

Hakirya
18th August, 1948.

Dr. Paul Mohn,
Political Adviser to the
Chief of Staff,
United Nations.

Sir,

I write to comment on your three letters dated August 17th containing the findings of the Central Truce Supervision Board in regard to the incidents of Tel El-Aziziyat, the Jericho area, and Tel Ar-Radgha, respectively.

(1) With reference to the events at Tel El-Aziziyat you state certain facts which you say have been ascertained "on the basis of the available material". You do not make clear what that material is. As no U.N. Observers were in that area at the time, the only material that the Board could have had before it were the statements of the two contending parties. The Board appears to have accepted the word of the Syrian authorities as against that of the Israeli Army. We cannot consider such findings valid.

To elucidate my point, the Board makes the bald assertion that the hill in question was captured "by approximately 1700 hours" on July 18th, - from the Syrian standpoint, most conveniently "the hour by which all hostilities were required to cease". It then proceeds to say that "the above statement of facts agrees with the Syrian account of what took place". This means in effect that the Syrian account has been accepted as a statement of fact.

We stand by our version. Not only was the hill not captured before 1700 hours on July 18th, but the attack which was launched in the morning of that day was pressed beyond the cease-fire dead-line, with the result that the hill was captured on the following morning. Even then the attack had not yet spent itself but persisted against a position further south, called Tel Abu Khanzira.

The Board does not deal at all with this part of our account of these events, which runs completely counter to the Syrian version that we assumed the counter-offensive after the capture of the first hill. Moreover, a statement is imputed to us which we never made, when it is said that according "to the account of the Israeli Army, the Syrian attack did not commence until 1700 hours on the 18th July and continued until 1100 hours of the next day". As I have already pointed out - and you can verify the fact by consulting your files - we expressly stated in our letters of July 20th and August 9th that the attack started in the morning and was carried beyond the cease-fire time-limit.

It may have been impossible for the Board to ascertain the facts to its own satisfaction. This is no reason why, in the face of conflicting versions

between a foreign invader and a defender of its territory, the invader should be given greater credence.

(2) With reference to our complaint about the arrival on August 3rd in the Jericho area of 200 Arab legionaries from Amman, you state that "there appears to be no foundation of facts for the information which led to the making of these complaints". The main findings of the Chief of Staff in this case are that the observers "are continually checking the Arab Legion troop movements" and that "there have been no troop movements in the Jericho area of a nature to constitute a violation".

In reply I must point out that our information about the influx of reinforcements - not of replacements - is based on authentic intelligence reports. We find it difficult to accept as an adequate reply to our query as to whether U.N. observer posts have as yet been established at the main crossings of the Jordan River, the Chief of Staff's statement that "observer posts are located throughout this entire area". In view of the form of this reply I must place it on record that I am still without information as to whether observer posts have actually been established at these vital crossings.

(3) With regard to Tel Ar-Radgha, the facts as known to us are as follows:

On July 31st the U.N. Observer, Colonel Conklin, visited the place and found it in Israeli occupation. On August 1st an Iraqi attack forced our withdrawal. On that same day U.N. Observers who arrived on the scene for the purpose of fixing the lines were unable to reach the spot in view of Iraqi fire, and after lying in a ditch near Tirat Zvi for about an hour, could do nothing but return to Haifa. Our Liaison Officer, Major Ginsburg, protested against this violation of the truce by the Iraqis and informed the Observers that the Israeli forces considered themselves free to take action. He was urged by Colonel Thomas to desist for 24 hours and complied. This delay was prolonged for another 24 hours on the plea that the U.N. Observers would prevail upon the Iraqis to withdraw. On August 4th a tentative truce line was proposed by U.N. Observers; this Major Ginsburg rejected, because it failed to include Tel Ar-Radgha in our territory. The Iraqis having then evacuated Tel Ar-Radgha, the place was reoccupied by us and the status quo ante was thus restored. On August 7th, Colonel Conklin proposed an amended line, assigning Tel Ar-Radgha to us. Our Liaison Officers accepted the new line, but the Iraqis opposed it. Thereupon U.N. Observers insisted on our withdrawal in accordance with the terms of the earlier decision of August 4th. It is our considered opinion that as we held Tel Ar-Radgha in the first instance, the place belongs to us. The withdrawal of Iraqis from it cannot be set against our refusal to give it up, because we were the first to hold it and the Iraqis took it away from us. We cannot agree with the finding "that the Iraqi Army was penalised for its role in this incident by being required to withdraw". Making good a violation of the truce does not mean being penalised. On the other hand, by being required to withdraw from a place originally held by us, we are indeed penalised and quite unjustifiably so.

In all these circumstances we believe ourselves entitled to hold Tel Ar-Radgha under the terms of the truce.

I am,

Yours faithfully,

M. Shertok
MINISTER FOR FOREIGN AFFAIRS