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REPORT OF THE CHIEF OF STAFF OF THE UNITED NATIONS
TRUCE SUPERVISION ORGANIZATION IN PALESTINE ON THE
INCIDENT OF 3 DECEMBER 1958 BETWEEN ISRAEL AND SYRIA
IN THE HULA AREA

Note by the Secretary-General

The Secretary-General has the honour to circulate for the information of the members of the Security Council the attached report by Major-General Carl Carlsson von Horn, Chief of Staff of the UNTSO, concerning the incident of 3 December 1958 between Israel and Syria in the Hula area.

REPORT ON THE INCIDENT OF 3 DECEMBER 1958
BETWEEN ISRAEL AND SYRIA IN THE HULA AREA

1. I have the honour to present hereafter a first report on a very serious incident which took place on 3 December 1958 in the area of the Armistice Demarcation Line between Israel and Syria, North-East, East, and South-East of the former Lake Hula.

I. SEQUENCE OF EVENTS AS WITNESSED BY UNITED NATIONS OBSERVERS

2. Several United Nations observation posts are in this general area, both on the Israeli and on the Syrian side. The United Nations Military Observers (UNMOS) at these posts observed and reported on the events during the incident. Another UNMO sent to the area after the first phase of the incident also observed its latter part.

3. At approximately 12.10 local time (L.T.), Israeli shepherds and a herd were seen at approximately 500 to 600 metres east of the United Nations observation posts at MR 2099 2782, in Israeli-controlled territory. A few minutes later, small arms fire was opened from the Syrian side, and one shepherd was wounded. The other shepherds started to pull back westwards, but were pinned down by Syrian fire when trying to remove the wounded man. Firing was intermitte and scattered, until approximately 12.50 (L.T.). Relative calm then prevailed, with only sporadic single shots and bursts of machine-gun fire. Throughout this first stage, the operation officer of the Israel-Syrian MAC was in continuous contact with the Syrian delegate, endeavouring to stop the shooting.

4. At approximately 13.55 (L.T.), the United Nations observation post referred to in the preceding paragraph said an Israeli police patrol was pinned down in the area by renewed small arms fire. The patrol returned the fire. Firing

became again intermittent and the Israeli party attempted several times to withdraw. During a lull in the firing an UNMO arrived at Darbashiya, on the Syrian side (MR 2112 2771), with a Syrian liaison officer, and started down towards the area where, according to the Syrian, the Israeli wounded man was lying.

5. The UNMO was however unable to reach the area in question, since at about 1600 (L.T.) artillery and mortar fire started from the Israeli side towards Syrian positions at Darbashiya and Jalabina (MR 2103 2719). The Syrians immediately answered with the same type of fire and shelled the following villages: Hulath (MR 2080 2736) and Khoury Farm (MR 2067 2717); Shamir (MR 2120 2855) where houses on fire were observed; Dardara Farm (MR 2102 2732) which was burning; Lakavot Habashan (MR 2110 2840) and Noteira (MR 2099 2781) which came under heavy fire. The UNMOS at the observation post in the vicinity of Noteira (MR 2099 2782) were compelled to leave the post and take cover (one of them was slightly wounded).

6. Informed by the UNMOS on both sides about this exchange of artillery and mortar fire, the Chairman of the Mixed Armistice Commission requested from both parties at 16.20 (L.T.) a cease-fire for 17.00 (L.T.). Both parties confirmed their acceptance of the cease-fire, the senior Syrian delegate at 16.38 (L.T.), and the senior Israeli delegate at 16.55 (L.T.). The UNMOS in the area reported that the cease-fire was effective on the Israeli side at the agreed time, and at 17.00 (L.T.) on the Syrian side.

7. The Israelis did not fire after 17.00 (L.T.). On the Syrian side small arms fire again broke out after dark at 19.40 (L.T.). It appeared to be directed against Dardara and Khoury Farm and lasted until 20.15 (L.T.). It started again from 0113 until 0135 (L.T.) on 4 December : then continued sporadically ending at 0430 (L.T.). This firing took place during heavy fog and was directed, according to the Syrians, at Israel's patrols.

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II. COMPLAINTS BY THE PARTIES

8. Both parties have submitted complaints to the Israel-Syrian Mixed Armistice Commission.
9. The senior Israeli delegate has submitted the following complaints:
 - (a) "On 3 December, at 12.10 (L.T.), fire was opened from Syrian position of Darbashiya towards a herd and five shepherds who were in Israeli territory at MR 2107 2788. One shepherd was badly wounded by the fire. A police patrol who came to his rescue was fired upon from the Syrian position. The police patrol answered fire and tried to get the shepherd out of the area. This patrol was pinned down by a Syrian artillery fire. Israeli artillery was obliged to return fire on this Syrian position in order to save the life of the policeman and the shepherd who died in the meantime".
 - (b) "On 3 December, at 16.00 (L.T.), Syrian heavy artillery fire was directed towards Hulath settlement".
10. Six other similarly worded complaints alleged the shelling at the same time by Syrian artillery of the settlements of Shamir, Noteira, Aismura, Lanavot Habashan, Gadot and Yenud Hanmala.
10. The senior Syrian delegate has submitted the following complaints:
 - (a) "On 3 December, at 12.10 (L.T.), a herd of cows accompanied by armed Israelis crossed the Demarcation Line and penetrated up to MR 2120 2790. Israelis opened fire on Arab inhabitants when they tried to drive away the herd outside Syrian territory".
 - (b) "On 3 December, between 15.45 (L.T.) and 17.15 (L.T.), the Israeli artillery without provocation bombarded across Syrian border the following Arab places: Darbashiya (MR 2112 2771), Hafar (MR 2145 2778), Ain Manoun, Tel Hilal (MR 2107 2742) and Galabina. Fire was returned".

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III. INVESTIGATION OF THE COMPLAINTS

11. The Israeli complaint quoted in paragraph 9 (a) above was investigated on 4 December. Two witnesses were interrogated. The body of the dead man was seen by an UNMO who was told that it had been found at MR 21097 27850 (175 meters) inside Israeli-controlled territory). At this spot, in a small wady surrounded by stiff cliffs, about 10 impacts of bullets were seen on the rock as well as two large spot of blood. Four dead cows were found in the vicinity at MRS 21073 27975, 21070 2797 21060 27962.

12. The Israeli complaints quoted in paragraph (b) above were not investigated by UN Military Observers, as no request was made by the senior Israeli delegate for such investigation.

13. The investigation of the Syrian complaint quoted in paragraph 10 (a) above started on 3 December, but was interrupted because firing prevented the investigating team from proceeding to the area (cf. para. 5 above). The investigation was resumed and completed on the Syrian side on 4 December. No significant tracks of men or cattle were found. One rifle, one cartridge with ammunitions, one water-cantine and two live hand grenades, alledged to have been picked up at this spot where the Israeli had been shot, were presented as evidence. The spot could not be identified. The local army commander, who was interrogated as a witness, told the UN observers that local Arab shepherds who were grazing their flock near the borders, saw "Jewish soldiers" and shouted for help. Armed civilians came from the village of Darbashiya.

14. The Syrian complaint quoted in paragraph 10 (b) above was investigated on 4 December. Three witnesses were interrogated. They stated that Israeli artillery opened fire on Darbashiya when the Israeli began to withdraw from the area of Wadi el Handhal. The investigating team saw physical evidence of heavy artillery and mortar shelling (shell fragments, tail pieces and fuses of shells of various calibres) at Darbashiya and Galadina. No physical evidence of damages was seen at Ain Mamoun. Hafar and Tel Hilal were not visited, as the Syrian liaison officer stated that fire against these two places had been restricted to small arms, and there were neither casualties nor damages.

PART II

15. There were two distinct phases in the 3 December incident: the small arms firing during which an Israeli shepherd was killed; the subsequent extensive artillery fire directed at military positions or villages.

16. The incident in which the shepherd was killed followed a series of Israel complaints alleging illegal grazing or in one case, stealing of cattle. In the week which preceded the 3 December incident (22 to 28 November), in addition to ten complaints alleging "illegal grazing" in the Demilitarized Zone, the Israeli delegation to the Mixed Armistice Commission complained about seven cases of grazing by Syrian herds which had crossed the Armistice Demarcation Line into Israel territory. The Israel delegation did not request an investigation for any of these complaints. On the other hand, it requested an investigation of a complaint alleging the stealing of a herd of twenty-nine cows by two Syrians on 24 November. The complaint was investigated and six cows were found in Syrian herds (according to the explanation given by the Syrian herdsmen the cows had crossed the river Jordan into Syria).

17. U.N. Observers on the spot have witnessed such crossings of the Demarcation Line by Syrian herds. It is a matter which the Israel-Syrian MAC should deal with, under all its aspects, if the provisions of the General Armistice Agreement were observed and the MAC was convened to consider claims or complaints by either party, as provided in Article VII, para. 7, of the GAA. Successive Chiefs of Staff of the Truce Supervision Organization have explained how and why complaints are being lodged with or without a request for an investigation and without a request for a meeting of the MAC (cf in particular Major General Burns' report of 6 January 1955 (S/3343) and (Annex VII to the Secretary-General's report of 9 May 1956) (S/3596)).*

18. As a result of the failure of the Israel-Syrian MAC to hold regular sessions since June 1951 and to hold emergency meetings save in very exceptional circumstances, the Chairman of the MAC and the Chief of Staff of UNTSO cannot speak on behalf of the MAC when they ask for the implementation of the GAA. In the case of the Demilitarized Zone they rely, in some cases successfully, on the special powers conferred on the Chairman under Article V of the GAA. When they cannot invoke Article V, the representations and suggestions they are asked by one party to make to the other are usually met by counter complaints. A party which asks the Chairman, or the Chief of Staff, to tell the other party to stop an "illegal" practice considers him as more or less useful go-between, if not as the bearer of a more or less disguised ultimatum: "Tell them to stop this work" or "Tell them that we always return fire".

19. The fact that the MAC does not meet and that the Chairman and the Chief of Staff are considered as intermediaries who should obtain the stoppage of "illegal" practices by the other party has created a state of mind contrary to the letter and the spirit of the GAA. This state of mind explains the second phase of the 3 December incident, viz the resort to artillery after a first phase in which small arms were used. The pattern for the 3 December incident was set on 6 November when resort to artillery followed the use of small arms (on 6 Nov. the use of small arms had resulted in no casualty. Cf part 3 of this report).

20. It is this pattern: use of artillery after the use of small arms which may endanger the peace, already threatened by the tension which has developed in the growing disrespect for the obligations agreed to in 1949, when the GAA was concluded.

PART III

Following is part 3 of the report:

21. The last report submitted to the Security Council related specifically to the Demilitarized Zone. (S/3844 dated 1 July 1957, and addendum dated 7 August 1957). This part of my report will deal with the major incidents which, since the

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beginning of 1958, have contributed to the increasing tension not only in the Demilitarized Zone, but in the whole border area.

(A) Mine clearing operations in the Northern sector of the Demilitarized Zone.

22. It will be recalled that mine clearing operations undertaken by the Israelis in January and February 1958 in the Northern sector of the Demilitarized Zone led to incidents which were the object of communications to the Security Council from both Israel (S/3945 and S/3955) and Syria (S/3946, S/3948 and S/3950). Firing incidents occurred in that area on 23, 24 and 28 January, and on 4 February. On 28 January, 2 Israeli policemen were killed and 5 wounded during an exchange of fire which lasted approximately 2 hours. Two different versions were given by the parties. According to the Israelis, rifle and automatic fire was opened from Syrian fortified positions at a party of Israeli policemen who were engaged in clearing mines in fields located in the Demilitarized Zone. A Syrian Army unit then entered the area and attacked the Israeli policemen who were armed with rifles only. The Syrian Force withdrew after the arrival of Israeli reinforcements which returned the automatic fire. According to the Syrians, an Israeli military detachment and an armoured vehicle which had entered the Demilitarized Zone opened fire on Arab farmers who were working on their lands. An exchange of fire ensued, and Israeli reinforcements were brought into the area. It should be noted that the Israeli delegation to the Mixed Armistice Commission had given no indication to the Chairman that mine lifting operations would be carried out. Consequently, United Nations Military Observers (UNMOS) did not accompany the Israeli party into the Demilitarized Zone, the United Nations Observation Posts in the area could not be notified, and the incident was not observed. Investigation of the complaints on the incident submitted by the two parties did not resolve the discrepancies between their conflicting versions.

(B) Determination of the Western limit of the Demilitarized Zone along the former shoreline of Lake Hula.

23. Diverging views held by the parties to the General Armistice Agreement as to the exact location, in the Jalabina area, of the western limit of the central sector of the Demilitarized Zone, consisting of the former shoreline of the

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reclaimed Lake Hula led at the end of March to considerable tension and to two serious incidents, on 30 and 31 March. Communications were addressed to the Security Council by the United Arab Republic (S/3983) and by Israel (S/3985). Firing incidents occurred on 24, 25, and 26 March, when the Israelis started work on the digging of an irrigation ditch which at the same time marked the western limit of the Demilitarized Zone. The Israelis contended that their trace of the ditch was entirely in Israel-controlled territory, whereas the Syrians asserted that it was on Arab owned lands in the Demilitarized Zone. At the request of the Chairman of the Mixed Armistice Commission, work was suspended to permit a determination on the ground of the exact location of the western limit of the Demilitarized Zone. The Israelis agreed to postpone work for three days. On the evening of 29 March, the Chairman asked for a further postponement of work, as the discrepancies between the data submitted by the Israelis and the Syrians with regard to the exact location of the line had not yet been eliminated. The Israelis refused to postpone the resumption of work beyond 1200 LT on 30 March. The digging of the ditch was resumed with a crane, the working party being accompanied by an armoured personnel carrier. Soon single shots were fired at the crane from the Syrian side. The Israelis returned fire, and a general exchange of fire ensued in the area, which lasted nearly two hours and involved tanks, mortars and artillery fire. On 31 March, the Israelis rejected a renewed request by the Chairman for a postponement of the digging of the ditch, which was renewed in the afternoon. Several mortar rounds exploded in the vicinity of the crane. Sporadic small arms fire broke out and again a general exchange of fire ensued, involving tanks, mortars and artillery, for approximately two hours. On both sides, artillery and mortar fire was directed at villages. During the 30 and 31 March incidents, four persons were killed (1 Israeli and 3 Syrians), and eleven were wounded (5 Israelis and 6 Syrians). Serious damage was reported on both sides. Work was not resumed on the ditch during the following days, when the survey undertaken by the United Nations Observers was completed. On 5 April, I communicated to the parties my findings based on this survey. They were accepted.

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24. A similar situation developed further north at the end of May in the area of Ein El Tina, along the former shoreline of Lake Hula. Small arms fire broke out on 27 and 31 May, in connexion with the surveying and digging by the Israelis of a ditch which, was the case in the Jalabina area two months earlier, they considered to be located in Israel-controlled territory to the west of the limit of the Demilitarized Zone, whereas the Syrians contended that it was located on lands reserved for use by Arab farmers in the Demilitarized Zone. On the morning of 27 May, an exchange of fire took place for nearly two hours in the vicinity of an Israeli survey party which had started working under the protection of border police. No casualties were reported on the Israeli side. Two persons were reported as wounded on the Syrian side. The survey was continued without incidents on 28 and 29 May. On 30 May, although the survey was not completed, an Israeli working party with a tractor, under border police protection, started to mark the proposed ditch. Fire broke out again in the vicinity on two occasions in the afternoon, for approximately one hour and one half hour respectively. Neither casualties nor damage were reported on either side. In complaints submitted by the parties on the incidents on both 27 and 30 May, contradictory assertions were made as to who had fired first. The discrepancies were not resolved during the investigation of the complaints. Work was not resumed by the Israelis during the following days. A survey was undertaken by United Nations Observers, and I communicated my findings to the parties on 10 June. Both parties accepted them.

C. Civilian activities in the central sector of the Demilitarized Zone (Eastern Hula Area)

25. At the end of June, tension developed again in the eastern Hula Area, in relation with the use of lands in the central sector of the Demilitarized Zone. The Chairman of the Mixed Armistice Commission was faced with claims and counter claims by Israelis and Arabs, who wanted to exercise ownership rights in order to work on various parcels of land which had hitherto been used in adverse possession by Arabs and Israelis respectively. Firing incidents took place in the areas

of Dardaras and Jalabina on 2 and 3 July. Though it was not possible to ascertain, on either of those days, the immediate reason for the incidents which took place, it would appear that firing was the result of the considerable tension created by the assertion, by both parties, of their right to work on certain parcels of land which had hitherto been left for use to the other party. On 2 July, firing broke out at approximately 1250 LT in the Dardara area, following the explosion of a gas tank of a police vehicle some 300 metres to the northeast of the village. Repeated attempts were made to arrange a cease fire at specific times. Each time, however, fire was resumed. Anti-tank guns and mortars were used, in addition to machine-guns and other small arms. There was intermittent firing until 1900 LT. The parties submitted several complaints relating to various phases of the incident, each alleging that fire had been opened from the other side. The Syrians reported neither casualties nor damage on their side. The Israelis reported the wounding of two policemen as well as heavy damage in Dardara village and the destruction of a police vehicle. Small arms firing took place in the same general area on the evening of 3 July between 2000 and 2200 LT.

26. On 6 November, a major firing incident, involving the use of tanks, mortars, and artillery, took place in the area of the central sector of the Demilitarized Zone in direct connexion with the problem of the use of lands referred to in the preceding paragraph. At 0654 LT on that day, the Chairman received a message from the Senior Israeli Delegate informing him that at approximately 0730 LT on the same day, the Jewish National Fund would be carrying out cultivation and land reclamation work on a specific parcel of land in the central sector of the Demilitarized Zone. According to mandatory records, that parcel is part of the unreserved concession area of the Hula concession, and it is therefore Jewish-owned. The parcel, however, has been used by Arab farmers for grazing and for cultivation. It is one of several parcels in the area, on which the right to work has been claimed by one of the parties on the basis of ownership rights

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whereas it has been since 1948 used by the other party. Under the circumstances, the Chairman had considered it essential to reach some understanding between the parties on the disturbance of the status quo, in order to substitute for it an allocation of land based on ownership: faced as he was with claims and counter claims aiming at giving ip various parcels precedence to ownership rights over adverse possession, he did not deem that he should entertain the claims of one of the parties without taking due account of the claims of other party, lest his actions be prejudicial to the position of one of the parties and thus contrary to the spirit in which he must exercise the functions devolved upon him by article V of the GAA. When it became clear that no understanding could be reached for the surveying of specific parcels in order to ensure their use according to ownership rights, the Chairman, on 7 July, had proposed a modus vivendi whereby the status quo for the use of land would be maintained in the Eastern Hula area without prejudice of any rights or claims of the parties. This proposal embodied the elements of a compensation between the various claims and counter claims presented to the Chairman. It also offered, in the form of wadis, and of ditches marking the western limit of the Demilitarized Zone which had been the object of findings on my part accepted by both parties (see paras. 3 and 4 above), a clear demarcation between lands to be earmarked for use by Israelis and by Arabs respectively, and was thus likely to reduce considerably the possibilities of friction. No reply had been received from the Israelis to the Chairman's proposal - it had been accepted by the Arabs - when on 6 November the Israelis decided to start working on one of the parcels involved in this proposal. A working party arrived on the parcel and started to work at 0745 LT. At 0800 LT, two bursts of automatic fire were heard in the area by a United Nations Observation post. The Israeli working party withdrew. During the morning and the early part of the afternoon, signs of unusual

military activity on both sides were seen by UNMOS in the general area. Shortly before 1400 LT, an Israeli working party returned to the parcel with an armoured bulldozer. Again a burst of machine-gun fire was heard, and a general exchange of heavy fire immediately ensued, while the Israeli working party withdrew under the cover of a screen of smoke bombs thrown by the accompanying border police. Fifteen tanks were involved in the firing on the Israeli side, and mortars and artillery on both sides. Military positions and villages were the targets on both sides. A cease-fire was arranged by the Chairman for 1500 LT, but it was not observed. Around that time each side intermittently stopped its fire, but would soon resume firing because fire had not ceased from the other side. From 1500 LT, some lulls occurred in the firing, followed by resumed fire. Another cease-fire was arranged for 1600 LT. Fire ceased completely in the area at approximately 1610 LT. Damage and loss of property were reported from both sides, but no casualties were reported. The Israeli Delegation to the Mixed Armistice Commission submitted complaints relating to the incidents of both the morning and the afternoon. However, no investigation of these complaints was requested. The Syrian Delegation submitted a complaint on the events of the afternoon, and requested an investigation. During the investigation, physical evidence of damage by shelling was seen in various places in Syrian territory and a number of witnesses were interrogated.

27. I have since that date personally sought to reach a solution acceptable to both parties for the regulation of civilian activities in the eastern Hula area of the demilitarized zone, but I have met up to now with no success.

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(D) Other incidents

28. Whereas the events referred to in the preceding paragraphs have been the main contributory causes of the considerable tension which has existed during the year in the area of the Armistice Demarcation Line between Israel and Syria, there have been numerous other instances of friction of a less acute nature. These minor incidents have also, however, contributed to the deterioration of the general situation. Several of them have been related to the crossing or alleged crossing of flocks, sometimes followed by the seizure of cattle, sheep and goats by one or the other party. Several firing incidents have occurred in this connexion. On the whole, the worsening of the situation and the increase of the general tension has been illustrated by the considerable increase in the number of complaints of violations of the General Armistice Agreement sent by both parties to the Chairman of the Mixed Armistice Commission. While the over-all number of complaints lodged by Israel and Syria had been, for the first six months of the year, 406 and 572 respectively, the monthly figures were 379 and 413 in July, 441 and 629 in August, 340 and 366 in September, and 310 and 256 in October.

(E) Incidents during the last month

29. The following main incidents have taken place between the serious firing incident of 6 November referred to in paragraph 6 and the incident of 3 December which is dealt with in the first part of this report.

30. During the night of 16-17 November, the Jewish National Fund made, under a cover of darkness, a survey of the Eastern limit of the parcel on which work had been attempted on 6 November. The "approximate" boundary of the parcel was marked with seven markers consisting of 6-foot angle irons inbedded in concrete. The Chairman was notified the next morning that the survey had taken place.

31. In its communication to the Security Council, the Israel delegation has specifically referred to the murder of Mrs. Doran, wife of the British Air Attaché to Israel. On 19 November, the body of Mrs. Doran, who had disappeared from Capernaum two days earlier, was found on the shore of Lake Tiberias, in Israel-controlled territory, approximately 800 metres from the Armistice Demarcation Line. Mrs. Doran had been killed by three bullets. An investigation was made by a United Nations Observer following an Israel complaint alleging that

she had been murdered by armed individuals who had crossed from Syria. Three cartridges with Arabic markings were found at the place where Mrs. Doran had been shot, approximately 60 metres from the place where her body was found. From the latter place, tracks of two bare-footed persons were seen leading to the East directly towards the edge of the Jordan river, in the direction of Syrian territory. From approximately half way to the river, the set of foot tracks with shoes was also seen along the same path.

32 On 19 November, a newly laid mine was found by Israeli workers on Jewish-owned land in the northern sector of the Demilitarized Zone. An investigation by a United Nations Observer confirmed the existence on the land in question of a newly laid round plastic mine with three fuses.

33 In the night of 20-21 November, firing took place in the area of Jalabina, in the central sector of the Demilitarized Zone. The Israeli Delegation submitted a complaint alleging that at 1810 LT, fire had been directed from a Syrian Army position towards the Hula Bridge and the vicinity of the Hulata settlement. Fire had not been returned. No investigation of this complaint was requested. The Syrian Delegation complained that at 1810 LT, machine-gun fire had been directed at the strong point of Dreijat, in Syrian territory, from a distance of approximately 200 metres, by an armed Israeli detachment which had penetrated deeply into the Demilitarized Zone. When fire had been returned, heavy bursts of machine-gun fire had been directed from Khoury Farm and Tulsil towards Syrian territory. Two other Syrian complaints alleged the penetration of an armed Israeli detachment into the Demilitarized Zone and firing at Dreijat at 0055 LT and 0230 LT during the same night. An investigation of these three complaints was requested, and was carried out on 21 November. Four witnesses were interrogated. The following physical evidence was found at approximately MR 21013 27184, inside the Demilitarized Zone, approximately 50 metres from the International Border: 1 infantry radio set, 1 woolen cap, 1 magazine full of cartridges, 8 cartridge cases and bags of cartridges, all of the same type used by the Israeli army.

34 On 24 November, the Syrian Delegation complained that a Arab-owned land had been mined in the northern sector of the Demilitarized Zone. The United Nations Observer investigating the complaint found on the land in question 2 anti-personnel mines planted in the ground, 4 mines in wooden casing put in a pilex, 1 detonators scattered, and an empty textile sack bearing Hebrew letters.