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

Measures for the peaceful solution of the problem of prisoners of war (A/2482 and Corr.1, A/C.3/L.397, A/C.3/L.398) (continued)

[Item 71]*

1. Mrs. KHOKHOL (Ukrainian Soviet Socialist Republic) said that the item concerning prisoners of war had been included in the agenda of the fifth and eighth sessions of the General Assembly despite the strong objections of the USSR and other delegations. The inclusion of the item represented a further attempt by United States ruling circles to foment hostility and hatred, to increase international tension and to distract attention from urgent outstanding problems, the solution of which would help to decrease friction and to strengthen friendly relations among nations. At the fifth session of the General Assembly, attention had been drawn to official USSR declarations stating that the repatriation of German, Italian and Japanese prisoners of war from the Soviet Union had been completed, with the exception of those convicted of war crimes, under investigation or in hospital. Those declarations had been made by the Council of Ministers of the Soviet Union on 18 March 1947, and in the TASS agency's communications of 4 January 1949 and 22 April, 5 May and 9 June 1950.

2. The report of the illegally constituted *Ad Hoc* Commission on Prisoners of War showed that that body was merely a tool of aggressive circles in the United States and that its activities were designed to slander the Soviet Union. The report was obviously based on falsified data and the statements of dubious persons. Moreover, it ignored official USSR statements to the effect that repatriation had been completed. The purpose of the Commission's fabrications was to assist United States ruling circles in preparing for a new war and rehabilitating the reputation of the Nazis. The German, Italian and Japanese people were thus being cruelly deceived into believing that missing members of their families were being held in the Soviet Union.

3. Since its first session in 1951, the *Ad Hoc* Commission had been used as a forum for slanderous attacks against the USSR and the peoples' democracies. For example, the United States Ambassador to Spain, Mr.

James Dunn, had stated categorically before the Commission that the Soviet Union still held German, Italian and Japanese prisoners of war, basing his deductions on fabricated data and ignoring official USSR declarations to the contrary. At the Commission's fourth session, in September 1953, Mr. Dunn had had the temerity to ask for information about the fate of prisoners held for war crimes. That request could only arouse the indignation of peoples which had suffered under the Hitlerite oppression and ignored the Allies' declaration of 1943 that war criminals would be judged in the place where their crimes had been committed.

4. The USSR believed in the freedom and independence of the peoples of all countries and had proved that belief by its great sacrifices to save the world from nazi barbarism, through which seven million Soviet citizens had perished. It therefore consistently defended the cause of peace and would make every effort to oppose the criminal intention of United States ruling circles to impose a new war. It was just to punish war criminals for their offences, but attempts should be made to allow them to expiate their crimes. In the eight years that had elapsed since the end of the Second World War, many war criminals had had their sentences reduced or had benefited from amnesties and had been repatriated. Thus, in November 1953, as the result of negotiations between the Japanese Red Cross and the USSR Red Cross and Red Crescent, 420 military and 254 civilian war criminals had been freed before they had served their full sentences and arrangements had been made to repatriate others when their sentences had been served.

5. With regard to German prisoners, the figures provided by the Bonn Government concerning the prisoners allegedly held in the Soviet Union showed wide discrepancies. A member of the investigating department of the German Red Cross, Mr. Wagner, had objected to juggling with figures and calling upon the USSR to return all German soldiers who were still missing. It was well known that the Nazis had tried to conceal the extent of the German Army's losses by failing to inform the next of kin of deaths, but merely announcing that the soldiers concerned were missing. Moreover, nazi courts martial had passed 24,959 death sentences against soldiers for cowardice, desertion, absence without leave and similar offences. Most of those sentences had been carried out and the victims had been listed as missing.

6. The United States, Brazilian and other representatives had based their slanderous attacks against the Soviet Union on falsified data and had failed to take into account official USSR data about the repatriation of war criminals who had served their sentences. For example, 5,374 such prisoners had been repatriated under an agreement concluded between the USSR and the German Democratic Republic. Disregard of those data showed that the *Ad Hoc* Commission had been set up to fabricate slanderous and false "evidence" against the Soviet Union, and not to conduct a really objective investigation.

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

7. The Ukrainian delegation strongly protested against the Commission's activities and would vote for the Byelorussian draft resolution (A/C.3/L.398).

8. Mrs. McCRTTY-FISKE (Liberia) said the Committee had dealt with a number of important topics during the current session. Once again it was the duty of representatives to reaffirm the provisions of the Charter by solving a purely humanitarian problem. Only when human rights were universally respected could a lasting peace be assured.

9. Her Government attached great importance to the dignity and worth of the human person. The problem of re-establishing family ties and returning free men to their homes could not be considered from the political point of view. The fate of any prisoner, cut off from the stream of life, was terrible, and to be a slave as well as a prisoner was even worse. The statements of the representatives of the Federal Republic of Germany, Italy and Japan had shown that an end had to be put to such instances of man's inhumanity to man.

10. Ever since the establishment of the State of Liberia in 1822 that country had consistently supported freedom of the individual; in conformity with its traditions, it would contribute to the cause of freedom by voting for the joint draft resolution (A/C.3/L.397).

11. Miss BERNARDINO (Dominican Republic) observed that the United Nations had for the past three years been deeply concerned about the continued detention of numerous prisoners of war in violation of the rules of international law. The earliest possible repatriation of prisoners after the end of hostilities was a universally accepted principle of international relations, morality and law.

12. The five-Power draft resolution (A/C.3/L.397) was based on that principle, and she would vote for it.

13. The justice of repatriation should be accorded not only to German, Italian and Japanese but also to Spanish prisoners; every effort to that end, every exercise of generosity and fairness, would have a good effect on the future of the United Nations and bring joy and peace to the families of thousands whose fate was as yet unknown.

14. Mrs. EMMET (United Kingdom) pointed out that prisoners and their families could not understand why, after so long, there should still be obstacles to repatriation; yet the *Ad Hoc* Commission's reports, the fair statements of the representative of the Federal Republic of Germany, and of the observers of Italy and Japan and the sober speech of the United States representative had shown that many prisoners known to have been detained were still unaccounted for. The United Nations and the world at large had a duty to trace them, whether they were few or many. There would be some who could not be traced; but an effort to do so, made with goodwill, would be of comfort to their relatives.

15. The five-Power draft resolution was not intended to brand any government or to stir up propaganda, but to alleviate the anxieties of the prisoners and their families. Any misunderstandings which existed or had existed between Member States should be freely admitted, and non-existent motives should not be imputed. The heroic sufferings of certain nations in the Second World War deserved acknowledgment; but the indifference of those nations to the fate of prisoners had to be brought to the attention of public opinion. Those still detaining prisoners should measure the prisoners' sufferings by their own, and let their generosity match

their heroism. At the close of 1953 a bridge of mercy should be built between nations; it seemed scarcely possible to resist the call of the prisoners or that of their children who, were their fathers not released, would grow up with hatred in their hearts.

16. Mr. EPINAT (France) considered that the problem of prisoners of war should be treated as a strictly humanitarian and social question. Because of its own sufferings in the Second World War France felt it was its duty to take an interest in the sufferings of others; the French Government had attempted to answer all the *Ad Hoc* Commission's questions and was working out with the Federal Republic of Germany a bilateral procedure for the rapid communication of information to the latter.

17. It was surely not too much to hope that countries still detaining prisoners of war would repatriate them and remove all uncertainty about those unaccounted for; recent signs that those countries were returning to rectitude and compassion encouraged that hope. France relied on its existing agreements with the Soviet Union for the return of the persons from Alsace-Lorraine who, after serving in the French Army, had been forcibly recruited by Germany and subsequently detained as German prisoners in the Soviet Union; but it was also concerned with other countries' nationals similarly detained. The Committee should think of the anxieties and hopes of the persons directly affected and not of procedure or polemics.

18. Mr. COATON (Union of South Africa) said his delegation's position was set out fully in the records of the debate at the fifth session of the General Assembly.¹ The Soviet Union had adhered to the Potsdam Declaration in July 1945 and to the Moscow Agreement of 1947, but the evidence led to the conclusion that it had violated those undertakings in such a way as to justify the application of Article 14 of the United Nations Charter. Accordingly, the General Assembly was competent to consider the question.

19. Article 107 of the Charter was not applicable: its purpose was to prevent ex-enemy States from using the Charter to challenge any action of the victors in the Second World War which, while in accordance with the rules of war, might conflict with one or other provision of the Charter. He could not therefore support the Byelorussian draft resolution (A/C.3/L.398).

20. Acrimonious debate could only worsen the international situation. It was, however, clear from the statements of the representative of the German Federal Republic and the observers of Italy and Japan and from the *Ad Hoc* Commission's report (A/2482 and Corr. 1) that the solution of the problem was impeded only by the consistent withholding of co-operation by one State. It was to be hoped that the recent signs of a change of heart on the part of the detaining Power meant that the trickle of returning prisoners would become a flood.

21. Meanwhile he would vote for the unprovocative five-Power draft resolution (A/C.3/L.397), which emphasized the peaceful solution of the problem, retained the *Ad Hoc* Commission with its original terms of reference, and appealed to States to co-operate with the Commission.

22. Mr. JOUBLANC RIVAS (Mexico) welcomed the moderate and conciliatory tone of the statements made by the representative of the German Federal Re-

¹ See *Official Records of the General Assembly, Fifth Session, Third Committee, 342nd meeting.*

public and by the observers of Italy and Japan, and agreed with previous speakers that no purpose would be served by recrimination. Humanitarian considerations and international conventions on prisoners of war, in particular articles 118 and 119 of the Geneva Convention of 1949,² required that prisoners who wished to return home should be repatriated. The progress in that direction referred to in the documentation and in previous statements was heartening and every effort to promote repatriation should be encouraged to develop into more comprehensive action.

23. He would support the five-Power draft resolution (A/C.3/L.397) in the hope that the situation would be speedily remedied and the consequent international friction removed.

24. Mrs. PINTO DE VIDAL (Uruguay) said that the Byelorussian draft resolution (A/C.3/L.398) could obviously not be entertained, since neither the letter nor the spirit of Article 107 of the Charter deprived the United Nations of competence in a matter which, like the problems of refugees and forced labour, was essentially humanitarian. It concerned human beings subjected to twofold suffering, first, by participation, often against their will, in the horrors of war, and, secondly, by prolonged detention and separation from their families, which still lacked information about their fate.

25. The joint draft resolution (A/C.3/L.397) conformed to the noble humanitarian ideal enshrined in the Charter. No one would deny that some countries had undergone terrible suffering during the Second World War, but the trend of the United Nations was towards reconciliation. Compassion was required; the representatives of the detaining countries should return home imbued with that sentiment. One of the most important achievements of those who had defended the rights of women ever since the time of the San Francisco conference had been the appointment of so many women representatives to the United Nations; it was their duty in return to lend sympathetic support to the women who had not been able to learn anything about the fate of their husbands, sons and brothers.

26. Mr. CARASSALES (Argentina) maintained that the matter was purely humanitarian, as could be concluded from the statements made by the representative of the German Federal Republic and the observers of Italy and Japan as well as most of the other speakers. The humanitarian aspect took precedence over all others. The United Nations' main duty was to endeavour by all

means at its disposal to clear up a situation affecting many thousands, both the prisoners of war themselves and their families.

27. On the understanding that it was not motivated by any political considerations nor directed against any particular country, he would vote for the joint draft resolution (A/C.3/L.397); but he wished a separate vote to be taken on the last phrase in paragraph 5 of the operative part, since the question of granting access to the areas in which the prisoners were detained was a matter essentially within the domestic jurisdiction of States.

28. Jonkvrouw VAN STOETWEGEN (Netherlands) said that those who had suffered from the horrors of war had come together to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained; the Moscow Agreement to repatriate German prisoners of war by 31 December 1948 and the Geneva Convention of 1949 had been such sources. Respect for the resulting obligations had been challenged, since large numbers of prisoners of war had not been repatriated. The Netherlands had had its full share of sufferings during the war, but its Government believed that something should nevertheless be done for the many thousands of soldiers who had surrendered to the USSR forces. Grief and revenge should give way to thought for the general welfare and justice. Although the war could not be forgotten, mercy should be shown to individuals, many of whom had probably been compelled to take part in it against their will. Undoubtedly it was right that criminals should be punished, but in some countries the interpretation of the term "war criminals" might perhaps be unduly broad, covering whole groups rather than individuals. The problem might be solved by reconsidering that interpretation or by extending mercy. The *Ad Hoc* Commission's report (A/2482 and Corr.1) led to the conclusion that insurmountable difficulties had been caused by the Soviet Union's refusal to co-operate. It was regrettable that there seemed to be no possible way of appealing to the hearts of the Soviet people. Nevertheless, there were still grounds for hope that new methods of solving the problem might be found. If the USSR Government would only supply the means of the prisoners of war who were dead and of those who were still alive, much uncertainty would be removed; many women might prefer at least the knowledge that their men were dead to the prevailing uncertainty.

The meeting rose at 12.5 p.m.

² Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.