

UNITED NATIONS



GENERAL
ASSEMBLY



SECURITY
COUNCIL

Distr.
GENERAL

A/9989
S/11581
18 December 1974

GENERAL ASSEMBLY
Twenty-ninth session
Agenda item 109
THE SITUATION IN THE MIDDLE EAST

ORIGINAL: ENGLISH

SECURITY COUNCIL
Twenty-ninth year

Letter dated 18 December 1974 from the Permanent
Representative of Israel to the United Nations
addressed to the Secretary-General

On instructions of my Government, I have the honour to refer to the letter addressed to you by the Permanent Representative of Egypt on 16 December 1974 (A/9986-S/11578) submitting a statement made on 9 December 1974 by the Minister for Foreign Affairs of the Arab Republic of Egypt concerning the case of Archbishop Capucci.

World public opinion will take note of the fact that Egypt's Foreign Minister is saluting Archbishop Capucci about whom Archbishop Joseph Raya, the former Archbishop of Acre, Haifa, Nazareth and all of Galilee said:

"If his guilt is proven, I shall regard him as worse than Eichmann. Why? Because Eichmann's declared business was murder and he did what he was told to do. The business of Capucci, on the other hand, was to serve our God, and his mission was the preaching of love."

Archbishop Capucci was found guilty by the District Court of Jerusalem. The following sentence was passed by the Court on 9 December 1974:

"The accused is an Archbishop, a distinguished and honoured status within the framework of the church, but, as has been pointed out by the distinguished Judge, Mr. Chaim Cohen, within the framework of the accused's appeal before him - in regard to the order to detain him until the end of the proceedings - 'the status of a man is first and foremost binding upon himself'.

"This principle was violated by the accused atrociously, when he exploited his status in order to perpetrate the offences under which he stands convicted. Arms and sabotage materials, by their very nature and character, are not becoming the role of a minister of religion symbolizing the fear of God, the purity of nature and the love of mankind.

"The accused also abused the hospitality he enjoyed in the State of Israel, when the Foreign Ministry responded to the request of the Vatican and granted him the freedom of movement from Israel and backwards without hindrance. This trust - which was also based on his high ecclesiastical status - he also abused, when he smuggled from Lebanon to Israel various tools of destruction as the agent of the terrorist organizations "el-Fatah" and "Black September", knowing that they were intended for saboteurs who are trying to undermine the order of life in the State and to cause bloodshed and damage to property.

"The accused overdid himself when, from the dock, he voiced his false contention that the charges brought against him are a result of a malicious frame-up.

"The charges proved in the proceedings comprise, in our opinion, a grave danger to the security of the State, and the State Attorney justly emphasized that the large quantity of arms and sabotage materials found in the accused's vehicle could have cost many victims and great damage to property.

"Even if we were to believe that the acts were perpetrated because of an ideological background, the Israeli law cannot detract from the gravity of the perpetrations. But the truth is that the accused's conviction in principles, preferring them to his own good and freedom, is not sincere. He apologizes, in his admissions, for his deeds, giving as an excuse the pressure brought upon him by Abu Firas. He also co-operated, during 10 days, with Israeli security officers to discover the identity of a man for whom the arms were intended. Acting, as instructed by security officers, he most probably did not think of his loyalty to the rights of the Palestinian nation but was guided by his anxiety for his own good and freedom.

"Considering his clean past, his admission to the police, his co-operation during investigation, the punishment for each offence and all the circumstances of the incident, we find that the proper punishment is as follows:

- "1. As to the three offences under section 24 (A) of the Law of the Security of the State: within the framework of the first and second counts - 12 years' imprisonment each, and within the framework of the second count - five years' imprisonment.
- "2. As to offences under section 66 (A) and (B) of the Criminal Code Ordinance, 1936, and the rendering of service to an unlawful association under regulation 85 of Defense (Emergency) Regulations, 1945, we bring into consideration the suggestion made by the State Attorney and regard them as one act, although from a purely legal aspect.

"In our opinion, this is not so. For each of the three acts the accused is sentenced to 10 years' imprisonment.

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"All ~~the~~ above periods of imprisonment will be concurrent so that the accused will be imprisoned for a total period of 12 years, beginning 8 August 1974, the date of his arrest.

"The accused may appeal against this judgement within 45 days as from today.

"Delivered in the presence of the accused, his lawyers Shehade and Mughrabi, State Attorney G. Bach and his Senior Assistant Mrs. Benish, this day 9 December 1974, 1730 hours."

The Egyptian Foreign Minister's statement is a blatant attempt to exploit the Capucci affair for cheap propaganda purposes and to incite religious passions in the same manner in which the setting of fire by a madman to the Al-Aqsa Mosque was exploited. The attempt is doomed to failure just as it happened in the latter case.

The timing of the Egyptian letter is ominous. It comes in the wake of the extremist declarations made recently by Egypt's Foreign Minister among which was a grotesque call on Israel to ban immigration for 50 years. However, nothing can conceal the intransigence and arrogance of such declarations which have evoked world-wide criticism.

I have the honour to request that this letter be circulated as an official document of the General Assembly, under agenda item 109 and of the Security Council.

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