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Israeli Foreign Minister, conc. Gaza incidents.

HEADQUARTERS
TRUCE SUPERVISION ORGANIZATION

Jerusalem, 15 May 1956

REPORT TO THE SECRETARY-GENERAL
ON THE GAZA INCIDENT OF 5 APRIL 1956

1. The outbreak of violence in the Gaza area on 5 April 1956 was preceded by various incidents of firing across and of crossing the Demarcation Line.
2. During the period 1 March - 4 April 1956, Israel submitted to the Chairman, Egyptian-Israeli Mixed Armistice Commission, fifty-three complaints alleging firing by Egyptian forces across the Demarcation Line and thirty-nine alleging crossings of the Demarcation Line, principally by Arab shepherds and farmers for the purpose of grazing or harvesting. During the same period, Egypt submitted twenty-eight complaints alleging firing across the Demarcation Line.
3. On 4 April, the day preceding the Gaza incident, an Israeli patrol, consisting of fourteen men, and moving from NUSEIRAT (M.R. 0935-0914) southwards along the Demarcation Line, was fired upon at three different spots from Egyptian-controlled territory shortly before noon, although which party initiated the fire could not be determined. During the exchange of fire, three Israeli

/soldiers

soldiers were seriously wounded and subsequently died. One Egyptian soldier was also killed. Israeli reinforcements which arrived on the scene gave covering mortar and automatic weapon fire. Bloodstains and some Israeli mortar impacts which fell short of the Demarcation Line were found in Israeli-controlled territory, but the investigation failed to substantiate the Israeli allegation that the Egyptians had also resorted to mortar fire. On the other hand, the Israelis used half-tracks, allegedly for the evacuation of the wounded. In the afternoon, at approximately 4:00 p.m., a United Nations Observer reported an exchange of small arms fire in the NUSEIRAT area. At about 6:20 p.m., Israeli forces shelled the village of DEIR AL BALAH (M.R. 0885-0923), south of Gaza, with 25-pounders. A United Nations Observer counted forty rounds which fell within the village area. The village suffered some damage, but there were no casualties.

4. The Israel Minister for Foreign Affairs, in a letter of 5 April and in a subsequent meeting held at 5:00 p.m. on 5 April with the Chief of Staff, placed full responsibility on the Egyptian authorities for the incident of the previous day. The Foreign Minister's main points were:

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- (a) The Egyptian authorities and particularly the Egyptian Prime Minister were responsible for the present tense situation because of the refusal to issue a cease-fire order;
- (b) The Egyptian authorities must be warned by the United Nations of the grave consequences which might result from their present policies; and
- (c) Israel reserved full freedom of action in order to provide for its security.

5. The series of incidents of 5 April began shortly after 9:00 a.m., when a United Nations Observer in Egyptian-controlled territory reported an exchange of small arms fire between Egyptian and Israeli positions in the DEIR EL BALAH area near the Demarcation Line. According to the report of another United Nations Observer in Egyptian-controlled territory, at about 10:30 a.m., an Israeli seven-man patrol, moving southwards for approximately five kilometres along the Demarcation Line in the areas of NUSEIRAT and KISUFIM (M.R. 0932-0878) in Israeli-controlled territory, stopped at intervals and took up firing positions without firing. It was later reported on the Israel side that the patrol was fired at by Egyptian positions. The Observer noticed no such firing.

6. On the basis of reports from and investigations carried out by United Nations Observers, the approximate times of fire and the localities at which fire was directed on 5 April, following the exchange of small arms fire shortly after 9:00 a.m. and the manoeuvring of the Israeli patrol, were as follows:

- (a) At 10:40 a.m., a United Nations Observer heard and saw five artillery or mortar shells land in the area of an Egyptian military position on HILL 69 (M.R. 0902-0891).
- (b) Commencing about 11:50 a.m., according to the report of a United Nations Observer, the area of HILL 86 (near DEIR EL BALAH village, 17 kilometres southwest of Gaza) M.R. approximately 089-087 was shelled. An Egyptian position is situated in the immediate vicinity of HILL 86. United Nations Observers found seven shell craters outside the position, two fuses of 25-pounder shells and a large quantity of shrapnel. According to witnesses, the shelling lasted for about two hours.
- (c) Commencing sometime after 1:00 p.m., according to witnesses, the Arab villages of ABASAN, M.R. approximately 088-081, BANI SUHEILA, M.R. approximately 085-084, and IZHA'A HILL were shelled by the Israelis. United Nations Observers found shrapnel and fuse fragments, noted damaged

/buildings

buildings and were shown three wounded persons. According to witnesses, four persons were killed and nine wounded. The shelling began sometime after 1:00 p.m. and continued intermittently until about 6:30 p.m.

- (d) At 1:20 p.m., for a period of ten minutes, United Nations Observers in the NUSEIRAT area heard several rounds of artillery or mortar land in Egyptian-controlled territory.
- (e) Between 3:00 p.m. and 3:25 p.m., a United Nations Observer heard fourteen rounds of artillery or mortar land in the general direction, but east of DEIR AL BALAH village in Egyptian-controlled territory.
- (f) Commencing at approximately 3:00 p.m., the Israeli settlements of YAGEV (KEFAR AZA), NAHAL OZ, KISUFIM and EIN HASHELOSHA were shelled by 120 mm. mortars. United Nations Observers found three mortar impacts at YAGEV; thirty at NAHAL OZ; four at KISUFIM; and five at EIN HASHELOSHA. Two men were wounded at NAHAL OZ. Buildings were damaged at KISUFIM and EIN HASHELOSHA. According to statements taken from witnesses, the hours when shelling began and ceased at each settlement were as follows:

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- (i) YAGEV : 4:30 p.m. - 6:20 p.m.
- (ii) NAHAL OZ: 4:00 p.m. - 6:25 p.m.
- (iii) KISUFIM : 3:00 p.m. - about 6:00 p.m.
- (iv) EIN HASHELOSHA : 3:00 p.m. _ 5:00 p.m.

- (g) At approximately 4:15 p.m., Israeli positions began the shelling of GAZA town. The investigation team counted seventy-nine impacts of 120 mm. mortar shells, all of them at a distance of more than one kilometre from the nearest Egyptian military position. Shelling was centred on the main street of the town. The Israel allegation according to which the Egyptians had "fortified emplacements within the confines of the city of GAZA" and "heavy mortar fire from these emplacements was directed at Israel settlements" was without any foundation in fact. The only "fortified emplacement" within the confines of the city of GAZA was the police station, if a building protected by barbed wire and sand bags can be called a fortified emplacement.
- (h) At 4:50 p.m., United Nations Observers heard and saw heavy shelling of the Egyptian military position in the area of HILL 86 (M.R. 089-087).

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(i) At approximately 5:00 p.m., a United Nations Observer noted mortar fire from an Egyptian position five kilometres south of GAZA (M.R. 0962-0976).

7. The Chairman, Egyptian-Israeli Mixed Armistice Commission, requested both parties for an immediate cease-fire at 3:30 p.m., again at 5:09 p.m. and finally at 5:44 p.m., the last request to be effective from 6:00 p.m. Both parties agreed to the cease-fire and at 6:40 p.m. the Israeli forces reported that Egyptian firing had ceased at 6:27 p.m.

8. The Chief of Staff had meanwhile addressed requests to both parties to observe a cease-fire from midnight 5/6 April if the cease-fire requested by the Chairman, Egyptian-Israeli Mixed Armistice Commission, was not effective.

9. The number of casualties resulting from the incident of 5 April in the Gaza area, based on United Nations Military Observers' reports as of 6 April, was as follows:

(a) Egyptian side: 58 civilians killed (33 men, 15 women, 10 children)
100 civilians wounded (54 men, 33 women, 13 children)
4 military personnel killed, and
7 military personnel wounded.

An additional 14 civilians were admitted to the Municipal Hospital and subsequently discharged with minor injuries.

(b) Israel side: 4 civilians and 2 military personnel wounded.

* * * * *

C O P Y

HEADQUARTERS
TRUCE SUPERVISION ORGANIZATION

Jerusalem, 10 May 1956

Dear Mr. Sharett,

I have the honour to draw your attention to the text of my proposals for the establishment, on each side of the Demarcation Line along the Gaza area, of a number of fixed UN Observation Posts.

You will remember that the Observation Posts in question are to be established "by agreement in the Mixed Armistice Commission". The Egyptian Government had suggested to substitute for these words the words "by agreement with the Chairman of the Mixed Armistice Commission". You maintained the position that the text to which you had agreed should not be altered. The statement made to the Secretary-General by the Prime Minister of Israel to the effect that the substance of the proposals was agreed and that the Mixed Armistice Commission procedure was a pure formality provided a sufficient assurance that no obstacle would be put on the Israel side to a formal adoption in the Mixed Armistice Commission.

A copy of the annexed letter which I sent to Mr. Tekoah on 27 March 1956 indicates, however, that there may be an obstacle to a meeting of the Mixed Armistice Commission to consider the matter. I must maintain my point of view that the Headquarters of the Mixed Armistice Commission being at El Auja, I or the Chairman of the Mixed Armistice Commission are entitled to call a meeting of the Mixed Armistice Commission there, that the Egyptian Delegation must have access to the Headquarters of the Mixed Armistice Commission, and that it is not for the Israel Authorities to decide which road the Egyptian Delegation should use to enter the Demilitarized Zone.

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Mr. Moshe Sharett
Minister for Foreign Affairs
Israel

It is my intention to work for the re-establishment of the functioning of the Mixed Armistice Commission as it existed prior to September 1955, viz. the holding of regular meetings at El Auja and of emergency meetings at Kilo 95. I hope to be able to persuade the Egyptian Delegation to agree to Kilo 95 for emergency meetings after I have received your assurance concerning the use of the El Auja Headquarters.

Sincerely yours,

E.L.M. Burns
Major-General
Chief of Staff

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HEADQUARTERS
TRUCE SUPERVISION ORGANIZATION

Jerusalem, 15 May 1956

Dear Mr. Sharett,

I would like to draw your attention to the results of investigations by UN Observers of recent incidents in the Gaza area, and to the publicity which had been given to these incidents prior to their investigation. ✓

1. The investigation of an Egyptian complaint revealed that on 7 May, in the Khan Yunis area, MR 098-0833, an Israeli half-track and grader crossed the demarcation line and penetrated approximately fifteen metres into Egyptian-controlled territory. Further evidence showed that two additional vehicles also crossed the demarcation line into Egyptian-controlled territory in the same area, penetrated to a depth of sixty metres and continued southwards for about two hundred metres before recrossing into Israel controlled territory.

Following the investigation of the Egyptian complaint, two Israeli complaints of Egyptian soldiers having fired across the demarcation line and having crossed the demarcation line on 7 May were cancelled by the Senior Israeli Delegate, who stated

Mr. Moshe Sharett
Minister for Foreign Affairs
Israel

that the Israelis were fired upon in Egyptian-controlled territory after they had "inadvertently crossed the demarcation line." However, the ditch marking the demarcation line is approximately two and a half feet deep at the point where crossing was made and it seems impossible to drive across it unwittingly.

2. The investigation of another Egyptian complaint revealed that on 10 May armed Israelis crossed the demarcation line at approximately MR 1019-1000 and killed an elderly Arab whose body was found about fifty metres inside Egyptian controlled territory. The body bore a penetration-type wound in the chest, probably caused by a bayonet or some other sharp, heavy instrument. Tracks were clearly discernible between the point where the body was found and the demarcation line. There were no signs to show that the body had been moved.

3. In connection with the above incidents I should like to refer to the commitment given to the UN Secretary-General by the Israel Government to take active measures against all crossings of the Demarcation Line and acts of violence connected therewith.

4. During the course of our conversation on 9 May, I referred to my recent demarches with the Egyptian Government to make effective the measures which on their side they have promised to take. Measures have apparently been taken by the Egyptian authorities: UN Observers have noted that Egyptian soldiers are posted at approximately 500 metre intervals along the Demarcation

Line and about 150 metres from it. The UN Observers have also noted the general discipline of these troops.

5. In studying the investigation reports on Israeli complaints concerning recent incidents in the Gaza area, I have noticed that eight reports dealt with complaints alleging illegal harvesting by Arabs in the Nahal Oz - Kefar Aza area from 28 April to 9 May. It results from statements of witnesses and investigations by UN Observers that out of the eight cases in question, two were cases of reaping of grain, five cases of pulling or cutting of grass or stealing of hay, and one inconclusive, owing to lack of evidence. Without excusing the crossing of the Demarcation Line for any purposes whatsoever, I cannot help observing that the publicity given during the last few weeks to illegal harvesting by Arab marauders has probably resulted in exaggerating the gravity of the situation.

6. Premature publicity has also exaggerated the importance of another recent incident. I am referring to the Israeli complaint alleging the blowing up of a section of the railway line 5 kilometres north of Beersheba. The complaint was investigated on 10 May. The Israeli Delegate was of the opinion that the incident occurred during a Fedayeen raid last month, that apparently the explosion was insufficient to break the rail at the time the charge was placed, and that the movement of trains during recent weeks probably caused the break.

7. On the basis of the investigation of these recent Egyptian and Israeli complaints, I find it most unfortunate that such extensive publicity has been given to alleged Egyptian violations in the Israeli press, sometimes with the support of statements or comments by spokesmen of the Israel Government. This discredits, in the mind of the Israeli public, the assurances given to the Secretary-General by the Egyptian Government, and could put the continued observance of Article II, paragraph 2, in jeopardy. As stated by the Secretary-General at the end of Part III of his report to the Security Council (S/3596), "the Governments concerned should do all they can to keep the situation under such control as to minimize or eliminate the risk of further incidents. But it is also for the Governments, for the public and for world opinion, to avoid giving such interpretation to incidents as, without justification, would weaken faith in the cease-fire or discredit the good-will of the other Party."

Sincerely yours,

E.L.M. Burns
Major General
Chief of Staff

HEADQUARTERS
TRUCE SUPERVISION ORGANIZATION

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Jerusalem, 15 May 1956

Dear Mr. Sharett,

Allow me to draw your attention to my letter of 9 May 1956 and to Mr. Tekoah's reply of 14 May, copies of which are annexed to this note.

In view of the statement of policy made by the Prime Minister of Israel during Mr. Hammarskjold's mission in this area, I find Mr. Tekoah's reply unsatisfactory.

The Secretary-General and I were told that the Israel Defence Army would refrain from sending patrols up to the Demarcation Line except when it proved essential to do so in order to protect agricultural operations of Israeli settlers or to prevent incursions by persons from Egyptian-controlled territory.

In his report to the Security Council of 9 May 1956 (S/3596), the Secretary-General has commented as follows on the policy of Israel with respect to patrolling along the Demarcation Line:

"If supported by an effective observer arrangement, the line taken by Israel may prove adequate, although it falls short of the former arrangements proposed by the Chief of Staff and endorsed by the Security Council and me. Should the line now taken not meet the needs of the situation, I would find it necessary to bring the matter up for new consideration."

If and when I find in a report by a United Nations Observer that a patrol has come up to the Demarcation Line apparently

His Excellency
Mr. Moshe Sharett
Minister for Foreign Affairs
Israel

without security reasons, I have a duty to draw the attention of the Israel authorities to the report of the Observer in order to give them the opportunity to investigate the case. Should the higher command of the Israel Defence Army find that its orders regarding patrolling have not been properly executed, I do not doubt that it would take appropriate action.

In my letter of 9 May, I was referring to a case which, I thought, deserved to be brought to the notice of the Israel authorities. I did not make any "complaint", as inferred by Mr. Tekoah. I merely acted in that spirit of cooperation between UNTSO and the Israel authorities which, I had understood, had been recognized to be desirable not only in connection with the investigation procedure of the MAC but in the positive and preventive task of facilitating compliance with the General Armistice Agreement.

I should be happy to be able to inform the Secretary-General that there is no difference between my views and those of the Israel authorities regarding both their policy with respect to patrolling along the Demarcation Line and the right of the UNTSO Chief of Staff to draw their attention to an Observer's report when he deems it advisable.

Sincerely yours,

/s/

E. L. M. Burns
Major General
Chief of Staff