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Letter dated 8 December 1973 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General

On instructions of my Government and further to my letter addressed to you on 22 November 1973 (A/9333-S/11126), enclosing an English translation of the complaint submitted on 10 November 1973 by the Government of Israel to the International Committee of the Red Cross in Geneva, I have the honour to enclose an English translation of the second complaint submitted today by my Government to the International Committee of the Red Cross in Geneva, regarding crimes of murder, brutality and other grave breaches of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, perpetrated by the Syrian authorities and by Syrian, Moroccan and Iraqi soldiers serving in Syria, upon Israeli soldiers taken prisoner of war in the course of the battles in October 1973.

I have the honour to request that this letter be circulated as an official document of the General Assembly and the Security Council.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

ANNEX

Second complaint by the Government of Israel respecting grave violations of the Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War perpetrated by the Syrian authorities in the course of the battles in October 1973

INTRODUCTION

1. The Government of Israel hereby submits to the International Committee of the Red Cross a second grave complaint respecting crimes of murder, brutality and serious violations of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 1/ perpetrated by the Syrian authorities, and by Syrian, Moroccan and Iraqi soldiers serving in Syria, upon Israeli soldiers taken prisoner there.

FURTHER CASES OF MURDER

2. Since the submission of the first complaint on 10 November 1973, fresh facts have come to light pointing to further cases of barbarous murders not previously known. These facts, taken together with those recorded in the first complaint by the Government of Israel, justify at this stage the conclusion that no fewer than 42 separate cases of murder have been committed. Details of the places in which the further cases of murder have been discovered, and of the number of victims found in each place, are as follows:

(i) Nafah

In the vicinity of the village of Nafah on the Golan Heights, the Israel Defence Forces found the body of an Israeli soldier who had been shot while his hands were fettered behind his back with telephone wire and a bootlace. His army shirt was wrapped around his breast, his body naked. There were no personal documents and no identity disc on the body or near it.

(ii) Hermon strong-point

A number of revolting murders and acts of brutality were perpetrated at the Israeli Defence Forces strong-point on Mount Hermon. Some of the cases were recorded in the first complaint submitted by the Government of Israel. Other cases, as detailed below, have now come to light:

1/ United Nations, Treaty Series, vol. 75, No. 972, p. 135.

(a) It is clear, from the evidence of Syrian soldiers who subsequently fell into Israeli hands that, after the Syrian capture of the strong-point, five Israeli prisoners, with their hands tied, were taken into the games-room of the strong-point, where Syrian soldiers maltreated them, struck them with rifle-butts, then killed them. The blows and the cries of the Israeli prisoners were plainly heard throughout the strong-point. When it was recaptured, the bodies of five Israeli soldiers were found in it by the Israel Defence Forces, guided by the evidence of a Syrian prisoner of war, who was present at the time of the murders and of the burial of the murdered men, and it may be assumed that these were the five Israeli soldiers killed in that spot. The hands of all five were fettered, in three cases in front, in two cases behind their backs, with telephone wire. The faces of all five had been shattered with bullets fired at their heads from close range.

(b) The body of another Israeli soldier was found on the road from the Hermon strong-point to Majdal Shams. The discovery was made on the evidence of an Israeli soldier, who had succeeded in getting away from the strong-point after its capture by the Syrians and had seen his comrade taken prisoner by the Syrian soldiers. He had hardly got away when he heard a burst of fire. After the Syrians were driven back, he identified the exact spot and found the body there. There is no doubt that the Israeli soldier had been murdered in cold blood after being taken prisoner: the body was lying on its back, shirt and trousers unbuttoned, boots and socks scattered some distance away.

(iii) Murder of Israeli pilots

(a) According to authenticated material in the possession of the Government of Israel, an Israeli pilot, who parachuted into Syrian territory, was murdered in the precincts of the military airfield at Dumeir. He was stabbed to death by Iraqi soldiers, who had taken part in the fighting.

(b) According to trustworthy information in the hands of the Government of Israel, six Israeli pilots, who parachuted into Syrian territory at different times and places, have been murdered. They were shot by bursts of small-arms fire.

ABUSE OF ISRAELI PRISONERS

3. In the course of the investigation into the circumstances of the murder of Israeli prisoners of war and the examination of bodies of Israeli soldiers killed on the battlefield, facts have been ascertained pointing to acts of brutality committed on Israeli prisoners of war as detailed below:

(a) The eyes of an Israeli soldier murdered at the Hushneya Junction, as recorded in the first complaint submitted by the Government of Israel, had been gouged.

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(b) The lower part of the body of the Israeli soldiers murdered in the Hermon strong-point showed numerous bruises caused by blows and kicks.

(c) Syrian prisoners in our hands have testified that Syrian soldiers physically abused a group of 24 Israeli prisoners when they were being marched from the Hermon strong-point to the Syrian lines: they were beaten, knifed and struck with rifle butts.

(d) Another Syrian prisoner has testified that, while the Israeli prisoners were being taken from the strong-point to Damascus, the lorry stopped in the centre of Qatana townlet, so that the inhabitants could look at the Israeli prisoners. According to this testimony, a Syrian civilian climbed on to the lorry and started pummelling the prisoners. The Syrian soldiers entrusted with the transportation of the prisoners made no attempt to stop him.

(e) Another Syrian prisoner had testified that he and other Syrian soldiers trampled upon the heads of six Israeli soldiers, the crews of two Israeli tanks that had been hit. This barbarism was committed although some of the Israeli soldiers were still alive.

(f) The Government of Israel has reliable information that a Moroccan soldier serving with the Syrian forces had a sack filled with parts of bodies of Israeli soldiers (palms and tongues), which he intended to send home as souvenirs.

(g) Syrian prisoners have testified that an Israeli soldier, taken prisoner in the Hermon strong-point and badly wounded in the stomach, was interrogated by the Commander of the Syrian battalion which had captured the strong-point in person. Next morning, the prisoner was found dead of his wounds in the very place in which he had been left.

(h) Most of the murdered Israeli soldiers were found in the battlefield unclad, or only in their underpants. There is no doubt that, before killing them, the Syrian soldiers had stripped them of their uniforms as an act of humiliation and dishonour.

DESTRUCTION OF POSSIBLE EVIDENCE AS TO THE IDENTITY OF ISRAELI DEAD

4. (a) The Government of Israel has reliable information that, prior to the outbreak of the war, instructions were issued to the Syrian army troops to remove the identity discs from the bodies of dead Israeli soldiers so as to render their subsequent identification more difficult.

(b) Thus, in many cases, the bodies of Israel Defence Forces soldiers were found with all means of identification, including identity discs, removed. Moreover, Syrian prisoners of war were found to be in possession of the identity cards of Israeli soldiers.

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CONCLUSIONS

5. It is patent from the foregoing that murders and acts of brutality described in this complaint and in the first complaint submitted by the Government of Israel, on 10 November 1973, were part of a deliberate policy and perpetrated in compliance with systematic directives issued by a high central authority.

6. (a) The murder of prisoners of war is a grave breach of article 13 of the Third Geneva Convention relative to the Treatment of Prisoners of War. Also, under article 130, the wilful killing of a prisoner of war is defined as a grave breach of the Convention.

(b) The abuse of prisoners of war, and their display to gratify public curiosity, are a violation of articles 13, 14 and 17 of the Convention. The torture and inhuman treatment of a prisoner of war are a grave violation of the Convention, as defined in article 130.

(c) To abandon wounded soldiers on the battlefield, without providing medical treatment for them, is a violation of article 12 of the First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949. 2/ The deliberate infliction of great suffering, or serious injury to the body of a soldier, is a grave violation of that Convention, as defined in article 50.

(d) The removal of identity discs from the bodies of the fallen and the making of difficulties in respect of their location are a violation of article 17 of the First Geneva Convention.

7. In accordance with the first paragraph of article 12 of the Third Geneva Convention, the detaining Power is responsible for the treatment given to prisoners of war who fall into its hands. There is, therefore, no doubt that the Syrian authorities bear responsibility for the heinous crimes committed by Syrian, Moroccan and Iraqi soldiers under their command.

Evidence by Syrian prisoners

8. The Government of Israel is prepared to furnish the International Committee of the Red Cross with the testimony of Syrian prisoners of war referred to in this complaint, which points clearly to the identity of the perpetrators of the murders and acts of brutality and gives particulars of the commanders who ordered these acts.

Demands of the Government of Israel

9. The Government of Israel calls upon the International Committee of the Red Cross to take immediately the necessary steps to condemn the barbaric and revolting

2/ Ibid., No. 970, p. 31.

crimes that have been described in this complaint and to ensure that the proper and full protection is extended to Israeli prisoners of war.

10. The Government of Israel demands of the Syrian authorities that they give firm undertakings and issue clear instructions to ensure that there shall be no repetition of the horrendous crimes described in this complaint and that the Government of Syria will respect the laws of war and the international conventions.

11. The Government of Israel demands of the Syrian authorities that, in accordance with article 121 of the Third Geneva Convention, they conduct an official inquiry into the murders and acts of brutality described in this complaint and in the complaint submitted by the Government of Israel to the International Committee of the Red Cross, on 10 November 1973, and that a report on the matter be sent to the International Committee of the Red Cross.

12. The Government of Israel demands, in accordance with article 52 of the First Geneva Convention and article 132 of the Third Geneva Convention, that an inquiry shall be instituted into the violations of these Conventions by Syria, as enumerated in this complaint and in the first complaint submitted by the Government of Israel to the International Committee on 10 November 1973.
