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DEPARTMENT OF STATE
Washington, D.C. 20520

Attention ma/leTT
Keep this study together.

September 19, 1969

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MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: Up-dated Report on Hijacked TWA Aircraft

The fedayeen hijackers are still in prison and are expected to be brought to trial by the Syrian Government. They have not been allowed to communicate with the leaders of their fedayeen organization, the Popular Front for the Liberation of Palestine. The International Red Cross assures us that the two Israeli passengers are being well treated. The Captain of the TWA aircraft remains in Damascus and we understand that TWA is contemplating sending in technicians to repair the damaged Boeing.

The Syrian Government continues to maintain that it is observing international practice. It has reiterated to the President of IATA that it considers that it is abiding by Article 11 of the Tokyo Convention. At the same time the Syrians contend that the Fourth Geneva Convention of August 1949 permits them to retain citizens of a country with which they are in a state of war. Actually, Article 42 of this Convention permits a country to retain such persons only if their activities are detrimental to the security of that country. This is not the case in this instance. It seems clear that the Syrians are still looking for a face-saving way out of their dilemma and are fearful of adverse internal reactions if they do not extract a quid pro quo.

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GROUP 3

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BY S/S: CMS

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DECLASSIFIED
PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004

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During the past week we have continued our efforts through third countries and international organizations. At our request the Italian Ambassador in Damascus called on the Syrian Foreign Ministry over the weekend to make another demarche. Our Ambassador in Moscow again requested a reading from the Soviets, who replied that the Syrians still had the matter "under investigation". At the same time the Soviets noted that the Syrians were having "political" problems.

The ICAO President sent a follow-up message to the Syrians several days ago, and on Friday the President of IATA arrived in Damascus. The latter has informed us that following high-level review the Syrian Government told him the passengers could not be released into his custody.

Our ploy with Pan American also had no positive effect. Over the weekend Pan American communicated to the Syrian Government its willingness to move toward final negotiations on landing and overflight rights once the passengers were released. But while Pan American made clear that this was intended as a forthcoming gesture, one Syrian official chose to interpret the initiative as a backing off from negotiations. No Pan American representative attended the Damascus Airport inauguration ceremony on September 15, nor did representatives from most of the other major European airlines.

The Italians seem to feel that they have reached an impasse in their efforts and continue to believe that the Syrians would view with favor a trade-off for the two Syrian pilots being held in Israel. We understand that the Syrians will not initiate any such exchange but would probably be responsive to such an arrangement. A friendly Syrian official has confided to us that if the Israelis would release the two Syrian pilots, the Syrian Government would probably reciprocate with the release of the

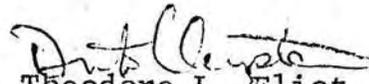
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two Israeli passengers. We have again broached the idea of an exchange to the Israelis but they have reacted negatively.

Meanwhile, the Israelis are becoming more impatient and are hinting that they may have to take some action of their own. We have urged that they continue to exercise restraint and have cautioned them that any possible Israeli military action against Syria would endanger the lives of the two Israeli passengers. We have informed the Israelis that on September 18 we again approached the Soviets and that we are moving toward raising the general issue of hijacking before the UN General Assembly.


Theodore L. Eliot, Jr. for
Executive Secretary

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