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LETTER DATED 2 MARCH 1973 FROM THE PERMANENT REPRESENTATIVE
OF EGYPT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

Upon urgent instructions from my Government and in view of the seriousness of the situation arising from the most brazenly criminal act perpetrated by Israeli fighters over the occupied Egyptian territory of Sinai against a Libyan civil Boeing 727 airliner in distress, carrying civilian passengers of different nationalities, I would like to bring the following points to your attention, as well as to the attention of the members of the Security Council.

1. On 21 February 1973, a Libyan airliner proceeding on a scheduled flight from Benghazi to Cairo deviated from its original course owing to navigational difficulties as well as to bad weather conditions. The airliner, therefore, accidentally overflew the occupied Egyptian territory of Sinai. Thereupon the civil aircraft was intercepted by four Israeli fighters, and in spite of the fact that the aircraft was unmistakably civilian, the Israeli fighters upon direct instructions, cleared with the highest authorities in Israel, treacherously and without warning attacked the airliner with cannon fire and missiles while it was heading west. This flagrant premeditated and barbaric act of aggression resulted in the crash of the civil aircraft 1/ and caused the death of 106 helpless and defenceless victims. 2/

2. It is worth while to note that the aircraft deviated into Sinai, which is illegally occupied by Israel, in defiance of the principles and purposes of the Charter of the United Nations and the numerous resolutions of the world Organization. Had Israel respected and implemented its obligations under the Charter and the United Nations resolutions, the said massacre would have been avoided and the innocent lives would have been spared.

3. The Egyptian Government considers the Israeli act of shooting down a civilian aircraft to be another aggression carried by Israel to new heights, as well as a crime committed in cold blood against a civil air transport vehicle, and, as such, it is a flagrant and serious threat to the safety of international civil aviation.

1/ Transcript of record tape is contained in annex II to the present document.

2/ Photographs of some of the victims are contained in annex III.

4. The Egyptian Government draws attention to the fact that Israel is premeditatingly and callously engaged in a campaign of massacre and mass killings in the occupied Arab territories in particular and in the region in general. The recent unprovoked aggression against Lebanon which resulted in the killing of tens of civilians is a case at point. It occurred on 21 February, the same day that the horrible crime against the civil aircraft occurred. Other official Israeli terrorist operations in the Middle East need not be enumerated in this respect. It is a matter of criminal record and common indignation.

5. It is to be noted that in the case of the shooting down on 27 July 1955 of an Israeli civil aircraft overflying the air space of a European country, deliberated at the International Court of Justice, the Israeli statement appearing in the official records of the Court stipulated that:

"The heart of the present case is that fire was opened on the aircraft, which, in the space of a few minutes, was callously clawed out of the sky and destroyed with the death of 58 innocent human lives. The contention of the Government of Israel is that no rule of law, and not the most stringent interpretation of any provision of the Chicago Convention 3/ or of the rules of general international law to which it gives expression, permits such a degree of violence."

Obviously, the actual case of the shooting down of the Libyan civil aircraft over Sinai took place under more ominous circumstances and magnitude in view of the fact that it was shot down over Egyptian territory illegally occupied by Israel and involved the massacre of 106 helpless victims.

Israel violated the fundamental legal norms and standards of international civil aviation. These norms and standards do not permit the outright use of armed force against foreign civil aircraft in distress. There is no justification in international law for the destruction of an identifiable civil aircraft. Unfortunately, Israel does not seem to believe that the rules of international law and the standards of civilized behaviour apply with the same vigour when non-Israeli civilians or aircraft are involved.

It is the considered position of the Government of the Arab Republic of Egypt that this latest act of unprovoked and cruel massacre should not be allowed to pass with impunity. Israel's crime, which has been unhesitatingly and forcefully condemned by world public opinion, Governments as well as International Conference, 4/

3/ Convention on International Civil Aviation.

4/ See annex I of the present document for the text of resolution A19-WP/6 on agenda item 3 entitled "Libyan civil aircraft shot down on 21 February 1973 by Israeli fighters over the occupied Egyptian territory of Sinai", adopted on 28 February 1973 by the Assembly of the International Civil Aviation Organization at its nineteenth extraordinary session.

undermines peace and is a clear breach of its fundamental obligation under the Charter of the United Nations and the basic norms of international law, and, consequently, Israel bears the full responsibility for it.

Upon instructions from my Government, I request that this letter be circulated as a document of the Security Council.

(Signed) A. Esmat ABDEL MEGUID
Ambassador
Permanent Representative

Annex I

RESOLUTION A19-WP/6

Adopted on 28 February 1973 by the Assembly of the
International Civil Aviation Organization at its
nineteenth extraordinary session

The Assembly,

Having considered the item concerning the Libyan civil aircraft shot down on 21 February 1973 by Israeli fighters over the occupied Egyptian territory of Sinai,

Condemning the Israeli action which resulted in the loss of 106 innocent lives,

Convinced that this accident affects and jeopardizes the safety of international civil aviation and therefore emphasizing the urgency of undertaking an immediate investigation of the said action,

1. Directs the Council to instruct the Secretary-General to institute an investigation in order to undertake fact findings and to report to the Council at the earliest date;

2. Calls upon all parties involved to co-operate fully with the investigating commission.

Annex II

TRANSCRIPT OF RECORD TAPE

<u>Time</u>	<u>To</u>	<u>From</u>	<u>Text</u>
1202	CA	114	We are 10 miles out maintaining FL 150
	114	CA	If you cannot receive Cairo MD 8 you are clear to LU BEN 310 Kc/s FL 60 QNH 1005.0 report reaching 60 go ahead.
	CA	114	R leaving FL 150 to 60 We are approaching Beacon LU
	114	CA	Roger descend over LU to 4000 ft for ILS approach for R/W 23 report LU out-bound go ahead.
	CA	114	Roger descending to 4000 ft We are clear for ILS app.
	114	CA	Request flight level now
	CA	114	110 descending descending
	114	CA	Roger --
	114	CA	114 Cairo
	CA	114	114
	114	CA	Your position actually please your position accurately please.
	CA	114	Stand by.
	114	CA	114 check position now.
	CA	114	I guess we have some problem with our heading
	CA	114	We have now 4 Mig fighters just behind us. Could you give us radar fix.
	114	CA	R we shall try.

/...

<u>Time</u>	<u>To</u>	<u>From</u>	<u>Text</u>
114	CA		Cairo VOR is working normally now check Cairo VOR.
	CA	114	OK. Will try to receive it to go back to Cairo.
114	CA		We are trying to fix you by Radar request your level now.
	CA	114	We are now 4500 ft.
114	CA		You can climb to 110 again Correction to 100.
	CA	114	We stay 6000 ft because we cannot get VOR.
114	CA		OK -
114	CA		If you are unable to fix your position you better climb to FL 100 and we are trying to get Radar fix for you. Try to climb to 100. R -
	CA	302	Cairo approach good afternoon.
302	CA		Good afternoon Sir.
	CA	302	Flight level 230 descending to 150 initially estimate overhead at 12.
302	CA		Report reaching; report overhead Roger
	CA	505	22 miles in-bound Roger maintain 110 report overhead request further descend.
	CA	302	Overhead Flight level 220 descending. Roger -
302	CA		Request flight level now.
	CA	114	We are 5000 ft.
114	CA		114 Cairo I am calling 05302.

<u>Time</u>	<u>To</u>	<u>From</u>	<u>Text</u>
	CA	302	I am passing 200 descending
	302	CA	Roger -
1210/45	CA	114	I guess we have serious trouble both heading and <u>co. pass</u> We are now shot we are shot at by your fighters We are shot at by your fighters
	114	CA	We are trying to tell them that you are unreported A/C and you do not know where you are.

