

United Nations  
**GENERAL  
ASSEMBLY**

**EIGHTH SESSION**

*Official Records*



**THIRD COMMITTEE, 537th**

**MEETING**

*Monday, 30 November 1953,  
at 10.50 a.m.*

**New York**

**C O N T E N T S**

	<i>Page</i>
Tribute to the memory of Sir Benegal Rau.....	313
Measures for the peaceful solution of the problem of prisoners of war.....	313

**Chairman: Mr. G. F. DAVIDSON (Canada).**

**Tribute to the memory of Sir Benegal Rau**

1. The CHAIRMAN expressed his own and the Committee's great regret at the death of Sir Benegal Rau, who had represented India on the Security Council with great distinction and had more recently been a Judge of the International Court of Justice. The Committee shared with the Government and people of India a deep sense of the loss suffered by the whole international community.

2. He invited the Committee to stand and observe one minute's silence.

*The Committee observed one minute's silence in memory of Sir Benegal Rau.*

3. Mr. VENKATARAMAN (India) thanked the Chairman and the Committee for their sympathy. Sir Benegal Rau would be remembered in the United Nations as a man of great charm and erudition, who had helped to solve some of the most difficult problems with which the Organization had been confronted. He would convey the Chairman's condolences to the Indian Government.

**Measures for the peaceful solution of the problem of prisoners of war (A/2482 and Corr.1, A/C.3/L.397)**

[Item 71]\*

4. Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic), supported by Mr. TSARAPKIN (Union of Soviet Socialist Republics), Mrs. WASILKOWSKA (Poland), Mr. SCHMELZ (Czechoslovakia) and Mrs. KHOKHOL (Ukrainian Soviet Socialist Republic), stated that she would vote against the draft resolution submitted by Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Mexico and Peru (A/C.3/L.396 and Add.1) proposing that the representative of the Federal Republic of Germany and the Permanent Observers of Italy and Japan to the United Nations should be invited to state their Governments' views. Her delegation had objected to the inclusion of item 71 in the agenda of the General Assembly, because, under Article 107 of the Charter, the matter was not within the competence of the United Nations. Raising of the question before the General Assembly

\* Indicates the item number on the agenda of the General Assembly.

was a further attempt to use the forum of the United Nations to slander the Soviet Union and the peoples' democracies and had been engineered by the ruling circles of the United States in order to aggravate world tension.

5. Mr. VENKATARAMAN (India) said that he would vote for the joint draft resolution because his delegation believed that the representatives of all the countries concerned should be given an opportunity of stating their views.

6. Mr. JOUBLANC RIVAS (Mexico), Mr. MENDES DE ALMEIDA (Brazil) and Mrs. DE LA CAMPA (Cuba) explained that they had joined the sponsors of the draft resolution because the question was purely humanitarian and therefore should be discussed in the Third Committee with the participation of representatives of the three non-member countries directly concerned.

7. Mr. SHAH (Pakistan) and Miss BERNARDINO (Dominican Republic) agreed that the Third Committee was competent to deal with the question, since it was of a humanitarian character.

8. They would vote for the joint draft resolution.

9. Mrs. AFNAN (Iraq) stated that her delegation had consistently advocated the principle of the universality of the United Nations and had urged that the opinions of all peoples should be heard in the General Assembly.

10. She would therefore vote for the joint draft resolution.

11. Mr. PAZHWAQ (Afghanistan) agreed with the Iraqi representative that the movement towards universality of the Organization should be strengthened by inviting everyone who could shed light on certain problems to do so.

12. He asked whether the three representatives would be allowed to participate in the debate, or would merely make statements. There was some discrepancy between the requests for hearings (A/C.3/L.383, A/C.3/L.392 and A/C.3/L.394) and the joint draft resolution in that connexion.

13. Mr. TSAO (China) said that he would vote for the joint draft resolution.

14. It seemed to be quite clear from the texts of the requests for hearings and the draft resolution that the three representatives concerned should not be limited to making single statements, since the Italian and Japanese Observers had asked to be allowed to participate in the debate and the draft resolution contained the phrase "be invited to state the views of their Governments during the debate on the item".

15. The CHAIRMAN put the joint draft resolution (A/C.3/L.396 and Add.1) to the vote.

*The resolution was adopted by 48 votes to 5.*

*At the invitation of the Chairman, Mr. Hallstein, representative of the Federal Republic of Germany,*

A/C.3/SR.537

Mr. Guidotti, Permanent Observer of Italy to the United Nations, and Mr. Sawada, Permanent Observer of Japan to the United Nations, took places at the Committee table.

16. In reply to questions from Mr. BARODY (Saudi Arabia) concerning the status of the three representatives' statements and the possibility of their being interrogated by the Third Committee, the CHAIRMAN, supported by Mr. MAURTUA (Peru), stated that, according to the resolution just adopted, the representatives would state their Governments' views and that it was for the members of the Committee to decide whether they wished to ask any questions. In accordance with his usual procedure, he would not feel obliged to direct any questions to the representatives, who were free to decide whether or not to reply.

17. Mr. HALLSTEIN (representative of the Federal Republic of Germany) expressed his Government's appreciation of the opportunity extended to him to make a statement to the Committee. The Federal Republic of Germany while not yet a Member of the United Nations, was a member of the specialized agencies and subscribed to United Nations ideals. The United Nations in its turn had shown understanding of the German nation's grave concern about the fate of German prisoners of war who were still detained. The problem was not political, but humanitarian, and could be solved by the exercise of good will.

18. The Council of Foreign Ministers had fixed 31 December 1948 as the final date for the repatriation of German prisoners of war. The Government of the Soviet Union had announced on 4 May 1950 that repatriation had been completed for all except 9,717 prisoners sentenced for major war crimes, 3,815 suspected of war crimes and 14 sick prisoners. The Federal Government had found, from information supplied in each case by at least two repatriates or from communications from the prisoner himself, that up to 1 September 1953 at least 102,958 former members of the German armed forces had not been returned from the Soviet Union. Moreover, repatriates had reported seeing in the Soviet Union many German military prisoners from among those, numbering over one million, who had been reported missing on the Eastern Front.

19. Of the 102,958 prisoners mentioned, 18,690 were known to have been alive on 4 May 1950; 546 of those had since died and 6,870 had returned home up to 12 October 1953, including 5,374 since 1 September 1953, while several hundred more had returned in the previous few days. At least 750,000 German civilians had been deported to the Soviet Union before and after the end of the Second World War, of whom a minimum of 133,000 had still been alive and in detention in 1950.

20. No details had been provided by the Soviet Union as to the nature of the war crimes with which the prisoners still detained had been charged. Repatriates, however, had revealed that prisoners had been forced to make confessions, that customary legal guarantees for those on trial had been lacking, and that the crimes for which they had been sentenced were not generally war crimes as internationally defined. Several hundreds still detained, furthermore, were known to have been neither convicted nor charged with war crimes.

21. Mr. TSARAPKIN (Union of Soviet Socialist Republics), on a point of order, stated that the Ger-

man representative's reference to Soviet legal procedure was out of place.

22. Mr. HALLSTEIN (representative of the Federal Republic of Germany) said that the Soviet Union had not yet stated how the figure given on 4 May 1950 had been arrived at, or given the names of the prisoners included in the figure. The Soviet Government should communicate the names of all Germans in any category still detained, and assist the Federal Government in tracing missing prisoners, as other governments had done in the case of German soldiers missing on the Western Front. Complete registration of the captured and killed had been impossible at the end of the war, but had been carried out by the Soviet Union from the spring of 1946 onwards.

23. Poland was still detaining 2,047 German prisoners and a further 5,921 were known by name but could not be traced; the corresponding figures for Czechoslovakia were 3,434 and 3,131 respectively. In many cases prisoners who had served their sentences were still detained in those countries, neither of which had stated what prisoners were detained or had died in detention.

24. The Government of the Federal Republic of Germany had been grateful for the General Assembly's consideration of the problem of prisoners of war as early as 1950 and for its resolution 427 (V), and greatly admired the humanitarian attitude and impartiality of the *Ad Hoc* Commission on Prisoners of War. The resolution was an excellent basis for the solution of the problem and should be confirmed at the current session of the General Assembly and the Commission should continue as a mediator.

25. The German nation had sincerely welcomed the recent releases of prisoners from the Soviet Union and hoped they would continue. The fate of many was still unknown to their relatives, whose tragedy was almost greater than that of the captives themselves and made it urgent that that humanitarian problem should be solved through co-operation and without propaganda. Unsolved, it was an obstacle to international understanding. His Government urged all Members of the United Nations to do their utmost to see that all Germans still detained abroad were returned home, and the fate of the missing brought to light.

26. Mr. GUIDOTTI (Permanent Observer of Italy to the United Nations) likewise expressed his appreciation at being permitted to take part in the debate. His Government had welcomed the General Assembly's decision to discuss the question of prisoners of war as a measure likely to lead to the long overdue solution of the problem. The issue was not one of propaganda, as the Secretary-General's request for inclusion of the item on the agenda (A/2460) had shown. Italy was grateful to the *Ad Hoc* Commission for its untiring and impartial efforts: the Commission's report (A/2482 and Corr.1) emphasized the continuing difficulties hampering the solution of the problem. The recent repatriation of thousands of Japanese, many German, and some Austrian, Dutch and Norwegian prisoners was most encouraging, but only one Italian prisoner had so far been returned.

27. The aspects of the problem which concerned Italy were, first, the continuing uncertainty as to the number and names of prisoners detained as alleged war criminals—it was desirable that the charges against them and the length of their sentences should be made known—secondly, there was great anxiety over those still

held prisoner eight years after the cessation of hostilities; thirdly, nothing was known of about 63,000 officers and men missing on the Eastern Front; and, fourthly, the lack of information suggested that other prisoners besides those accounted for might still be detained in the Soviet Union.

28. He appealed to the USSR Government to contribute to the solution of the problem by furnishing full information on the prisoners under its control, by exercising clemency towards those under sentence, by repatriating them and all those held for other reasons, and by throwing light on the fate of the missing, to alleviate the sufferings and sorrows of their families. Political problems were difficult to solve, but, when human suffering was involved, every obstacle should be overcome.

29. Mr. SAWADA (Permanent Observer of Japan to the United Nations) thanked the Committee for granting him a hearing, and the General Assembly and the *Ad Hoc* Commission on Prisoners of War for their efforts to settle the question of prisoners of war and for the moral support thus extended to the detained prisoners and their families. It was pleasant to be able to announce that 26,000 Japanese prisoners had been repatriated that year from Communist China through Red Cross arrangements, and that friendly Red Cross negotiations in Moscow had resulted in an arrangement for the repatriation of 1,274 prisoners from the Soviet Union, with 1,047 more to follow on the expiry of their sentences. The first batch was to include 810 prisoners, and arrangements had been made for a Japanese repatriation vessel to call at Nakhodka to receive the list of their names, which were not yet known. The credit was due largely to the *Ad Hoc* Commission, and in that regard, appreciation was also expressed to the Soviet Union and the People's Republic of China in so far as they had co-operated in the repatriation.

30. Nevertheless, Japan had estimated on 1 August 1953 that there were in all 85,000 Japanese prisoners still unrepatiated whose identity was known, and of whom 56,000 were known to be living; 246,000 were known to have died. Of the 56,000, 14,504 were in USSR territory and most of the remainder in Communist China. The estimates, which were conservative, had been based on information from repatriates or on communications from those still detained, as authoritative information from the detaining countries had not been available. The official USSR news agency had stated that only 2,500 Japanese war criminals were still detained by the Soviet Union; the great discrepancy between the USSR and Japanese figures was a source of great anxiety and sorrow in Japan. The lack of authoritative information about the fate of the prisoners had caused great hardship to their families. The prisoner-of-war question thus constituted one of Japan's gravest social problems.

31. The sympathy of the Third Committee would help to alleviate the families' sufferings. The detaining countries, for their part, should furnish the names, place of and reason for detention of those who were to remain prisoners when the current repatriation schemes were completed, as well as their estimated dates of repatriation and information as to those who had died. They should search their vast territories—in that connexion the Soviet Red Cross had intimated that it might study the matter—to find and repatriate any prisoners who had been overlooked in previous

registrations; and they should relax restrictions on the passage of mail and parcels for prisoners. The *Ad Hoc* Commission, in which the Japanese people placed its hopes, should continue to operate until every prisoner had been repatriated or accounted for.

32. The Secretary-General had rightly referred to the solution of problems relating to social and human affairs as a potential contribution to world peace. It would also be an important step towards the desired establishment of normal relations between Japan and its neighbours. He asked the Soviet Union to intensify its efforts in that direction.

33. Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) said that certain circles in the United States of America and elsewhere had a vested interest in crushing the hopes of a relaxation of international tension, to which the armistice in Korea had given rise. The inclusion of the item concerning the alleged problem of prisoners of war, against which the USSR and other delegations had already protested, was yet another provocative move inspired by those circles, and it was, besides, a flagrant violation of Article 107 of the United Nations Charter. The obvious purpose of bringing up again a matter which was not properly a concern of the United Nations at all was to divert public opinion in Germany, Italy and Japan from the growing subordination of their economies to United States military plans and to fan hatred for the USSR and the peoples' democracies. To that end falsified figures of the prisoners of war alleged to be still detained by the USSR had been planted in the United States Press and in the report of the *Ad Hoc* Commission on Prisoners of War (A/2482 and Corr.1).

34. The enormous suffering and damage caused to the Soviet and other peoples by the savagery and rapacity of the nazi, fascist and militarist cliques in Germany, Italy and Japan had been described in the General Assembly on previous occasions; a full account of the losses suffered by the USSR had been published on 13 September 1945 in the report of the special commission for the investigation of war crimes appointed by the Supreme Soviet. The total damage to the Soviet Union had been assessed at 679,000 million roubles; the Byelorussian SSR had lost almost half its national wealth. Far worse than the material loss had been the slaughter and torture of thousands of innocent women, children and aged persons and the reek of the concentration camps and mass murders at Auschwitz and Katowice. There was not a family in the USSR that had been untouched by war. That the people of the Soviet Union would never forget. The Germans had to bear the responsibility for the unparalleled atrocities they had perpetrated. Nevertheless, the Government of the USSR, prompted by humanitarian feelings and in order to fulfil international commitments, had completed the repatriation of all prisoners of war, except those convicted of war crimes, those under investigation and those in hospital. The Tass news agency had reported officially on 21 April 1950 that 510,409 Japanese prisoners of war had been repatriated, in addition to the 70,880 who had been set free immediately behind the lines in 1945. Only 1,407 had remained in detention for war crimes or on suspicion of war crimes. Eight out of nine in hospital had been repatriated. A number guilty of war crimes against China had been extradited thither. Detailed accounts of the repatriation had appeared in the Press at the time. The USSR had nothing to hide.



35. The United States of America, however, deliberately exaggerated the numbers said to have been captured in the Far East in order to distort the numbers of alleged prisoners of war. The Japanese newspaper *Asahi* had disclosed on 30 September 1949 that families had been instructed to register any members of the family who had not been repatriated, except those whose death had been reported in writing, even though there would be the possibility of duplication. The newspaper thus openly admitted that repeated registration of the same person was highly likely. Cases had in fact been found of the registration of persons whose death had actually been reported in writing. Every prefecture had had a quota fixed in advance, and lists of the dead and missing and persons who had moved out of the area had been compiled in order to comply with it. The United States and Japanese military authorities had registered as non-repatriated all persons who had not returned to their homes. Whatever the front on which the persons had disappeared—many on ships which had been torpedoed in areas under United States or United Kingdom control—they had been listed as prisoners of war held in the Soviet Union.

36. The real purpose of the falsification was to conceal the fact that the United States of America and other Powers were not themselves complying with their international commitments. There were far more prisoners of war in the territory under United States jurisdiction than shown in the official figures. On 31 August 1951 General MacArthur's headquarters had reported that repatriation had been completed; but four months later, the newspaper *Asahi* had stated that the fate of 500,000 Japanese military personnel in the South Seas was unknown. The newspaper had reported that 80,294 were missing in the Carolines area, 4,000 in the Philippines, 34,000 in China (then still ruled by the Kuomintang), 77,000 in Burma, Malaya and Java, 2,000 in French Indo-China, 32,000 in the area under Australian control; in addition, 158,000 civilians were still missing. Japanese families might well wonder where the missing could be; the one place where they could not possibly be was the USSR. The Press had expressed deep concern; General MacArthur's headquarters had remained silent. The *Ad Hoc* Commission on Prisoners of War had imitated General MacArthur in that respect. It was to be hoped that the facts would one day come to light.

37. With regard to the German prisoners of war, Tass had reported on 5 May 1950 that 1,939,063 had been repatriated; there had remained 9,717 convicted of crimes committed by them personally, 3,805 held while suspicions of war crimes were being investigated and fourteen in hospital, eleven of whom had been repatriated subsequently. Thus, the USSR had faithfully fulfilled its commitments with regard to repatriation.

38. The United States of America, however, had been guilty of double-dealing in a plan to retain its prisoners of war as cheap labour while spreading false propaganda about the prisoners of war in the Soviet Union. On the initiative of the USSR, the Foreign Ministers Conference at Moscow in 1947 had gone into the prisoner-of-war question and had decided that the Control Council should work out a plan. The Council had not done so because the United States of America and the United Kingdom had refused to include a large number of prisoners of war, under the pretext that

they were hired labour. Behind the Control Council's back, the United States and the United Kingdom had negotiated for the retention of the prisoners of war, in contravention of the agreement reached by the Foreign Ministers. They had made a new secret agreement and had failed to report it to the Control Council. Finally, on 20 January 1948, the United States representative had suggested that the repatriation plan should be dropped from the Control Council's agenda. But the United States representative had been compelled on 29 October 1947 to acknowledge the existence of the secret agreement between the United States and Belgium to hand over to the latter prisoners of war detained by the former. An official United States document had disclosed that the United States authorities had sent 742,000 German prisoners of war to France, Belgium and Luxembourg, although they should have been repatriated by October 1947. The British occupation authorities had admitted that 2,500 German prisoners of war were still in Luxembourg. An evangelical charity organization had reported the loan of 1,500 prisoners of war in Libya by the United Kingdom to the United States authorities, mainly for the construction of airfields. The United States War Department had reported, on 21 April 1951, that prisoners of war in United States territory had carried out work to the value of \$US48 million in the first five months of 1951 and had worked 7 million man-power days for the army, air force and civilian employers, the last-named having been able to save \$US35 million thereby.

39. Such were the facts. If there was a problem of prisoners of war, it had been artificially raised purely for propaganda purposes by certain circles in the United States of America against one of the major Powers in the United Nations and one which had borne the brunt of the war. The manoeuvre was doomed to failure. The decision to include the item in the agenda had been illegal and the *Ad Hoc* Commission on Prisoners of War was illegitimate. Its existence merely aggravated international tension. It had falsified facts and had failed to do anything whatsoever to find out the truth about the thousands of Germans and Japanese still detained by the United States of America. It had attempted to assist fascist war criminals to escape condign punishment. It had made overt attempts to intervene in the domestic affairs of the Soviet Union. It had stated that the dead-lock could not be broken unless the USSR gave further information, but it had ignored the very full information the Soviet Union had given long before. It had based its conclusions on completely unsubstantiated information. It should be abolished.

40. The USSR had in fact gone beyond its commitments in respect of prisoners of war. On 23 August 1953, a *communiqué* had announced negotiations between the USSR and the German Democratic Republic, which had appealed for the repatriation of all German prisoners of war except those convicted of particularly heinous crimes against humanity. Between 31 October and 18 November 1953, 5,374 former members of the *Wehrmacht*, including General von Paulus, had been repatriated. As the Permanent Observer of Japan had correctly stated, 402 Japanese prisoners of war and 854 civilians, who had been amnestied by the decision of the Supreme Soviet and Supreme Court in March 1953, were being repatriated on conditions that had been agreed upon. The remaining prisoners might

well be repatriated when they had served their sentence.

41. The origin of the *Ad Hoc* Commission's forgeries could be seen from the documentation submitted by the Bonn Government. One flagrant example was the treatment of evidence known to be in the possession of the United States authorities. The Nazis had attempted to conceal their heavy losses from the civilian population by reporting their dead as missing; Berlin papers had stated that as many as a million and a half deaths had been so handled. On 2 September 1953, the Bonn Government had admitted the discovery of nazi military archives recording the names of 50,000 persons secretly executed for anti-nazi activities; officially they had been listed as missing. The United States authorities had been in possession of the files for five years and only the pressure of German public opinion had compelled the announcement of the discovery; but the names had not yet been published. The Bonn Government had wittingly adopted that nazi trick and was describing as prisoners of war, those listed as missing. It had originally put the figure in millions, but it had been compelled to come down to 103,000, while a private German agency on 30 July

1953 had put the figure at only 16,000. Needless to say, both figures were false.

42. The facts were there. The *Ad Hoc* Commission had deliberately ignored or distorted them. The Byelorussian delegation would accordingly submit a draft resolution (A/C.3/L.398) to the following effect:

*"The General Assembly,*

*"Having regard to the fact that by virtue of Article 107 of the United Nations Charter, the problem of prisoners of war of the Second World War is not within the Organization's competence,*

*"Noting that the activities of the Ad Hoc Commission on Prisoners of War are contrary to the provisions of Article 107 of the Charter,*

*"Considering that the activities of the Ad Hoc Commission on Prisoners of War are being used to sow hatred and hostility between nations, which is prejudicial to the cause of peace and international co-operation,*

*"Resolves to discontinue the Ad Hoc Commission on Prisoners of War."*

The meeting rose at 1.30 p.m.