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LETTER DATED 15 FEBRUARY 1954 FROM THE PERMANENT REPRESENTATIVE  
OF ISRAEL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the following documents be circulated to members of the Security Council in order to assist them in examining the Israel complaints against Egypt with respect to restrictions on shipping in the Suez Canal and the Gulf of Aqaba.

Document A: Decree by the Government of Egypt of 6 February 1950  
entitled: "Decree on the procedure of Ship and Airplane  
Searches and of Seizure of Contraband Goods in connexion  
with the Palestine War."

Document B: Announcement by the Council of Ministers of Amendments to the  
Decree of 6 February 1950 as published in Cairo on  
28 November 1953.

Document A contains the restrictions which the Security Council on September 1, 1951 called upon Egypt to terminate. Document B contains a recently enacted extension of those restrictions.

Compliance with the Security Council's Resolution of September 1, 1951 would, of course, require the complete and unconditional revocation both of the Decree of February 6, 1950 and of the Amendments published on November 28, 1953.

In the course of the discussion I shall seek to address the Security Council on the significance of these documents.

Please accept, Sir, the assurances of my highest consideration.

/S/ Abba Eban

Ambassador and Permanent Representative  
of Israel to the United Nations

Document A

Decree on the procedure of Ship and Airplane Searches and of Seizure of Contraband Goods in connexion with the Palestine War.<sup>1/</sup>

WE, FAROUK 1st, KING OF EGYPT

Having regard to article 4 of Law No. 32 of 1950 concerning the Prize Council

On the proposal of the Minister of War and the Navy and the Minister of Finance and with the approval of the Council of Ministers;

DO HEREBY DECREE AS FOLLOWS:

Art. 1 - The searching of ships for purposes of seizing war contraband shall take place in accordance with the provisions hereunder.

Art. 2 - One or more officials of the Customs Administration shall scrutinize the ship's manifest and check the nature of the cargo so as to ensure that it contains no arms, munitions, war material or other articles considered war contraband and shipped directly or indirectly to institutions or persons on Palestinian territory under Zionist control.

Art. 3 - Force may at all times be used against any ship attempting to avoid search, where necessary by firing so as to force it to stop and submit to search. Where the search subsequently reveals that the ship is not carrying any contraband it shall be permitted to continue its voyage.

Art. 4 - If the crew of the ship resists the search by force, the ship shall be deemed to have lost its neutrality by reason of the hostile act. In that event the ship may be arrested, even if the search reveals that it was not carrying contraband and the cargo may be impounded for that reason, unless the owner proves his innocence.

Every case of this nature shall be referred to the Prize Council.

Art. 5 - The searching party shall begin by scrutinizing the ship's papers, particularly the log book, the manifest and the bills of lading.

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<sup>1/</sup> This text was translated from the official French translation of the Arabic text published in "Journal Officiel" No. 36, dated 8 April 1950.

Art. 6 - The search may take place at any time by day or by night. It shall, nevertheless, take place in daytime if the master so prefers, provided the request is recorded in the report of the search which the master shall sign.

Art. 7 - Where it appears from the ship's papers that the ship is suspect, or where there is some special knowledge or other information giving grounds for suspicion, the ship may be searched exhaustively irrespective of its place of departure or destination.

Art. 8 - In order to facilitate the search formalities, the cargo may be unloaded if the search party deems such a course necessary, or if the master himself requests it to avoid delay.

Art. 9 - Any ship which has already been searched in an Egyptian port may not be searched a second time in another Egyptian port during the same voyage, except where the master has requested that the first search be partial and concluded in another port.

Art. 10 - The following articles when intended for the enemy, shall be deemed war contraband and seized as prize:

1. Arms, munitions, war material and their appurtenances, explosives, and explosive substances of every kind.
2. Chemicals, drugs, apparatus and instruments capable of being utilized for chemical warfare.
3. Fuel of every kind.
4. Aircraft, ships and spares for either.
5. Motor vehicles and trailers necessary for military forces.
6. Cash, ingots of gold and silver, negotiable securities and metals, raw materials, planks, machinery, and other objects necessary to its manufacture or adaptable to that purpose.

Art. 11 - Cargo shall be deemed intended for the enemy whenever:

1. It is being shipped directly to persons or institutions on Palestinian territory occupied by the enemy.
2. It is being shipped indirectly to such persons or institutions.

This shall be presumed in any of the following circumstances:

- (a) If the cargo is loaded on a ship calling at Palestinian ports controlled by the enemy;
- (b) If the cargo is shipped on a vessel proceeding to any Mediterranean port in the vicinity of a port controlled by the enemy.

(c) If the cargo is loaded on a ship which has previously been arrested or which is known to carry war contraband for the Zionists in Palestine;

(d) If there are on board no documents disclosing the destination of the cargo, or if such documents have been intentionally destroyed or lost;

(e) If the ship's papers contain a false particular or mistake;

(f) If the owner of the ship or the consignee of the cargo is associated with the Palestine Zionists or Government, or if their trade is closely connected with concerns situated on Palestinian territory controlled by the Zionists, or depends on such concerns;

(g) If the consignor or consignee is listed on the blacklist kept for that purpose as a carrier of contraband for the Zionists.

Each of the presumptions listed in sub-paragraphs (a), (d) and (e) shall be sufficient in itself to warrant search of the vessel and seizure of any war contraband that may be found therein. In the case of the other presumptions, at least two mutually corroborating presumptions must be present to establish that the cargo is intended for the enemy. The fact that the goods are shipped under a bill of lading to order or in the name of the shipper himself or of the shipping company to which the vessel belongs or of one of its subsidiaries shall not be considered a presumption of suspicion.

Art. 12 - A detailed inventory of the articles seized shall be drawn up. It shall give particulars of the type, quality and quantity of the articles seized and shall be signed by the master or his representative.

Art. 13 - The articles seized may as a rule be released only upon a declaration that the Egyptian authorities have released these articles on the basis of documents and information supplied by the parties concerned after the seizure.

Art. 14 - Perishable articles and articles excessively costly to store may be sold immediately and the proceeds placed on deposit pending a decision on their disposition.

Articles seized which have become spoiled or are unsuitable for local consumption owing to health or agricultural quarantine measures shall be destroyed, unless a bid is made for their purchase for the purpose of re-export.

Art. 15 - The provisions of articles 10 and 11 may be amended by an order of the Minister of War and the Navy issued with the approval of the Council of Ministers.

Art. 16 - For the purposes of applying the foregoing provisions aircraft shall be treated on the same footing as sea-going vessels.

Art. 17 - Our Ministers shall be responsible, each in the matters which concern him for the enforcement of this decree, which shall enter into force on the date of its publication in the Journal Officiel.

Done at Koubbeh Palace, 19 Rabi Tani 1369 (6 February 1950)

FAROUK

FOR THE KING:

MUSTAFA EL-MAHAS  
President of the Council of Ministers

ALI ZAKI EL ORABI  
Minister of Communications

FUAD SFRAG EL-DIN  
Minister of the Interior

MUSTAFA NCSRAT  
Minister of War and the Navy

MCHAMED MOHAMED EL-WAKIL  
Minister of Economic Affairs

MCRSI FARAHAT  
Minister of Supply

ABDEL LATIF MAHMUD  
Minister of Health

HAMED ZAKI  
Minister of State

TAHA HUSSEIN  
Minister of Education

OSMAN MOHARRAM  
Minister of Public Works

ABDEL FATTAH EL TAWIL  
Minister of Justice

AHMED HAMZA  
Minister of Agriculture

MAHMUD SOLIMAN GHANNAM  
Minister of Commerce and Industry

AHMED HUSSEIN  
Minister of Social Affairs

YASSIN AHMED  
Minister of Wakfs

IBRAHIM FARAG  
Minister of Municipal and Rural  
Affairs

MCHAMED SALAH EL DIN  
Minister of Foreign Affairs

MOHAMED ZAKI ABDEL MOTAAL  
Minister of Finance

Document B

Announcement by the Council of Ministers of Amendments  
to the Decree of 6 February 1950 as published in  
"Al Misri" (Cairo) 28 November, 1953.

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The Council of Ministers decided at its last meeting to modify certain provisions of the "Decree on the Procedure of Ships and Aeroplane Searches and of Seizure of Contraband Goods in Connection with the Palestine War", in the following manner:

- (1) A seventh paragraph shall be added to article 10 of the above-mentioned Decree (enacted on 6 February 1950), to read as follows:

"Foodstuffs and all other commodities which are likely to strengthen the war potential of the Zionists in Palestine in any way whatever".

- (2) A second clause shall be added to the same article, to read as follows:

"All the commodities heretofore enumerated shall be regarded as war contraband even when passing Egypt's territory or territorial waters in transit."

(Translation from Arabic)

