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REPORT TO THE SECRETARY-GENERAL BY THE CHIEF OF STAFF
OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION,
MAJOR GENERAL E.L.M. BURNS, DATED 11 OCTOBER 1956 ON
RECENT DEVELOPMENTS UNDER THE JORDAN-ISRAEL GENERAL
ARMISTICE AGREEMENT

11 October 1956

In my report dated 26 September 1956 (S/3660) I reviewed the incidents involving Israel and Jordan during the period 29 July to 25 September 1956 inclusive. I have now the honour to report on the developments which preceded the Israeli attack in the Qalqiliya area on the night of 10/11 October, a report on which will be forwarded separately.

1. On 1 October, when the Jordan - Israel Mixed Armistice Commission was considering the Israeli complaint on the Ramat Rahel incident (reported in paragraph 4 of S/3660), the Israel Delegation withdrew from the meeting before the vote, because the Chairman had indicated that, on the basis of the evidence, he was in favour of a Jordanian amendment to the Israel draft resolution (see Annex I). It was not the first time that a party had manifested its disapproval of the Chairman's non-acceptance of its viewpoint by walking out of a meeting. Less than three months ago, on 15 July 1956, when the Mixed Armistice Commission considered the ambush of an Israeli car on the Beersheba - Hatseva road in the Negev, the Jordanian Delegation left the room before the end of the voting and the Israel Delegation regretted "their way of withdrawal from this Mixed Armistice Commission meeting before it was declared officially closed".

2. The withdrawal of the Israel Delegation on 1 October was followed, on 3 October, by a Foreign Ministry statement to the effect that Israel saw "no useful purpose in the continuation of routine examination of incidents in the Commission". (The full text of the statement is annexed - see Annex II).

3. On 4 October, Israel was not represented on the Jordan - Israel Mixed Armistice Commission when it met to consider the Jordanian complaint concerning the Husan incident, which had followed the Ramat Rahel incident (See Annex III). The absence of the Israel Delegation did not prevent the consideration of the complaint since, according to Article XI (5) of the General Armistice Agreement the quorum for meetings is a majority of the members of the Commission.

4. On the morning of 5 October, the Israel Delegation to the Israel - Jordan Mixed Armistice Commission submitted the following complaint concerning an incident which had occurred on 4 October at 14:15 GMT on the Sdom - Beersheba road, 10 kilometres from Sdom: "At the above time and place two Israeli civilian cars on their way to Beersheba were attacked by a group of Jordanian aggressors who had previously crossed the Demarcation Line. According to preliminary reports five Israeli citizens were killed and one wounded".

The Israel Delegation did not request an investigation of the complaint.

5. I approached the Israel Foreign Ministry. I said that the incident was so serious that, in my view, an Emergency Meeting of the Mixed Armistice Commission should be held and I enquired whether Israel was prepared to agree to co-operate in an investigation by United Nations military observers.

6. After reference to superior authority, the Director of Armistice Affairs replied that the Government of Israel could not agree to United Nations military observers investigating this incident, which was already being investigated by the Israeli authorities.

I was also told that until further notice the policy of the Israel Government would be not to have United Nations military observers investigate complaints by Israel before the Jordan - Israel Mixed Armistice Commission.

7. Before reporting officially on the matter I thought it advisable to ascertain whether the statement in paragraph 6 above correctly represented the position of the Israel Government. I enquired whether it did so in a letter to the Minister for Foreign Affairs on 6 October 1956. I received an exposition of the Israel policy on 11 October. (Annex IV contains a copy of the letter of the Israel Foreign Minister and of my reply.)

8. Article XI, paragraph 7, of the General Armistice Agreement reads:

"Claims or complaints presented by either Party relating to the application of this Agreement shall be referred immediately to the Mixed Armistice Commission through its Chairman. The Commission shall take such action on all such claims or complaints by means of its observation and investigation machinery as it may deem appropriate, with a view to equitable and mutually satisfactory settlement."

The decision taken by Israel paralyses the observation and investigation machinery of the Mixed Armistice Commission as far as incidents affecting Israel are concerned. Unless and until the Israel Government reconsiders its position, the provisions of the General Armistice Agreement relating to the investigation of complaints can be applied in the case of Jordanian complaints alone.

9. Since 4 October, the Israeli authorities have carried out their own investigations of incidents on the Israel side of the Demarcation Line. They investigated the Israeli complaint of 4 October according to which a railway train had been fired at near Tulkarm on 3 October, as well as the above-mentioned Israeli complaint of 5 October concerning the 4 October attack on the Sdom - Beersheba road. They also investigated an incident which occurred on 9 October near Even Yehuda (approximate MR 139186) and in which two Israeli civilians were killed, allegedly by infiltrators from Jordan. This last incident was followed by the Israel retaliatory attack in the neighbouring Qalqiliya area on the night of 10/11 October.

10. The investigation by a Party of its own complaints without a decision of the Mixed Armistice Commission that it should do so has obviously no relation whatever to the investigation procedure provided for in Article XI of the General Armistice Agreement. It cannot be a substitute for such procedure.

11. At present the situation is that one of the Parties to the General Armistice Agreement makes its own investigations, which are not subject to check or confirmation by any disinterested observers, publishes the results of such investigations, draws its own conclusions from them and undertakes actions by its military forces on that basis.

This is, of course, a negation of vital elements of the Armistice Agreement. I feel it my duty to draw to your attention the obvious dangers involved.

ANNEX I

PRESS RELEASE DATED 1 OCTOBER 1956 ISSUED BY THE
UNITED NATIONS TRUCE SUPERVISION ORGANIZATION

Jerusalem, 1 October 1956

At the 272nd Emergency Meeting of the Hashemite Kingdom of Jordan - Israel Mixed Armistice Commission held on 1 October 1956 the following draft resolution was tabled by the Israeli Delegation:

"The HJK-I Mixed Armistice Commission, having discussed Israel complaint No. C.280:

1. Finds that on 23 September 1956, in the afternoon, when members of an archaeological Congress were visiting excavations in Ramat Rachel, south of Jerusalem, automatic and rifle fire was opened at them from a Jordan Arab Army position at Mar Elias. As a result of this unprovoked attack four Israel citizens were killed and sixteen wounded.
2. Deplores the loss of life and casualties caused by this attack.
3. Deplores the attempt by Jordan to mislead the MAC, the United Nations and the public by alleging that the attack was committed by an insane soldier.
4. Decides that the above-mentioned act constitutes a most serious breach by Jordan of Article III, paragraph 3, of the General Armistice Agreement.
5. Notes with grave concern that this is another in a chain of Jordan attacks against Israel and that despite all MAC exhortations Jordan has failed so far to put an end to such attacks which undermine peace in the area."

The Jordan Delegation tabled the following amendment to paragraph 1 of the Israeli draft resolution:

- "1. Finds that on 23 September 1956, automatic fire was directed from a Jordan position at a group of archaeologists in Ramat Rachel. Four Israelis were killed and sixteen wounded. As a result of the investigation it transpired that the incident was committed by a lone Jordanian soldier, who had suffered a mental breakdown. The Jordanian authorities had expressed unwavering willingness to have the said soldier examined by any neutral psychiatrist of the Mixed Armistice Commission's choosing. In spite of the Chairman's approval, the request was turned down by the Israeli Delegation to the Mixed Armistice Commission."

The Chairman having indicated that he would vote in favour of the amendment to paragraph 1 submitted by the Jordan Delegation, the Senior Israeli Delegate declared that his Delegation could not participate in the vote and thereupon withdrew from the meeting.

The Israeli draft resolution with the Jordan amendment (paragraph 1) was then voted upon paragraph by paragraph:

"The HJK-I Mixed Armistice Commission, having discussed Israel complaint C.280:

1. Finds that on 23 September 1956, automatic fire was directed from a Jordan position at a group of archaeologists in Ramat Rachel. Four Israelis were killed and sixteen wounded. As a result of the investigation it transpired that the incident was committed by a lone Jordanian soldier, who had suffered a mental breakdown. The Jordanian authorities had expressed unwavering willingness to have the said soldier examined by any neutral psychiatrist of the Mixed Armistice Commission's choosing. In spite of the Chairman's approval, the request was turned down by the Israeli Delegation to the Mixed Armistice Commission.

VOTE: Israel Delegation : Not present
Jordan Delegation : 2 For
Chairman : For

2. Deplores the loss of life and casualties caused by this attack.

VOTE: Israel Delegation : Not present
Jordan Delegation : 2 For
Chairman : For

3. Deplores the attempt by Jordan to mislead the Mixed Armistice Commission, the United Nations and the public by alleging that the attack was committed by an insane soldier.

VOTE: Israel Delegation : Not present
Jordan Delegation : 2 Against
Chairman : Abstains

4. Decides that the above-mentioned act constitutes a most serious breach by Jordan of Article III, paragraph 3, of the General Armistice Agreement.

VOTE: Israel Delegation : Not present
Jordan Delegation : 2 Against
Chairman : For

5. Notes with grave concern that this is another in a chain of Jordan attacks against Israel and that despite all the Mixed Armistice Commission's exhortations Jordan has failed so far to put an end to such attacks which undermine peace in the area."

VOTE: Israel Delegation : Not present
Jordan Delegation : 2 Against
Chairman : For

Chairman's statement:

"I should like to make the following statement in explanation of my vote.

In my view it has not been established that more than one weapon was fired from Jordan territory at the members of the Israel Archaeological Congress. I therefore accept the explanation given by the Jordan Delegation with respect to the circumstances surrounding this most regrettable incident.

It appears to me that more references should be made to the Area Commanders Arrangement Jerusalem and vicinity. In the present case the Jordanian authorities might have been notified through the senior officers, that a large gathering of people would take place in the immediate vicinity of the Demarcation Line. The Arrangement also provides that only well trained and disciplined military or police personnel will be employed in the first line of the defensive organization in this area."

In reporting to the Chief of Staff after the meeting, the Chairman, in amplification of his statement, pointed out that the evidence of the first four witnesses interrogated by United Nations military observers, three of them at the scene of the incident, gave no indication that more than one weapon had been fired. The contention that more than one weapon had been fired was advanced by witnesses heard, at their request, later in the evening.

ANNEX II

TEXT OF STATEMENT DATED 3 OCTOBER 1956 BY THE FOREIGN MINISTRY
OF ISRAEL, AS CABLED BY THE CHIEF OF STAFF

Israel signed General Armistice Agreements with its neighbours with intent to fully implement them. Israel agreed that the United Nations Truce Supervision Organization should assist the Parties in implementing these Agreements the basis of which is a binding obligation to refrain from hostile acts and to advance towards a final peaceful settlement. The Arab States, instead of fulfilling this obligation, have disregarded the Armistice Agreements and embarked upon a policy of aggression against Israel and of complete disregard for essential provisions of the Agreements. The decisions of the Mixed Armistice Commission and its appeals to put an end to aggression have remained unheeded by the Arab Governments.

As regards the United Nations Truce Supervision Organization, not only did it not succeed to deter the Arab countries from their policy of aggression, but it even failed in its responsibility to draw a distinction between attacker and attacked, between the Party which refuses to live up to its obligations under the United Nations Charter and under the General Armistice Agreement and the Party which demands the fulfilment of these obligations in their entity.

This situation lately found expression, particularly in the proceedings of the Israel-Jordan Mixed Armistice Commission and reached a climax in the recent travesty of justice in the discussion of the Ramat Rachel attack. Israel repeatedly emphasized, even in cases where the Commission censured Jordan, that Jordan's attitude and the policy of the United Nations Truce Supervision Organization was rendering the work of the Commission ineffective. In this situation Israel sees no useful purpose in the continuation of routine examination of incidents in the Commission.

Israel remains as ever ready to meet in discussion with representatives of Jordan and to seek jointly the peaceful settlement of outstanding problems.

ANNEX III

PRESS RELEASE DATED 4 OCTOBER 1956 ISSUED BY THE
UNITED NATIONS TRUCE SUPERVISION ORGANIZATION

Jerusalem, 4 October 1956

In the absence of the Israeli Delegation, the Hashemite Jordan Kingdom - Israel Mixed Armistice Commission, at this morning's meeting, adjourned the second session of the 273rd Emergency Meeting concerning Jordanian complaint C.285 and Israeli complaint C.286 (Wallaja incident in which one Israeli woman was killed) and the second session of the 274th Emergency Meeting concerning Israeli complaint C.287 and Jordanian complaint C.292 (Beisan incident in which one Israeli tractor driver was killed and another wounded).

The Mixed Armistice Commission then considered in its 275th Emergency Meeting the Jordanian complaint C.305 concerning the Husan incident. The following resolution tabled by the Jordan Delegation was adopted (the Jordan Delegation and the Chairman voting in favour):

"The Hashemite Kingdom of Jordan - Israel Mixed Armistice Commission, having discussed Jordanian complaint C.305:

1. Finds that on the night of 25/26 September 1956, large Israeli regular army forces launched a major, unprovoked and premeditated attack against Jordanian territory in the area of Husan, 10 kilometres south of Jerusalem. Infantry, armoured cars, half-tracks, artillery, bazookas and automatic weapons were used in this aggression against Jordan. Observation aircraft also participated in the operation.
2. Finds further that the said Israeli army forces advanced, supported by artillery, towards a small detachment of national guardsmen in the vicinity of Husan village killing twelve national guards. Simultaneously, other units of the Israeli army attacked a National Guard detachment at the village of Wadi Fukin.
3. Finds further that Israeli forces demolished with explosives the village school of Wadi Fukin.
4. Finds further that in the course of this large-scale aggression the villagers of Husan were subjected to firing resulting in the wounding of two civilians.

5. Finds further that the Sharafa Police Post and its vicinity was shelled and later subjected to a concerted attack. The aggressors demolished the police post. As a result of the attack in the said area twenty-five Jordanians including a seventy-year old civilian were killed and six others wounded. Two police rover cars were looted.
6. Finds further that Israeli army forces shelled the village of Khader killing a twelve-year old girl and wounding a seven-year old girl and two other civilians.
7. This flagrant act of aggression against Jordan lasted for almost seven hours.
8. Deplores the wanton loss of life brought upon Jordan by Israel's brutal and premeditated assault upon Jordanian territory.
9. Condemns the Israeli authorities for a most flagrant aggression by Israeli regular army forces against Jordan in utter disregard of their solemn obligations under Article III, paragraph 2, of the General Armistice Agreement.
10. Takes a most serious view of the Israeli authorities openly admitted aggressions against Jordan in utter disregard of their obligations under the General Armistice Agreement.
11. Calls upon the Israeli authorities to desist from their aggressions against Jordan which constitute a threat to peace and security."

After the adoption of the above resolution the Mixed Armistice Commission adjourned the second session of the 276th emergency meeting concerning Israeli complaints C.319 and C.320 and Jordanian complaints C.321 and C.322 (shooting at Mandelbaum Gate, Jerusalem, 26 September 1956).

ANNEX IV

1. LETTER DATED 10 OCTOBER 1956 FROM THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL TO THE CHIEF OF STAFF

Dear General Burns,

Thank you for your letter of 6 October 1956 regarding investigations of complaints in the Israel - Jordan Mixed Armistice Commission.

I am attaching to his letter a statement issued by the Foreign Ministry on 3 October 1956, a copy of which was, I understand, transmitted to you by Mr. Tekoah on the day of its publication. In it you will find a summary of Israel's present policy with respect to the Israel - Jordan Mixed Armistice Commission.

With regard to your question addressed on 5 October 1956 to Mr. Tekoah, I understand that in reply to it Mr. Tekoah declared that Israel's view that no useful purpose would be served by discussing incidents in the Mixed Armistice Commission or by the investigation of them by United Nations observers was strengthened by the fact that the Chairman found it possible to support on 4 October 1956 a Jordanian resolution the meaning of which could only be that the indiscriminate murder of Israel citizens by Jordanians did not constitute provocation. Under those circumstances, Mr. Tekoah said, no useful purpose would be served by the participation of United Nations observers in the investigation of such murders.

This remains the policy of the Israel Government. In this connexion I think I should point out that it is up to the complaining party to decide in every individual case whether to request investigation of a complaint submitted to the Mixed Armistice Commission. There is, therefore, really no ground for enquiring "whether Israel was prepared to agree to co-operate in an investigation by United Nations military observers." I regret that the same expression appeared in your press communiqué of 6 October 1956. You recall that under the Armistice Agreement even investigations sponsored by the Commission itself may be carried out by "observers who may be from among the military organizations of the Parties or from the military personnel of the United Nations

Truce Supervision Organization or from both." It remains, of course, up to the parties to decide how to translate this provision of the Agreement into practice, as it is up to them to determine when existing procedure requires modification.

Sincerely yours,

(Signed) Golda MEIR

2. LETTER DATED 11 OCTOBER 1956 FROM THE CHIEF OF STAFF TO THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

Dear Madam,

I acknowledge receipt of your letter of 10 October 1956 to which was annexed a statement issued by the Israel Foreign Ministry on 3 October 1956.

I understand from it that "no useful purpose would be served by discussing incidents in the (Jordan - Israel) Mixed Armistice Commission or by the investigation of them by United Nations observers" remains the policy of the Israeli Government.

In paragraph 3 of your communication, you recall that Mr. Tekoah took exception to the word "unprovoked" in the resolution adopted by the Mixed Armistice Commission in the absence of the Israel Delegation on 4 October 1956 following Jordanian complaint C.305. As I explained in a press release issued on 6 October 1956, the Chairman accepted the paragraph in the Jordanian resolution describing the Husan action as "unprovoked" because the Israeli troops who carried out the attack were not acting in self-defence. The contention that a party may legitimately take military action when "provoked" by previous incidents would be contrary to the cease-fire obligations contained in the General Armistice Agreement and reconfirmed during the Secretary-General's visit last April.

As I informed the Foreign Ministry on 5 October 1956, I considered that an Emergency Meeting should be called in connexion with Israel complaint No. 364 filed on the same day with the Hashemite Jordan Kingdom - Israeli Mixed Armistice Commission. In this connexion, it might be pointed out that under the Commission's rules of procedure, of July 1953 (as amended), the Chairman has the sole right to decide whether a complaint lodged by either Party calls for an Emergency Meeting.

I requested specifically your Government's co-operation for an investigation of the incident by United Nations military observers, because under the rules of procedure a Party's prior agreement is required before a United Nations military observer investigation pursuant to the General Armistice Agreement can take place on that Party's side of the Demarcation Line. In your letter, you also refer to Article XI (6) of the General Armistice Agreement. Article VI of the Hashemite Jordan Kingdom - Israel Mixed Armistice Commission rules of procedure refers to this Article and stipulates, inter alia, that the unanimous vote of the Commission is necessary for an investigation of an incident to be carried out by observers from among the military organizations of the Parties, either alone or together with United Nations military observers. In regard to the incident near Sdom, no such decision was taken by the Mixed Armistice Commission and an investigation carried out by the Israel authorities, without a previous decision of the Commission, cannot, therefore, be considered as valid under the General Armistice Agreement.

I should like to express again my regret that your Government has found it necessary to discontinue its participation in the examination of incidents in the Hashemite Jordan Kingdom - Israel Mixed Armistice Commission and to forego the investigation by United Nations military observers of incidents occurring on the Israel side of the Demarcation Line. I still hope that your Government will reconsider its position.

With renewed assurances of my highest consideration,

(Signed) E.L.M. BURNS

