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LETTER DATED 10 JUNE 1960 FROM THE REPRESENTATIVE OF ARGENTINA
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to address myself to you in order to transmit to the Security Council, in accordance with instructions received from my Government, the text of the note from the Ministry of Foreign Affairs of the Argentine Republic addressed to the Embassy of Israel at Buenos Aires on 8 June 1960 in reply to the latter's note of 3 June 1960 concerning the capture of Mr. Adolf Eichmann in Argentine territory.

I would ask you to be good enough to circulate this communication as a Security Council document.

I have the honour to be, etc.

(Signed) RAUL QUIJANO
Chargé d'Affaires ad interim

TEXT OF THE NOTE FROM THE MINISTRY OF FOREIGN AFFAIRS
OF THE ARGENTINE REPUBLIC ADDRESSED TO THE EMBASSY OF
ISRAEL AT BUENOS AIRES ON 8 JUNE 1960

The Ministry of Foreign Affairs presents its compliments to the Embassy of Israel, and in reply to the latter's note verbale of 3 June 1960, which, in its turn, is in answer to the inquiry addressed to the Embassy in connexion with the reports concerning Mr. Adolf Eichmann's disappearance, has the honour to make the following statement:

1. The Argentine nation, under the protection of whose Constitution and laws all men throughout the world who have wished to live on Argentine soil have placed themselves in order to live in peace and employment without discrimination of any kind as to race, language or religion, could not and cannot but express its most emphatic condemnation of the mass crimes committed by the agents of Hitlerism, crimes which cost the lives of millions of innocent beings belonging to the Jewish people and many other peoples of Europe.

2. The Argentine Government must nevertheless deplore the fact that the note to which this is a reply contains expressions not in accordance with the normal terms usually employed in communications between two friendly nations. The fact that one of the aforesaid agents, precisely the one who is accused of having conceived and directed the cold-blooded execution of a vast plan of extermination, should have entered and settled in Argentine territory under a false name and false documents, in obviously irregular circumstances in no way covered by the conditions for territorial asylum or refuge, does not justify the gratuitous assertion that many Nazis live in Argentina.

3. Moreover, the note in question acknowledges the truth of those reports concerning Eichmann's capture which, having been given some considerable publicity, had in fact given rise to the aforesaid inquiry. It states, for example, that Jewish "volunteer groups" (including some Israelis) which had been searching for Eichmann since the end of the war traced him to Argentina, made contact with him and asked him whether he was prepared to go to Israel to be tried; that Eichmann admitted to being the person they were seeking, consented to be tried in Israel, and wrote a letter - which is reproduced in the note - to that effect. It states further that the "volunteer group" then took Eichmann, with his full consent, to

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Israel and handed him over to the security services of the Israel Government, which made arrangements for the prisoner's trial. Only later, the note goes on to state, did the Israel Government learn that Eichmann had come from Argentina.

4. The Government of the Argentine Republic understands that the Government of Israel is not unaware of the responsibility it has assumed by its avowal of such facts - for example by its haste to express regret that the "volunteer group" action violated Argentine law. However, this expression of regret is not accompanied by the offer to make appropriate amends which should inevitably follow from such an admission of responsibility. There is no need to point out that the power of a State to exercise its authority over all persons resident and things situated in its territory is an inalienable attribute of the exclusive jurisdiction essential to its very right to independence, and that the corollary of that right is the duty of every State to refrain from performing, through its organs or agents, any act which may entail any violation of the sphere of exclusive jurisdiction of another State. Nowhere else, however, is the exclusive jurisdiction of the State so marked as in relation to the powers of coercion over persons and things. The despatch by a State of its agents into the territory of another State for the purpose of performing there, without authorization, acts of any kind whatever, and especially acts of coercion, cannot be regarded as a legitimate feature of international juridical relations. The Embassy's note does not specify whether such "volunteer groups" may be validly regarded as organs of the Israel State or agents in its service. Should this be the case, the responsibility devolving upon any State by reason of unlawful acts of its organs or agents, constituting a violation of international law, would be present in this instance also. But, even if the action taken by the "volunteers" was entirely individual and in no sense under the control of the Israel State, the latter bears the responsibility arising from its express approval of those individuals' actions. There is established international doctrine and case law to that effect. The Israel Government has publicly sided with and congratulated the authors of the deed, and thus appears fully to endorse their action. This, however, has features characteristic of the methods used by a regime which was decisively condemned by the conscience of the world. If the Israel Government or its agents knew of Eichmann's presence in Argentine territory, they could have used the legitimate means at their disposal to secure his arrest by the competent authorities.

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5. The Government of Israel requests that the special significance of bringing to trial the man responsible for the murder of millions of persons belonging to the Jewish people be taken into account, and asks that due weight be given to the fact that the "volunteers" who were themselves survivors of that massacre set their historic mission "above all other considerations". The Government of Israel may rest assured that the Argentine people and Government fully appreciate the feelings of the Jewish people towards the man accused as the author of the extermination campaigns in the concentration camps. But they cannot help wondering whether consideration should not have been given to the obligation to show respect for the sovereignty of a friendly State with which Israel maintains the most cordial relations - a respect which is intrinsically bound up with the principle of equality prescribed by the United Nations Charter and forming the basis of international morality and law.

6. With regard to the circumstances referred to in the Embassy's note concerning the manner in which Eichmann was taken away and his alleged voluntary consent, the Argentine Government hopes that the Government of Israel will appreciate that the evidence is open to several interpretations, which it is not in a position to assess properly - in particular when they are viewed in the light of other more recent events.

7. The Government of Israel has publicly announced its decision to try Eichmann itself, and has publicly rejected suggestions for any other course of action. If, however, Eichmann is accused of the classic offence of genocide, it is difficult to understand how the principle laid down in article VI of the Convention on Genocide, ratified by the Government of Israel, and referring specifically to trial by a competent tribunal of the State in which the act was committed or an international tribunal, can be ignored.

8. In view of the friendly and cordial relations which have existed between the Argentine Republic and the State of Israel ever since that State was established, the Government of Israel can hardly be unconcerned at the emergence of a dispute of so serious a character. In consequence,

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the Argentine Government, in presenting to Israel its most explicit protest against the act committed in the face of one of the fundamental rights of the Argentine State, hopes that Israel will make the only appropriate reparation for this act, namely, by returning Eichmann within the current week and punishing the persons guilty of violating our national territory; we are confident that this request will be complied with immediately.

Once the return has been effected, the Government of Israel is at liberty to request that he be handed over in accordance with the procedure prescribed by international law. Failing this course, Argentina will take the case before the United Nations in accordance with the obligations binding upon all Member States under Article 2 (3) of the Charter which may be supplemented by any of the procedures indicated in Articles 33 to 38 of the Charter.

The Ministry of Foreign Affairs has the honour to be, etc.

BUENOS AIRES, 8 June 1960

