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LETTER DATED 30 JULY 1948 FROM THE REPRESENTATIVE OF THE PROVISIONAL
GOVERNMENT OF ISRAEL TO THE SECRETARY-GENERAL CONCERNING EMPLOYEES
OF THE JERUSALEM ELECTRIC CORPORATION

I have communicated to the Provisional Government of Israel the views expressed at the 340th meeting of the Security Council on 27 July on the question raised by the United Kingdom representative with respect to the trial in Tel Aviv of five employees of the Jerusalem Electric Corporation. In my letter of 29 July, I conveyed information received from the Provisional Government of Israel showing that this incident had no bearing on the status and immunity of United Nations premises. On the legal aspect of this question, I now have the honour to submit the following facts, based on information received directly from the Foreign Minister of Israel:

The laws in force throughout the territory of Israel and territory occupied by Israeli forces are those enacted by the British Mandatory Power during its tenure of the Mandate, except with respect to such legislation as has been enacted or repealed by the State Council of Israel since 15 May 1948. In the Official Gazette, No.1, page 3, published by the Provisional Government of Israel, the following announcement occurs from which I quote in part:

- (a) The Provisional Council of State is the legislative authority....
- (b) Legislation based upon the White Paper of 1939 is hereby repealed and becomes void. (There follow specific references to legislation on land purchase and immigration).
- (c) So long as other laws are not enacted by or on behalf of the Council of State, laws valid in Palestine on 14 May 1948 remain in force in the State of Israel.

It follows that the law governing the trial of these five men is that in force during the British Mandate, since no new enactments have been made relevant to this branch of legislation. The following measures which the courts of Israel are now applying are therefore based entirely on British mandatory laws and procedures:

1. The question of the jurisdiction of the courts of Israel over these men will be considered and decided by the appropriate court at the trial, should a trial take place.
2. Should a trial be authorized, it will take place before a regular

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criminal court composed as during the mandate, in accordance with the law and procedure hitherto in force.

3. In accordance with British mandatory law now valid as the law of Israel, the accused are under remand by order of a civil magistrate.

4. Charges were laid on the 27 July under the Official Secret Act and the Emergency Defence Regulations. The magistrate held that the prosecution had not yet produced evidence adequate for trial, and adjourned the hearing for fifteen days. The prosecution is being conducted under the personal supervision of the Attorney General.

5. Mr. J. Sheringham, representing the British consular authorities, has been given copies of the charges and has been able to interview the accused in private. The Provisional Government of Israel has also promised visa and entry facilities for British counsel should their services be required by the accused.

6. The Attorney General is now making an effort, before the lapse of fifteen days, to accelerate the resumption of preliminary investigation before the magistrate, whereupon the magistrate will decide whether or not the accused will be brought for trial.

The Provisional Government of Israel regards this case as being sub judice, and accordingly considers that it would be contrary to legal principle to comment on the merits of the case itself.

(Signed) Aubrey S. Eban

Representative of the

Provisional Government of Israel

