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Jerusalem, 25 December 1953

25/12/1953

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Sir,

I have delayed answering your letter of 27 September 1953 until your return to Jerusalem, since, like us, you were in the meantime fully occupied with other matters.

2. I much regret the chapter of misunderstandings which marked your visit to Mount Scopus on 25 September, as explained in Sgan Aloof Shalev's letter to you on the following day, and I wish to assure you that no deliberate discourtesy or unhelpfulness was intended. At this occasion I wish to state, with particular reference to Paragraph 8 of your letter of 27 September, that I of course confirm the contents of Sgan Aloof Shalev's letter.

3. I know you realise the complexity of the situation on Mount Scopus in this respect as in others, but it occurs to me that this may be a useful opportunity for placing on record once again the position as it has developed during the past five years.

4. Throughout this period, the Mount Scopus Agreement of 7 July 1948 has been violated in important respects by the Government of Jordan and its agents. You will recall that under Paragraph 4 of this Agreement the occupation of Augusta Victoria Hospital was limited to a total of forty Arab civilian police. The hospital was subsequently put into operation by the International Red Cross for the benefit of Jordanian patients; it was transferred to the sponsorship of UNRWA on 1 May 1950, and to the present day it houses a considerable civilian population, with the full concurrence of the Jordan Government, notwithstanding the express provisions of the July 1948 Agreement.

5. As early as 12 October 1948 the Military Governor of Jerusalem had drawn the attention of the U.N. organs to the unauthorised use and occupation of the Augusta Victoria Hospital and demanded compliance with the terms of the Agreement. There was much subsequent correspondence, until finally Sgan Aloof Keet, then G.S.O. i/c Israel Delegations to the Mixed Armistice Commissions, wrote a letter to General Riley on 28 May 1950, in which he requested the immediate evacuation of all unauthorised persons from the Augusta Victoria area pending the full implementation of Article VIII of the General Armistice Agreement, which includes provisions for Mount Scopus, or of such parts of it as might be agreed upon by both parties. General Riley thereupon wrote the Minister for Foreign Affairs of Jordan a letter dated 4 June 1950, in which he stated that "provision was made in the Agreement for not more than forty (40) Arab civilian police at the Augusta Victoria, but no authority was contained in the Agreement for the presence of a hospital staff or patients at Augusta Victoria or Hadassah Hospital". General Riley went on to say that "UNRWA assumed sponsorship of the Augusta Victoria

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Hospital after having been advised that the operation of the Hospital was not authorised under the terms of the 7 July 1948 Agreement, and with the understanding that Israel could at any time require the disestablishment of the Hospital. This understanding of the responsibility of the United Nations has been confirmed by the Office of the Secretary-General".

6. The Government of Israel has never acquiesced in a situation in which the U.N. in effect has become an accessory to the continuous violation of an Agreement to which it is itself a signatory, while at the same time nothing whatever has been done to secure the resumption of the normal functioning of the Hadassah Hospital and the other Israel cultural and humanitarian institutions on Mount Scopus, as envisaged in Article VIII of the General Armistice Agreement. It is manifestly unfair that Jordan should deny to Israel the use of a large hospital as expressly foreseen in the Armistice Agreement, while at the same time itself using a large hospital in violation of the Mount Scopus Agreement.

7. Furthermore, the Jordan Government has for many years violated the Mount Scopus Agreement by allowing, and indeed encouraging, a large civilian population to occupy Issawiya. This village is situated in what is described in the Agreement as the "Jewish section", and the truce map of 16 June 1948 clearly included it within the area under Israel control. There have been no subsequent changes in the legal position. Mr. M.S. Comay, writing to General Riley on 16 June 1953 in his capacity as Acting Director-General of this Ministry, outlined the situation as regards Issawiya as follows:

> The village was empty at the time the Agreement was signed. The Israel authorities subsequently agreed to no more than 150 inhabitants. There was no question at the time of the word "inhabitants" being given the entirely different meaning of "families", or of one hundred and fifty being construed as a thousand. This view is corroborated by the instructions of Commandant Trieste, dated 14 October 1948, in which it is stated that "150 Arab civilians unarmed are allowed to stay in the Issawiya village". There is no evidence to support any meaning other than the ordinary one. The presence of more than 150 inhabitants in Issawiya village undoubtedly constitutes a long-standing violation of the Agreement.

Since it is estimated that to-day there are well over a thousand people in Issawiya, in flat defiance of the Mount Scopus Agreement, it would be helpful if you could see your way to bring their number down to the figure laid down, namely, 150 unarmed civilians. This would remove an ever-present source of friction.

8. I must draw your attention to yet another troublesome point. Paragraph 2 of the Mount Scopus Agreement provides that "access desired should be sought along the main road via the U.N. check-posts as established by the U.N. Commander. All other attempts at entry will be considered as unlawful

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invasion and treated accordingly". Nevertheless unlawful entry into the sector from the territory controlled by Jordan continues unchecked, causing serious menace to the security situation and resulting in the unauthorised growth of the population of Mount Scopus. This, too, is a matter which should be mended in the interests of the peace and tranquillity of the area, and you will doubtless wish to use your authority and good offices towards this end.

Yours faithfully,

M. Sharett
Minister for Foreign Affairs

General Vagn Bennike,
Chief of Staff,
U.N.T.S.O.
Jerusalem.