EGYPT TO RELEASE 10 ISRAELI SAILORS
By KATHLEEN TELTSCHSpecial to The New York Times.
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Informs U.N. Seized Vessel's Cargo Also Will Be Freed—Debate Due to Start Today

By KATHLEEN TELTSCH
Special to The New York Times.

UNITED NATIONS, N. Y., Dec. 6—Egypt announced today her intention to release the ten-man crew and cargo of the Israeli freighter Bat Galim, seized Sept. 28 near the Suez Canal.

The announcement communicated to the United Nations made no mention of freeing the 500-ton vessel, and Israel promptly issued a statement declaring that she would accept only "unconditional" release of ship, cargo and crew.

Egypt's action was taken as the Security Council prepared to reopen debate tomorrow at 3 P. M. on Israel's charges that the Cairo Government persisted in interfering with Israel-bound vessels using the Suez waterway. In asking for a new round of debate on the old dispute, Israel had held out the Bat Galim case as the most recent "flagrant" instance of Egyptian interference.

'Insufficient Evidence'

Omar Loutfi, Egypt's delegate, in a brief communication to the Council, declared that Egyptian judicial authorities had found "insufficient evidence" to support the charges that the Bat Galim's crew had fired on and killed Egyptian fishermen. The letter said that it had been decided to set aside the charges of murder, attempted murder and unlawful carrying of weapons.

The seamen will be released as soon as the necessary formalities have been concluded, the letter pledged, adding that the Egyptian Government also was prepared to release the seized cargo immediately. Reports from Cairo last week said part of the cargo had been sold at auction.

Israel's statement, which "welcomed" the release of the seamen and cargo but emphasized that she did not regard the case as closed, said:

"The only solution which Israel can accept is the unconditional release of the ship together with its crew and cargo so that it can complete the journey, which Egypt had not the slightest right to interrupt in the first place. No other outcome would be compatible with international law and practice."

'Warlike Act' Charged

The Israeli delegation reiterated its Government's contention that the seizure was a "warlike act against Israel," as well as a violation of the 1949 Egyptian-Israeli armistice agreement, of accepted maritime practice, of a 1951 Security Council resolution calling on Egypt to desist from any interference with vessels using the Suez, and of the nine-power Constantinople convention of 1888 covering free transit of the Suez.

This convention states: "The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag. * * * The canal never shall be subjected to the exercise of the right of blockade." It was ratified, among others, by Turkey, which then controlled Egypt.

It is Egypt's contention that, despite the 1949 armistice, she is technically at war with Israel and that the practice of search and stoppage of vessels was covered by the 1888 convention.

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