REPORT OF THE ACTING CHIEF OF STAFF OF THE UNITED NATIONS
TRUCE SUPERVISION ORGANIZATION IN PALESTINE ON THE INCIDENT
OF 23 JANUARY 1959

Note by the Secretary-General

The Secretary-General has the honour to circulate for the information of the
members of the Security Council the attached summary report by the Acting Chief of
Staff of the UNTSO, concerning the incident of 23 January 1959 in which an Israeli
shepherd was killed.
SUMMARY REPORT CONCERNING THE INCIDENT OF 23 JANUARY 1959 
IN WHICH AN ISRAELI SHEPHERD WAS KILLED

1. The information available results from the investigation requested by the
Israel delegation of the verbal complaint which it submitted the afternoon of
23 January. The investigation was begun immediately and completed on the following
day. The Syrian delegation did not ask for an investigation of the complaint
relating to the same incident which it submitted on the morning of 24 January.

2. The Israeli complaint stated that on 23 January "at approximately 1315 hours LT
(local time) machine gun fire was opened from Syrian military positions on an
Israeli herd with two shepherds while grazing at MR 2123 2833. One of the shepherds
was killed. Fire was returned by the second shepherd".

3. The Syrian complaint stated that on 23 January "at approximately 1200 hours
some Israeli cows crossed the Demarcation Line east of Khiam el Walid. Three
villagers tried to chase them away from Arab land. A shepherd who was near the
Demarcation Line at MR 2122 2828 called a villager and tried to engage in
conversation. At that moment a few shots were fired by the Israeli shepherds in the
direction of the villagers. Fire was returned. The villagers withdrew. It is
presumed one of the shepherds was wounded".

4. The two versions apparently agree on the following point: the Israeli
shepherd was mortally wounded by a shot or shots fired from Syrian territory while
he was with his herd in the vicinity of the Armistice Demarcation Line, which in
this area follows the international boundary between Syria and Palestine.
(article V (3) of the General Armistice Agreement). The two versions differ on
the question of who opened fire: according to the Israel complaint Syrian
military positions opened machine gun fire on the Israeli herd; according to the
Syrian complaint the Israeli shepherds fired the first shots in the direction of
Arab villagers and fire was returned.

5. The United Nations Military Observer on duty in Observation Post 4, on the
Israel side (5500 metres south of the area where the incident occurred) was told
by the Israel Liaison Officer at approximately 1315 hours that, being outside the
Post, he had just heard what sounded like a burst of automatic firing some
distance to the North. One member of Kibbutz Lehavot Habashan to which the herd
belong and which is located 1500 metres west of the area where the incident occurred stated that there was some firing east of the Kibbutz at about 1315 hours. Another member of the Kibbutz said he also heard some shots at about the same time.

6. Another member of the Kibbutz explained that having been sent to help gather the herd and bring them in, he heard a few single shots and two groups of shots. He then saw the cattle which, he thought, were about 200 metres from the border start to run and stray. He went back to the Kibbutz to report.

7. Some members of the Kibbutz then started for the pasture (it was about 1330 hours according to a witness). Part way up they met the herd and one of the shepherds, who stated that there had been shots, that he had taken cover and that he had not seen the other shepherd since then. A rapid search for the missing shepherd yielded no results. A proper search was then organized which resulted in the finding of the body at about 1515 hours. The body was brought back to the Kibbutz where the United Nations Observer saw it at 1645 hours. The apparent location of the wounds which were bandaged were the left eye, the right and left sides of the jaw, the front and back of the right shoulder.

8. One witness only, viz. the second shepherd, could, on the Israeli side, give information about what had taken place in the area from the early morning when the herd had gone up to graze near the international boundary till about 1330, when the witness referred to in paragraph 6 above was on his way to help gather the herd together and bring them down. The United Nations Military Observer interrogated the second shepherd twice, the first time on the afternoon of 23 January at approximately 1715, when he appeared to be very nervous and possibly suffering from shock, the second time on the following morning when he was much calmer, but still nervous.

9. The second shepherd stated on 23 January that, having been told by the first shepherd to take the herd a little further north, he had heard shots about two minutes after their parting. The shots were near him and he lay on the ground until he saw a party coming up from the Kibbutz. He did not know how many shots had been fired or from what direction. It was automatic fire.
10. On 24 January, he volunteered the following information: at about 0/30 in the same area he had noticed a large number of Arab cattle and goats with herders in the whole area across the border. About an hour later they had come closer. Some goats had crossed the fieldstone fence, approximately one metre high, which marked the international boundary, and the Arab shepherds had crossed and driven them back. Two Arab shepherds had sat on the wall and greeted the now deceased Israel shepherd. The latter had sent the second shepherd to eat his lunch and when he returned he had noticed more people than before on the other side, including soldiers. This happened often, the soldiers working along the border and often driving the herds back. When the witness started to drive the cattle north (cf. preceding paragraph of this report) he had noticed shepherds and about three soldiers on the Syrian side near the other Israel shepherd. There was a soldier and a shepherd near the witness also. They had both greeted him. A few seconds later he heard the shots. When he took cover he had seen the Syrian soldier and shepherd also take cover. They seemed to be surprised too. The witness added that it was usual for the Israelis and the Syrians to call back and forth "good day".

11. On 25 January the second shepherd, on being asked if he had returned fire, replied that he had no weapon (the United Nations Observer noticed that he had a cast on his left arm from hand to elbow). The United Nations Military Observer was present at Lehobot Habashan on 23 January when the body of the other shepherd was brought in. His Sten gun was brought at the same time. No magazine was produced (it was said that it was not in the Sten gun and had not been found). The weapon did not appear to have been fired recently.

12. The site of the incident was examined on the morning of 24 January, after a light rain had fallen during the night. Movement on this steeply sloping, rocky hillside proved difficult. The area is very difficult to search. There are few distinguishing features. The Israeli who had found the body of the dead shepherd on the previous day could not locate the exact spot again. The search of the area on the Israel side produced no physical evidence in the way of blood spots, indication of bullet strikes on rocks, or empty casings.

13. Neither the Israeli nor the Syrian complaints have referred to firing after about 1315 hours on 23 January, when the Israel shepherd was killed. There was, however, some firing later in the afternoon. At 1520 hours, the United Nations
Observer who carried out the investigation heard from Lehobot Habashan several single shots and one short burst of fire from the east. Another United Nations Observer, on duty at Observation Post 3 (MR 2123 2846) heard at 1517 hours rifle and machine gun shots from the south and saw two persons running in a westerly direction downhill, taking cover. He heard intermittent firing until 1602 hours.

This firing apparently began when members of the Kibbutz who were searching for the missing shepherd reached the spot where the body was lying. The Israeli who found the body has stated that, at about 1515 hours, six or seven bursts and a few single shots were fired at their party (eight men searching in line) when they reached the body. This firing, which appeared to come from the ridge to the east of them, had continued until 1545 hours whenever they moved. He stated they had not returned the fire. Another Israel witness has stated that firing had started suddenly - several groups of shots.