

Death Sentences of Two Jews Are Commuted by Soviet Court

Soviet Spares Two Jews; Three Get Eased Terms

Supreme Court Notes That Leningrad Hijacking Plot Was Not Carried Out —Foreign Protests Seen as Factor

By BERNARD CWERTZMAN

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MOSCOW, Dec. 31 — The Russian Republic's Supreme Court, noting that a planned hijacking last June was never carried out, today commuted the death sentences given two Jewish defendants in the Leningrad case.

Prison-camp terms for three of the nine other defendants were reduced by the court.

The sentences meted out by a Leningrad city court to the 11 accused—nine of whom are Jews—had aroused widespread concern abroad. Government leaders and Western communist parties had appealed to the Kremlin to commute the death penalties and ease the prison-camp term, which ranged from 4 to 15 years.

This foreign pressure, as well as Soviet Government concern over a growing fear among Soviet Jews, was thought to have played a major role in the Supreme Court's action today. Moreover, Spain's commuting of the death sentences of the six Basque nationalists was regarded as an additional inducement to the Kremlin not to execute the two Jews.

Mark Y. Dymshits and Eduard S. Kuznetsov, who had been accused of leading the group—which planned to escape to Sweden or Finland and from there to Israel—won a re-

duction of their death sentences to 15 years in prison camp, the maximum period of confinement under Soviet law.

News of the Supreme Court's decision was relayed to a group of Moscow Jews standing in a light snow outside the court's downtown building about noon today. A man who had attended the hearing came out and informed the people. The mood seemed subdued, and several brightened at hearing the news.

A few hours later, Tass, the Soviet press agency, confirmed the news. It said the Supreme Court "proceeded from the fact that the hijacking attempt was averted in time and that under Soviet law, the death penalty is an exceptional measure of punishment."

Tass repeated the contention that the trial was not directed against Jews as such, but against hijacking. It said the Leningrad trial was "in full accord" with United Nations resolutions aimed at combating hijackings.

The press agency said nothing about the reduced prison-camp sentences for three defendants. An observer at the trial hearing said the court had reduced the terms of Anatoly Altman from 12 years to 10, of Leib G. Khnokh from 13 to 10, and of Iosif M. Mendelevich from 15 to 12.

Meri M. Khnokh, the sister of Mendelevich, was present at today's two-hour hearing, and later told newsmen that she was "very happy" that the terms of her husband and her brother had been reduced.

Ending a silence about the case in the national press, Izvestia, the Government newspaper, tonight printed a long account of the affairs, stressing that 11 had been convicted solely for their crime. It stressed that they might have killed the crew of the Aeroflot plane they had planned to hijack. The prosecution had asked for commuting of the sentences, further underscoring the view that the authorities had made the decisions.

It said the hearing had been held before Lev. N. Smirnov, chief justice, and M.A. Gavrilin and V.M. Timofeyev, associate justices.

Izvestia said the court had decided "that the verdicts of the court of the first instance were complete and justified," but that it was possible to commute the death penalty. Izvestia also listed the prison terms, and this matched the earlier information that three had been lightened.

The 11, most of whom are from Riga, were arrested June 15 at Smolny Airport in Leningrad as they were walking on the tarmac to board a 12-seater AN-2 plane scheduled to fly to nearby Karelia near the Finnish border. A 12th person arrested

at the airport, Vulf I. Zalmanson, will be tried by a court-martial, since he is a lieutenant on active army duty.

On the same day, eight other Jews were arrested at their places of work or at home. And in following days, twelve more were seized. Like the nine connected with the hijacking plot, the 20 others have tried without success to get to Israel. Nine of them are expected to go on trial Jan. 6 in Leningrad.

The Leningrad 11 were charged with treason under Article 64-A, which makes it a capital crime to flee abroad. Article 15 makes an attempted or planned crime as serious as a committed one.

Following are the prison terms and brief backgrounds of the 11 defendants:

Eduard S. Kuznetsov, 31 years old, employed in a Riga mental hospital, previously served seven years for anti-Soviet activity; 15 years in a special camp.

Mark Y. Dymshits, 43, a former air force pilot; 15 years in a strict camp.

Yuri Fyodorov, a Russian from Moscow, who spent time in a prison camp where he met Kuznetsov and Murzhenko; 15 years in special camp.

Aleksei Murzhenko, a Ukrainian; 14 years in special camp. Iosif M. Mendelevich, 23, former Riga student; 12 years in strict camp.

Silva I. Zalmanson, 26, former wife of Kuznetsov, and industrial designer in Riga; 10 years in strict camp.

Leib Khnokh, 26, electrician from Riga; 10 years in strict camp.

Anatoly Altman, 28, an engraver from Odessa who moved to Riga; 10 years in strict camp.

Boris Penson, 25, an artist from Riga; 10 years in strict camp.

Izrail I. Zalmanson, 21, Riga student, brother of Silva; eight years in strict camp.

Mendel Bodnya, 30, an invalid whose parents are in Israel; four years in an enforced camp.