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LETTER DATED 29 NOVEMBER 1948 FROM THE ACTING MEDIATOR ADDRESSED
TO THE SECRETARY-GENERAL TRANSMITTING A REPORT ON TRUCE
VIOLATION BY JEWISH FORCES ON 23 SEPTEMBER 1948

29 November 1948

I have the honour to present for transmission to the Security Council
the attached report on the attack on 23 September on an Arab Airways
commercial aircraft by a fighter plane of the Israeli Air Force.

(Signed) Ralph J. Bunche
Acting Mediator

ATTACK ON ARAB AIRWAYS COMMERCIAL AIRCRAFT

I have the honour to submit a report covering the incident on 23 September 1948 in which a commercial aircraft of the Arab Airways Association of Transjordan was attacked and forced down, with resulting casualties of civilian passengers, by a fighter plane of the Israeli Air Force.

I. STATEMENT OF FACTS

1. On 23 September 1948, a de Havilland Dragon Rapid aircraft belonging to the Arab Airways Association of Amman, Transjordan, piloted by S.G. Nowers, departed from Beirut Airport under proper clearance bound for Amman. In addition to the pilot, there were five passengers aboard: John Nixon and David Woodford, correspondents; Abou Aswad; Dr. Ovid Sellers, Director, American School of Archaeology, Jerusalem; Abou Neemeh, Broumana, Lebanon.
2. The aircraft, a red painted, twin-inline-engine biplane, identified as TJ-AAQ, proceeded directly to Metulla airport, and then proceeded on a course approximately one-half mile west of the Syrian-Israeli boundary toward the Transjordan frontier. This route took the aircraft across Israeli territory from Metulla to the southern end of Lake Hula.
3. When the aircraft had crossed Lake Hula, it left Israeli territory until it flew over a point in the Jordan valley, four kilometers south of Mishmar Hayarden; from that point it appears to have followed the Israeli-Syrian line to the northern shore of Lake Tiberias. It next skirted the eastern shoreline of Lake Tiberias. This would place the aircraft over Arab territory as long as it did not fly over Lake Tiberias itself. Midway down the eastern side of Lake Tiberias the aircraft crossed a segment of Israeli-held land on the eastern shoreline.
4. It was while the aircraft was over this segment, according to pilot Nowers, at approximately 1100 hours, that the first contact with the fighter aircraft occurred.
5. There is no dispute concerning the identity of the fighter aircraft. Not only did pilot Nowers report that it bore Israeli markings, but the Provisional Government of Israel admitted the interception, disputing only the precise location of the incident, the heading of the de Havilland, and the number of attacks made.
6. During the first encounter the fighter circled the transport once and then flew ahead of the transport with lowered gear and flaps, indicating that the de Havilland should land, presumably in Israeli territory.
7. The Arab Airways pilot failed to heed this visual signal and maintained

a straight course, in the belief that his flight path across Israeli territory had been approved both by the Provisional Government of Israel and United Nations representatives.

8. As the de Havilland continued its course parallel to the shoreline at approximately 8,000 feet altitude, the fighter made its first attack on or near the Israeli-Transjordan boundary. According to pilot Nowers' account, the fighter obtained strikes on the transport and rendered the radio inoperative. Nowers account states that he "began evasive action and headed to the nearest Transjordan territory", diving to 5,000 feet in a vain effort to escape the fighter.

9. The second attack occurred over Transjordan territory, setting the de Havilland afire in the right lower mainplane between the engine and fuselage; the airspeed indicator and altimeter were also damaged. The fire necessitated an emergency landing, and pilot Nowers instructed his passengers to fasten their seat belts.

10. As the crippled craft was about to touch down on rocky ground at a point just south of KAFR RABITA, Transjordan, approximately 30 kilometers from the Israeli-Transjordan boundary, passengers Nixon, Woodford and Aswad jumped from the rear door. The altitude at that moment was later estimated by pilot Nowers to be 5 feet.

11. It was at this same time that the third and final attack was made by the fighter upon the transport. Evidence of the final attack is offered by pilot Nowers, surviving passenger Dr. Sellers, and at least three Arab witnesses who dwell in the vicinity of the crash-landing.

12. It appears that the aircraft rolled about 50 yards after it touched down, until both tyres were blown by impact with rocks. It then nosed over and skidded to a stop where it burned itself out. The pilot and remaining two passengers escaped through the pilot's emergency exit, having suffered some injuries and burns, but no bullet wounds.

13. The passengers who had jumped from the aircraft were found dead at 20 yard intervals, approximately 50 yards before the first wheel marks made by the aircraft. A Transjordan Government medical officer, Dr. Jaudat Sati, examined their bodies and reported that all three had died as a result of their striking the ground. The skull of Abdul Aswad, however, appeared to the doctor to have been split by a bullet.

II. POSITION OF THE PROVISIONAL GOVERNMENT OF ISRAEL

1. The Provisional Government of Israel has admitted responsibility for the shooting down of the Arab Airways aircraft. It submits, however, that first contact was made in Israeli territory when the Israeli fighter pilot

on routine patrol saw a red-painted Dragon Rapid flying a course of 300° below him. As soon as the Dragon Rapid pilot saw the fighter, he changed course to 130°. The fighter utilized visual signals and ordered the transport to land, but was ignored. He then fired a warning burst of tracer bullets but was again unheeded. The fighter pilot then pressed his only attack, at a time when both aircraft were flying over Lake Tiberias; after that he broke off his attack. He last saw the transport heading eastward afire.

2. It does not appear that any branch of the Provisional Government of Israel, or any branch of its armed services, authorized flights by aircraft of the Arab Airways Association over any Israeli-held territory.

III. THE ARAB AIRWAYS ASSOCIATION POSITION

1. The de Haviland aircraft which was attacked and forced down on 23 September 1948, was on a regularly scheduled flight from Beirut to Amman. The line of flight itself had been regularly followed for some time. Although a portion of the flight path crossed Israeli-held territory, verbal authorization to follow the route regularly had been obtained by a United Nations Military Observer from both the Provisional Government of Israel and the United Nations Mediator's Headquarters.

IV. SUPPLEMENTAL INFORMATION

No written evidence of any authorization permitting Arab Airways Association aircraft to fly over any portion of Israeli-held territory was produced by officials of the Association. No information pertaining to such authorization had been filed in the office of the Senior United Nations Military Observer at Amman. No record of the authorization exists of Beirut Airport; officials at that place disclaim knowledge of any such authorization. No record of the authorization exists at the Acting Mediator's Headquarters, nor is there general knowledge of the authorization at the Headquarters.

V. CONCLUSIONS

1. Following thorough investigation it has been concluded by the Chief of Staff of the Truce Supervision that the following are the facts of the case:

- (a) That a de Haviland Dragon Rapid aircraft belonging to the Arab Airways Association of Amman, Transjordan, was attacked by an Israeli fighter aircraft on 23 September 1948, and forced to crash-land in Transjordan territory;
- (b) That there were three separate attacks made by the Israeli fighter aircraft upon the Arab de Haviland aircraft, and that the second

and third attacks were made while the two aircraft were over Transjordan territory;

- (c) That the Arab de Havilland aircraft had maintained a flight path across Israeli-held territory prior to the attacks.

2. As regards the responsibility of the parties, a Chief of Staff decision has been approved by me and submitted to the Governments concerned. The conclusions drawn are:

- (a) That the Government of Transjordan is responsible for a breach of the terms of the Truce by permitting a civil aircraft of an organization for which it is responsible to fly over Israeli-held territory without having obtained proper authorization for such flights to be made; and
- (b) That the Provisional Government of Israel is responsible for a serious breach of the terms of the Truce as a result of unjustified attacks made by an Israeli fighter aircraft upon the Transjordan aircraft, resulting in the deaths of three persons, burns and injuries to three other persons, as well as the destruction of the attacked aircraft, and the incursion upon Transjordan territory by the Israeli fighter aircraft.

(Signed) Ralph J. Bunche
Acting Mediator

Paris
29 November 1948