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COMMISSION ON HUMAN RIGHTS

Twenty-first Session

SUMMARY RECORD OF THE  
EIGHT HUNDRED AND FIFTEENTH MEETING

held at the Palais des Nations, Geneva,  
on Monday, 22 March 1965, at 11.45 a.m.

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(6 p.)

PRESENT:

Acting Chairman:

Mr. PONCE y CARBO (Ecuador)

Chairman:

Mr. LOPEZ (Philippines)

Members:

Austria

Mr. GLEISSNER

Canada

Miss AITKEN

Chile

Mr. HUIDOBRO

Costa Rica

Mr. VOLIO

Denmark

Mr. GRAULUND HANSEN

France

Mr. CASSIN

India

Mr. PANT

Iraq

Mrs. AFNAN

Israel

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Mr. COHN

Mr. MAPMOR

Italy

Mr. SPERDUTI

Jamaica

Mr. RICHARDSON

Netherlands

Mr. BEAUFORT

Philippines

Mr. BRILLANTES

Poland

Mr. RESICH

Ukrainian Soviet Socialist Republic

Mr. NEDBAILLO

Union of Soviet Socialist Republics

Mr. NASSINOVSKY

United Kingdom of Great Britain  
and Northern Ireland

Sir Samuel HOARE

United States of America

Mr. ABRAM

Observers for Member States:

Brazil,

Mr. SILVEIRA da MOTA

Byelorussian Soviet Socialist  
Republic

Mr. BORSHCHEVSKY

China

Mr. CHANG

Czechoslovakia

Mr. PLEVA

Representatives of specialized agencies:

International Labour Organization (

Mr. METALL

Mr. PARANHOS da SILVA

World Health Organization

Dr. HAFEZI

Secretariat:

Mr. HUMPHREY

Director, Division of Human Rights

Mr. DAS

Secretary of the Commission

## OPENING OF THE SESSION

The ACTING CHAIRMAN declared the twenty-first session of the Commission on Human Rights open. He recalled the importance of the work accomplished by the Commission at its twentieth session and regretted that the Economic and Social Council and the General Assembly had been unable to give it the attention which it deserved. He stressed the special importance of certain questions on the provisional agenda of the present session (E/CN.4/879), particularly item 3, entitled "Draft international convention on the elimination of all forms of religious intolerance". Lastly, he expressed the hope that the work of the session would be crowned with success.

## TRIBUTE TO THE MEMORY OF MR. GHEORGIU-DEJ, CHAIRMAN OF THE COUNCIL OF STATE OF THE ROMANIAN PEOPLE'S REPUBLIC

On the proposal of the Acting Chairman, the members of the Commission observed a minute's silence in tribute to the memory of Mr. Gheorgiu-Dej, Chairman of the Council of State of the Romanian People's Republic.

## ELECTION OF OFFICERS (item 1 of the provisional agenda)

Mr. BEAUFORT (Netherlands) proposed Mr. Lopez (Philippines) for the office of Chairman.

Mr. PANT (India) seconded the proposal.

Mr. Lopez (Philippines) was elected Chairman by acclamation, and took the Chair.

The CHAIRMAN thanked the Commission for the honour done to him and to his country and paid a tribute to the outgoing Chairman.

Mr. RESICH (Poland) proposed Mr. Nedbailo (Ukrainian Soviet Socialist Republic) for the office of First Vice-Chairman.

Mr. GLEISSNER (Austria) seconded the proposal.

Mr. Nedbailo (Ukrainian Soviet Socialist Republic) was elected First Vice-Chairman by acclamation.

Miss AITKEN (Canada) proposed Mr. Volio (Costa Rica) for the office of Second Vice-Chairman.

Mr. RICHARDSON (Jamaica) seconded the proposal.

Mr. Volio (Costa Rica) was elected Second Vice-Chairman by acclamation.

Mr. ABRAM (United States of America) proposed Mr. Dee (Liberia) for the office of Rapporteur.

Mr. BRILLANTES (Philippines) seconded the proposal.

Mr. Dee (Liberia) was elected Rapporteur by acclamation.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/879 and Add.1 and 2, 880, 885, 887)

The CHAIRMAN pointed out that all the items on the provisional agenda (E/CN.4/879), with the exception of item 14, had been included following decisions of various United Nations bodies. The Commission also had before it two proposals for the inclusion of new items. The first was submitted by Poland and was entitled "The Question of Punishment of War Criminals" (E/CN.4/879/Add.1 and 885). The second was submitted by Costa Rica and was entitled "Election of a United Nations High Commissioner for Human Rights". He suggested that the Commission adopt the provisional agenda, take a decision on the two new items proposed, but reserve to a later stage its decision on the order in which the various items should be considered.

Mr. VOLIO (Costa Rica) said that his country's proposal for the inclusion in the agenda of the question of the establishment of a post of United Nations High Commissioner for Human Rights was very recent, but that the fears which had inspired it were of long standing. Under the San Francisco Declaration and the obligations it entailed, it was the duty of the United Nations to take the necessary steps to promote universal and effective respect for human rights, which was the foundation of international co-operation and friendship between peoples. The United Nations had long been endeavouring to achieve that noble aim through the establishment of an appropriate body. Public opinion was showing renewed interest in the subject in particular in the possibility of establishing a United Nations High Commissioner's Office to be responsible for ensuring respect for human rights. It was therefore desirable to take up again the proposal put forward by Uruguay in 1950 and revived at the Commission's tenth session in 1954. Costa Rica intended to submit a draft concerning the appointment of a High Commissioner and his terms of reference.

Mr. RESICH (Poland) said that his delegation proposed the inclusion in the agenda of a new topic entitled "The Question of Punishment of War Criminals". It had submitted an explanatory memorandum accompanied by a draft resolution (E/CN.4/885).

Even before the end of the Second World War, the States of the anti-nazi coalition had concluded a series of agreements specifying that it was their duty to prosecute and to punish war criminals. Those agreements were referred to in the Polish delegation's explanatory memorandum. On 13 February 1946 the General Assembly had adopted the resolution entitled "Extradition and Punishment of War Criminals", followed on 11 December 1946 by resolution 95 (I) which affirmed the principles of international law recognized by the Charter of the Nurnberg Tribunal, and resolution 96 (I) on the punishment of the crime of genocide.

The competence of the Commission on Human Rights to deal with the question was clearly established not only by those resolutions but also by article VIII of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which provided that any Contracting Party might call upon the competent organs of the United Nations to take action for the suppression of the crime of genocide. The Polish Government, like the majority of Governments represented on the Commission, was a signatory of that Convention.

Unfortunately it had to be admitted that neither the General Assembly resolutions nor the relevant international agreements had been fully applied everywhere. The country in which most of the war criminals were living was not taking the necessary steps to punish them and had even declared that the statute of limitations would shortly apply. Thus immediate action was necessary, but as the government of the country concerned was refraining from stating clearly its intentions concerning the possible application of the statute of limitations, the Polish Government had been unable to propose the inclusion of the question in the agenda within the period specified in the Commission's rules of procedure. It was none the less convinced that since war crimes were not covered by ordinary law, the statute of limitations could not apply to them; they were covered by international agreements, which did not recognize any statute of limitations. Moreover, the Governments of Poland, USSR, Czechoslovakia, the German Democratic Republic, France, Belgium and Austria had already taken steps to prevent the statute of limitations from applying to nazi criminals convicted of genocide.

In short, it was not just a question of suspending the statute of limitations but of ensuring that the criminals were justly punished. The impunity and freedom of action which the criminals enjoyed would, if confirmed, constitute a threat to

international peace and security. Such was also the view of the United Nations Secretary-General who, at a recent press conference, had advocated the just punishment of war criminals.

Mr. ABRAM (United States of America) said that his delegation had no objection to the inclusion of the two new items in its agenda. It fully recognized the importance of the item proposed by Poland, which had already been the subject of an explicit resolution first of the legal committee of the Consultative Assembly of the Council of Europe, and then of the Council itself. The Governments concerned were actively studying the question. Perhaps it would be possible to reach a decision shortly which would put an end to the fears of mankind and satisfy its wish that the appalling crimes of the nazi régime should not be forgotten as long as lessons could be learnt from them, and that there should be no repetition. The United States delegation looked forward with interest to the Commission's study of the question and hoped it would be possible to include it in the agenda without displacing other unfinished items.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) said that his delegation approved the provisional agenda. The item proposed by the Polish delegation was of immediate importance and certainly came within the Commission's competence. War crimes were first and foremost a violation of human rights and it was essential to prevent their repetition. The question of the punishment of war criminals was of international importance since the general principles on which the Charter of the United Nations itself and the Declaration of Human Rights were based were at stake. His delegation ~~considered~~ that the question was the most important item on the agenda of the Commission's current session and should be given priority.

As for the question of the election of a United Nations High Commissioner for Human Rights, proposed by Costa Rica, the USSR delegation thought its inclusion in the agenda was inadvisable and doubted whether it would be appropriate to discuss it at the present session. The question of the establishment of such a post and its supporting bodies to supervise the application of the conventions on human rights and the draft convention on the elimination of racial discrimination was already on the agenda of the General Assembly. It was hardly desirable that the Commission should anticipate the General Assembly's decision and arrogate its prerogatives in considering an extremely complex question which could easily take up the entire session.

The meeting rose at 1.10 p.m.