

UNITED NATIONS

SECURITY COUNCIL



Distr.
GENERAL

S/3652
19 September 1956

ORIGINAL: ENGLISH

LETTER DATED 19 SEPTEMBER 1956 FROM THE PERMANENT
REPRESENTATIVE OF ISRAEL ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour, on instructions from my Government, to refer to the case of the Israel vessel Bat Galim which was seized by the Egyptian authorities at the southern entrance to the Suez Canal on 28 September 1954. This matter has been the subject of communications by me to the Security Council on 28 September 1954 (S/3296), 4 October 1954 (S/3300), 27 October 1954 (S/3310), 30 November 1954 (S/3325), 20 December 1954 (S/3333), 14 February 1955 (S/3362) and 10 August 1955 (S/3420), and has also been considered by the Security Council at its 582nd, 583rd, 584th, 585th, 586th, 587th and 588th meetings, at the end of 1954 and at the beginning of 1955.

According to a report appearing in the Egyptian newspaper "Al Akhbar" of 26 August 1956 the Bat Galim has been confiscated by the Government of Egypt and incorporated into the Egyptian Navy. The newspaper reveals that this step was taken because no purchasers could be found for the vessel when it was put up for sale at public auction.

It will be recalled that the Bat Galim, carrying a mixed cargo of meat, plywood and hides, from Massawa in Eritrea to Haifa in Israel, was forcibly detained by Egyptian authorities on 28 September 1954, when it arrived at Port Tewfiq. The captain and crew were arrested and imprisoned on the allegation that they had shot and killed Egyptian fishermen near the entrance to the canal. This spurious charge was later withdrawn by the Government of Egypt after investigation by the Mixed Armistice Commission had established that it was entirely without foundation. The crew was finally released from imprisonment and returned to Israel on 1 January 1955. But despite the hope expressed by the majority of the members in the Security Council and contrary to assurances given to the Security Council

by the Egyptian representative in his letter of 23 December 1954 (S/3335), the vessel and its cargo were confiscated and have now been illegally disposed of by Egypt.

The detention, seizure, confiscation and conversion of the Bat Galim is an act of piracy committed by the Government of Egypt against a merchant vessel attempting to exercise its right of lawful passage through the Suez Canal. It is a flagrant violation of the resolution adopted by the Security Council on 1 September 1951 (S/2322) which "calls upon Egypt to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal wherever bound and to cease all interference with such shipping beyond that essential to the safety of shipping in the Canal itself and to the observance of the international conventions in force."

At the same time Egypt's conduct in connexion with the Bat Galim is an indisputable breach of her obligations under the Constantinople Convention of 1888 which, after stipulating in Article I that "the Suez Maritime Canal shall always be free and open in time of war as in time of peace, to every vessel of commerce or war, without distinction of flag," that "consequently, the High Contracting Parties agree not in any way to interfere with the free use of the Canal, in time of war as in time of peace" and that "the Canal shall never be subjected to the exercise of the right of blockade," provides in Article XI that any measures which Egypt may be entitled to undertake under Articles IX and X of the Convention "shall not interfere with the free use of the Canal".

The confiscation of the Bat Galim by Egypt also contravenes the expressed wishes of the majority of the members of the Security Council which were summed up by the President of the Council at the last meeting held on this matter on 13 January 1955. At that time the President summed up the general trend of the discussion in the Security Council on the question of free passage of ships and cargoes of all nations. He said that the view of the majority of the members of the Council was that the Security Council resolution of 1 September 1951 was of continuing validity and effect and that the question of the Bat Galim had been considered by them in this context and that of the 1888 Convention. They had also expressed the hope that a continued attitude of conciliation on both sides would bring about an agreement on arrangements for a speedy release of the ship and cargo which were still in Egyptian detention.

Twenty months have passed since then and instead of releasing the Bat Galim and its cargo to its rightful owners, the Government of Egypt has now put a seal on its lawless conduct by confiscating the vessel and incorporating it into the Egyptian Navy.

If further proof were needed of the worthlessness of Egypt's protestations of fidelity to the international compacts guaranteeing unrestricted freedom of passage through the Suez Canal, the case of the Bat Galim provides it.

The Government of Israel has instructed me to protest against the arbitrary and illegal action by Egypt and reserves its right to pursue this matter further.

I have the honour to request that the content of this letter be brought to the attention of all members of the Security Council.

Please accept, Sir, etc.

(Signed) M.R. Kidron
for the Permanent Representative
of Israel to the United Nations

