

UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/3174  
4 February 1954

ORIGINAL: ENGLISH

LETTER DATED 4 FEBRUARY 1954 FROM THE PERMANENT REPRESENTATIVE OF ISRAEL  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Egyptian delegation has brought to the attention of the Security Council an alleged armistice violation concerning the demilitarized zone at El Auja.

I take this opportunity of furnishing the Security Council with the following information which the Egyptian delegation, in its diversionary manoeuvre, has distorted or suppressed.

The complaint now mentioned in the Egyptian communication has already been discussed in the Mixed Armistice Commission and settled in the following way.

- (a) The Commission rejected the Egyptian complaint that the establishment of an Israel village near the road junction in the area of El Auja village violated the armistice. The legality of this village has thus been confirmed and no appeal has been lodged within the appointed time. It would thus be a breach of judicial principle for Egypt to re-open a case which it has effectively lost (General Bennike's Report, Document S/PV.630, p. 18, 27 October 1953).
- (b) The complaint of alleged measures against Bedouin and that the existence of "an Israeli armed force and regular Israeli police" in the village violates certain articles of the Armistice Agreement has been sustained in the first instance. However, Israel is convinced that this remote village should have some provision for its security and has therefore lodged an appeal to the Special Committee appointed for this purpose under Article X of the Agreement. This appeal is still pending, the matter is thus still sub judice and no situation contrary to the Agreement now exists. It would be a breach of the judicial principle and of the Armistice Agreement for Egypt to evade the verdict of the Special Committee and seek a discussion elsewhere.

The frivolity of the Egyptian position on that part of its complaint which has not yet been rejected emerges clearly from the exchange between General Bennike and myself in the Security Council on 9 November 1953 when the Chief of Staff and I reached full agreement in defining the precise procedural situation as I have done here. I enclose the relevant question and answer verbatim. I draw special

attention to General Bennike's last sentence and to his statement that the complaint is sub judice and the first verdict not final.

The complaint now submitted by Egypt thus consists of two parts - an Egyptian complaint already rejected by the Mixed Armistice Commission (Report of General Bennike, 27 October 1953, para. 45); and a complaint described by General Bennike as sub judice according to correct and normal process (S/PV.635, para. 6).

The Government of Israel considers that any discussion in the Security Council of a question sub judice in the Special Committee would be prejudicial and contrary to the purposes of Article X of the Egypt-Israel Armistice Agreement. The Security Council has always in the past refused to discuss the substance of cases when they were still pending before an organ established by the Armistice Agreements (S/1907).

Should this matter, affecting about a dozen civilian policemen in a small village, not be settled in the Special Committee, the Government of Israel would, of course, be glad to participate in a discussion of it in the Security Council, if it were so decided.

I request that this letter and its annex be urgently circulated to the Security Council and be brought to the notice of its members in connexion with any discussion on the propriety or otherwise of including such a matter on the Security Council's agenda. The Council may wish to measure the consequences of different decisions being reached simultaneously on the same matter in the Security Council on the one hand, and in the competent Armistice Committee on the other.

Please accept, Sir, etc.

(signed) Abba Eban  
Ambassador and Permanent Representative  
of Israel to the United Nations

Annex to Letter addressed to the President of the  
Security Council, 4 February 1954

-----

(Excerpt from Document S/PV.635, 9 November 1953, pp. 33-34)

Question from the Representative of Israel

6. I refer again to the Israel-Egyptian Armistice situation, in which connexion the Chief of Staff's report quotes a resolution adopted by the Israeli-Egyptian Mixed Armistice Commission on 2 October 1953, regarding alleged military activities in the demilitarized zone of El Auja. In accordance with Article X of the Israeli-Egyptian Armistice Agreement, I understand that a decision of the Commission is not final, if it is appealed, until the Special Committee has taken a decision on the appeal. Am I right in stating that there is an appeal which was submitted on 2 October, and would it be correct to deduce that this resolution is therefore still sub judice and that a meeting of the Special Committee will be convened as requested by Israel in order to examine this appeal?

Answer: I have mentioned in my report (page 18) that the Israeli representative has submitted an appeal against the resolution of the Mixed Armistice Commission, requesting that the case be brought before the Special Commission, in accordance with Article X, para. 4, of the General Armistice Agreement. This paragraph reads, inter alia, as follows:

"On questions of principle, appeal shall lie to a Special Committee, composed of the United Nations Chief of Staff of the Truce Supervision Organization and one member each of the Egyptian and Israeli delegations to the Armistice Conference at Rhodes or some other senior officer, whose decisions on all such questions shall be final."

In view of Israel's appeal to the Special Committee, the decision of the Israeli-Egyptian Mixed Armistice Commission of 2 October 1953 is not final. The situation with regard to the convening of the Special Committee has not changed since my predecessor wrote in his report to the Security Council dated 4 November 1952 (S/2833, para. 10): "Repeated efforts have been made to convene a meeting of the Special Committee to consider these appeals (seven by Egypt and three by Israel) which are from decisions taken by the Mixed Armistice Commission between May and October 1951, but no date has been found mutually acceptable to the parties."

I intend, when I return to the Middle East, to approach the parties with a view to convening the Special Committee.

-----

