

EXECUTIONS ASKED IN MOYNE KILLING

Defense Counsel Replies That Assassination Was Political, Calling for Mercy

By Wireless to THE NEW YORK TIMES.

CAIRO, Egypt, Jan. 13 — The State Prosecutor demanded today that the Egyptian military court hand down the death penalty for the two young Palestinian Jews being tried for the political assassination of Lord Moyne, British Resident Minister in the Middle East, on the ground that "if the accused had no pity for the murdered man they are not entitled to pity."

"I demand sentence of the law as an example to others who have not yet broken the law and to erase the evil microbe which penetrated our country, threatened her security, spoiled her reputation and soiled her clean sheet."

Speaking Arabic in an extremely quiet voice while the two prisoners, Eliahu Bet-Tsouri and Eliahu Hakim listened calmly, occasionally smiling at each other, the prosecutor pointed out that both youths had come to Egypt at different times, wearing British Army uniforms that are believed to have been stolen, and admittedly with instructions from their secret organization, locally called the "Stern gang" and known to its members as "Fighters for the Freedom of Israel" to kill Lord Moyne.

He claimed that ballistics experts who examined the revolvers used in the killing of Lord Moyne and his chauffeur had said they were the weapons used "in many murders in Palestine" and that "this proves the dangerous character of the accused."

Sees Crime Against Zionism

"The accused," he added, "have committed a crime against the Zionist cause which they claimed to defend because they committed a crime against a man who was working in the interest of humanity and Zionism."

"They committed a crime against Egypt by spoiling her reputation. If they believe they have helped their race by their deed, all associations that speak on behalf of Jews disown them and their action and ask for a severe punishment."

The presiding judge granted permission to defense counsel to summon five witnesses, including two political prisoners in Palestine and the wife of one of them. The defense counsel explained that these witnesses would relate "facts about the severe measures taken by the authorities in Palestine against the people."

A description of alleged measures against Jews and especially against members of their organization by the British authorities in Palestine was related at length two days ago by Bet-Tsouri but censorship still prevents the reporting of his speech because the presiding judge has not yet decided whether it is relevant to the case.

Hakim, the younger of the two defendants, refused to have his father as a witness, but demanded the presence of the two political internees, Eliahu Kurb and Moussa Siforay, and Mrs. Siforay.

Plea by Defense Lawyer

Abdel Fattah el Sayed Bey, Egyptian lawyer and member of the defense counsel, who is a Moslem, made a lengthy speech, pointing out the political nature of the assassination.

"As a man, I ask God that a solution of the Palestine problem may be achieved, he said. "The accused did not kill Lord Moyne because he was Lord Moyne, but out of consideration for the general cause. There are strong psychological factors. There is no doubt that a political crime differs greatly from ordinary crime in estimating the punishment, because a man who commits a political crime does so for general considerations and with no thought of personal gain."

Abdel Fattah outlined the sufferings of Jews through the ages and especially through the period of nazism in Germany. He said that although England was a just country, the publication of the White Paper on Palestine "came as a great shock to Jews, who said that England was closing the door in the faces of refugees."

He recalled the uproar over the sinking of the small boat Struma, loaded with Jewish refugees and quoted Lord Wedgwood as saying:

"A sabotage of Jewish freedom and British interests has taken place because crypto-fascism rules in the Near East and lurks in Whitehall. They don't like Jews. won't use Jews, won't accept the Balfour declaration and are determined to break it * * *. They would sooner the Jews drowned in the Struma than that they landed in Palestine. That is the measure of their hate."

Abdel Fattah claimed that sentiments of anger were implanted in the heart of Hakim, who felt obliged to make an attempt on the life of Britain's representative as a protest against the British policy.

The lawyer recalled that when David Frankfurter, a Jew, assassinated a Nazi representative in Switzerland he was acquitted, and suggested that the present case was similar since "the accused was driven by psychological impulses to take revenge on the representative of what he regarded as the responsible country."