

DIATOR FOR PALESTINE
HEADQUARTERS OF THE MILITARY OBSERVERS

Haifa, 19 August 1948

Mr. H. Shertok,
Minister for Foreign Affairs,
Provisional Government of Israel,
Hakirya.

Central Truce Supervision Board
Cases Nos. 1 and 2 -
Decision of Chief of Staff on Alleged
Troop Movements in Jericho Area

Sir,

I have the honour to acknowledge your letter of 16 August 1948 dealing with the above matters.

Before going further, I would like to take this opportunity to inform you that comments on UN decisions are at all times welcome and that such decisions will be reconsidered whenever fresh evidence is brought to light.

While I find the contents of your letter of great interest, at the same time your letter does not appear to disclose any new material such as will warrant a reopening of any of the above mentioned cases.

I have however considered your comments very carefully and would like to make the following observations.

1. With reference to the events at Kh. El Azaziat, it is noted that you state that "as no 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" and that therefore you cannot consider UN findings valid by reason of the UN having apparently accepted the word of the Syrian Authorities as against that of the Israeli Army.

It must be realized that in this kind of investigation, the investigators are rarely eyewitnesses to the event and must therefore rely on the evidence of third parties for ascertaining the necessary facts. If the rule were adopted that no investigation could be held where the investigator was not an eyewitness, I think you would agree with me that in a great number of cases the interests of justice would be seriously impaired.

It is correct that the Syrian account of what took place was accepted in preference to the Israeli account, but this was done only after a very careful sifting of all the available evidence. In this connection, it might be said that several persons considered by the investigating military observers to be impartial witnesses were questioned and it was on the basis of this evidence that the Syrian account was accepted.

It is noted that you are of the opinion that the following statement is incorrect: "According to the account of the Israeli Army, the Syrian attack did not commence until 1700 hours on the 18th of July and continued until 1100 hours of the next day."

However, according to the reports of the investigating military observers, this statement was in fact made by the Israeli Army at the time of the investigation.

The following statement in your letter is not clearly understood: "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 his own territory, the invader should be given greater credence."

In no place in the findings has it been indicated that the Board did not ascertain the facts to its own satisfaction, but the Board did indicate by the use of the phraseology "on the basis of the available material" that it had not overlooked the possibilities of additional facts coming to light which might require further review by the Board. The Board naturally took into consideration that there were conflicting versions of what occurred, but was nevertheless able to determine the facts to its satisfaction on the basis of the reports it received.

2. With reference to your complaint about the arrival on August 3rd in the Jericho area of two hundred Arab Legionnaires from Amman, the Chief of Staff based his decision on the results of the investigation which was made by UN observers. This investigation failed to substantiate your intelligence reports.

In further amplification of the Chief of Staff's statement that "observer posts are located throughout this entire area", I wish to inform you that an observer team is permanently stationed at Jericho with the specific assignment to check the traffic on Allenby Bridge and in the area north and south of it.

3. With reference to Tel Ar-Zuhayr, it is noted from your letter that you agree with the Board's finding that the Israeli Army rejected the tentative truce line established by a UN directive dated 4 August from the Chief of Staff. The Board fully appreciated the reason for the rejection by the Israeli Army of the UN directive dated 4 August establishing a tentative truce line, but did not consider this reason valid on account of the fact that by the very terms of the UN directive the Israeli Army was to be given ample opportunity to present its case.

Due to the surrounding circumstances, the truce line proposed at the meeting on August 7th by the UN observers requires confirmation by the Board. After taking into account the factors referred to in the finding of the Board and elaborated on in this letter, the Board decided to amend the

the truce line by requiring the Israeli Army to forfeit the area described in section 3 (iv) of the findings for failing to comply with the UN directive of 4 August.

The Board felt obliged to take this course of action in order to make it clear to both sides that UN directives must be respected.

It is noted that you do not agree with the finding "that the Iraqi Army was penalized for its role in this incident by being required to withdraw" because you consider that making good a violation of the truce does not mean being penalized. While your reasoning is well understood, the Board has taken the position that any change of status in the lines of the opposing armies brought about by a Board finding is liable to be considered to be a specific penalty against the party whose status has changed to that party's prejudice.

In this case, the Iraqi Army claimed that the Israeli Army attacked first. It can therefore be appreciated that at least from the point of view of the Iraqi Army the Board's decision might well constitute a severe penalty.

In conclusion, I would like to say how much I appreciated the evident sincerity with which you have considered these findings. Should you desire to produce witnesses to substantiate your reasons for being unable to agree with these findings, I will be only too glad to arrange for those witnesses to be given a hearing with a view to having the cases in question reviewed further by the Board.

However, as indicated earlier in this letter, no fresh evidence appears of having been produced such as would warrant the Board's reopening of these cases at the present time. Accordingly, the original findings of the Board still stand.

Yours faithfully,

Paul Hohn,
Political Adviser
to Chief of Staff.