

"that if the above-mentioned steps do not result in the release of the abducted personnel, or if Israel fails to comply with the present resolution, the Council will reconvene at the earliest to consider further action",

and in view of the gravity of the situation resulting from Israeli defiance of the Security Council resolution and of Israeli refusal to release all the abducted Syrian and Lebanese military personnel, I have the honour, on instructions from my Government, to request you to convene a meeting of the Security Council.

(Signed) Yahya MAHMASSANI  
*Chargé d'affaires a.i. of the  
Permanent Mission of Lebanon  
to the United Nations*

#### DOCUMENT S/10732

Letter dated 6 July 1972 from the representative of Israel to the  
President of the Security Council

[Original: English]  
[6 July 1972]

On instructions from my Government, I have the honour to bring to your attention the situation with regard to prisoners of war detained in Egypt, Syria and Israel.

At present, Egypt holds 10 Israeli prisoners of war, including four abducted by Egyptian forces from the Israel-held side of the Suez Canal. These Israelis have been in captivity for two years or more, and two of them are seriously wounded and will be permanently disabled. Syria holds three Israeli prisoners of war, who have also been in captivity for more than two years.

At the same time in Israel there are 61 prisoners of war from Egypt, 45 from Syria and five from Lebanon, all of whom fell into Israel's hands during incidents involving the use of armed force, and who are therefore covered by the provisions of the 1949 Geneva Convention relative to the Treatment of Prisoners of War<sup>7</sup>.

The provisions of the Convention, to which Egypt and Syria as well as Israel are parties, are entirely clear as to the obligation of States to release and repatriate prisoners of war. The basic principle is laid down in the first paragraph of article 118, which states:

"Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities."

Active hostilities were legally terminated in the Middle East in June 1967, as a result of the cease-fire resolutions of the Security Council, and by subsequent arrangements entered into by the belligerent States.

In addition to the above, the Convention provides for the immediate repatriation of seriously wounded prisoners. Article 109 states:

"Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article."

In addition it should be noted that Egypt specifically agreed to abide by this Convention by the terms of the cease-fire arrangement of August 1970, which states in paragraph F:

"Both sides will abide by the Geneva Convention of 1949 relative to the Treatment of Prisoners of War and will accept the assistance of the ICRC in carrying out their obligations under that Convention."

In accordance with its obligations under international law and its moral and humanitarian duty in the face of the suffering of young men held in captivity in foreign countries, Israel has repeatedly stated its desire for a general release and repatriation of all prisoners of war held by the Parties. This willingness on the part of Israel to proceed in accordance with the Geneva Convention has been made known to the Governments of Egypt and Syria through the International Committee of the Red Cross, the United Nations and diplomatic channels, and remains unchanged. Israel's efforts to achieve the release and exchange of prisoners of war have been met with an unyielding refusal on the part of Egypt and Syria. These States have not only ignored their obligations under article 118 of the Convention, but Egypt has even refused to repatriate the permanently disabled prisoners of war as she is bound to do in accordance with the provisions of article 109.

This attitude on the part of Egypt and Syria is unfortunately not a new phenomenon but rather represents a consistent policy of refusal to respect the laws of war with regard to prisoners of war.

The unfeeling cruelty to which Israelis imprisoned in Syria have been subjected is notorious. Israelis imprisoned in Syria, some of them after being kidnapped from Israel territory, have been held for many years, without hope of repatriation.

On 21 December 1963, for instance, after years of unceasing efforts on the part of Israel, Syria finally returned 11 Israel nationals. One of the 11 had been in Syrian captivity for 15 years, one for 14, one for 12, one for 11; 3 were held in Syria for 8 years, one for 5 years. As a result of the inhuman treatment and torture they underwent in Syrian prisons, all but one of these persons had to be confined in mental hospitals, and one later committed suicide.

On 24 July 1967, the representative of Israel addressed a letter to the Secretary-General [S/8092] concerning the case of Jacob Mashiah, who was kidnapped from Israel territory on 16 September 1966

<sup>7</sup> United Nations, *Treaty Series*, vol. 75 (1950), No. 972.

by two Syrian soldiers. When inquiries were made through the Israel-Syrian Mixed Armistice Commission, Israel was advised in writing "that there is no trace of Jacob Mashiah . . . in Syria". After the end of hostilities in June 1967, the Israel army authorities found documents at Kuneitra which proved that Mashiah had been detained and interrogated there from 16 to 18 September 1966. It was not until 5 July 1967, when these documents were presented at the negotiations for the exchange of prisoners of war and other detained persons, that Syria finally admitted that Mashiah had died in Syria on 8 October 1966, and his body was returned to Israel on 17 July 1967.

Egypt's record in the matter of prisoners is also not without blemish. Two Israeli pilots in distress who parachuted over Egypt during the June 1967 hostilities were not only not protected, as was their right under the 1949 Geneva Convention, but were hacked to death by the local population. Another young pilot aged 23 years was shot down by the Egyptians on 3 August 1970, and, on the following day, he was reported slightly wounded and his picture was published in the daily newspaper *Al-Ahram*. On the next day, however, the Egyptian authorities reported that he had died of "cardiac arrest". In an apparent effort to

erase traces of the true reasons for his death, the body was not returned to Israel for 28 days. The record of the post mortem operation performed at Cairo, which was received with the pilot's body, shows that this examination was not performed immediately, but only 13 days after death when, as the report of the Egyptian physician notes, it was in an advanced state of decay. Examinations carried out in Israel after the return of the body nevertheless showed this young man had been tortured to death.

This policy of Egypt and Syria of persistent refusal not only to release Israeli prisoners of war but also to see their own nationals home again is not acceptable to civilized opinion. Israel insists that prisoners of war be released in accordance with the provisions of the Geneva Convention. Furthermore, Egypt and Syria must be brought to respect the rules of common human decency with respect to prisoners who have not yet been sent back to their own countries.

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

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

#### DOCUMENT S/10734

#### Report of the Secretary-General on the implementation of Security Council resolution 312 (1972)

[Original: English]  
[11 July 1972]

1. At its 1639th meeting, held in Addis Ababa on 4 February 1972, the Security Council adopted resolution 312 (1972) in connexion with the question concerning the situation in Territories under Portuguese administration. The operative paragraphs of the resolution read as follows:

"1. *Reaffirms* the inalienable right of the people of Angola, Mozambique and Guinea (Bissau) to self-determination and independence, as recognized by the General Assembly in resolution 1514 (XV) of 14 December 1960 and recognizes the legitimacy of their struggle to achieve that right;

"2. *Condemns* the persistent refusal of the Government of Portugal to implement resolution 1514 (XV) and all other relevant resolutions of the Security Council;

"3. *Again affirms* that the situation resulting from the policies of Portugal both in its colonies and in its constant provocations against the neighbouring States seriously disturbs international peace and security in the African continent;

"4. *Calls on* Portugal:

"(a) To recognize immediately the right of the peoples of the Territories under its administration to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

"(b) To cease immediately the colonial wars and all acts of repression against the people of Angola, Mozambique and Guinea (Bissau);

"(c) To withdraw all its armed forces as presently employed for the purpose of the repression of the

people of Angola, Mozambique and Guinea (Bissau);

"(d) To promulgate an unconditional political amnesty and the restoration of democratic political rights;

"(e) To transfer power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);

"5. *Again calls upon* Portugal to refrain from any violations of the sovereignty and territorial integrity of African States;

"6. *Calls upon* all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the Territories under its administration; and to take all the necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for this purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration;

"7. *Requests* the Secretary-General to follow the implementation of this resolution and report to the Security Council from time to time."

2. Immediately upon the adoption of the resolution, the Secretary-General transmitted its text by telegram to the Minister for Foreign Affairs of Portugal.

3. By a note dated 29 February 1972, the Secretary-General transmitted the text of the resolution to