempt to persuade the Chief of Staff to raise the matter at the meeting with the Phalangists, but was satisfied with sitting idly by. . . .

. . . Major General Drori's refraining from any action regarding the danger facing the civilian population from the Phalangist forces, from the time the Chief of Staff arrived in Beirut and until Saturday, 18.9.82, constitutes, in our opinion, a breach of the duty which was incumbent on Major General Drori.

Division Commander Brigadier General Amos Yaron . . . We determined in the specification of the facts that Brigadier General Yaron received reports of acts of killing in the evening and night hours of 16.9.82. . . . That evening he was satisfied with reiterating the warnings to the Phalangists' liaison officer and to Elie Hobeika not to kill women and children; but beyond that he did nothing to stop the killing. He did not pass on the information that he had received to Major General Drori that evening nor on the following day in the morning call, nor when they met before noon. When Brigadier General Yaron heard from the division intelligence officer, in the briefing on 16.9.82, about the report indicating the danger that women and children were being killed, he interrupted him — and it appears from the transcript of the conversation that took place then that Brigadier General Yaron wished to play down the importance of the matter and to cut off the clarification of the issue at that briefing. . . .

When the Chief of Staff came to Beirut, Brigadier General Yaron did not tell him everything he had heard and did not make any suggestion to him about the continuation of the Phalangist operation in the camps. From the time he saw the Chief of Staff (after his arrival in Beirut) until the Chief of Staff left Beirut, no warning was

heard from Brigadier General Yaron — not even a significant comment regarding the danger of a massacre. . . .

Brigadier General Yaron's inaction regarding the continuation of the Phalangist operation in the camps was epitomized by the fact that he did not issue any order to prevent them from replacing forces on Friday and did not impose any supervision on the movement of the Phalangist forces to and from the camps, despite the fact that the order halting the operation was not rescinded. . . .

We determine that by virtue of his failings and his actions, detailed above, Brigadier General Yaron committed a breach of the duties incumbent upon him by virtue of his position.

Mr. Avi Duda'i, *Personal Aide to The Minister of Defense* . . . The sole issue regarding which the notice was sent to Mr. Duda'i was "that on 17.9.82, during the morning hours or before noon, Mr. Duda'i received a report about killings that had been perpetrated by the Lebanese Forces in the refugee camps, and did not pass this report on to the Minister of Defense." . . .

. . . In view of the entire body of evidence, we do not determine that Duda'i indeed received the report about the 300 people killed on Friday, 17.9.82, and it therefore cannot be determined that he refrained from fulfilling an obligation which was incumbent upon him, as was stated in the notice of [possible] harm which was sent to him.

Recommendations

With regard to the following recommendations concerning a group of men who hold senior positions in the Government and the Israel Defense Forces, we have taken into account [the fact] that each one of these men has to his credit [the performance of] many public or mil-

itary services rendered with sacrifice and devotion on behalf of the State of Israel. If nevertheless we have reached the conclusion that it is incumbent upon us to recommend certain measures against some of these men, it is out of the recognition that the gravity of the matter and its implications for the underpinnings of public morality in the State of Israel call for such measures.

The Prime Minister, The Foreign Minister, and the Head of the Mossad . . . We have heretofore established the facts and conclusions with regard to the responsibility of the Prime Minister, the Foreign Minister, and the head of the Mossad. In view of what we have determined with regard to the extent of the responsibility of each of them, we are of the opinion that it is sufficient to determine responsibility and there is no need for any further recommendations.

G.O.C. Northern Command, Major General Amir Drori . . . We have detailed above our conclusions with regard to the responsibility of G.O.C. Northern Command Major General Amir Drori. Major General Drori was charged with many difficult and complicated tasks during the week the I.D.F. entered West Beirut, missions which he had to accomplish after a long period of difficult warfare. He took certain measures for terminating the Phalangists' actions, and his guilt lies in that he did not continue with these actions. Taking into account these circumstances, it appears to us that it is sufficient to determine the responsibility of Major General Drori without recourse to any further recommendation.

The Minister of Defense, Mr. Ariel Sharon . . . We have found, as has been detailed in this report, that the Minister of Defense bears personal responsibility. In our opin-

ion, it is fitting that the Minister of Defense draw the appropriate personal conclusions arising out of the defects revealed with regard to the manner in which he discharged the duties of his office — and if necessary, that the Prime Minister consider whether he should exercise his authority under Section 21-A(a) of the Basic Law of the Government, according to which “the Prime Minister may, after informing the Cabinet of his intention to do so, remove a minister from office.”

The Chief of Staff, Lt.-Gen. Rafael Eitan . . . We have arrived at grave conclusions with regard to the acts and omissions of the Chief of Staff, Lt. Gen. Rafael Eitan. The Chief of Staff is about to complete his term of service in April, 1983. Taking into account the fact that an extension of his term is not under consideration, there is no [practical] significance to a recommendation with regard to his continuing in office as Chief of Staff, and therefore we have resolved that it is sufficient to determine responsibility without making any further recommendation.

The Director of Military Intelligence, Major General Yehoshua Saguy . . . We have detailed the various extremely serious omissions of the Director of Military Intelligence, Major General Yehoshua Saguy, in discharging the duties of his office. We recommend that Major General Yehoshua Saguy not continue as Director of Military Intelligence.

Division Commander, Brigadier General, Amos Yaron . . . We have detailed above the extent of the responsibility of Brigadier General Amos Yaron. Taking into account all the circumstances, we recommend that Brigadier General Amos Yaron not serve in the capacity of a field commander in the Israel Defense Forces, and that this recommendation not be recon-

sidered before three years have passed.

In the course of this inquiry, shortcomings in the functioning of [several] establishments have been revealed, as described in the chapter dealing with this issue. One must learn the appropriate lessons from these shortcomings, and we recommend that, in addition to internal control in this matter, an investigation into the shortcomings and the manner of correcting them be undertaken by an expert or experts, to be appointed by a Ministerial Defense Committee. If in the course of this investigation it be found that certain persons bear responsibility for these shortcomings, it is fitting that the appropriate conclusions be drawn in their regard, whether in accordance with the appropriate provisions of the military legal code, or in some other manner.