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LETTER DATED 6 APRIL 1954 FROM THE REPRESENTATIVE OF ISRAEL  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter dated 5 April 1954  
and to enclose herewith the Explanatory Memorandum mentioned  
therein.

Please accept, Excellency, etc.

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

54-09969

EXPLANATORY MEMORANDUM

Complaints by Israel against Jordan concerning the repudiation  
by Jordan of its obligations under the General Armistice Agreement:

1. Violation of Article XII of the General Armistice Agreement by its refusal  
to attend the Conference convoked by the Secretary-General under the  
aforesaid Article (S/3180, S/3180/Add.1, S/3180/Add.2).

In a letter dated 23 November 1953 (S/3140) the Permanent Representative of Israel drew the attention of the Secretary-General to the deep concern of the Government of Israel at the impairment of peace and security on the Israel-Jordan frontier resulting from Jordan's refusal to implement many of the provisions and objectives of the General Armistice Agreement between the two countries. He thereupon formally invoked Article XII of this Agreement and requested the Secretary-General to convoke a conference of representatives of the two parties for the purpose of reviewing it in accordance with paragraph 3 of that Article.

The Security Council took formal cognizance of this act in its resolution of 24 November 1953 (S/3139/Rev.2) in which the Chief of Staff was requested "to report within three months to the Security Council with such recommendations as he may consider appropriate on compliance with and enforcement of the General Armistice Agreements with particular reference to the provisions of this resolution, and taking into account any agreement reached in pursuance of the request of the Government of Israel for the convocation of a conference under Article XII of the General Armistice Agreement between Israel and Jordan".

The relevant paragraphs of Article XII of the General Armistice Agreement read as follows:

- "2. This Agreement, having been negotiated and concluded in pursuance of the resolution of the Security Council of 16 November 1948 calling for the establishment of an armistice in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, shall remain in force until a peaceful settlement between the Parties is achieved, except as provided in paragraph 3 of this article.

"3. The Parties to this Agreement may, by mutual consent, revise this Agreement or any of its provisions, or may suspend its application, other than articles I and III, at any time. In the absence of mutual agreement and after this Agreement has been in effect for one year from the date of its signing, either of the Parties may call upon the Secretary-General of the United Nations to convoke a conference of representatives of the two Parties for the purpose of reviewing, revising, or suspending any of the provisions of this Agreement other than articles I and III. Participation in such conference shall be obligatory upon the Parties.

"4. If the conference provided for in paragraph 3 of this article does not result in an agreed solution of a point in dispute, either Party may bring the matter before the Security Council of the United Nations for the relief sought on the grounds that this Agreement has been concluded in pursuance of Security Council action toward the end of achieving peace in Palestine."

It will be noted that paragraph 3 of Article XII imposes an obligation on the parties to attend the Conference. The correspondence set out in documents S/3180, S/3180/Add.1, and S/3180/Add.2 reveals that Israel has co-operated with the Secretary-General while Jordan has persistently violated this central provision of the Armistice Agreement.

In bringing this matter before the Security Council, the Government of Israel is actuated by two considerations: firstly, it wishes to defend the legal integrity of the Agreement and, secondly, it wishes to make practical application of the only constructive possibility offered by the Agreement for review or modification of its provisions. By refusing to accede to the Secretary-General's invitation at a time of proven tension in the area, the Jordan Government is not only undermining the legal integrity of the Agreement, but also proclaiming its interest in the maintenance of that tension.

2. Armed attack on a bus near Scorpion Pass on 17 March 1954 resulting in the murder of 11 Israeli citizens.

On 17 March 1954, a bus carrying civilian passengers proceeding from Elath to Beersheba was ambushed and attacked by a band of Arabs armed with rifles and automatic weapons near the Scorpion Pass in the Negev Desert of Israel.

The attackers opened fire and the first volley of shots killed the driver and hit several passengers. The immobilized vehicle was subjected to heavy crossfire and two of the assassins broke into the bus and shot at the passengers with sub-machine guns from point-blank range. Altogether 11 men, women and children were put to death. Of the four who escaped by feigning death, two were seriously wounded.

The attack bore the unmistakable character of a military operation carefully planned and methodically executed. The sole objective of the attack was murder and no looting took place. Nothing had occurred in that area which could have served as the slightest provocation for the massacre.

The scene of the massacre is 27 land kilometres from the Jordan border. Two tracks were found, one leading from the direction of the Jordan frontier to the ambush, the other back towards Jordan.

Because of the rocky nature of the terrain, the footprints could not be traced throughout the entire distance to the border. Only a narrow gorge with impassable rocky ground on either side leads to the Jordan frontier from the point where the tracks were lost.

The tracks, together with the general circumstances accompanying the outrage, prove that its perpetrators had emerged from and returned to Jordan.

Despite the fact that this cold-blooded murder of eleven persons and the wounding of two, constitutes a most flagrant violation of the Armistice Agreement committed by Jordan, the Israel-Jordan Mixed Armistice Commission declined to take appropriate action.

It is incumbent therefore on the Security Council to condemn in the strongest terms this war-like act of aggression and to ensure the prevention in future of violations by Jordan of the Armistice Agreement with Israel.

3. Acts of hostility including attacks and raids committed by Regular and Irregular forces against the lives and property of Israeli citizens in persistent violation of Articles I, III and IV of the General Armistice Agreement, with special reference to the recent armed attacks in the neighbourhood of Kissalon resulting in loss of life, and to constant threats against Israel security.

Despite the request to the Government of Jordan, contained in the Security Council resolution of 24 November 1953 (document S/3139/Rev.2), to prevent crossings of the Israel-Jordan border by taking appropriate measures to that

effect, infiltration of Jordanians into Israel since that date has continued unabated, with a grim toll of life, injury and damage.

Acts of violence resulting in loss of life have been committed by regular and irregular Jordan forces and no effective measures have been taken by the Government of Jordan, either to prevent the persistent violations of Articles I, III and IV of the General Armistice Agreement, or to punish the perpetrators.

The extremely grave situation which has persisted along the Israel-Jordan border reached its climax in the murder of eleven Israel civilians on 17 March 1954 and in the attack on 26 March 1954 on the village of Kissalon, in the Jerusalem district, by armed marauders from Jordan, resulting in the killing of a village watchman whose arms were plundered.

These outrages were preceded by an attack on 7 March 1954, by members of the Arab Legion on an Israel border patrol (map ref. 1557/2044) in which an Israel guard was mortally wounded. The Jordan Government was condemned for this attack in the 172nd session of the Mixed Armistice Commission and called upon to prevent similar attacks in the future.

Nevertheless, Arab Legionnaires again opened fire on an Israel border patrol on 27 March 1954 (map ref. 1542/1961).

The following partial list contains, in chronological order some additional examples of incidents constituting violations of Articles I, III and IV of the Armistice Agreement committed by Jordan since 24 November 1953. It refers only to those violations by Jordan which resulted in loss of life or personal injury or were calculated to bring about such results. The innumerable cases of other violations occurring during that period such as illegal border crossings, thefts, attempted thefts, robbery and smuggling are not included:

1. On 4 December 1953, an Israel patrol on tour of inspection along the Armistice line in the Beit Govrin area, met ten armed Jordanians who opened automatic fire upon the patrol.
2. On 10 December 1953, a member of Ein Shemer, a village in the Sharon near the Jordan border, was seriously wounded by infiltrators as she was walking near the ma'abara (transit settlement) in which she is employed as a social worker.

3. On 16 December 1953, two Israeli soldiers were killed while on patrol in the Beit Govrin area (approx. map ref. 1433/1097).
4. On 17 December 1953, an Israel patrol observed illegal cultivation and grazing in the no-man's land in the vicinity of Latrun, under the protection of a unit of 20 Jordanian soldiers who took up positions and opened fire on the Israelis.
5. On 28 December 1953, shots were fired from across the Jordan border near Budrus in the Lydda area at a security unit which was accompanying a party of surveyors marking the border on the Israel side. The Jordan authorities had been officially notified more than a week in advance that this work was to proceed prior to this incident.
6. On 12 January 1954, marauders penetrated Degania Beth in the Jordan Valley. The infiltrators opened automatic fire upon the members of the settlement and seriously wounded one of them who attempted to stop the theft of stores.
7. On 18 January 1954, a group of Israel Bedouin shepherds, members of the Abu Grenad tribe near Beersheba, tending their camels in the northeastern Negev, were attacked by armed Jordanians who had entered Israel territory. The shepherds and their camels were taken prisoner and transported across the border. A 16-year old member of the group managed to escape and reported the incident to the Israel Authorities.
8. On 19 January 1954, Israel trains were attacked by armed Jordanians in two separate instances. The first incident occurred when shots from Jordan territory were fired at a Hadera-Lydda passenger train near Kfar Syrkin. The second attack on a Tel Aviv-Haifa freight train came from across the Jordanian border 2 kilometres north of Tulkarm.
9. On 19 January 1954, an Israel Border Police Patrol (four policemen) was kidnapped by a group of Arab Legionnaires in the Irgun Simha area.
10. On 25 January 1954, a Piper Cub plane carrying civilian passengers was fired upon from Jordan while it was flying north of Yad Hanna, in the central Sharon Plain.

11. On 26 January 1954, two Israel Arab residents, a man and a woman of Beit Safafa, a village south of Jerusalem, were abducted by members of the Arab Legion. The couple were picking vegetables when the Jordanians crossed the border into Israel and by threat of arms forced the couple to accompany them into Jordan.
12. On 27 January 1954, an Israel policeman carrying out his duties well inside Israel territory near Beit Kika was fired on and killed by a member of the Jordan irregular forces who had crossed the demarcation line.
13. On 27 January 1954, Jordanian forces entered into Israel territory, and killed a member of an Israel police patrol near Lifta, on the northern outskirts of Jerusalem.
14. On 5 February 1954, Jordan soldiers penetrated two kilometres into Israel territory on the northern section of the Israel-Jordan frontier. They stole a flock of sheep and goats, and kidnapped the shepherd.
15. On 11 February 1954, a large group of Jordan National Guardsmen entered the no-man's land in the Latrun area to which entry is forbidden under the Armistice Agreement (Article IV, para. 3) and opened intensive fire on an Israel-United Nations unit patrolling the Armistice lines.
16. On 14 February 1954, Jordanian forces killed a villager on watch duty at Mahassia near Hartuv in the Jerusalem corridor.
17. On 21 February 1954, a group of Israel workers who were repairing the roof of the Talbieh mental hospital were fired upon from the southwest section of the Old City Wall of Jerusalem, which is under Jordanian control. The shooting continued for four hours.
18. On 23 February 1954, Israelis dismantling mines in the Jerusalem area were fired upon from Jordanian territory though previous notice of the dismantling had been given.
19. On 23 February 1954, an Israel unit patrolling the Armistice line in the Latrun area was fired upon from across the Jordanian border.

20. On 2 March 1954, an Israel unit was attacked by a band of armed Jordanians which had crossed into Israel territory east of Beit Govrin in the south.
21. On 2 March 1954, a gang of Jordanians kidnapped an Israel shepherd and stole his flock. The Arab gang penetrated into Israel south of Talbieh and abducted the fifteen year old cowherd.
22. On 7 March 1954, a border policeman was seriously wounded when a police unit was fired upon from across the Jordan border.
23. On 10 March 1954, an Israel soldier was killed and three soldiers wounded when a mine exploded under the vehicle in which they were travelling near the frontier, near Beit Govrin.
24. On 15 March 1954, an Israel Bedouin was murdered in his tent near Shuval in the northern Negev on the road to Beersheba. Police found tracks of three infiltrators leading into Jordan.
25. On 18 March 1954, Jordanians fired on Israel workmen in the neighbourhood of Beit Nekofa, near Kiryat Anavim in the Jerusalem corridor.
26. On 23 March 1954, an Israel soldier was wounded when his unit was attacked by Arab marauders near Katanna in the Jerusalem corridor.
27. On 25 March 1954, an Israel army unit on patrol near Khirbet Riba, was attacked by a platoon of Arab Legionnaires which had crossed the Armistice lines into Israel and had taken up fortified positions in Khirbet Riba in Israel territory.
28. On 28 March 1954, Jordanian infiltrators attempted to sabotage the railway tracks of the Haifa-Tel Aviv line at kilometre 72.200 between Hedera and Eyal. The attempt was thwarted.
29. On 4 April 1954, shots were fired from the wall of the Old City of Jerusalem, at a woman in Israel territory.

It is evident from the character, number and continuity of these violations that they are not a mere conglomeration of individual acts of lawlessness. They are the expression of a deliberate policy on the part of the Government of Jordan to perpetuate a warlike atmosphere of tension and hostility aimed at undermining Israel's security.



4. Refusal by Jordan to carry out her obligations under Article VIII of the General Armistice Agreement.

Article VIII of the General Armistice Agreement between Israel and Jordan provides for the establishment of a Special Committee, composed of representatives of each party, for the purpose of formulating agreed plans and arrangements designed to enlarge the scope of the General Armistice Agreement and to effect improvement in its application.

The Article makes special reference to the Committee's task of formulating agreed plans and arrangements for such matters on which agreement in principle already existed, such as for the free transit of traffic on vital roads; the resumption of normal functioning of cultural and humanitarian institutions on Mount Scopus and free access thereto; the free access to the Holy Places and cultural institutions and use of the cemetery on the Mount of Olives.

The Jordan Government has persistently refused to implement its part of the obligations under Article VIII, despite the readiness manifested by Israel, from the very time of the entry into force of the General Armistice Agreement, to carry out all the obligations incumbent upon it under this Article.

As early as August 1949, the representative of Israel drew the attention of the Security Council to the position on Mount Scopus. The Security Council in its Resolution of 17 November 1950 (document S/1907), expressed the hope that Article VIII of the General Armistice Agreement would be expeditiously carried out.

The United Nations Chief of Staff of the Truce Supervision Organization, in his Report of 4 November 1952 (document S/2833), noted that Jordan had thus far declined to meet in the Special Committee, as required under the General Armistice Agreement for the operation of Article VIII.

There has been no improvement since that date in the attitude and conduct of the Government of Jordan in regard to its obligations under Article VIII.

The Government of Israel views this situation with the utmost concern and draws attention to the necessity of securing the implementation of that Article.

