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COMMUNICATION DATED 24 MARCH 1950 FROM THE PERMANENT REPRESENTATIVE OF SWEDEN TO THE SECRETARY-GENERAL TRANSMITTING A MEMORANDUM CONCERNING THE REPORT SUBMITTED BY THE ISRAELI GOVERNMENT ON THE ASSASSINATION OF COUNT FOLKE BERNADOTTE

New York, 24 March 1950

The Permanent Representative of Sweden to the United Nations presents his compliments to the Secretary-General and has the honour to transmit copy of a memorandum by the Chief Prosecutor of the Realm on his examination of the report submitted by the Israeli Government on the assassination of Count Folke Bernadotte.

Acting upon instructions received, Mr. Grafström begs leave to request that this memorandum, which was presented to the Israeli Government on March 21, 1950, be brought to the knowledge of the Security Council.

/Findings
S/1474

Findings
of
an examination of a report
submitted by the Israeli Government
on the assassination of
Count Folke Bernadotte of Wisborg

Submitted by
Maths Heuman
Chief Prosecutor of the Realm

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I. BACKGROUND TO THE MEDIATOR'S TASK

Jewish colonization in Palestine as the result of fairly systematic purchases of land from the Arabs began as early as the second half of last century. The Zionist movement, formed towards the end of the 19th century, adopted the idea of establishing a Jewish state in Palestine. In a declaration of November 2, 1917 (the so-called Balfour Declaration) the British government expressed its intention to set up a national home for the Jews in Palestine. The announcement of this declaration aroused much resentment among the Arabs, who had for a long time constituted the overwhelmingly greater part of the population. After the end of the first world war the United Kingdom received the mandate for Palestine with the task of putting into effect the idea in the Balfour declaration. During the 1920's, under the influence of this political development there occurred a certain influx of Jews into Palestine, averaging about 9,000 a year.

The immigration figures rose steeply during the 1930's and the average annual figures went up to about 40,000. It appears evident that at the beginning it was not supposed that the influx of Jews into Palestine would reach such large dimensions. In this respect the persecution of the Jews in Germany under Hitler was an unexpected development.

The growing Jewish immigration during the years caused serious discontent among the Arabs. To counter the Arab attacks the Jews formed special organizations. Thus rose the Jewish home-guard organization, known as Haganah, which later was to form the core of the Israeli army. Several Jewish militant organizations of a more active nature, of which Irgun Swai Leumi and the Stern Gang are the best known, split off from Haganah.

During the course of the mandate the British set up a number of commissions in order to settle the Palestine problem but, finding that no peaceful solution in accordance with the mandate could be achieved, they decided in February 1947 to refer the question to the United Nations. In May 1947 the United Nations set up the so-called Palestine Commission under the chairmanship of Judge E. Sandström. The Sandström Commission proposed that Palestine should be divided into two states, one Arabic state and one Jewish, while the city of Jerusalem with its surroundings would be placed under United Nations administration. Economically Palestine was to be a union. These proposals, with
/certain modifications,

certain modifications, were approved by the General Assembly of the United Nations in November 1947. The decision aroused much bitterness among the Arabs and led to bloody conflicts in Palestine. A new Palestine commission set up by the United Nations to carry out the partition decision, was unable to reach any practical results.

The conflicts in Palestine between Arabs and Jews took on an increasingly serious character in the spring of 1948, owing to the fact that the British, who as early as September 1947 had announced to the General Assembly of the United Nations their intention to lay down the mandate for Palestine, began their preparations for leaving the country. Under the influence of this disturbing development the United Nations Security Council attempted to arrange an armistice between the two states and on May 14, 1948, the General Assembly decided that a special mediator for Palestine should be appointed, having as his main task to lay the foundations of a peaceful settlement in the country. On the following day, May 15, 1948, the British left Palestine, and on the same day the new state of Israel was proclaimed. With this, war began in earnest between the Arab states and the Jews.

On May 20, 1948, Count Bernadotte was appointed United Nations Mediator in Palestine. Following representations from the Security Council the parties, with the active co-operation of the Mediator, agreed to a cease-fire of four weeks, beginning June 11, 1948. For the supervision of the cease-fire the United Nations placed a considerable number of officers, called observers, at the Mediator's disposal. After intensive discussions with the parties Count Bernadotte put forward a preliminary proposal for the solution of the Palestine question, intended to form a basis for continued discussions between the parties. This proposal, which was made on June 27 during the cease-fire period, departed from the partition plan of the Assembly in the following respects, among others. It was suggested that the Negev in Southern Palestine, which the Assembly had proposed should be Jewish, should now go wholly or partly to the Arabs. On the other hand Western Galilee, which the Assembly had proposed to give to the Arabs, was now wholly or partly to be given to the Jews. The City of Jerusalem, which was to have been placed under United Nations administration, was now to be included in the Arab area, a certain amount of self-government for the Jewish parts of the city and special protection for the
/Holy places

Holy places being provided for. - Both the Arabs and the Jews refused to accept the proposal as a basis for negotiations and when the cease-fire period ended hostilities were resumed. Through the intervention of the United Nations and the efforts of the Mediator the two parties were induced to accept a new cease-fire, which entered into force on July 15, 1948, and this time was not limited. Repeated attempts by Count Bernadotte to bring the parties closer together met, however, with no success. In his last report to the United Nations on September 16, 1948, which contained certain modifications of the proposals made in June, Count Bernadotte declared that if the United Nations could reach a firm and impartial settlement of the political problems, there were grounds for hoping that the differences of opinion could be composed, if not formally then through tacit agreement.

II. THE POSITION IN JERUSALEM AT THE TIME OF THE ASSASSINATION

At the time of the assassination of Count Bernadotte the front line between the Arab and Jewish forces passed through Jerusalem (see map). The eastern part of the city, comprising the old city with the Holy places, was held by the Arabs, while the western part, the new city, was occupied by the Jews. Over part of the front, mainly along the boundary of the old city, the two front lines lay close to each other. In other places neutral zones had been formed between the lines. This was the case, for example, in the southern part of the city, where an area including Government House (the residence of the British governor during the mandate) and the Agricultural School, had been evacuated by the combatants through the agency of the United Nations. This area, which lies on a height, had great tactical importance since from it it would be possible by means of gunfire to dominate the Arab lines of communication with the city from the east. During August 1948 sharp conflicts between the Arabs and the Jews had occurred there in spite of the cease-fire decision. By the beginning of September the parties had been induced to evacuate the area.

North east of Jerusalem, within the Arab area, there was a special demilitarized zone, Mount Scopus. In this zone were certain cultural institutions and hospitals.

The military governor in Jerusalem, Dr. Bernhard Joseph, took his orders direct from the Israeli government, which had its seat at Tel Aviv. He was also in charge of the civil administration in the parts of the city occupied by the Jews. Immediate command over the Jewish military forces in Jerusalem was in the hands of Lieutenant Colonel Dayan. According to the terms of the cease-fire operating from July 15, 1948, onwards, the parties were not allowed to initiate attacks but could reply to firing from the enemy. As it was not possible to decide from which side the firing came, it often occurred without the United Nations observers, who had the duty of supervising the cease-fire, being able to intervene. Firing generally occurred especially at night and in the mornings. Owing to the prohibition of advancing movements the firing was restricted to the front line itself, and in other parts of the city life went on in a fairly normal way. From diary entries kept by one of the Swedish observers Major Magnus af Petersens, who was stationed on Mount Scopus - it is known that

/the situation

the situation in Jerusalem during the first half of August was relatively quiet. On August 17 serious conflicts occurred in connection with the temporary occupation of Government House by Jewish forces. Some days later relative calm again prevailed. On September 7 conflicts again arose and the situation remained somewhat disturbed up to September 14. After a lull of one or two days there were sharp exchanges of fire on the evening of September 16. Thus at the time of Count Bernadotte's last visit to Jerusalem on September 17 the situation in the city was disturbed.

At the time of the assassination about 80 United Nations observers were serving in the Jerusalem area. These were divided into three groups: one for the Arab side, one for the Jewish side, and one for the demilitarized Mount Scopus area. In the Jewish part of the city at the time a U.S. marine officer, Commander William Cox, was the immediate chief of the observers. The chief observer on the Arab side was another American officer. On Mount Scopus the corresponding officer was the French Colonel Bonnot. Under the latter was serving above-mentioned Major af Petersens, who at the time of the assassination was the only Swedish officer stationed in the Jerusalem area. For the Jerusalem area as a whole there was a common chief observer stationed on Mount Scopus. Colonel Nils Brunsson was serving in this capacity during the first period but at the time of the assassination he was absent on leave in Sweden. From September 14 this function was assumed by the French Colonel Serot, who was assassinated at the same time as Count Bernadotte. The chief of the whole supervising organization in Palestine was Major General Åge Lundström, stationed in Haifa. He in his turn came under Count Bernadotte in the latter's capacity of Mediator.

III. IRREGULAR FIGHTING ORGANIZATIONS IN PALESTINE

It has already been mentioned that during the disturbances following on the Arab opposition to the increasing Jewish immigration during the second part of 1930, two Jewish militant organizations known as Irgun Zvai Leumi and the Stern Gang came into being. Their creation was probably based on opposition to the leading Jewish circles in Palestine both as regards political views and as regards active measures, primarily in the respect that the opposition side desired to use more effective means for securing the national interests of the Jews than the leaders considered advisable and were prepared to take through Haganah.

In 1939 the British government issued a White Paper on the Palestine question, which concluded with a statement of what the government intended to do in the matter. In this document it was stated that in Palestine there should be set up an independent state in which Arabs and Jews should share the responsibility for governing, and that Jewish immigration should be limited to 15,000 persons a year during the next five years and should thereafter cease altogether. This declaration upset the Jews partly because it did not support their efforts to create a purely Jewish state and partly because it proposed strict limits on the amount of immigration. The Jews in Palestine, and especially Irgun Zvai Leumi and the Stern Gang, came in this way to regard the British as their real enemies from their own nationalistic points of view. A special cause of embitterment appears to have been the refusal of the British during the second world war to allow refugees from anti-semitic persecution in Europe to find refuge in Palestine.

The two organizations were certainly in some respects rivals to each other and were divided from each other as regards political convictions but they had the aim in common that they were both fighting for a purely Jewish state, which should include the whole of Palestine and have Jerusalem as its capital. It was one of the main points of their programme - and from religious and historical standpoints a matter of deep feeling - that Jerusalem should become a Jewish city. The Stern Gang or, as it is more often called in Palestine, IHH, from the initials of the Hebrew words "Fighters for the Freedom of Israel", had in their emblem a silver hand with the following quotation from the psalms: "If I forget Thee, Jerusalem, may my right hand wither".

The realization of a programme on the above lines was indeed also the aim of the Zionist movement and the dream of most of the Jews in the world. It is therefore not surprising that at least in the beginning the two organizations enjoyed support not only within Palestine but also in other countries with a Jewish population. Through this they received a considerable amount of financial help for their activities.

After a time, however, in consequence of the terrorist activities which both Irgun and the Stern Gang undertook in order to reach their goal, both the leading Jewish organizations and responsible Jewish circles in general came to dissociate themselves from these bodies. In view of the direction taken by the activities of the groups it is natural that this activity was at its greatest extent under the mandate and it is said that a declaration was made by the leaders that the organizations would be dissolved and would cease their activities as soon as an independent Jewish State was formed. This, however, did not occur.

Both in order to secure its own authority in the country, especially in the army, and to demonstrate before the world its capacity to maintain internal order and civil security, the Israel government after the declaration of independence found itself faced with the necessity of taking action against the two organizations. A special committee was set up for the purpose. Gradually the government succeeded, with the aid of their military forces, in inducing the groups to abandon their activities and to allow their forces to be incorporated in the regular army. The Jerusalem area, however, constituted an exception to this, and the organizations there continued to exist as independent groups. For submitting to the authority of the government the Jerusalem groups of the two organizations stipulated certain conditions, which included, among other things, the provision that their men should remain in special units stationed only in Jerusalem and that the groups should be allowed full freedom of action in case of any change in the status of Jerusalem. These terms the government had naturally found itself unable to accept. At the time of the assassination of Count Bernadotte the government had not yet taken a final decision on the question of what measures should be taken against the Jerusalem groups of the two organizations and the special military forces they were still maintaining in the city.

The government's hesitation to use all its resources to deal with the special groups in Jerusalem should perhaps be seen against the background of the prevailing situation in the city and in Palestine as a whole. It seems understandable that the government should wish at all costs to avoid internal conflicts in a situation when all available resources were required for the common defence of the state against enemies from without. Reference may be made here to the fact that important sections of the front line in Jerusalem were held by military forces from Irgun and the Stern Gang. In part, perhaps, the hesitation may have had other causes as well. The groups had - nevertheless, even though with means that were generally regarded as regrettable - fought with energy for the goal that was common to most Jews. It could therefore be supposed that the groups continued to enjoy a support in many sections of the population which make action against them difficult. If this attitude prevailed also within the police an attempt at forcible action might result in failure and thereby damage the authority of the government.

IV. COUNT BERNADOTTE'S LAST JOURNEY TO PALESTINE

After Count Bernadotte had finished his last report to the United Nations on 16 September 1948, he left Rhodes, which had been his headquarters as mediator, on the same day in an aircraft placed at his disposal by the United Nations. The itinerary of the journey consisted of visits to Beirut and Damascus on Thursday, 16 September, on Friday the 17th to Jerusalem, staying there overnight and on Saturday the 18th to Bagdad; the return to Rhodes was to take place on Saturday the 19th. The itinerary did not contain details of what was to be done in the different places to be visited. It had originally been Count Bernadotte's intention to begin the journey one day earlier, that is to say on 15 September, and therefore to reach Jerusalem on the 16th. Advance information of this had been telegraphed to the United Nations observers' headquarters at Haifa in the ordinary way. The idea of sending such advance information was to enable the United Nations personnel to make the necessary arrangements for the mediator's visit in concert with the local authorities. Consequently, information of the change of plan was also telegraphed.

When Count Bernadotte left Rhodes on the morning of 16 September for Beirut he was accompanied by Lieutenant Jan de Geer, chief of his personal staff, Doctor Rudolf Ullmark, his physician, Miss Barbro Wessel, his secretary and Kull, his valet. In Beirut he was joined by General Lundström and Colonel Miles Flach, who was General Lundström's personal aide-de-camp. The journey was then resumed to Damascus which was reached at 2 p.m. the same day. The remainder of the day was spent in Damascus, where the party also stayed the night.

At 9.30 a.m. on Friday, 17 September, Count Bernadotte and his party left Damascus in their aircraft for the airfield of Qalandiya, situated about 10 kilometres to the north of Jerusalem in the Arab sector. During the trip there was received a telegram, which later proved not to be genuine, to the effect that planes were forbidden to land at Qalandiya and that any aircraft that attempted to do so would be fired on. No attention was paid to this telegram and the plane landed at Qalandiya without mishap at about 10.30 a.m. At the airfield Count Bernadotte and his party were met by the Commander of the Arab forces in the Jerusalem area, Colonel Abdullah-el-Tel, and a number of United Nations observers, namely Colonel Sérot, Colonel Bonot, Major af Petersens and a Belgian major, André Massart. From Qalandiya Count Bernadotte, accompanied by General Lundström,

/Colonel Flach,

Colonel Flach, Lieutenant de Gser, Colonel Bonot and Major Massart, proceeded by car to Ramallah, situated about 5 kilometres to the north, in order to see Brigadier Lash, who was in command of the Arab Legion. The rest of Count Bernadotte's party drove southwards towards Jerusalem as far as the American School in the northeast section of the city, where they were to await the mediator and his companions for the joint passage over the front line. -General Lundström had proposed the avoidance of this entrance, which though used by the observers was considered risky, and had suggested instead that the city should be entered by a detour from the west. Count Bernadotte had, however, rejected this proposal, remarking that he wished to take the same risks as the observers and that no one had the right to stop him passing through the lines wherever he wished.

During the drive to Ramallah General Lundström broached the question of an escort in connexion with the message that had been received during the air trip to Qalandiya and recommended that Brigadier Lash should be asked for an escort for the journey from Ramallah to the front line in Jerusalem. General Lundström was supported in this proposal by Colonel Bonot. Count Bernadotte showed his opposition to the proposal to ask for an escort and made a comment in Swedish to the effect that as the representative and mediator of the United Nations he had the right to go wherever he wished in Palestine unarmed and without protection. At the end of the visit to Brigadier Lash, Count Bernadotte had a private conference with him in a separate room. During this time General Lundström approached a British officer belonging to the Arab Legion who was present and asked for an escort for the journey within the Arab sector to Jerusalem. The officer gave orders over the telephone that an escort should be provided. Immediately after this Count Bernadotte returned from his conference with Brigadier Lash and General Lundström then told him that an escort would come. Count Bernadotte shrugged his shoulders and said: "So long as it does not take too much time". In some remarks made in English he emphasized in this connexion his right as mediator to go wherever he wanted in Palestine unarmed and without protection. After waiting some time without any escort appearing Count Bernadotte's party left Ramallah. A few hundred metres on they met an armed car belonging to the Arab Legion, which turned and, together with a jeep which arrived later, escorted Count Bernadotte's car during the remainder of the journey through the Arab sector. At the American School the party joined up with the others who had

been waiting for them and they passed through the lines together at a time agreed beforehand, about 12.30 p.m., at a nearby place called Mandelbaum Gate. On the Jewish side they were met by Colonel Frank Begley, an American officer belonging to the United Nations security service, and an Israeli liaison officer, Captain M. Hillman. There was no Israeli escort at the place. After about 5 minutes journey the party reached the Young Men's Christian Association (YMCA) building, situated in the centre of the city, where Count Bernadotte and his companions were to stay during their visit to Jerusalem. A number of the United Nations observers were stationed in this building, but most of them were living in the King David Hotel immediately opposite.

V. EVENTS IMMEDIATELY BEFORE THE ASSASSINATION

In his capacity of chief observer for the Jerusalem area Colonel Sérot had already been informed that during his stay in Jerusalem Count Bernadotte wished to visit Government House, which as already mentioned was situated in a neutral zone in the southern part of the city. The reason for this visit was that Count Bernadotte wished to investigate the possibilities of setting up his headquarters at Government House. Advance information of this visit was probably available at the YMCA as well as for the Jewish authorities, liaison officers and posts on the way to Government House. The Jewish lines had to be passed in the course of the journey. On Thursday, 16 September, Dr. Pierre Fasel, the Swiss Red Cross doctor in charge of the hospital at Government House, had been informed by the chief observer in the Jewish sector of the city, Commander Cox, that Count Bernadotte intended to visit Government House on Friday but that the exact time could not be given. At about 2:30 p.m. on Friday Commander Cox had telephoned a military assistant to the Israeli authorities (Harry Wax) that Count Bernadotte wished to visit Government House after lunch.

After Count Bernadotte and his party had taken lunch at the YMCA the journey to Government House began at about 3. p.m. In addition to Count Bernadotte himself those taking part were General Lundström, Colonel Flach, Lieutenant de Geer, Miss Wessel, Colonel Sérot, Colonel Begley, Commander Cox, Major Massart and Captain Hillman. Two cars were used, a De Soto driven by Major Massart and a Chrysler driven by Colonel Begley. Each car bore two flags, the light blue flag of the United Nations and a white flag, mounted on rods on the front mud-guards, one on the right and the other on the left. The flags on both cars were of the same type, measuring 5 x 5 decimetres. There was no escort. All the passengers, including the Israeli liaison officer, were unarmed.

From the YMCA the party at first drove to the west past Terra Sancta College and then southwards through Kirja Samuel (west of the Talbiya quarter shown on the map) and El Qatamon. Then they turned eastwards and drove through Greek Colony and the German Colony. Thereafter the route continued mainly in a south-easterly direction and south of the railway station passed out of

the Jewish sector into the neutral zone in which Government House was situated. The military situation in the city was the reason for making a detour in this way. The railway station was a sealed-off military area and could not be traversed by car. The route followed by Count Bernadotte and his party was, at the time in question, the only one from YMCA to Government House which could be used - except for the journey from the YMCA westwards to Kirja Samuel where different streets could have been chosen. Anyone who saw the party driving out by this route would therefore be able to assume that the return journey would take the same route. Nothing noteworthy occurred during the journey, which took about 10 minutes. The cars were halted for a short time at a check post (a road bar) in Greek Colony, guarded by Israeli military personnel.

At Government House Count Bernadotte and his party were met by Dr. Fasel of the Red Cross, who showed the party over the residency. The party spent some time looking at the view of Jerusalem from the roof. During the visit the nurses of the hospital served tea and afterwards Count Bernadotte had a conversation of about a quarter of an hour with some Egyptian officers who had asked for an interview with him.

From Government House Count Bernadotte and his party, together with Dr. Fasel who drove a dark grey Hudson car which carried red cross markings, proceeded to the Agricultural School, which lies about half a kilometre west of Government House, some little way off the main road to the city. This visit was paid at a suggestion of General Lundström and Dr. Fasel. General Lundström had been there previously and had complained of certain breaches of the regulations for the School, without effect. The School was in charge of a headmistress, but she was not available. It was found that the regulations for the School were kept at the YMCA and Dr. Fasel was asked to accompany the party there. The visit to the Agricultural School had occupied twenty minutes at the most. The last photograph of Count Bernadotte was taken there. This photograph, which also shows some of the other members of the party, among them General Sérot, has been given to the investigator by the Swedish Minister in Cairo, Mr. Bagge, who had it as a gift from Captain Hillman

VI. THE ASSASSINATION

The return journey to the YMCA from the Agricultural School began at about p.m. As has already been shown it was necessary to follow the same road as that used for the journey out to Government House. The cars proceeded in the following order: the first was driven by Major Massart, the second by Dr. Fasel and the last by Colonel Begley. The seating in the cars is shown in the sketch below.

First car.

	3	5
	2	
	1	4

Second car.

	6
--	---

Third car.

8	11
	10
7	9

- | | | |
|-----------------------|--------------|----------------------|
| 1. Major Massart | 6. Dr. Fasel | 7. Colonel Begley |
| 2. Miss Wessel | | 8. Commander Cox |
| 3. Captain Hillman | | 9. General Lundström |
| 4. Lieutenant de Geer | | 10. Colonel Sérot |
| 5. Colonel Fläch | | 11. Count Bernadotte |

On the return journey the cars were again held up for a short time at the check post already mentioned in Greek Colony. The Swedish members of the party have stated at the hearings that when the cars approached the road bar this was manoeuvred in a way that was later interpreted by them as a signal to the assassins that the cars were approaching or that Count Bernadotte was seated in the third car. From what is now known as to the possibilities for carrying through the assassination, however, it would appear that such a signal would anyway not have been necessary in order to inform the assassins of the mediator's return.

Shortly after the check post had been passed Captain Hillman drew his passengers' attention to an armed car which they met and remarked: "Look, that is Dr. Joseph." Questioned by Lieutenant de Geer, Captain Hillman confirmed that it was Dr. Joseph that he had seen in the armed car.

The cars then passed through the El Qatamon quarter in the northern section 1 which was a police station with a road block at which a policeman and a homeguard were posted. The guards, whose duty it was only to check goods transports, did not stop Count Bernadotte's party. Near the road block the three cars overtook a military break-down lorry in which three soldiers were riding. Just north of the block the road passed over a hill. When the three cars had surmounted the crest of the hill and were about 150 metres north of the road block they were brought to a stop by a jeep which was backed from one side of the road over the roadway and

/blocked it.

blocked it. On pulling up, the three cars stood with a few metres between them. The break-down lorry that had been passed was standing about 30-40 metres behind Count Bernadotte's car. There were buildings on both sides of the road. To the left in the direction the cars were taking, that is to say to the west side of the road, there was among other buildings a large group of dwellings called "Bieberman Houses", standing a little way back from the road; and close to the road a house called "Tnuva", containing a shop. It was exactly opposite the latter building that the cars were halted by the jeep. In the jeep, besides the driver, there were three men armed with automatic fire-arms. All four were wearing khaki uniforms.

The jeep had been on the spot for a fairly long time before Count Bernadotte's party drove up. The wife of the owner of the "Tnuva" shop had noticed the jeep about half an hour earlier, and the shopkeeper himself had seen it about an hour before. A third person had seen a jeep driving up and down the road, and three men standing outside the shop, from one to two hours previously, and it must be presumed that this jeep was the one already referred to. Five children - a 15 year old girl, three boys of about 12 years old and a girl of 11 - also noticed the jeep and the men with it. Two of the boys spoke to the men and asked them what kind of weapons they had. Owing to the hill already referred to it was not possible to see the "Tnuva" building and what was happening outside it from the road block at the police station at El Qatamon. The policeman at the road block he stated that when the cars stopped he saw the rear portion of the last vehicle, that is to say the one in which Count Bernadotte was sitting.

When the cars stopped, two of the armed men went towards the right-hand side^{1/} of the first car while the third man went along the cars to the left towards the last car in which Count Bernadotte was sitting with his fellow passengers. The passengers did not at first notice anything unusual in the men's conduct. It was thought that it was a question of some military control such as was a normal occurrence in Palestine at that time. Captain Hillman shouted a few words in Hebrew to the men on the right-hand side requesting the men, according to his own account, to allow the cars to proceed. Without any warning, however, the men suddenly opened fire. The two men on the right shot at the tyres of the first car, probably with the idea of preventing pursuit. The man on the left stuck his

^{1/} Here, as in what follows, the terms "right" and "left" are used in relation to the direction which the cars were facing.

weapon through the open left rear window of the third car and fired a number of shots at Count Bernadotte and Colonel Sérot in the back seat. There was naturally great confusion among the members of the party as a result of the unexpected assault and the order of events just afterwards is not clear. Colonel Begley appears to have left his place in the front seat of the last car and to have gone towards the chief assailant. The latter drew back and fired a couple of rounds at the front portion of the last car, piercing the radiator. Colonel Begley suffered a number of small injuries to his face, probably as a result of the blast from a shot that was fired at him from a very close range but missed its mark. The man who had fired the shots at Count Bernadotte and Colonel Sérot dropped the barrel with the magazine of his weapon on the spot. - The weapon proved to be a Schmeisser machine-gun, which can be taken to pieces by a grip of a hand so that the barrel of the magazine comes apart from the butt with the trigger mechanism. The three men from the jeep ran in the direction of the jeep and two of them leapt into the vehicle, which then drove away northwards at high speed. It appears from the evidence of witnesses that the third man, the principal assailant, was unable to catch the jeep but disappeared into the surrounding country. Meanwhile Colonel Flach, Lieutenant de Geer and Captain Hillman ran from the first car, as did Dr. Fasel from his car, towards the last vehicle in order to see what had happened. Count Bernadotte was severely injured and was unconscious. Colonel Sérot had died instantaneously. General Lundström who, as is shown in the sketch, was seated to the left of the rear seat was, however uninjured. Somebody shouted that they must leave the place as soon as possible and they all returned to the cars. Captain Hillman got into the last car in order to show the way to the nearest hospital, while Commander Cox got into Dr. Fasel's car. Colonel Begley swung out past the two cars in front and drove at high speed to the so-called Old Hadassah-Hospital in the former Russian Compound, where the car containing the injured men, closely followed by the two other cars, arrived after a drive of only a few minutes. At the hospital a doctor found that both Count Bernadotte and Colonel Sérot were dead.

The events at the scene of the murder had taken place in a matter of a few minutes. When the firing began, the driver and another of the soldiers belonging to the breakdown lorry already mentioned jumped from their vehicle, and the driver began to run back towards the police station. The third soldier remained on the lorry for some moments. When the firing had finished he too jumped from the lorry and went towards the scene of the crime and took up the part of the weapon (the barrel and the magazine) which was lying on the road. The driver then returned to

the break-down lorry and he and the two other soldiers again took their places in it. Meanwhile the policeman at the road block had notified a sergeant at the police station and together with him had proceeded to the scene of the assault. The home guard at the road block, however, stayed where he was. On the arrival of the two policemen at the scene of the crime both the jeep and the three cars had disappeared, and the driver of the break-down lorry was just about to start his vehicle up in order to drive on. The soldier who had taken the part of the machine-gun showed it to the sergeant, who asked him to hand it over. The soldier, however, answered that he would give it up to the military police and he kept it. Shortly afterwards the break-down lorry drove away.

When the assassination was committed there were a number of people on the spot or nearby. Thus, for example, the fifteen-year-old girl already referred to who was walking past the place towards El Qatamon from the north was 20 metres south of the three cars when the firing began. Two of the three boys mentioned earlier saw the firing from the road slightly north of the spot, one of them from a distance of about 30 metres. The third boy was at some distance from the road at the time and did not see the attack itself. The eleven-year-old girl was near the road block at the police station, approximately 150 metres south of the scene of the assassination. The owner of the "Tnuva" shop and his wife were both inside the shop and went out when the firing ceased. They then saw the jeep and the three cars driving away. One or more of the assassins were seen by people who hurried to the windows or out on the balconies of the nearby houses on hearing the firing.

On the morning after the murder the bodies of the victims were taken to the Government Hospital at Haifa. At the post mortem it was stated that Count Bernadotte had received six bullets in his left arm, in his chest and the upper part of his stomach. The bullets which had penetrated the chest had caused severe damage to the lungs and heart. Colonel Sérot had been struck by about 18 bullets which had entered his right arm, his head and chest.

VII. PRINCIPAL FEATURES OF THE MEASURES TAKEN BY THE ISRAELI
AUTHORITIES IN CONNECTION WITH THE MURDER AND OF THE
TRIAL OF THE STERNIST LEADERS

The summary report here submitted on the inquiry instituted by the authorities after the assassination is based mainly on the protocol of special measures and the reports of evidence taken during the preliminary investigation supplied by the State of Israel, on information received from Israel in response to questions put on certain points by the Swedish Government, and on statements in the Israeli press. No comprehensive report of the investigations has been submitted by Israel.

As soon as the Assistant Superintendent of the Police, Criminal Branch, in Jerusalem, A. Rabinowitz, received information of the murder on the evening of Friday, 17 September he took charge of the inquiry and paid a first visit to the scene of the crime. On Sunday the 19th the investigation was taken over by the Chief Superintendent, Criminal Branch Headquarters, R. Lustig, in person. On the evening of the assassination the District Superintendent of Police in Jerusalem, Y. Schiff, went to the Hadassah-Hospital, where after a conference with Dr. Joseph, the Military Governor, and Lieutenant-Colonel Dayan, the local Military Commander, a decision was reached on the steps that should be taken immediately, apart from the police inquiry itself, in order to arrest the murderers and to ensure public order.

According to statements by the Israeli Government, the frontiers of the country were closed after the murder. Vessels were detained in the ports and aircraft were forbidden to leave. Jerusalem was cordoned off and all exits from the city were watched. The exact time when these measures were taken, however, is not known. The day after the murder a number of witnesses were interviewed, namely Captain Hillman, Commander Cox, and three children who happened to be at the scene of the crime. The leader of the investigation, Assistant Superintendent Rabinowitz, made a first, preliminary examination of the car in which the victims had been driving, and he visited the scene of the crime.

On the evening of the murder typewritten communications were distributed in Jerusalem to, among others, the United Nations observers and consuls of foreign countries. In these communications an organization calling itself Hazit Hamoledeth (Fatherland Front) declared that it had carried out the

assassination. The authorities considered themselves justified in starting from the assumption that this organization was a branch of the Stern Gang and that it was the gang that was behind the murder. In a speech by Prime Minister Ben Gurion, a week after the murder, reported in the Israeli press, it was stated that this conclusion was based on what had appeared as a result of speedy investigations in certain quarters. On the afternoon of the day following the assassination a state of emergency was declared in Jerusalem and the authorities occupied the Sternish bases in the city, a considerable number of persons being arrested and weapons and ammunition being seized. Arrests of members of the Stern Gang were also made in other parts of the country. During the week after the assassination 184 Sternists were arrested in this way in Jerusalem and 82 in other parts of the country. On 29 September two leaders of the Stern Gang, Nathan Friedman-Yellin and Matatiah Shmuelevitz, were arrested in Haifa. According to the official Israeli report, the arrests were made partly in order to find those responsible for the murder and partly in order to wipe out the Stern Gang.

The police investigation proceeded simultaneously with the arrests of the Sternists. On Sunday the 19th several more witnesses were heard, among them being Colonel Flach, Dr. Fasel and Major Massart. On the same day a description of one of the assailants, based on particulars given the previous day by Commander Cox, was sent out to all police stations in Jerusalem and to the military police. Also on Sunday Assistant Superintendent Rabinowitz requested the Israeli Broadcasting authorities to give publicity to an appeal to the general public to give the police any information that might be of use in the search for the criminals.

One week after the assassination it was announced in the press that the Government was offering a reward of 5,000 Israeli pounds for information that might lead to the arrest and conviction of the murderers. In connexion with this announcement it was stated that the Prime Minister appealed to the public to render all support to the authorities in order that the culprits might be traced.

The hearings of witnesses continued during the police inquiry. According to the existing protocol, by 27 September a total of about 30 persons had been

interviewed through the police. In addition, the police authorities had been supplied with written statements prepared without the co-operation of the police by General Lundström and Colonel Begley, and by Colonel Flach, Lieutenant de Geer, Major Massart and Miss Wessel together.

On Thursday September 23 the newspaper "The Palestine Post" contained a statement that on Tuesday four young persons, two of them girls, had been charged in Tel Aviv with assisting terrorist organizations. According to the charge they had on Saturday the 18th September distributed leaflets concerning the murder of Count Bernadotte. It was stated that they had been released on bail of 1.25 Israeli pounds each. In the newspaper report it was also stated that on the preceding day (22nd September) leaflets emanating from Hazit Hamoledeth had been found on walls and notice-boards in Jerusalem.

The weapon part, the barrel with magazine attached, that had been picked up by a soldier at the scene of the assassination was given up to the military police the same evening and appears, according to the protocol, to have been handed over to the civil police on Sunday, September 19. Three days later, on September 22, the object was sent by the Criminal Branch to an arms workshop for examination. In a report the next day it was stated that the barrel showed traces of having been used for shooting some days earlier, that the barrel when supplied with a stock containing trigger mechanism functioned and that a loaded cartridge chosen from five remaining in the magazine was serviceable. September 26, the Technical Branch received for investigation from the Criminal Branch a number of bullets and cartridges which had been collected in different places and which were connected with the murder. The Technical Branch in a report dated March 1, 1949, stated that the bullets had been fired from the Schmeisser pistol whose barrel and magazine had been found at the scene of the assassination.

The searches undertaken by the authorities, however, did not lead to the arrest of the assailants, nor did the action taken against the Stern Gang have as a result that any of the members could be prosecuted for the murder. The two Stern Gang leaders, Friedman-Yellin and Shmuelovitz, were, however, brought before a military court in December, 1948, charged in accordance with special ordinances regarding the prevention of terrorist activities of having carried

out such activities and of having been members of terrorist groups. The accused admitted that they had led the activities of the Stern Gang both in Jerusalem and in the country as a whole. Although the prosecution was not directly in connexion with responsibility for the assassination, the proceedings came largely to deal with the murder in view of the fact that the Stern Gang was suspected of complicity. The accused denied all knowledge of Hazit Hemoledeth and stated that the Stern Gang had nothing to do with the assassination. In its judgments the court declared that it was unable to state with any degree of certainty that the assassination of Count Bernadotte was carried out by order of the Stern Gang and that consequently it was at least doubtful whether the Stern Gang as an organization was guilty of the crime. February 2, 1949, Friedman-Yellin and Shmuelevitz were sentenced to imprisonment for terrorist activities, Friedman-Yellin receiving eight years and Shmuelevitz five years. Twelve days later they were released owing to a general amnesty.

VIII. SCRUTINY OF THE ISRAELI POLICE INQUIRY

The following scrutiny of the Israeli investigation is based on the presumption that the material submitted in accordance with the request of the Swedish authorities is complete. With a memorandum of October 1949 in consequence of questions raised by the Swedish authorities on certain aspects of the case, the State of Israel had submitted a collection of documents which, according to the memorandum, contains "the protocols of preliminary investigations and hearings in connexion with the murder of Count Folke Bernadotte, undertaken by the police and other authorities, together with other papers and documents connected with the inquiry."

In order to judge the Israeli authorities' inquiry into the murder it appears appropriate to commence by setting down systematically the steps which, in accordance with international police practice and taking into consideration the actual circumstances of the crime, should have been taken as a matter of routine by the police in order to track down the assailants. From this starting point the following scheme has been drawn up:

1. Immediate steps to apprehend the culprits.
2. Cordoning-off the scene of the crime.
3. Investigation of the scene of the crime.
 - (a) Sketching and photographing the scene.
 - (b) Taking possession of objects.
 - (c) Search for and securing traces.
4. Examination of vehicles.
5. Circulation of descriptions of assailants.
6. Examination of weapon and ammunition.
7. Tracing the jeep used by the assailants.
8. Tracing the origin of the leaflets.
9. Examination of the witnesses and further inquiries suggested by this action.
10. Police investigation concerning the arrested members of the Stern Gang.

In what follows the measures taken by the Israeli authorities, as related in the protocol and other information communicated, are given point by point. These measures have been submitted to scrutiny, and consideration has been paid to the

arguments and explanations where such have been submitted by the Government of Israel in its original report on the murder and in the memorandum of October 1949 already referred to.

1. Immediate steps to apprehend the culprits

It has already been pointed out in another connexion that no comprehensive report of the progress of the inquiry has been made available by Israel. Following particular questions put forward by the Swedish authorities concerning i.a. the identity of the persons responsible for the investigation and its planning it was stated in the Israeli memorandum of October 1949, that the Assistant Superintendent of the Police, Criminal Branch, A. Rabinowitz, took charge of the inquiry on the evening of the 17th and paid a preliminary visit to the scene of the assassination. The exact time of this was not stated. The memorandum also states that all entries to Jerusalem were blocked. The protocol on the preliminary investigation does not give details of any immediate steps to track down the criminals apart from the fact that the policeman from the nearby road block, according to his evidence, addressed questions on the incident at the scene of the crime to a number of persons present, amounting according to him to about thirty.

It is hardly necessary to point out that the prospects of finding a culprit diminish with every hour that elapses after the crime. In view of this well-known fact large towns with a properly developed police organization possess special search branches for serious crimes where immediate intervention is called for. The information given by the Israeli Foreign Minister in a letter to the Swedish Foreign Minister accompanying the official Israeli report on the murder, makes it probable that no such special pursuit organization existed in the Israeli police headquarters at the time in question. It is, however, obvious that the police ought to have organized the pursuit of the assailants with the help of all available resources of personnel and vehicles immediately upon receiving notification of the murder. Thus, every effort ought to have been made without delay to try to collect details at the place of the crime and in the approaches to it as to the number, appearance of assailants and the direction of their flight. Special efforts should have been made to find as soon as possible the jeep used by the assailants. It is true that dusk fell already an hour after the murder but this should not have constituted an obstacle to the pursuit measures referred to.

/In any case

In any case the pursuit should have been organized during the night so that it could be resumed early the following morning. (According to information from Stockholm Observatory regarding the light conditions in Jerusalem September 17-18, 1948, the sun set at 5.42 p.m. September 17, and dusk officially ended at 6:07 p.m. September 18, the sun rose at 5.26 a.m. and dawn officially began at 5.01 a.m.).

2. Cordoning-off the scene of the crime

It appears from the documents available that the police did not cordon-off the scene of the crime. The taking of such action is obviously the duty in the first place of the police personnel first arriving on the scene. From the earlier report submitted on the murder it appears that at least two policemen from the nearby police station at El Qatamon arrived at the spot only a few minutes after the murder, viz. the policeman posted at the road block and a sergeant from the station. The conditions for a swift and effective cordoning-off of the scene of the assassination were thus favourable. According to the evidence of the policemen they did not immediately realize that Count Bernadotte and Colonel Sérot had been murdered but only that cars belonging to the United Nations had been fired at. The last fact alone, however, **especially** in view of the large number of shots that had been fired and which according to the statements of witnesses had attracted attention at long distance from the place of the murder - should in itself have been sufficient reason for immediately cordoning-off the spot, in any case pending further details of what had occurred. For the rest, it can hardly have been unknown to the policeman who first arrived at the spot that Count Bernadotte had been in one of the cars fired on. In the second place it was the duty of the leader of the investigation, immediately upon becoming aware of the murder, to take steps to cordon-off the scene of the crime.

The importance of cordoning-off the place where a crime has been committed lies principally in the fact that this step is a necessary pre-condition for a satisfactory investigation of the place later on. This is especially the case when, as here, the place is one freely accessible to the public and on which furthermore there is a good deal of traffic. Omission to cordon-off the spot involves the risk that objects of importance to the inquiry will be taken away and that traces of the assailants will be destroyed. That the omission actually led to such consequences in the present case will appear later.

3. Investigation of the scene of the crime

In a report of September 18, 1948, from the Crime Investigation Department, Jerusalem District Headquarters, regarding the visitation of the scene and the examination of the car in which the victims were driving it is stated that Assistant Superintendent Rabinowitz and a sergeant, together with the two boys who witnessed the murder from close at hand, visited the spot the day after the assassination (September 18, at 7.00 p.m.). In the report it is also stated that the roadway was examined and that Assistant Superintendent Rabinowitz found two cartridge cases on the unfinished sidewalk near the roadway. He drew the conclusion that the cartridges had been left on the spot after the firing, and took possession of them. According to the report the boys pointed out three holes in the asphalt caused by the shots fired at the first car. The holes were marked with white circles and photographed. It was stated that the measurements of the place and description of the event were included in a separate report. No such report, however, has been made available by the Israeli authorities.

In cases where the assailant cannot be apprehended immediately a swift and careful examination of the scene of the crime is one of the principal conditions for successful pursuit. The step already referred to of cordoning-off the scene of the crime is of importance for facilitating a satisfactory examination of the scene. It seems evident that an examination such as is described in the report referred to is quite inadequate and that in certain respects it does not satisfy the most elementary requirements of such an examination. The principal general criticism of the examination of the scene of the crime must be levelled against the delay which occurred in undertaking it at all. The value of an examination of a place, not cordoned-off and frequently used by traffic, taking place more than 24 hours after the crime must obviously be rather small. The unfavourable consequences of the delay for the pursuit of the criminals are illustrated more closely in the following as regards various phases of the examination of the scene.

It has already been mentioned that in the Israeli memorandum of October 1949 it was stated that Assistant Superintendent Rabinowitz paid his first visit to the scene of the crime on the evening after the murder. It is evident, however, that during this visit no such investigation of the scene as we are now considering was undertaken.

(a) Sketching and photographing the scene of the crime

A schematic sketch of the scene of the crime was attached to the protocol of the preliminary investigation sent here by the Israeli Government.

Having regard to the nature of the crime this sketch must be described as singularly primitive. In fact it corresponds in no particular even the requirements which are made in Sweden for police sketches in connexion with a simple traffic incident. Thus, for example, the relative measurements are quite misleading. The position of the victims, the assailants and the witnesses at the time of the crime, and the place where the murderer's weapon was found, are not indicated. The photographs enclosed with the report have been executed in a very amateurish way and in no way remove the need for a clarifying sketch. Although these shortcomings may not have been of the greatest importance for the inquiry in question they are mentioned as an example of the way in which the investigation was carried on.

(b) Securing of objects

The murderer's weapon. In the section in which the murder is described it has been mentioned that a soldier at the scene of the murder took possession of the barrel with magazine attached belonging to the automatic machinegun with which the murder was committed, and left on the spot by the assailant. In the magazine five bullets were found. From the documents of the preliminary investigation it appears that the soldier in question handed over the barrel and the magazine on the evening of the same day to a sergeant of the military police. The latter in his turn gave the object to a superior, who, according to his own statement, locked it up in a safe place in the armoury of the military police. From there the object was only fetched Sunday 19, i.e. the second day after the murder by personnel belonging to the Civil Police. It is stated in the Israeli memorandum of October 1949 that the weapon was examined for possible fingerprints but that the investigation gave no tangible result because the traces of fingerprints found were very blurred.

The fact that the machinegun barrel was not immediately taken charge of by the civil police and placed in the possession of those conducting the investigation appears to be due in the first hand to the bewilderment of the sergeant from the police station in El Qatamon who arrived at the scene while the soldier was still there with the object. It appears, however, that the delay in gaining possession of the object for investigation for fingerprints was also due to those responsible for the investigation. The girl who witnessed the murder stated when giving evidence on the morning after the murder that she had seen a man from a car belonging to the "Transport and Fuel Supply Service" taking charge of a "Sten" (machinegun type) that the murderer had left behind him. Even if those conducting the investigation had not been informed of the circumstances regarding the object through the personnel at the police station at El Qatamon, the girl's statement should have led to the object being taken for investigation earlier than was actually the case.

The fact that the object had thus passed through several hands instead of being immediately taken by a police official with expert knowledge was destined to destroy or in any case reduce the possibility of later developing identifiable fingerprints which might have been used for a comparison with

those of suspected persons, for example the arrested Sternists. As noted above, the result of the examination of the fingerprints was in fact negative as the traces were extremely blurred.

Bullets and cartridges. No account of the finding of bullets and cartridges at the place of the murder was incorporated in the preliminary investigation documents and therefore it has been necessary to draw conclusions on this point from the available reports and protocol. Thus, it is stated in the report, formerly referred to on the visit to the place of the murder that on the evening of the 18th September, i.e. the day after the murder, that the police took possession of two cartridges on the scene of the crime. In the protocol of March 1, 1949, on an investigation on ammunition, 5 bullets and 4 cartridges recorded. Two of the cartridges appear to have been those above mentioned, which were picked up at the scene of the crime on the same evening. A third cartridge is stated in the protocol to have been received from the one of the two boys who witnessed the assassination. The fourth cartridge appears to have been given to the police by the other boy. The origin of the five bullets, of which none were found at the scene of the crime, is dealt with in a later connexion.

In the section dealing with the murder it has been mentioned that Count Bernadotte and Colonel Sérot were struck by 6 and 18 bullets respectively and that one or two rounds were also fired at the car in which they were driving. As the magazine of a Schmeisser machinegun holds 32 rounds and the magazine found contained five rounds it may be supposed that 27 rounds were fired from the weapon in the case, presuming that the magazine was full to start with. The passengers in the first car have stated that two of the other assailants fired a number of rounds at the tyres of the first car. A large number of cartridges and bullets from the weapon used by the murderer and the two other weapons must therefore have been found on the place of the assault. This is in fact confirmed by several witnesses. One can only describe it as most remarkable that only four cartridges and not a single bullet were taken charge of at the scene of the crime.

If all the cartridges and bullets from the three weapons used in the assault had been secured, it would have been possible, after accounting for the

/cartridges

cartridges and bullets fired from the assassins weapon, to identify the two other weapons if these had been found in the Sternist camps or in the possession of otherwise suspected persons.

Other objects. It is not at all improbable that a speedy and careful examination of the surroundings of the place might have led to the finding of other objects of importance to the investigations. Thus, it is possible that the man who fired the fatal shots dropped or threw away the missing butt with trigger mechanism of his weapon. It is also possible that he or some of the other assailants may have dropped some article of clothing or other object which might have helped to identify them. The fact that the assailants, as appears from the evidence, were present for a considerable time at the scene of the crime, gives rise to the comment that they may have thrown away matches or cigarette ends, etc. which if picked up might have been of importance for the inquiry.

By omitting to investigate the scene of the crime and the surroundings promptly those conducting the investigation lost the opportunity of finding objects which might have been of decisive importance for the identification of the assailants.

(c) Searching for and securing traces

According to the report of September 18 already referred to, 3 holes in the roadway, stated to have been caused by the shots directed at the first car, were marked with white circles and photographed. Apart from this it is not stated that any traces were noticed at the scene. The securing of, for example, footprints at the scene of the crime often proves important for investigations. It is essential to photograph the tracks and to have casts made of them. In the present case it seems possible that footprints of the assailant who was unable to get on the jeep might have been found in the area around the scene. Even if the necessary technical equipment for taking casts of the tracks was not available, it seems that it should nevertheless have been possible to photograph any prints that may have existed. It seems probable furthermore that impressions of the tyre of the jeep used by the assailants could have been found at the scene. Such impressions would probably have been discovered both by the side of the roadway, where, according to witnesses, the jeep was standing

for some considerable time, and also on the asphalt roadway. It appears from one of the two photographs attached to the protocol of the preliminary investigation that car tracks were easily visible on the roadway at the scene of the crime. Whether tyre impressions might have led to the identification of the jeep is naturally difficult to judge, but equally the possibility cannot be excluded.

The omissions regarding the finding of traces at the scene of the crime which have here been pointed out must be ascribed entirely to those conducting the investigation. It would appear to be entirely obvious that the principal condition for gaining a positive result in the matters in question was that the investigations should be undertaken speedily, so that existing traces were not disturbed or destroyed.

4. Examination of the vehicles

It appears from the report of September 18, 1948, from the Criminal Branch, on the visit to the scene of the crime and investigation of the car used by the victims that, on examining the car on the afternoon of September 18, tears and holes in the upholstery of the back of the seat, which were assumed to have been caused by the shots, were found, and that in one of the holes a bullet was found. In the report it is stated that no more bullets were found in the upholstery and that it was not desired to disturb this until the car had been photographed. According to a police report dated Haifa, September 24, 1948, the car in question was submitted on that day to further examination in a garage in that city. Basing themselves on the bullet holes and traces of bullets the police found that the shots directed at Count Bernadotte and Colonel Sérot had been fired through one of the windows on the left hand side of the car. It was further stated that a thorough search of the interior of the car, including the upholstered seat, had not revealed a single bullet. With the report was enclosed a bullet stated to have been found in the interior of the car by an unknown person and to have been handed over to a United Nations officer whose name was given. Finally, it was pointed out in the report that most of the holes had already been repaired in the garage when the investigation took place, but that traces were still clearly visible.

In the same way as is the case with the examination of the scene of a crime it is naturally of decisive importance when it is a question of such an investigation as has just been described that the examination should take place before any traces have been erased or objects removed. It appears from the report included in the preliminary investigation documents regarding evidence taken on September 20 from a United Nations driver, that on the morning after the assassination he examined the car, removed the back seat and found a bullet behind it. This he handed over to the police at the hearing. From what has been stated in the preceding paragraph it appears that a second bullet was found in the car by an unknown person. The circumstances mentioned bear witness to the deficiencies in the conduct of the investigation. It should have been the duty of those responsible for the investigation to put the car in which the victims were driving under guard immediately after the assassination became known and to keep it so until it had been examined. It appears rather futile to investigate a car - as actually happened - when a whole week has elapsed since the crime and when the car has already been repaired. The omission to take proper action in the investigation of the car probably has no practical significance, as the later inquiry established that all bullets in the car came from the weapon found; the procedure followed in the examination of the car has been described merely in order to illustrate the way in which the inquiry was conducted.

Another omission in this connexion was, however, of real importance for the inquiry. So far as appears from the documents of the preliminary investigation, no examination was undertaken of the United Nations car which was in front at the time of the assassination. From the inquiry it appears that a number of shots were fired at this car from two weapons other than the one with which the murder was committed. This car ought also to have been examined at an early stage with the object of finding bullets which might have facilitated the identification of the two weapons in question.

5. Circulation of descriptions of assailants

According to a document from Jerusalem District Headquarters, dated September 19, 1948, the Crime Investigation Department sent out the following notice to all police stations in Jerusalem and to the military police:

"Hereunder is a description of one of the three assassins who attempted at the life of Count Bernadotte and Colonel Sérot at 17.00 hrs on 17.9.48 in Lev-Merchavia, Jerusalem:

A Jew, about 30-35 years of age, height about 170 cm, very thin, complexion reddish and tanned, colour of eyes dark-brown, face long, nose long and very thin, was wearing a khaki beret and dressed in military uniform.

Please make every effort with a view to arresting him.

N. Rabinovitch

A.S.P."

The description sent out agrees with that given by Commander Cox, in evidence on the afternoon of the day following the murder, of the man who fired the fatal shots at Count Bernadotte and Colonel Sérot. Commander Cox stated to the Israeli police, apart from what was included in the description sent out, that the murderer had no beard, but he said that he was not sure whether the man had a moustache or not. In his evidence of September 19 Dr. Fasel described the same man in a way largely in agreement with the description given by Commander Cox. Dr. Fasel, however, stated that the man had a long black moustache drooping around the mouth, and added that the moustache gave the impression of being a real one. Dr. Fasel also gave the following description of another of the assailants whom he saw, from a distance of about 5-6 metres, standing in front of the first car: tall, slim, dressed in khaki uniform, European type of face with high colour, clean-shaven, with some freckles on the face.

It appears from the documents that Dr. Fasel's descriptions of the chief assailant and one of the other men did not lead to the amplification of the description sent out earlier of the first man, nor did it lead to the sending out of a description of the other man.

It is stated in the Israeli memorandum of October, 1949, that none of the members of Count Bernadotte's party and none of the other witnesses had given evidence containing a satisfactory description of the culprits. That this statement is inaccurate is shown by what has been mentioned in the preceding paragraph. In another ~~connection~~ it is stated in the memorandum - in ~~connexion~~ with an inquiry from the Swedish side as to whether it had been possible to secure any descriptions of the murderer and whether in that case

these descriptions

these descriptions had been brought to the notice of the public - that attention had been drawn to such descriptive details as were available through the medium of the press, radio and other means of informing the public. This statement, as is shown by the foregoing, appears to be only partially correct.

6. Examination of weapon and ammunition.

As already mentioned, the barrel of a Schmeisser machine-gun was found on the scene of the crime. According to statements made the murderer dropped this part of his weapon when beginning his flight. The barrel left on the scene of the crime must have contained the recoil mechanism of the weapon, which is inserted well into the rear part of the mantle. This appears also from the certificate of September 23, 1948, given by Sub-Inspector Hofstaedter, in which it is stated that if the missing part, that is to say the stock with trigger, is fixed to the barrel part, the weapon could immediately be used. This implies that it should easily have been possible from the weapon part found at the scene to identify both bullets and cartridges fired from the weapon.

The reason why the murderer dropped the barrel section of the weapon can only have been either that the retaining screw holding the barrel and magazine to the butt happened not to have been in place when the shots were fired, or that the murderer afterwards deliberately loosened this screw in order to free the barrel from the butt. - It is hardly probably that the stop mechanism of the retaining screw was not functioning, since this would have been noticed at once and would probably have caused the murderer to provide himself with another faultless weapon. - It has been shown in trials carried out in Sweden with Schmeisser-type machine-guns that if the retaining screw is not in position the weapon can be used for firing if it is held firm. Twisting the butt sideways by only four millimetres causes the safety catch of the trigger to cease functioning and means that all the rounds are fired automatically. Such twisting, however, cannot have happened in the case of the murderer's weapon, since five cartridges were found in the magazine. It also seems rather improbable that the murderer, if he had neglected to fix the retaining screw, would have been able to keep the weapon so still during the intense firing, that a twisting of the butt in relation to the barrel would not have taken place.

It may be suggested as a possibility that the murderer purposely loosened the retaining screw and let the barrel fall to the ground. He may then have subsequently been able quite easily to get hold of a reserve barrel, e.g. in a military camp, and thus be able to appear after the murder with a weapon
/incapable of

incapable of being identified with the bullets and cartridges used in the assault

Investigations undertaken in Sweden show that it is within the bounds of possibility to identify barrel parts belonging to Schmeisser machine-guns with the corresponding butts. On fixing the barrel into the butt, friction sets in in several places between the steel parts, causing characteristic scores in the weapon. It would thus have been possible if the murderer acted in the way supposed, to compare the barrel found at the spot with butts belonging to weapons taken for example, from the Stern Gang bases and thereby to identify the butt of the murderer's weapon if this was among these weapons.

An examination of the steps taken by the Israeli authorities to investigate the weapon used by the murderer reveals the following: According to the certificate of Sub-Inspector Hofstaedter already mentioned as being incorporated in the report of the preliminary investigation at 5 p.m. on September 22 he received for investigation from the Crime Investigation Department, a machine-gun of Schmeisser make, No. 2581, without butt and trigger mechanism, but with a magazine containing five 9 millimetres cartridges. His investigation showed that the barrel exhibited signs of having been used for firing some days earlier, and also that the weapon functioned if provided with the missing part, i.e. the butt with trigger mechanism. It was stated that after fixing the missing part firing was possible within a few seconds. Trial shooting with one of the five bullets showed this bullet to be serviceable.

The examination in question can only lead to the comment that neither in Europe nor in the USA is any method known whereby it can be determined that a barrel "shows signs of having been used for firing some days earlier", least of all in a case such as the present one, where undoubtedly smokeless gunpowder was used.

It is now necessary to examine the procedure used in the examination by the Israeli police of the cartridges and bullets found at the scene of the crime and elsewhere.

According to statements made by witnesses three machine-guns were used in the assault. The number of shots fired is not known, except in so far as one can start from the assumption that about 27 rounds were fired from the murderer's weapon alone. It has been pointed out in the section dealing with the investigation on the spot that a large number of cartridge cases coming from all three weapons must have been strewn around on the place of the assault. In

consequence of the omission to cordon off the scene of the crime without delay and to investigate it thoroughly the police were able to secure possession of only a few pieces of ammunition.

According to an investigation protocol signed by A. Ragolsky and dated March 1, 1949, 5 bullets and 4 cartridge cases were available at an examination carried out at the laboratory of the Crime Investigation Department of the Israeli Police. Some of the bullets came from the bodies of Count Bernadotte and Colonel Serot and some from the car used by the victims, where they were found by different persons. In the protocol it is stated only that all the bullets were fired from a Schmeisser machine-gun bearing the number 2581, i.e. the weapon used by the murderer. No explanation whatever is vouchsafed as to the methods of the investigation employed, nor does the report state the degree of probability with which the different bullets could be identified. Thus for example mention is made of a flattened bullet found by one Ciganenko. The possibility of identification here was probably smaller than in the other cases.

The protocol of the investigation contains no statement that the cartridge cases were made the object of an attempt of identification. This is all the more surprising as with the help of these cartridges it would have been possible to identify the weapon from which the shots were fired at the first car. That the bullets examined, all of which recovered from the bodies of the victims or from Count Bernadotte's car, came from the murderer's weapon appears evident. The four cartridges found at the spot need not, however necessarily have come from the weapon in question. Here, once more, one feels bound to express regret that the scene of the crime was not guarded and searched so that the police could have taken possession of all the cartridges. It is probably almost unprecedented in our days that after a crime of such a serious character as this children at play, souvenir hunters or - for all one knows - accomplices of the criminals should have been free to take away the most important pieces of evidence left on the spot. It appears evident that there was no attempt whatsoever to identify the cartridge cases found with weapons seized from the Stern Gang. If by any chance the omissions of the Israeli authorities in connexion with the investigation of the ammunition were due to the fact that at the time of the murder the technical equipment and necessary experience for carrying out such investigation were not available, it would nevertheless seem that the importance of the case should have justified a recourse to foreign experts, whose services might have been secured

/either through

either through the agency of the United Nations or from one of several well-equipped police laboratories in the Mediterranean area, for example in Rome.

7. Attempts to trace the assailants' jeep.

In the Israeli report on the murder it is stated that in accordance with instructions from the Government the LHY-camp in Jerusalem was surrounded and occupied, and that persons found there were arrested and that in addition considerable quantities of weapons and ammunition were seized. There is no statement that jeeps belonging to LHY were seized. It appears from the documents of the preliminary investigation that LHY in Jerusalem had at their disposal a number of jeeps. As the action against the gang was aimed at its dissolution there is reason to suppose that the vehicles in question were also seized, although this is not actually stated. If this was not done then the omission to do so must be described as a remarkable deficiency in the inquiry. Later when questions were put forward by the Swedish authorities as to whether any attempt had been made to find the jeep - reference being made to a statement that the jeep had probably been stolen from the United Nations - Israel replied in the memorandum of October 1949, as follows:

"Efforts were made to trace the jeep used by the assassins but with no result. The two types of jeep commonly in use at that time in Israel - Willis civilian type and Ford army type differ but slightly the one from the other in external appearance. Israel army jeeps were colored in a khaki camouflage paint, but the jeep used by the assassins was possibly of greenish camouflage paint. Most of the jeeps in civilian use in the country were at that time of that color. Jeeps used by the U.N. were not camouflaged and were colored white. As far as was ascertained in the investigations the jeep used by the assassins bore no number plate or other external military or civil numbers. There were no other particular external identification marks nor was there anything to show that the said jeep had been stolen from the U.N."

Several of the available statements of witnesses contained information that could have been used for the tracking down of the jeep used at the assault. Thus, Captain Hillman stated that the jeep in question was an old military jeep, brown in colour, similar to a jeep which had been stolen from the United Nations about three weeks before the crime, and he added that if he saw it he would recognize it. He further said that he could identify a man who had been seen driving the jeep the day before the murder. One of the two toys who witnessed the assault (Yoram Katz) stated that the jeep was brown and had a military number which had been painted over with black paint. One of the soldiers

/belonging

belonging to the military breakdown vehicle (Meyquhas) stated that the jeep had the same colour as those of LHY and not that of the Haganah jeeps, and was camouflaged in green. He thought it very probable that he would know the jeep if he saw it again. Another man (Smetman) stated that he would be able to recognize the jeep, since this gave the impression of being very old, without seats, rather unusual, and unlike the jeeps generally used by the army. A witness (Barge) said that he had been told at the place of the assassination that the jeep in which the assailants fled was used to convey the newspaper "Hamivrak" to Jerusalem every day. Finally, another witness (Rosenblum) who said that he had on several occasions borrowed jeeps from LHY to move his effects, stated that the day before the murder he had seen a man called Yankele conveying newspapers in one of LHY's jeeps. With reference to the last two pieces of evidence it would obviously have been of value to have heard Yankele's testimony and to have made a search for the jeep at the premises of the newspaper "Hamivrak". So far as appears from the documents, however, this was not done.

In view of the numerous and valuable statements of witnesses and other clues which were thus available for the search after the jeep, it must be described as in the highest degree surprising that the jeep was not found and that it was not established who had had possession of it previously. Thus, one of the most promising clues leading to the assailants was not used at all.

8. Attempts to trace the origin of the leaflets.

In the Israeli memorandum of October 1949, it is stated that efforts were made to trace the origin of the leaflets signed by "Hazit Hamoledeth" which were distributed in the city on the very evening of the crime, but that these efforts were fruitless. What these efforts consisted in is not stated.

Surprise must be expressed that it was not possible to find the source of the leaflets. It is stated that the leaflets were typewritten and it is well known that in such case it is possible to identify the actual machine used. It is also remarkable that it was not possible to find those who issued the leaflets by tracing the distributors. In the last-named connexion reference should be made to a characteristic episode. As mentioned in another connexion the newspaper "The Palestine Post" stated in its issue of September 23, 1948, that on September 21, four days after the assassination, the first case in accordance

with the new law against terrorist activity had come before the court in Tel Aviv, four young persons, two of them girls, having been prosecuted for assisting terrorist organizations. According to the charge they had distributed leaflets on September 18, regarding the murder of Count Bernadotte. The newspaper stated that the accused had been released on bail of 1.25 Israeli pounds each.

9. Examination of the witnesses and further inquiries resulting therefrom.

According to the protocols submitted a total of 29 persons were heard as witnesses at the instance of the police. These consisted partly of Israeli citizens who happened to be at the scene of the crime or nearby or who were otherwise regarded as being able to give information about the circumstances connected with the murder, and partly of the following persons who were in Count Bernadotte's party at the time of the assassination, viz. Colonel Flach, Captain Hillman, Dr. Fasel and Commander Cox. In addition the dossier of the preliminary investigation contains the following written statements, not made at the instance of the police; a joint statement by Colonel Flach, Lieutenant de Geer, Miss Wessel and Major Massart, to which the two first-named and Major Massart had added special statements; and statements by General Lundström, Colonel Begley and Major Massart, the last-named having submitted a separate report apart from that included in the "joint statement".

The scrutiny of the existing material has lead to comments in three separate respects:

- (a) Conflicts existing in the statements of witnesses do not appear to have been cleared up.
 - (b) Pointers to continued inquiries arising during the taking of evidence do not seem to have been made use of.
 - (c) Only four of the eight persons who were in Count Bernadotte's party at the time of the assassination and who might therefore be regarded as principal witnesses were heard at the instance of the police.
- (a) Conflicting statements of witnesses.

The scrutiny of the statements of witnesses from the point of view in question gives rise to a number of comments. Here it is possible only to deal with the following more striking examples. It has already been mentioned in another connexion that the sergeant from the police station in El Qatamon who came to the place shortly after the assassination (Harry Levinstein) stated that there was nobody there, while the policeman from the road block who arrived at the same

time (Riesenfeld) declared that there was a group of people at the spot and he gave details of remarks made by those present and about their reaction to the incident. Regarding the presence of people at the place of the murder there are conflicting statements from other persons besides those mentioned. Thus, the wife of the owner of the shop outside which the assassination took place (Rachel Zamir) stated that after the shots had ceased she went out of the shop to the place where the United Nations cars had been stopped and that she then found no one there. A man who witnessed the firing from some distance away (Barge), on the other hand, stated, that he had heard "one of the people" say that the jeep in which the assailants fled was used to take the newspaper "Hamivrak" to Jerusalem every day. - Important conflicts between different statements of witnesses appear also on comparing the evidence given by the policeman from the road block (Riesenfeld) on the one hand and the home guard man (Gritzky already referred to on the other, both of whom were posted at the road block. While the former spoke in some detail about the three-ton military vehicle - presumably the break-down lorry - which had passed the road block in the direction of the city, the latter did not mention this vehicle although he can hardly have avoided noticing it.

No attempt to clear up these or other conflicts in the statements by cross-examination seems to have been made.

(b) Pointers to continued inquiries.

As far as concerns unused pointers to continued inquiries possibly further hearings, in connexion with evidence taken, the following example may be given. A major in the Israeli army (Francis Bernard) stated that in company with a colonel, whose name was given (Cote), he was asked fully half an hour before the assassination by a man he knew by sight whether it was true that Count Bernadotte had been murdered. So far as appears from the documents, the colonel in question has not been questioned. - The policeman from the road block (Riesenfeld) mentioned that in the vicinity of the scene of the murder he handed over to the sergeant whom he named (Israel) the girl who had witnessed the murder. The testimony of this sergeant appears not to have been taken. - The same policeman (Riesenfeld) stated further that he had heard the driver of the military break-down car ask the girl not to say anything to the policeman about the incident. The soldiers on the break-down lorry whose testimony had already been heard when this piece of evidence was produced ought to have been brought up again in view of this which statement appears to be important. In the section dealing with the search for the assailants' jeep a number of omissions to make use of available statements by witnesses for the purpose of pursuit have been mentioned and reference may here be made to these.

(c) Testimony of persons in Count Bernadotte's party.

As far as the taking of evidence from members of Count Bernadotte's party is concerned it has already been mentioned that neither Major Massart nor Miss Wessel nor Lieutenant de Geer nor Colonel Begley nor General Lundström were heard at the instance of the police. The statements from them to be found in the documents of the preliminary investigations came without the co-operation of the police, with the object of clearing up the general order of events during the incident and not of forming a basis for the pursuit of the assassins. It should be evident that even the most intelligent of witnesses is not in a position to put forward unaided all circumstances of importance to an inquiry. For this it is necessary to have a hearing arranged by the authorities responsible for the inquiry.

In the Israeli memorandum of October 1949, it is stated with reference to the police inquiry, that evidence was taken from persons in the vicinity and from members of Count Bernadotte's party and that when deemed necessary the witnesses were submitted to further examination. It is further stated in the memorandum that the information obtained by questioning residents in the neighbourhood and a few people who happened to be on the spot was of little use despite their willingness to co-operate.

As appears from the foregoing, the statement that evidence was taken from members of Count Bernadotte's party is accurate only with the reservation that only half these people were heard by the police. The statement about renewed examination of the witnesses is not supported by the available material. On the contrary, in the light of the foregoing it must be stated that the investigation in this particular part is characterized by serious deficiencies. The hearing of witnesses indeed gives the impression of having been merely of a preliminary nature and not to have been subjected to critical scrutiny by those responsible for the inquiry. If, as stated in the memorandum, the information given by the witnesses was of little use, this must to a considerable extent be ascribed to the fact that these items of information were not used for continued inquiries. This last comment is of such importance that in itself it suffices to give rise to the conclusion that the inquiry was not conducted with proper energy and zeal.

10. Police investigation concerning the arrested members of the Stern Gang.

In the account given earlier of the main features of the steps taken by the Israeli authorities in connexion with the assassination it has been mentioned

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that the bases of the Stern Gang in Jerusalem were occupied by military forces and police the day after the murder, and that on that occasion a considerable number of persons were arrested and weapons and ammunition seized. During the week following the murder 184 Sternists were arrested in Jerusalem and 82 in other parts of the country. In order to be able to find the assailants or otherwise to obtain clues for the pursuit among this relatively large number of arrested persons, all of whom must have been under suspicion for having been connected in one way or another in the murder or to be able to give information about it, it was obviously necessary to hold exhaustive hearings of the arrested persons and possibly to check up on their alibis. The documents of the preliminary investigation sent here contain no information as to whether such hearings and investigations were in fact instituted.

The most important step from the tracking point of view for searching for the culprits among the arrested Sternists would undoubtedly have been to arrange for the witnesses to be confronted with the arrested Stern Gang members. The Israeli memorandum of October 1949, contains the following reply to a question put by the Swedish authorities as to what extent members of Count Bernadotte's party, especially Captain Hillman, and also other witnesses to the murder had been confronted with the arrested Sternists.

"As has been indicated in this memorandum, and as appears more particularly from the file of statements enclosed herewith, none of the members of the Bernadotte party or the other witnesses made any satisfactory statement describing the assailants. The consensus of evidence supplied by responsible witnesses, including Mr. Hillman, the Jewish liaison officer, indicates that these witnesses were not in a position to identify the assassins.

It was decided not to hold an identification parade in a further effort to establish the identity of the assailants. Under the criminal procedure which had been originally introduced into Palestine during the period of the Mandate, and which had not been altered by the State of Israel, an identification parade usually consists of one suspect to between 8 to 10 innocent persons, the witness being asked to make his identification therefrom. Where there is more than one suspect, this ratio can be slightly reduced, but it is never less than one to seven. As has been indicated in the report submitted to the Security Council, and to the Government of Sweden referred to above, some 260 suspects had been arrested by 23rd September 1948. Most of those arrests indeed took place within 24 hours of the assassination. To hold an identification parade in accordance with the standard regulations thereunto, would have meant that, in addition to these 260 suspects, a further 1600 innocent persons, at least, would have had to have been joined in the parade. It was

/considered that,

considered that, in these circumstances, no court of law, whether civil or military, could have attached much weight to any evidence, if indeed it would have been forthcoming, obtained by such methods, and therefore, that no useful purpose would have been served by arranging an identification parade. The situation in this regard might possibly have been different had there been an element of unanimity in the descriptions given by the eye witnesses."

In explanation of the omission to arrange a confrontation between the witnesses and the arrested men, the Israeli Government has thus referred to practical as well as legal obstacles.

As to practical obstacles reference is made to the fact that no witness had submitted a satisfactory description of the assailants and that the witnesses were not in a position to identify the assassins. The statement that no witness had given a satisfactory description of the assailants must be described as inaccurate. As appears from the foregoing Commander Cox and Dr. Fasel supplied descriptions of the principal assailant which were in accord in essential particulars and served as a basis for the description issued by those responsible for the investigation. But even if the statement had been correct, this would not justify the drawing of the conclusion, as seems to have been done in the memorandum, that none of the witnesses could have identified the assassins. There are no grounds, in fact, for regarding as equivalent the ability to give a description of a person and the ability to recognize that person. Experience shows on the contrary that it is quite usual for a witness who is not in a position to give a full description of a criminal to be able nevertheless to recognize the man when confronted with him. If we refer to the witnesses own statements on their ability to recognize the assailants, we find the following. Captain Hillman said that he was doubtful whether he would recognize them. Commander Cox said, according to the protocol of his testimony, that he was not positive that he would know the man who fired the shot if he saw him. Dr. Fasel, who submitted descriptions of two of the assailants stated that he was not sure whether he would know them again. One of the two boys who witnessed the murder (Urisharf) stated that one of the men in a jeep had a revolver and that he believed he would recognize this man if he saw him again. Finally another witness (Smetman) said, with reference to the driver of the jeep, that he was not sure whether he would know the man again but that if he saw a man like the driver it was quite possible that he would recognize him by his build, which he (the witness) remembered very well. On the basis of these statements alone one /must reject

must reject the accuracy of the categorical statement in the Israeli memorandum that the witnesses "were not in a position to identify the assassin." In addition, however, as experience proves, it happens that a witness often has difficulty in judging beforehand whether he would actually recognize a person when confronted with him or not. Recognition may prove to be due to a circumstance that the witness does not recall until the confrontation becomes a fact.

In the light of what has just been said one is bound to state that a judgement on the question as to whether witnesses would be able to recognize any of the assailants among the arrested suspects could not have been made without making an attempt to arrange a confrontation. If it had been thought necessary to discuss that question beforehand, the conclusion should have been that the prospects of reaching a positive result from a confrontation must be regarded as favourable. The arguing of the Israeli authorities in this connexion must be regarded as lacking all reality from the standpoint of police practice.

As regards legal obstacles to the arrangement of a confrontation reference is made in the Israeli memorandum to the legal procedure existing in Israel at the time in criminal cases. Since, according to the memorandum, this procedure dates from the period of the mandate it is of interest to establish the situation in Anglo-Saxon law in the field in question. Neither in British nor in United States law are there any regulations regarding confrontation, whether concerning procedure or concerning the validity of confrontation as evidence in court. On the other hand confrontation is of course practised. The police in both the United Kingdom and the United States use confrontation in their work. The procedure is to introduce the witness into a room where several persons are lined up together with the suspects and ask the witnesses to point out the alleged criminal. In the case of the London Metropolitan Police there are special rules governing the procedure at these "identification parades". These regulations state inter alia that the persons, generally eight or more, to be assembled for the purpose with the suspects, should be similar in age, height, general appearance and social status to the suspects. The validity of an identification effected in accordance with these directions is a matter for the appropriate court to decide.

The Israeli memorandum obviously envisages a practice substantially like the described. It is obvious that such a method of confrontation cannot be applied in a case such as the present one. One can readily agree with the opinion
/expressed

expressed in the Israeli memorandum that it would have been quite unreasonable to bring all the 260 people arrested to a confrontation together with "a further 1600 innocent persons at least". The practical procedure should have been to sift out from the arrested persons those who by reason, for example, of age, perhaps also sex, and location during the day of the crime or other circumstances could not be regarded as suspects. After reducing the number in this way the remaining persons should have been confronted with the witnesses. It is obvious that a recognition made at such a confrontation could not in itself have been of final importance as evidence in the court; but it would have had the greatest importance from the point of view of the pursuit. By guiding the inquiry to a person or persons pointed out in such a way the Police might possibly have succeeded in obtaining other forms of evidence which might in themselves have been incriminating, for example through the search of the persons' whereabouts during the day of the murder or possession of weapons etc.

On close examination the legal obstacle to the arranging of a confrontation can only be described as a pure afterthought. Here reference may be made to the fact that the Israeli Foreign Minister in a message intended for the information of the Security Council, sent to the Acting Mediator, Dr. Ralph Bunche, on 19 September 1948, stated that the Government had caused 150 members of LHY to be arrested in Jerusalem and more than 50 in Tel-Aviv and elsewhere, and Mr. Shertok also expressed the hope that identification parades would soon be arranged with the help of eyewitnesses of the assassination. It is to be noticed, further, that even at the time of the submission of the official Israeli report on the assassination the obstacle mentioned to the arranging of a confrontation seems not to have been known to Israeli authorities. Thus at one point the report states: "The children themselves gave descriptions of the assailants, but these descriptions were so divergent as not even to form a satisfactory basis for an identification parade".

In coming to a final judgement of the question of confrontation it is of importance to emphasize once more that the confrontation here envisaged would have constituted a link in the police pursuit of the assailants and would not have provided independent evidence to be produced in court. The arranging of a confrontation would have provided one of the principal possibilities for the police to obtain a positive result from their inquiries. The omission to arrange the confrontation is all the more remarkable in that one of the reasons for the

/arrests is

arrests is stated by the Israeli authorities to have been to track down the actual perpetrators of the crime. One cannot forbear to point out that while the authorities may have taken energetic steps to carry out the arrests they showed an obvious lack of interest in discovering the assailants among the arrested persons.

In this connexion certain statements made by Commander Cox are extremely noteworthy. To any inquiry from the Swedish authorities as to whether he had been asked to try to identify any of the arrested IHY members, Commander Cox replied in the negative, and added that on at least two occasions he had requested the police to give him an opportunity to inspect its "line-ups" in the hope that he might possibly be able to recognize the murderer. To this he only received the answer that as soon as all the suspects had been arrested the authorities would be very willing for him to come and point out the murderer. It was asserted that it would hinder the investigation if he was allowed to inspect the "line up" of the police at any time before all the suspects had been arrested. The attitude taken by the Israeli police to the proposal of Commander Cox is quite unreasonable. This episode, put beside what has already been said on the question of confrontation, makes it impossible to avoid the thought that motives other than those referred to by Israel were the reason for the omission to arrange a confrontation.

IX. SUMMARY OF THE SCRUTINY OF THE ISRAELI POLICE INQUIRY

In the preceding section the inquiry into the murder undertaken by the Israeli authorities has been subjected to a detailed scrutiny, in the course of which gaps and omissions in several respects have been proved. To sum up the comments relate principally to the following matters.

- (a) Immediate steps to pursue the criminals appear to have been neglected altogether.
- (b) The scene of the crime was not cordoned-off and the examination of the scene only took place after a considerable delay more than 24 hours after the crime. In consequence of these omissions, bullets and cartridges which might have helped to identify the two weapons used to fire at the first car disappeared from the scene of the crime. It is possible that other objects which might have contributed to the identification of the assailants disappeared. Furthermore, there was the risk that possible traces at the spot would be disturbed or destroyed. The weapon part left at the scene was only handed over to experts two days after the murder, after it had passed through the hands of several people, a fact which was calculated to prevent, or in any case, render difficult the discovery of identifiable fingerprints.
- (c) The car of the victims was not placed under guard but was only examined after it had been repaired, as a result of which unauthorized persons had the opportunity to take possession of bullets in the car.
- (d) The United Nations car which at the time of the murder was in front and at which a number of rounds were fired from two weapons other than the weapon used by the murderer was, so far as appears from the documents, not examined at all. Bullets which would have facilitated the identification of the two weapons in question could have been found in this car.
- (e) Descriptions of the assailants supplied by witnesses were not fully utilized when descriptions were circulated.
- (f) The few cartridge cases recovered were not utilized for attempts at identification and thus an opportunity to identify the weapons used at the assault, other than the murderer's weapon, was neglected.
- (g) The search for the assailant's jeep appears not to have been done with proper utilization of witnesses statements, which were of value in this connexion.

/(h) In tracing

(h) In tracing the origin of the leaflets, in which the organization "Hazit Hamoledeth" assumed responsibility for the assassination, available clues do not appear to have been made use of.

(i) No attempt was made to clear up contrary statements made by witnesses. Pointers to continued investigation were not taken up.

(j) The witnesses were not confronted with the arrested members of the Stern Gang, a step which in the prevailing circumstance would have constituted one of the principal possibilities of achieving a positive result in the inquiry.

During the investigation of a crime it often happens that a detail that is at first considered unimportant, proves decisive for the tracking down of the culprit. For this reason it is essential that all traces and clues that are available should be taken up and dealt with as a matter of routine. It has already been pointed out and may be emphasized here, that the scrutiny of the existing inquiry here carried out is based on such routine procedure in murder cases in general, with due consideration, of course, to the circumstances of the present crime, and thus does not constitute a criticism based on after thoughts.

It appears, however, justifiable to subject the existing police inquiry to a scrutiny from the standpoints suggested by subsequent reflection, in as much as only in this way can an opinion be formed as to which of the omissions or neglects were of the greatest importance in bringing about a negative result. If we start from this way of looking at things, the delay in investigating the scene of the crime (including its immediate surroundings) must give rise to the most serious criticisms of the inquiry. Only the cordoning-off and prompt investigation of the scene of the crime would have made it possible to find objects or traces which might have helped in the pursuit of the assailants. - The omission to examine the United Nations car which was leading at the time of the murder and to try to identify the cartridges obtained must also be described as a serious matter from the point of view of the inquiry, in view of the fact that in this way the possibility of identifying weapons other than that used by the murderers was lost. - Even more serious was the omission to use "pointers" to continued inquiries arising in the course of the testimony of witnesses, and other clues for the pursuit. Such omissions arose in the first place in the matter of the search for the assailants' jeep and the origin of the leaflets. - One of the most important criticisms from a practical point of view concerns the

/omission

omission to arrange a confrontation between the witnesses and those arrested in connexion with the murderer. The reasons of a theoretical and practical nature given by Israel in explanation of the fact that no such confrontation was arranged can only be regarded as pretexts. The objection with which Commander Cox was met when on two occasions he approached the authorities with the request to be confronted with the arrested persons - that it was desired to arrest all suspects first - can hardly be regarded as anything but a sign of a lack of willingness to make use of all the available possibilities for the promotion of the inquiry.

In the letter to the Swedish Foreign Minister accompanying the report on the murder sent to the Swedish Government, the Israeli Foreign Minister mentioned a number of considerations which he considered should not be overlooked when considering the fact that the result of the efforts to track down the assassins and those who had instigated the crime had been negative. Thus, in the letter it is stated among other things that the political terrorism in Palestine was difficult to eradicate and that the liquidation of dissident military organizations was more difficult in Jerusalem than elsewhere in the country, owing to a variety of circumstances outside the control of the provisional government. The letter also refers to the fact that at the time of the assassination Jerusalem had in fact not yet ceased to be a battle-front and that the military forces of the Government were absorbed day and night without interruption in watchfulness in forward positions. With regard to internal security in the country the following is stated.

"At the time of the assassination, the organization of internal security in the State of Israel was still in its initial stages. The police force had not yet achieved the necessary degree of internal stability and efficiency that would have enabled it to cope swiftly and effectively with this revolting crime. Political assassinations have occurred in many countries of well-established authority. Even there, however, investigation have sometimes proved fruitless. Israel was faced with this emergency when its security forces, civil and military, were only a few months old."

The role played by the existence of Jewish terrorist organizations and by the prevailing military situation in Jerusalem at the time of the murder in the question of inquiring into the crime and tracking down the assailants seems to be related in the first place to the possibility of taking action against the Sternists by arresting them. This action, to judge from the report, appears to have been carried out with success. - It is another matter that no use was made

/of the opportunities

of the opportunities of following up this action, by instituting intensive questioning and investigation of the arrested persons and also confronting them with the witnesses. - The terrorist activity may have played a larger part in the inquiry to the extent that it influenced the population in general and had an adverse effect on their willingness to co-operate with the authorities in the search for the criminals. This point of view, however, is contradicted by a statement in the Israeli memorandum of October, 1949, (point 7) where reference is made to the will to co-operate exhibited by the witnesses heard.

As regards the police force in Israel at the time of the assassination, it may be well to give a summary of an article written by the present police chief of Israel, Inspector General Y. Sahar, which was sent to the editor of the Nordic Journal of Police Science (Nordisk kriminalteknisk tidskrift) for publication. According to this article, which deals with the building up of the police organization in Israel, the British, when they left Palestine in May 1948, took away or destroyed all equipment needed for the governing of the country including that required by the Police. All that was left was a body of 700 Jewish policemen and junior officers who had served during the mandate but had never had the opportunity to reach responsible positions in the police organization. None of them had served at police headquarters; when the author of the article received instructions from the government to organize the police force he had no other assistance at his disposal than these 700 men and a few books saved from the ruins of the police buildings of the mandatory power.

It is obvious that the circumstances described made it difficult for the Israeli authorities to conduct the inquiry in a way that would have been possible for a well-organized police equipped with modern technical aids. These obstacles would have had particular importance in connection with the organization of immediate measures to apprehend the criminals and taking possession of and securing traces at the scene of the crime, and also when carrying out investigations of a kind requiring technical qualifications, particularly regarding weapons and ammunition. If the difficulties were so great - as stated in the letter from the Israeli Foreign Minister - that they made it impossible to "cope swiftly and effectively with this revolting crime" it would appear that it was for the Government of Israel to apply to the United Nations' Security Council for the help in the form of expert assistance in the inquiry into the assassination.

/It must,

It must, however, be emphasized that many of the measures in connexion with which deficiencies or omissions have been pointed out in the foregoing, were of such a nature that their importance should have been realized even by an investigator without special training and that the taking of these measures did not require any special technical aids. This is true, in fact, of most of the measures in respect of which it has been deemed necessary to point out that deficiencies or omissions were of essential significance for the negative result of the investigation. It should thus have been perfectly clear to anyone that a close investigation of the scene of the crime should have been made without delay. Even a policeman without special training ought to have realized the importance of examining the cars in which bullets might be found. It should have been equally evident that it was necessary to make use of the clues and suggestions for further inquiry which subsequently appeared. The arranging of a confrontation between the arrested persons and the witnesses was, as appears from the foregoing, not omitted because of lack of training or absence of technical resources.

In considering the capacity of the Israeli police force, as it existed at the time of the assassination, to undertake an inquiry of the kind in question it would seem necessary to take into consideration that quite a number of the police probably had experience in the difficult and disturbed years of the mandate. Even if the police force was incomplete in an organizational and technical sense, it may be presumed that these weaknesses were to a certain extent compensated for by the special knowledge of individual policemen concerning underground activities and their experience of the terrorist organizations' way of working, and that these special qualifications might have been made use of in the inquiry.

In the letter above referred to from the Israeli Foreign Minister the following comment is made by way of summary:

"The inability of the authorities to track down those responsible for the assassination has been due, in the last analysis, to a combination of two circumstances; the high degree of conspiracy prevailing in the apparently small group which planned and executed the crime, and the absence of any exact information which would have led to the identification of the culprits. The latter circumstance was largely due to the fact that the murder was perpetrated in an isolated spot and that no precise description of the assailants was available."

The above statement appears to invite comment in certain respects. Thus it is not possible to accept the statement that "any exact information which would have led to the identification of the culprits" was lacking. In the first place there is the fact that two or, at any rate, one fairly detailed description was supplied. The statement is further contradicted by the fact that several witnesses said that they were sure that they would be able to recognize the jeep used at the assault. The statement that the murder was committed "at an isolated spot" follows the statement in the official Israeli report. This statement about the scene of the crime is shown, in the light of the foregoing, to be directly misleading. The murder took place on a quite busy main road outside a shop that was open at the time, and at a place where the assailants were seen by witnesses who were either outdoors at the time or at the windows of nearby buildings.

The report of the Government of Israel to the United Nations and the Swedish Government concludes with the following:

"The case is marked by an extreme paucity of evidence both direct and indirect. Nevertheless inquiries are of course proceeding and clues are being followed up in the hope that further evidence may be uncovered so that the perpetrator of the crime may yet be found and brought to trial".

Straight against the statement in the first sentence it must be asserted that the crime in question is characterized by the existence of evidence and clues to an extent which seldom happens in murder cases where the assailant is unknown. As regards the statement about the continuance of the investigations it is extremely remarkable that in a case, such as the present, where a relatively large number of persons were involved no traces of clues subsequently appeared whereby the assailants could be tracked down.

The scrutiny of the Israeli police inquiry leads to the following conclusion: The special difficulties for the conduct of the inquiry entailed by organizational and technical weaknesses in the newly formed police force of Israel and the unfavourable external and internal conditions prevailing in Jerusalem at the time of the murder do not constitute a satisfactory explanation of the obvious and serious shortcomings in the inquiry. These shortcomings are indeed of so grave a nature that doubt must be felt as to whether the Israeli authorities endeavoured to carry the inquiry to a positive conclusion.

X. THEORIES ABOUT THE IDENTITY OF THOSE RESPONSIBLE
FOR THE MURDER AND THEIR MOTIVES

The inquiry undertaken into the murder did not lead to the arrest of the culprits. The questions of who was responsible for the assassination and what their motives may have been cannot therefore be answered with any certainty. In the following an account is given of different theories which, although they do not constitute a conclusive answer to these questions, may nevertheless serve to throw light on them.

As to the question of those who were responsible for the murder, there is a firm starting point in the supporting statements of a large number of witnesses that the assassination was committed by four well-armed Jewish men in uniform, using a jeep for the execution of the assault. The problem that first arises is whether the assailants were acting independently or in combination with other persons. On this the following may be said.

If we take into consideration only the purely technical execution of the deed the possibility cannot perhaps be excluded that four fanatics from a military unit, seeing Count Bernadotte leaving the YMCA by car and being driven in the direction of Government House, decided on the spot to arrange an attack on him during his return journey, which they could foresee would take the same route as the outward journey. This possibility, however, must in fact be described as purely theoretical. The judgement announced in the case against the two Sternist leaders charged with terrorist activities, Friedman-Yellin and Shmuelevitz, contains certain statements which would appear to be of interest in this connexion. The Court gives the following characteristics of the murder: "... (a) a clear decision to assassinate Count Bernadotte and the elaboration of a detailed plan for its carrying out; (b) a complex spy network capable of keeping track of the Count's movements during the time of his stay in Jerusalem so as to enable those responsible for the operation to fix its place any time; (c) men experienced in this kind of activities or who had received in good time training for it; (d) appropriate arms and methods of communication as well as safe refuge after the murder; (e) a commander well experienced and responsible for the actual perpetration."

Even if one is not willing to accept these statements in all particulars, the characteristics seem broadly speaking to correspond to the picture of the organization of the murder obtained from the available documents and statements. On the grounds of what has been mentioned here, one is inclined to agree with a conclusion of the court that the assault was carried out in accordance with the decision, plans, and orders of an organization of considerable experience. A further indication which supports this conclusion is constituted by the typewritten leaflets which, according to the foregoing, were distributed in Jerusalem on the very evening of the murder and which may be translated as follows.

"On the 17th of September 1948 we have executed Count Bernadotte.

Count Bernadotte served as an open agent of the British enemy. His task was to implement the British plans for the surrender of our country to a Foreign rule and the exposure of the Yishuv. He did not hesitate to suggest the handing-over of Jerusalem to Abdullah. Bernadotte acted without interruption towards the weakening of our military efforts and was responsible for the blood-shed.

This will be the end of all the enemies and their agents.

This will be the end of all the enemies of Jewish freedom in the Homeland.

There will be no foreign rule in the Homeland. There shall be no longer foreign Commissioners in Jerusalem.

Hazit Hamoledeth, 17th September, 1948."

The question now under discussion, that is whether the four assailants were acting independently must therefore be answered in the negative. Instead it must be supposed that a not inconsiderable group of persons was behind the murder. It should, however, be mentioned that no organization called Hazit Hamoledeth is known in any other connexion.

Next comes the question of whether it is possible to form any opinion as to where the group in question had its origin. In the trial of Friedman-Yellin and Shmuelovitz the court dealt with this question in some detail and after having established that only Irgun Zvai Leumi or IZY could come in question stated that with reference to the existing evidence it was convinced that the men who took part of the murder came mainly from the ranks of IZY.

A number of circumstances already dealt with in the foregoing, when commenting on the Israeli police inquiry, undoubtedly point in this direction. Thus, one may refer to the fact that some of the witnesses made statements which indicate that the assailants' jeep belonged to LHY and that in the course of the hearings statements were made that the assailants were recognized as LHY-men.

The fact that the court nevertheless did not feel able to determine, in accordance with the prosecutor's plea, that the murder of Count Bernadotte was carried out by or on the orders of LHY, was due to the fact that the court found it conceivable that the murder was carried out by members of LHY, who did not approve of the political line taken by the movement and who acted on their own behalf and not on the order of the movement or on its behalf.

Similar opinions to those expressed by the court had been published in the Israeli press before the judgment and some time after the murder. Thus in an article in the newspaper "Neueste Nachrichten" (Jedioth Chadashoth) issued in German and Hebrew, for September 24, 1948, reference is made to an analysis in a paper with the name "Al Hemischmar". According to this analysis two groups had been formed in the Jerusalem circles of the Stern Gang: On the one hand there was a left-wing group which in allegiance to pseudo-communism finally crossed over the border to anarchism and nihilism and consequently withdrew their loyalty not only from the government but from the Jewish state as a whole; while on the other side there had grown up a right-wing group which began to yield to the constant pressure for negotiations exercised by the government and the army - and perhaps also from Irgun - and therefore began to try to carry the Stern Gang over to the regular army. In accordance with this attitude not a few officers and soldiers from the Stern Gang are said to have gone over to the regular army during the previous few weeks as supporters of the right-wing group. The left-wing group is assumed to have believed that it could only stop this desertion by means of some "sensational patriotic deed", which should keep back or recall the waverers and convince them that an underground existence was to be preferred to legality.

What has been put forward here on the question of who was responsible for the assassination can be regarded as making it clear that the four

assailants did not act independently but belonged to a group, which was probably of Sternist origin. On the other hand the question must be left open for what person or persons, whether inside or outside the Stern Gang, were ultimately responsible for the assassination.

In connexion with the motives which may have lain behind the assassination it would appear to be useful to try to throw light on the feelings which may have prevailed in Israel against the mediation and the person of the Mediator.

The fact that the United Nations appointed a special mediator for the Palestine question may be assumed to have caused satisfaction in Israel in so far as the United Nations had thus made clear its desire for a solution of the problem. The appointment of Count Bernadotte as mediator probably in itself aroused certain expectations among the Jews in view of his character, which was generally recognized to be straight-forward and noble, and his magnificent contributions to international aid, which among other things led to the saving of tens of thousands of Jewish lives in Germany towards the end of the second world war. On the other hand the work of mediation constituted an obstacle in the way of Israel's solving the problems at dispute with its own resources of power. The extremist organizations were therefore probably ill pleased that the Mediator had managed to bring about a cease-fire and had therefore deprived the Israeli forces of the advances which they thought they could have gained by continuing the fight. In this respect, indeed, the Arabs for their part probably had the same view on the mediation, at any rate at the time the first cease-fire began, when the fortunes of battle still favoured the Arabs. In the leaflet from Hazit Hamoledeth there is proof of the Israeli attitude described here on the cease-fire; the leaflet states that Count Bernadotte was working to undermine the military efforts of Israel.

If, therefore, the attitude by the Jews towards the Mediator was probably dominated in the first period of hopes of reaching with his help an acceptable solution of the dispute, although there was an element of dislike for the intervention in their own affairs which his work must involve, the feeling towards him came later on to be characterized by marked distrust on the part of the leaders and fervent hatred in extremist quarters. The cause of this

development is undoubtedly to be found in the proposals which, as stated before, Count Bernadotte put before the parties at the end of June, 1948. Of special significance in this respect appears to have been that section of the proposals which, starting on the basis of the earlier proposals of the General Assembly, envisages the inclusion of Jerusalem in the Arab area. Owing to the central position assumed by Jerusalem in the religious and national consciousness of the Jews, the mere thought of the city's becoming Arab gave rise to an immense reaction of feeling among the Jews. The fact that the proposal was mainly intended at the basis for future discussions seems not to have lessened the unfavourable impression it left. Some idea of the reaction may be gained from the reply given by the provisional government in Israel a few weeks later, even if in that case there was an evident attempt at a more objective scrutiny. Thus, in the reply it is said that the government has been deeply injured by the "fatal" proposal as to the future of Jerusalem and that the idea of placing Jerusalem under Arab domination as an item in a peaceful solution could not have arisen without an extreme disregard of the facts of history and of the problem. The government found itself obliged to make it clear that the Jewish people, the State of Israel and the Jews of Jerusalem would never consent to submit themselves to an Arab domination of the city, despite the granting of formal self-government for the Jewish population and right of entry to the Holy Places. The Government also said that it felt bound to state that the astonishing proposal as to Jerusalem, by awakening false hopes among the Arabs and by injuring the feelings of the Jews would probably militate against the pacification that the Mediator undoubtedly wished to bring about. As regards the extremist organizations the remarks made previously in another connexion on the objectives of Irgun Zvai Leumi and the Stern Gang will suffice to give an idea of the reaction in those quarters. From that moment Count Bernadotte became the object of attacks in the Israeli press and street propoganda, where the proposal with which we are now dealing were seized upon as a basis. The Hazit Bamoledeth leaflet also bears witness to the reaction against this proposal in the sentence: "He did not hesitate to propose that Jerusalem should be given to Abdullah".

It may be mentioned here that in his last report to the United Nations, dated September 16, 1948, Count Bernadotte proposed that the question of Jerusalem should, in view among other things of the religious and international importance of the city, be given separate, independent treatment.

Another circumstance which may have contributed to the creation in Israel of ill will towards Count Bernadotte, seems to have been that part of the June-proposal which suggests that the Negeb should go wholly or partly to the Arabs. The Jews saw this as a threat to their plans for further colonization in Palestine. As far as pure feelings were concerned, however, the Negeb question probably did not have the same importance for opinion in Israel as the future fate of Jerusalem.

Against the background of the foregoing it appears probable that the strongly critical attitude towards Count Bernadotte and his activities as Mediator expressed in the *Hazit Hamoledeth* leaflet was fairly common in Israel. The feelings of hatred arising from this attitude, possibly in combination with the aim of demonstrating to the United Nations and the world that the Jews would never accept any dictated solution of the Palestine problem that did not satisfy their most fundamental wishes, probably constitute a sufficient motive for the assassination, and perhaps the most probable one.

On the other hand it is by no means out of the question that more realistic considerations may have lain behind the murder. Among the Jews in Palestine there were undoubtedly circles holding the opinion that, in the prevailing situation, Israel's national aims could best be attained by Israel, creating for itself, independently of all partition proposals and preliminary United Nations decisions, a favourable factual situation - a fait accompli - which it might prove difficult to alter later. Such an aim could only be realized in the existing circumstances by breaking the cease-fire, resuming military operations and occupying the areas which were the main objects of the struggle. The two areas that it was most eagerly desired to control were the Negeb on account of its great importance for the future development of Israel, and Jerusalem in view of the special position it occupied in the Jewish consciousness. Remembering Count Bernadotte's previous energetic efforts to prevent the resumption of hostilities in Palestine and to bring about a

solution by peaceful means, it must have been assumed that he would make full use of his authority to attempt to frustrate any attempt by the Jews to compel territorial concessions by force of arms. In circles obsessed by such ideas the removal of Count Bernadotte may well have appeared as desirable or necessary.

It seems not to be out of the question that these ideas may have been translated into action as the result of an incident which occurred shortly before the assassination and which may be related here. As already mentioned in another connexion, both the Arabs and the Jews had at the beginning of September, 1948 evacuated the area in the southern part of Jerusalem where Government House, the residence of the British governor during the mandate was situated. Count Bernadotte was at that time considering the removal of his headquarters from Rhodes to Jerusalem and locating it at Government House. Acting upon instructions from Count Bernadotte, General Lundström visited Jerusalem on September 13 in order to investigate the possibilities of this plan. General Lundström on that occasion had discussions on the matter with, among other people, the Israeli military governor in Jerusalem, Dr. Bernhard Joseph. The latter reacted strongly against the proposal and, referring to the risk that the fighting might still flare up again, he pointed out that it would be difficult, if not dangerous, to carry out the plan. In articles in the "Palestine Post" and "Neuste Nachrichten" (Jedioth Chadashoth) on September 16, the day before the assassination, the matter had been referred to and the comments of Dr. Joseph were reported. - It seems probable that, for those who aimed at an Israeli military conquest of the whole of Jerusalem, the idea of Count Bernadotte's permanent presence in the city appeared especially odious.

Those who believed that, for the more realistic considerations here mentioned, there would be something to gain from Count Bernadotte's removal lived to see their calculations fulfilled so far as the Negeb was concerned. During the fighting which again broke out in Palestine during October - December 1948, after the death of the Mediator, the Negeb which - according to Count Bernadotte's partition proposal - would have gone wholly or partly to the Arabs, was for the most part conquered by Israel.

XI. THE QUESTION OF THE ESCORT

As is shown in the section dealing with Count Bernadotte's last journey to Palestine and the events immediately before and at the assassination, the Israeli authorities did not provide Count Bernadotte with any escort during the day of the murder for his journeys in the Israeli sector of Jerusalem. In a report by the State of Israel on the assassination the following is stated in this connexion.

"Investigation of the character of the security measures in force in Jerusalem during the period immediately prior to 17th September 1948 has revealed that the late Count Bernadotte took the view that owing to his position an armed escort was unnecessary and that it would be undesirable that he be accompanied by such an escort. It was for this reason that no armed protection was accorded him, and that even Israel liaison officers attached to the United Nations mediator remained unarmed."

Thus there is no statement on the part of Israel that the Israeli authorities were not in themselves liable to provide Count Bernadotte with an escort or to ensure his security in some other suitable way. To hold such a point of view would, indeed, have been unreasonable in view of the fact that at the time Count Bernadotte, in his capacity as mediator between the State of Israel and the Arab States, was present in an area under the control of the Israeli authorities with the object of negotiation with these authorities by prior agreement.

It is not clear on what the referred statement made as to Count Bernadotte's attitude to the question of an escort is founded. As far as is known there is no official pronouncement of Count Bernadotte on this question. In order to judge of his opinion of the matter it is therefore necessary to have recourse to the statements of persons who were in close contact with him during his work as mediator and to his reactions on occasions when the question of an escort had been raised.

The standpoint held by the State of Israel regarding Count Bernadotte's views on the escort question may appear to receive some support from a statement made by the British chief of the Arab Legion, Major General J. B. Glubb Pasha. In a contribution on Count Bernadotte in the memorial volume issued in Sweden, entitled "Folke Bernadotte of Wisborg, Citizen of Sweden and of the World", Glubb Pasha deals with Count Bernadotte's above mentioned visit to the Arab Legion headquarters at Ramallah on the day of the assassination and states in this connexion:

/ "After landing

"After landing at Kolundia (Qalandia) he visited the Commandant of the Arab Legion in the little town of Ramallah nearby. He appeared to be in good spirits, but his staff was obviously worried about his safety. The Arab Legion offered him an escort of armoured cars but he refused to allow any precautionary measures to be taken. He pointed out that he was the representative of the United Nations and in his capacity of Mediator he had every right to go unarmed, unprotected and in complete security wherever he wished in Palestine. He was determined not to allow himself to be intimidated."

The statement in the passage quoted that the Arab Legion offered Count Bernadotte an escort but that he refused to allow any precautionary measures to be taken is misleading, as is shown in the detailed report given in section IV, on what happened on the occasion of the visit to Ramallah. This can probably be explained by the fact that Glubb Pasha, who at the time in question was visiting London, received incomplete or misleading informations on the course of events. For the rest, the article was, of course, not intended to give a documentary account of the events on this occasion but merely to pay a tribute to Count Bernadotte's courage and intrepidity. It is not to be denied that the Mediator's attitude to the escort question was to some extent characterized by these generally recognized qualities. An expression of this is found in his reaction, as witnessed by his companions, to the proposal that an escort should be asked for at Ramallah from the Arab legion and in the indifference he exhibited towards the arrangement of an escort. His principles on the question were also asserted and expressed in his remark during the visit to Ramallah, mentioned by Glubb Pasha and witnessed by his companions, that in his capacity as mediator he had the right to go unarmed and without protection wherever he wished in Palestine.

The principles thus expressed by Count Bernadotte, on the other hand, do not of course imply, as stated in the Israeli report, that he considered an armed escort as a priori unnecessary or undesirable. It would, indeed, have been unreasonable to have opposed the offer of an escort in cases where the appropriate authorities considered armed protection to be necessary in view of prevailing circumstances. Nor is it known that Count Bernadotte took up any such position at any time, and such in fact has not been asserted. The matter now under discussion is clarified by the Acting Mediator, Dr. Bunche, in a telegraphic communication of September 27, 1948, addressed to the United Nations Security Council, which reads as follows:

/"Count Bernadotte's

"Count Bernadotte's attitude towards armed protection was at all times clear and consistent namely that provision of an armed escort for him and his party was a matter entirely at discretion of local authorities in whose territory he was travelling. He considered that the local authorities were best situated to know the extent of protection necessary. He never requested an armed escort but whenever local authorities saw fit to provide an armed escort it was accepted by him without question."

The correctness of the statement of Dr. Bunche here quoted has been confirmed by several of Count Bernadotte's closest Swedish collaborators, among them his Chief of Staff General Lundström, Mr. Paul Mohn, one of his political advisors, and his personal physician Dr. Nordwall. It is also noteworthy that on his visit to Jerusalem on August 3, 1948, Count Bernadotte was provided with an escort by the Israeli Authorities without any objection whatever being made by him.

It has been mentioned already in another connexion that the Israeli Foreign Minister, in a letter to the Swedish Foreign Minister accompanying the report on the murder, mentioned among the circumstances to borne in mind when considering the negative result of the pursuit of the assailants, the difficulty of combatting the political terrorism in Palestine and especially of liquidating the oppositional military organizations in Jerusalem and referred to the fact that at the time of the assassination Jerusalem was still a battlefield. The circumstances mentioned ought to have led the authorities in Jerusalem to provide Count Bernadotte and his party with armed protection on their journey in the parts of the city controlled by the Israeli authorities. The neglect to do so appears all the more remarkable since, as has just been mentioned, an escort was provided on the initiative of the Israeli authorities on the occasion of Count Bernadotte's visit to the city on August 3, 1948 - when according to available informations the situation there was less tense than on September 17. It is indeed, tragic to have to point out that even the simplest measures of precaution by the Israeli authorities would have prevented the carrying out of the assault.

UNITED NATIONS
SECURITY
COUNCIL



GENERAL

S/1476
30 March 1950

ORIGINAL: ENGLISH

LETTER DATED 27 MARCH 1950 FROM THE SECRETARY-GENERAL TO
THE PRESIDENT OF THE SECURITY COUNCIL TRANSMITTING A
LIST OF MEMBERS OF THE PANEL FOR
INQUIRY AND CONCILIATION

I have the honour to inform you that, at its 199th plenary meeting held on 28 April 1949, the General Assembly adopted resolution 268 D (III) on the study of methods for the promotion of international co-operation in the political field. Part D of that resolution provided for the creation of a panel for inquiry and conciliation, and annexed to the resolution were the articles relating to the composition and use of the Panel.

Pursuant to article 2 of the annex of the resolution, I have the honour to communicate herewith the names of the persons who so far have been designated by Member States for inclusion in the Panel.

Biographical information on the members of the Panel is available for consultation in the Security Council Affairs Department of the Secretariat.

(signed) Trygve LIE
Secretary-General

/LIST OF MEMBERS
S/1476