

### Soviet Law Violation

By Greer Fay Cashman

JERUSALEM (AJPA) -- David Garber, an immigrant lawyer from the U.S.S.R. arrived in Israel six years ago. Licensed to practice his profession in Israel, Garber whose mild-mannered, absent-minded professor appearance belies an ever-agile mind and a multi-lingual, rapid-fire articulation, dedicated himself to a little-publicized aspect of Soviet discrimination against Jews.

He set out to prove that sentences levelled against prisoners of Zion are in violation of Soviet law. Although fortunate not to have been a prisoner of Zion himself, Garber is no stranger to the Soviet persecution policy. His father and brother died in Stalin prison camps in 1943.

An early Jewish activist, Garber involved himself in attempts at Jewish cultural revival in the 1950s but met with little success. Soviet Jewry was not yet ready to claim its heritage.

After a five year struggle with the Soviet emigration authorities, Garber eventually obtained an exit visa, and practised law in Israel for three years before an approach was made to him by Israel Foreign Ministry representatives to review the cases of the prisoners of Zion, from the beginning of the Leningrad Trials, up to the present time.


Armed with the text books on Criminal Law in the U.S.S.R. as issued to law faculties throughout the Soviet Union, Garber has come to the conclusion that the trials of Jewish defendants in the U.S.S.R. and the subsequent sentences imposed, comprise a violation of existing Soviet law.

Citing as an example, the case of Sylva Zalmeson and her co-defendants in the alleged plane hijack case, Garber contends that according to Soviet law, the maximum punishment which could have been meted out to each of the defendants, was three years and not penalties of between six and fifteen years, as was the

case. He dismisses any legal claim of treason, once more citing Soviet law, to prove his point. The Soviet definition of treason comprises a desire to bring harm to the sovereignty of the State; a desire to bring harm to the territorial integrity of the State; or a desire to bring harm to the State's armed forces.

"None of these definitions were applicable at the Leningrad trials," Garber says emphatically. "There was no treason."

Garber has carefully documented all his findings, and is now anxious to meet with international lawyers, with a view to moving a step beyond the Jackson Amendment.



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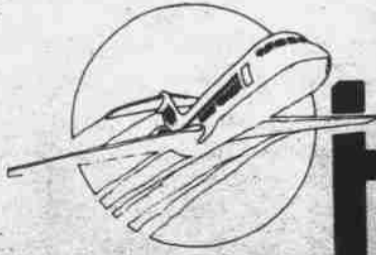
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