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Declassified and approved for release by NSA on 12-11-2006
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BT
~~CONFIDENTIAL~~ 0928/1 JUN 67
SECTION 1 OF 11.
SUBJECT: ISRAELI COURT OF INQUIRY IN USS LIBERTY INCIDENT.

1. ALUSNA CALLED TO FLO EENING 17 JUNEWM LTC EFRAT, AIDE TO GENERAL RABINWN IDF COS STATED FOLLOWING:

A. GENL RABIN EXTENDS HIS PERSONAL REGRETS TO THE CNO USN FOR THE SAD MISTAKE OF THE USS LIBERTY INCIDENT.

B. GEN RABIN DECIDED TO PROVIDE VIA ALUSNA A SYNOPSIS OF THE FINDINGS OF IDF COURT OF INQUIRY ALTHOUGH THOSE FINDINGS HAVE NOT YET RECEIVED FINAL REIEW FROM COL SHIMGAR, THE VDF JAG.

C. AFTER REVIEW AND TRANSLATION TO ENGLISH, 1 - FULL TRANSCRIPT

ACT...ASD/ISA-9

9 INFO....CJCS-1 DJS-3 SJCS-1, J3-8 JBC-3 NMCC-1 S/DEF-7 DIA-15 CMC-6

DIA-1 FIEL-1
FILE-1(57) RLL/JT

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OF THE FINDINGS OF THE IDF COURT OF INQUIRY WILL BE TRANSMITTED TO THE USG EITHER THROUGH AMENBASSY TELAVIV OR ISRAELI EMBASSY WASHINGTON, D.C.

2. THE SYNOPSIS OF THE FINDINGS OF THE IDF COURT OF INQUIRY AS TAUEN DOWN VERBATIM BY ALUSNA FROM COL EFRA'S ORAL PRESENTATION IS AS FOLLOWS: QUOTE

"A. IT IS CONCLUDED CLEARLY AND UNIMPEACHABLY FROM THE EVIDENCE AND FROM COMPARISON OF WAR DIARIES THAT THE ATTACK ON USS LIBERTY WAS NOT IN MALICE; THERE WAS NO CRIMINAL NEGLIGENCE AND THE ATTACK WAS MADE BY INNOCENT MISTAKEWM

B. ATTACK ROSE OUT OF A CHAIN OF THREE MISTAKES, EACH OF WHICH BY ITSELF IS UNDERSTANDABLE: FIRST MISTAKE WAS DECISIVE. NAVY AND AF HQ HAD RECEIVED A NUMBER OF WRONG REPORTS STATING EL-ARISH WAS BEING SHELLED FROM THE SEA. THIS WRONG INFORMATION FORMED THE BACKGROUND AND MAIN FACTOR LEADING TO ATTACK ON LIBERTY. IDF CNO AND ASSISTANTS WERE CONVINCED THAT SHELLING WAS BEING DONE BY UNIDENTIFIED SHIP OR SHIPS WHICH WERE DISCOVERED AT THE TIME NEAR THE SHORE OFF EL ARISH. EEN THE OFFICERS WHO KNEW OF THE IDENTIFICATION OF LIBERTY EARLY THE SAME MORNING DID NOT CONNECT LIBERTY WITH THE UNIDENTIFIED SHIPS SAID TO BE SHELLING EL ARISH. THE IDF NAVY IS NOT RESPONSIBLE FOR THE MISTAKEN REPORT OF SHELLING AND THE REASONS FOR THE MISTAKEN REPORT ARE OUTSIDE THE SCOPE OF THE INQUIRY AT HAND. THE NAVY AND AF HQS TOOK THE REPORTS AT FACE VALUE.

SECOND MISTAKE, WHICH WHEN ADDED TO FIRST RESULTED IN AIRCRAFT ATTACK ON LIBERTY, WAS A MISTAKEN REPORT THAT LIBERTY WAS STEAMING AT 30 KNOTS. THIS MISTAKE HAS TWO SIGNIFICANCES. A. WHEN LIBERTY WAS IDENTIFIED IN MORNING, HER MAX SPEED WAS DETERMINED FROM JANES FLIGHTING SHIPS TO BE 18 KNOTS.1 THEREFORE EVEN IF THE UNIDENTIFIED SHIP WERE THOUGHT TO BE LIBERTY, THE FACT THAT SHE WAS REPORTED TO BE MAKING 30 KNOTS WOULD HAVE DENIED THE IDENTIFICATION.

B. IN ACCORDANCE WITH IDF NAVY STANDING ORDERS, AN ENEMY SHIP IN ANY WATERS WHICH IS ATTACKING ISRAELI SHIPS OR SHELLING THE ISRAELI SHORE MAY BE ATTACKED. IF THERE IS INFO OF ENEMY SHIPS IN THE AREA, ANY SHIP OR SHIPS DISCOVERED BY RADAR WHICH ARE DETERMINED TO BE CRUISING AT A SPEED AZOVE 20 KNOTS MAY BE CONSIDERED AN ENEMY. SINCE THE SPEED OF THE UNIDENTIFIED SHIP WAS FIXED AT 28 TO 30 KNOTS, THE IDF NAVY WAS ENTITLED TO ATTACK WITHOUT FURTHER

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IDENTIFICATION IN VIEW OF THE BACK-GROUND OF INFO ON THE SHELLING OF EL ARISH. IDF NAVAL OPS SECTION HAD ORDERED THE MTB'S WHO REPORTED LIBERTYS SPEED AS 30 KNOTS TO RECHECK AND ONLY AFTER CONFIRMATION OF THAT SPEED WAS THE INFO CONSIDERED RELIABLE AND AIRCRAFT WERE SENT TO ATTACK. THE QUESTION OF POSSIBLE NEGLIGENCE IN ESTABLISHING THE SPEED AT 28-30 KNOTS WHEN IN FACT LIBERTY'S MAX SPEED IS 18 KNOTS IS DISCOUNTED BY THE IDF CNO WHO TESTIFIED QUOTE THAT SUCH ESTIMATIONS REQUIRE EXPERTISEWM IN AN MTB THERE MAY BE GREAT DISCREPANCIES IN FIXING THE SPEED OF A VESSEL MOVING IN FRONT OF IT, ESPECIALLY IF THE ESTIMATE WAS MADE ONLY OVER A SHORT INTERVAL OF TIME. IT IS QUITE FEASIBLE THAT THERE MAY BE SUCH A MISTAKE EVEN IF YOU MEASURE IT TWICE OR MORE UNQUOTE. AS A RESULT OF THE INCIDENT MAYBE THE STANDING ORDER SHOULD BE REIONSIDERED BUT NO CRIMINAL NEGLIGENCE IS FOUND IN THE MTB'S FIXING OF LIBERTY'S SPEED.

THIRD MISTEKE CAUSED EXEIUTION OF THE SECOND STAGE OF ATTACK ON LIBERTY, THIS TIME WITH TORPEDOS FROM MTB'S. THIS WAS THE MISTAKEN IDENTIFICATION OF LIBERTY AS THE EGYPTIAN SUPPLY SHIP EL QUSEIRWM HERE I (THAT IS, THE OFFICER CONDUCTING THE INQUIRY WHO LTC EFRAT IDENTIFIED PARENTHETICALLY AS COL RAM RON, FORMER ISRAELI MILITARY ATTACHE TO WASHINGTONWN D.C.) MUST STATE MY DOUBTS WHETHER THE IDENTIFICATION WAS NOT DONE WITH A CERTAIN OVEREAGERNESS AS THIS HAPPENED WHEN SERIOU MDOUBTS WERE ALREADY BEGINNING TO ARISE AS TO THE IDENTIFICATION AS AN EGYPTIAN SHIP. IT HAS BEEN ESTABLISHED BY THE EIDENCE OF THE C.O. OF MTB DIV THAT THE DOUBTS WHICH HAD BEGUN TO ARISE IN THE PILOTS AS TO THEIR ACCURACY OF IDENTIFICATION DID NOT GET TO THE C. O. OF THE MTB DIV AT THAT TIME, BUT HE ALREADY KNEW THAT THE SHIP WAS NOT A DESTROYER BUT A SUPPLY OR MECHANT SHIP AND THIS SHOULD HAVE CAUSED EXTRA CAREFULNESS IN IDENTIFICATION. ON THE OTHER HAND, I (AGAIN COL RON) MUST STATE THE EXTENUATING CIRCUMSTANCES AND DIFFICULTIES OF IDENTIFICATION UNDER THE FOLLOWING CONDITIONS:

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RUDLKD/CINCNAVEUR
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FINAL SECTION OF 11.

(1) SHIP WAS COERED WITH THICK SMOKE. (2) WHEN ASKED TO IDENTIFY ITSELF, THE SHIP DID NOT DO SO AND BEHAVED SUSPICIOUSLY. (3) IT APPEARED TO THE DIVCOM THAT THERE WAS A GUN ON THE FOREWA CASTLE OF THE SHIP AND THAT THE SHIP WAS FIRING TOWARD THE MTB'S. THESE OVSERVATIONS WERE RECORDED IN THE WAR DIARY AT THE TIME OF ACTION.

IF WE ADD TO THESE FACTORS THAT UNDER THE CIRCUMSTANCES WHEN THE SHIP WAS COMPLETELY KOVERED WITH SMOKE THERE WAS, IN FACT, APPARENTLY A GREAT SIMILARITY BETWEEN IT AND EL QUSEIR. TWO OFFICERS, A CDR AND A LT ON TWO DIFFERENT MTB'S WHO HAD NO COMMUNICATIONS BETWEEN THEM BOTH IDENTIFIED THE SHIP AT THE SAME TIME AS EL QUSEIR.

THE IDF KNO DECIDED THAT ON THE BASIS OF REPORTS ON HAND THAT THIS IDENTIFICATION WAS FEASIBLE. THEREFORE I (AGAIN COL RON) HAVE COME TO THE KONCLUSION THAT THERE WAS KERTAINLY NO CRIMINAL OR SERIOUS NEGLIGENCE IN THIS CASE. FINALLY I (COL RON) HAVE TO ADD THAT A GRAVE ADDITIONAL MISTAKE NOT LESS DECISIVE THAN THE THREE ABOVE MISTAKES MADE BY IDF WAS MADE BY THE LIBERTY ITSELF. ON THIS QUESTION, I (COL RONWL HAVE THE EIDENCE OF THE IDF CNO AND JAG WHICH COMPLEMENT EACH OTHER AND FROM WHICH IT IS CLEAR THAT THE AMERICAN SHIP ACTED WITH LACK OF CARE BY ENDANGERING ITSELF TO A GRAVE EXTENT BY APPROACHING EXCESSIVELY CLOSE TO THE SHORE IN AN AREA WHICH WAS A SCENE OF WAR AND THIS AT A TIME WHEN IT WAS WELL KNOWN THAT THIS AREA IS NOT ONE WHERE SHIPS GENERALLY PASS, THIS WITHOUT ADVISING THE ISRAELI AUTHORITIES OF ITS PRESENCE AND WITHOUT IDENTIFYING ITSELF ELABORATELY. FURTHERMORE, IT APPEARS THAT THE SHIP MADE AN EFFORT TO HIDE ITS IDENTITY FIRST BY FLYING A SMALLL FLAG WHICH WAS DIFFICULT TO IDENTIFY FROM A DISTANCEV SECONDLY BY BEGINNING TO ESCAPE WHEN DISCOERED BY OUR KORCES AND WHEN IT WAS AWARE OF THE FACT THAT IT HAD BEEN DISCOERED, THIRDLY BY FAILING TO IDENTIFY ITSELF IMMEDIATELY BY ITS OWN INITIATIVE BY FLASHING LIGHT AND BY REFUSING TO DO SO EEN WHEN ASKED BY THE MTB'S. FROM ALL THIS I (COL RON) CONCLUDE THAT THE SHIP LIBERTY TRIED TO HIDE ITS PRESENCE IN THE AREA AND ITS IDENTITY BOTH BEFORE IT WAS DISCOVERED AND EEN AFTER HAVING BEEN ATTACKED BY THE AF AND LATER BY THE NAVY AND THUS KONTRIBUTED A DECISIVE KONTRIBUTION TOWARD ITS IDEFTIFICATION AS AN ENEMY SHIP." END QUOTE.

COMMENTS: 1. ALL ABOE IS AS DICTATED BY LTC EKRAT WHO WAS TRANSLATING FROM A DOCUMENT WRITTEN IN HEBREW.

2. LTC EFRAT PAUSED AT ONE POINT IN HIS READING TO POINT OUT THE GOI HAD RECEIVED A STATEMENT FROM USG SAYING THAT LIBERTY HAD BEEN IDENTIFIED SIX HOURS PRIOR TO THE ATTACK RATHER THAN ONE HOUR AS STATED IN AN EARLIER USG COMMUNICATIONWM

3. LTC EFRAT PROBABLY NOTED ALUSNA'S APPEARANKE OF SURPRISE AND INCREDULITY AS HE READ OFF SOME OF THE ABOE POINTS. WHEN HE FINISHED HIS READING HE ASKED WHAT ALUSNA THOUGHT OF THE FINDINGS QUOTE OFF THE RECORD UNQUOTE. ALUSNA PRETENDED HE HAD NOT HEARD THE QUESTION AND THANKED THE COLONEL FOR HIS TIME. THE BURDEN OF DIPLOMACY BORE HEAVILY ON ALUSNA WHOSE EALUATIONS ARE:

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4. WHILE WALKING TO THEIR CARS, LTC EFRAT MENTIONED THAT GEN RABIN HAS NEVER BEEN SO ANGRY AS WHEN HE READ THE CURRENT NEWSWEEK MAGAZINE COMMENT ON THE LIZERTY INCIDENTWM ALUSNA REMARKED THAT HE TOOK NO NOTICE OF NEWS MEDIA REPORTING ON THE INCIDENTM
5. ALUSNA WAS KALLED TO FLO EARLIER N THE DAY TO RECEIVE A KOPY OF IDF CNO LETTER OF REGRET AND CONDOLENCE TO CNO USN. ALUSNA WAS INFORMED THAT THE ISRAELI MILITARY ATTACHE IN WASHINGTON, D.C. WILL DELIVER THE ORIGINAL TO ADM MCDONALD.
6. COORDINATED WITH EMBASSY. GP-3
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