

# Exhibit 2-678

CHAPTER TWO

ATTACK ON THE "LIBERTY"

THEATRE OF BATTLE AT THE TIME OF THE "LIBERTY'S" APPEARANCE.

The "Liberty" made its appearance at the theatre of operations on 8 June at the height of the war. Although it was clear that the scales were shifting in favor of Israel's rapidly advancing forces, on the Egyptian and Jordanian fronts, the end of the war was still not in sight and the Arab states had not yet agreed to a cease-fire.

The Syrians continued to shell civilian settlements all along Israel's northern front. Israeli artillery returned the fire, and artillery duels continued the entire day. Israel Air Force planes also attacked Syrian fortifications and artillery positions.

On the Jordanian front, Israel had succeeded in gaining complete control of the Jordan Valley up to the Jordan River, and Jordan declared its acceptance of a cease-fire at 1025 hours.

The naval theatre was also active. Three Egyptian submarines were cruising in the theatre of operations but their exact position was as yet undetermined.<sup>4</sup> At approximately 0900 hours, submarine "tracks" west of Atlit were discovered and the enemy submarine was attacked by vessels of the Navy.<sup>5</sup> After three hours, a report was received about the appearance of a submarine periscope off Rosh Hanikra. (The border checkpoint between Israel and the Lebanon, on the coast). Thus, the "Liberty" had entered an arena in which hostilities were being conducted between two belligerent parties. Moreover, Egypt herself on 23 May 1967 declared as prohibited to maritime traffic, the area off the coast, up to a distance of 14 miles from the shore.<sup>6</sup>

DETECTION AND IDENTIFICATION OF THE "LIBERTY".

On 8 June, at 0410 hours, an IAF "Nord" aircraft took off with a naval officer aboard serving as an aerial observer. This air reconnaissance patrol was part of the routine coastal security measures. The patrol set out at first light, parallel to Israel's shores and over the open sea. (An additional patrol of the same type proceeded from 1530 hours until nightfall?). The patrol's mission was to detect ship movements before vessels could enter coastal radar detection

range. The airborne observer would make a brief report of each detection at the moment visual contact was made; additional information would be transmitted in the debriefing, after the plane's landing. At approximately 0545, an unclear message was received from the plane at Central Coastal Command (CLC-Combat Information Center-Central Coast). After clarification with the Navy representative at Air Command, the observation plane was reported to have sighted a ship, apparently a destroyer, sailing 70 miles west of Gaza. The ship was designated as "Skunk-C" on the Control Table, and marked red - i.e. an unidentified target.

Later, at 0603 hours, an additional report arrived from the plane, which described the vessel as a supply ship of the US Navy. The report was not unusual. Aerial observers had often reported on the presence of this type of craft, but such vessels would always change direction and disappear far from the coast.<sup>7</sup> Although the ship had been identified by the aerial observer, the target remained colored in red since the team at Central Coastal Command (hereafter referred to as CCC) were not positively sure of the ship's identity.<sup>8</sup>

At approximately 0900 hours, following the discovery of the enemy submarine off Atlit, GOC Israel Navy arrived at the (CCC) bridge. During a break in the activity surrounding the submarine, GOC Navy inquired about "Skunk-C", and after receiving an explanation concerning the vessel, instructed that the ship be marked green - i.e. a neutral craft.

At about the same time, a report arrived at Regional Control 501; the report stated that an IAF pilot, returning from a mission in Sinai, had spotted a ship 20 miles north of El-Arish and that when he had tried to identify the vessel it had opened fire upon him.<sup>9</sup> Reacting to this report, Head of Naval Operations Section/3 (a section in the Naval Operations Department) instructed Israel Navy destroyers "Jaffa" and "Eilat" (who were patrolling along the coast) to turn south and verify the identity of the vessel. However, the destroyers were ordered to return to their patrol sectors at 0940 hours, after an additional report arrived from Regional Control 501, that in the light of the pilot's debriefing, there was no certainty that he had indeed been fired upon by the ship.<sup>10</sup> The report likewise stated that, "the ship is colored grey-blue, very wide and the bridge is in the middle."

Meanwhile, the "Nord" plane which had been patrolling the sea had landed and the observer was debriefed by Lt. Commander Pinchasi, a navy representative at Air Command. The observer reported spotting the marking GTR-5,

on the ship's side. Lt. Commander Pinchasi checked the marking in a "Janes" manual and learned that the reference was to the intelligence-ship named "Liberty". He reported the information to Naval Operations Section/3 and since the reference was to an intelligence ship he likewise reported to Naval Operations Section/4 (Intelligence)<sup>11</sup>.

Commander Lunz had relieved the Head of Naval Operations section/3 (who retired to rest) and was the officer who received the report. However, he did not see anything new in the debriefing but rather a complementary report to the one received at 0500 hours. Since he did not have information as to the present location of the "Liberty" he gave the order (at 1100 hours) to erase the vessel from the CCC control table. This order was given in accordance with the accepted updating procedure for maintaining an up-to-the minute picture at the CCC control table.<sup>12</sup>

By this action, the "Liberty" was, for all practical purposes, removed from the agenda. The detection of the "Liberty" at that location (far from the theatre of battle) was not unusual and did not require special attention or tracking. Certainly no danger was discerned that might have necessitated a response and it was reasonable to assume that the ship would turn round and sail away. In addition, it was common practice to erase targets which had disappeared from range.<sup>13</sup> These were almost certainly the considerations which guided commander Lunz when he ordered the erasure of "Liberty" from the CCC control-table.<sup>14</sup>

A short time after the erasure of "Liberty" from the CCC control table, a series of events transpired which led to the detection of the ship a second time now under circumstances which led to a tragic mistake.

#### REPORT ON THE SHELLING OF EL-ARISH AND DISPATCHING OF THE TORPEDO BOATS.

At 1124 hours, the naval representative at Air Command reported to Naval Operation Section/3, on the shelling of El-Arish from the sea. Commander Lunz passed on the report to Chief of Naval Operations, Captain (Navy) Rahav, and he in turn instructed Lt. Commander Pinchasi, in no uncertain terms, to check the source of the report.<sup>15</sup>

The inquiry into the source of the report was ordered because of the many reports which had been received concerning shelling from the sea and which were later proven to be false. The feeling was that this report was probably no different. Lt. Commander Pinchasi was told by Air Operations Section/3