

Exhibit 8-5

submitted by the Naval Force, this point lacks clarity and it seems that the order given was to attack the ship after its identification as a warship and it is not clear whether the intention was that the absolute identification as a warship was to be made by an additional identification by the pilots, or that the identification as warship by the Naval Force based on the ship's speed was to suffice. At any rate, it appears from the recorded tape of the conversation of the pilots who attacked the ship (Exh. "D"), who were in radio contact with the Torpedo boats, that the ship was identified by the aeroplanes as a military ship with a single mast (gun?) and a single funnel. In the report of the pilots after the operation (Ex. "H") it is expressly stated that, "The size of the target appeared to them to be a destroyer or something smaller and that they received confirmation to attack the ships from the Torpedo boats and the Air Control". It appears from Exhibit "L" that the confirmation by the Torpedo boats to the attack by the aeroplanes was given after the pilots had been asked once more to identify the target and had been told that the target was escaping, probably in the direction of Port Said, and that it was a military ship, without the pilots having been able to spot any identification marks or flag. At any rate, it is not certain whether this conversation took place before or during the actual attack.

With reference to the actual attack of the ship by the aeroplanes, it appears from the testimony of Lieut. Col. Shmuel, who served as Senior Controller in the Air Force, that at the request of the Naval Forces, he ordered a couple of Mirages then in the air patrolling the Sinai peninsula, to locate the ship and if necessary, attack it.