"The General Assembly,

"Recognizing that the solution of the problem of the unification of South and North Korea and the establishment of a unified democratic State are the task of the Korean people themselves;

"Recognizing that foreign intervention in the internal affairs of Korea is inadmissible;

"Recognizing that the activities of the United Nations Commission on Korea are incompatible with these principles and are an obstacle to the unification of South and North Korea;

"Resolves to terminate the United Nations Commission on Korea immediately."

135. The PRESIDENT stated that there were two draft resolutions before the General Assembly: the draft resolution presented by the *Ad Hoc* Political Committee and the draft resolution the USSR representative had just submitted.

136. In accordance with rule 83 of the rules of procedure, he would put the *Ad Hoc* Political Committee's draft resolution to the vote first.

The resolution was adopted by 48 votes to 6, with 3 abstentions.

137. Mr. J. MALIK (Union of Soviet Socialist Republics) requested that the USSR draft resolution should be put to the vote.

The draft resolution was rejected by 42 votes to 6, with 5 abstentions.

The meeting rose at 1.20 p.m.

TWO HUNDRED AND THIRTY-FOURTH PLENARY MEETING

Held at Flushing Meadow, New York, on Friday, 21 October 1949, at 3 p.m.

President: General Carlos P. RÓMULO (Philippines).

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: report of the *Ad Hoc* Political Committee (A/1023)

1. Mr. NISOT (Belgium), Rapporteur of the *Ad Hoc* Political Committee, recalled that the General Assembly, in its resolution 272 (III) of 30 April 1949, expressed the hope that, in accordance with the peace treaties, measures would be diligently applied to ensure respect for human rights and fundamental freedoms in Bulgaria and Hungary.

2. There had since been referred to the General Assembly the diplomatic correspondence between certain signatories of the peace treaties concerning the functioning of the machinery for settlement of disputes which was established by those treaties. Those signatories included Romania, whose case the General Assembly had recently placed on its agenda (224th meeting).

3. That correspondence had been made available to the *Ad Hoc* Political Committee, which, in the course of its debates[1] had also heard explanations and arguments presented by numerous representatives. Thus informed, the Committee had decided to recommend that the General Assembly should request the International Court of Justice to give an advisory opinion on a certain number of points concerning the interpretation of the relevant clauses of the peace treaties.

4. The Committee had therefore drawn up a draft resolution, which Mr. Nisot submitted in its name to the General Assembly (A/1023).

5. Mr. COHEN (United States of America) recalled that in the spring of 1949, the whole world had been shocked by the trials and strange confessions of Cardinal Mindszenty in Hungary and of the Protestant pastors in Bulgaria. At that time, the General Assembly had expressed its deep concern in regard to the charges made by his own and other Governments regarding the systematic violation of human rights and fundamental freedoms in those countries and had endorsed the measures taken by the signatories to invoke the peace treaty procedure in order to ensure the observance of those rights and freedoms.

6. In accordance with the General Assembly's resolution, the United States, the United Kingdom, Australia, Canada and New Zealand had since endeavoured to apply the treaty procedures but the USSR had refused to co-operate in having the charges of treaty violation considered by the heads of mission of the Soviet Union, the United Kingdom and the United States in the three countries concerned, as was provided by the treaties. Moreover, the Governments of Bulgaria Hungary and Romania had refused to co-operate in setting up treaty commissions to consider the charges, notwithstanding the fact that the treaties provided that such commissions should be set up whenever the heads of missions were unable to resolve any dispute.

7. The draft resolution proposed by the *Ad Hoc* Political Committee requested the General Assembly to express its deep and continuing concern at the charges of the violation of human rights and fundamental freedoms in those countries, and its further concern at the failure of those countries to co-operate in the General Assembly's effort to find a solution.

8. As, despite the apparently clear language of the treaties, Bulgaria, Hungary and Romania had claimed that the treaty procedures were not legally applicable to the disputes, the resolution requested an advisory opinion from the International Court of Justice to determine, first, whether the treaty procedures applied to those disputes; secondly, whether the ex-enemy countries were obliged to co-operate in the carrying out of those procedures; thirdly, whether the Secretary-General was authorized to appoint the third member of a treaty commission, if requested to do so by one of the parties to the dispute in accordance with the treaty provisions; and, fourthly, whether a commission composed of a representative of one party and a third member appointed by the Secretary-General would constitute a commission competent to settle

[1] See *Official Records of the fourth session of the General Assembly, Ad Hoc* Political Committee, 7th to 15th meetings inclusive.

the dispute if the other party failed to appoint its representative. In seeking to have the International Court of Justice advise the General Assembly whether a treaty commission composed of two members could act if one of the parties refused to participate, they were not trying to exclude any party from its right to participate in the proceeding. The question was whether one party, by refusing to appoint its arbitrator, might make a scrap of paper of its agreement to arbitrate.

9. When the Court gave its opinion, it should be clear beyond reasonable doubt whether the treaty procedure could be used legally and effectively to secure a definitive decision on the observance of human rights and fundamental freedom in those countries.

10. The draft resolution also provided that the matter should be retained on the agenda of the next session so that the General Assembly might then decide, in the light of the Court's opinion and the actions of the parties, what, if any, further steps should be taken.

11. Those who had opposed the proposed resolution in the Committee had argued that, in their judgment, the charges of treaty violations against the three former enemy countries were without foundation; they had further argued that the treaty procedures did not cover the charges. Those arguments, however, could not alter the fact that the Governments concerned had made the charges in good faith, believing them to be valid, and that, in their judgment, the treaty procedures were applicable to the charges and that a party to the treaty did not have the right, by its own default, to frustrate treaty procedures.

12. But since those arguments had been advanced and since his Government was committed to the peaceful settlement of disputes, it was eminently proper, in its judgment, that the General Assembly should assist the parties by seeking the disinterested and objective legal advice of the International Court of Justice as to whether the treaty procedures applied and how they were to operate. His Government had agreed to abide by whatever opinion the Court rendered.

13. The United Nations was based on the principle of peaceful settlement of differences and respect for international obligations. Serious differences clearly existed between Bulgaria, Hungary and Romania on the one hand, and a number of Member States on the other. Yet, the three Governments had rejected an invitation to appear before the General Assembly in order to state their individual cases as seen by them, and to co-operate with the Assembly in its efforts to adjust differences which had profoundly disturbed public opinion throughout the world. The same three Governments had refused to participate in the peace treaty procedures. The Soviet Union had also refused to play its part in those procedures. All that formed a pattern of non-co-operation and lack of respect for the United Nations and for international obligations which could not but cause deep anxiety to the members of the international community.

14. It was not without significance that those who, at the third session, had opposed the placing of the question upon the Assembly's agenda, had urged that such disputes as might exist should be adjusted through the means of settlement provided by the peace treaties. Yet, after the General Assembly had gone on record as endorsing the treaty procedures, most of the same delegations were opposing the application of those treaty procedures. Hence it was difficult to see how the serious differences arising out of the charges could be settled. One of the Assembly's most important tasks was to find means of adjusting differences peacefully when parties to them could not agree.

15. He wondered what purpose was served by negotiating procedures for the settlement of disputes if, when a dispute actually arose, one of the parties refused to submit to such procedures. It was of particular significance to his delegation that, at the same time as the Soviet Union was unwilling to employ or to support the use of existing treaty procedures, it should be proposing further treaties and further so-called peace pacts. In his delegation's view, there was no purpose in making treaties unless they were to be carried out. Treaties should serve as instruments of law and orderly adjustment of relations among States: treaties were not and should not be used as instruments of propaganda. His delegation was opposed to the theory of façade treaties under which States rendered lip-service to important principles and then, instead of accepting safeguards for the observance of the principles, devised easy means of escape and evasion.

16. The facts must be faced. Human rights were being deliberately and systematically violated in Bulgaria, Hungary and Romania, where a minority group had seized the reins of government through force and intimidation and was seeking to maintain itself in power by the suppression of all independent thought and opinion, either civil or religious. The question at issue was not one of social and economic progress under one or another political system; the results of the world-wide effort by the USSR to use the world communist movement as an instrument for carrying out its own imperialistic objectives were evident in the three countries. That policy of the Soviet Union made it difficult for free countries to protect their democratic institutions through democratic processes. Even communist countries which did not completely subordinate their policy to that of the USSR were subjected to threats and intimidation. That policy had spread the lethargy of despotism over Eastern Europe. Men lacking in confidence in the vitality of their own ideas forsook the paths of reason and freedom and resorted to the illusory short cut of tyranny and force. Even during the current session of the General Assembly reports were arriving daily of fresh acts of despotism in once free Czechoslovakia.

17. The problem was not one for which a speedy and dramatic solution could be hoped. No advance could be made towards a solution without more universal recognition that Governments must rest upon the continuing and free consent of the governed. Moreover, experience had shown that only those Governments which recognized the basic rights of their own people were likely to respect the rights of other peoples and other nations.

18. If in fulfilment of their joint responsibilities to the peoples of Bulgaria, Hungary and Romania, the nations could only work together to agree upon minimum common standards of human rights and the dignity of the human person, they would thereby immeasurably strengthen the foundations on which enduring peace might be built. Ultimately the success of all efforts to improve

international relations and to make the United Nations live and grow were dependent upon the elimination of all forms of tyranny over the minds and souls of men.

19. Freedom could be shared by all men and all nations: freedom could unite the peoples. Tyranny would inevitably divide them. Whatever modest progress could be made in dealing with the question before the Assembly would be a step towards the basic goal of the United Nations—peace with justice and freedom for all.

20. Mr. LAPIE (France) pointed out that the General Assembly had before it the provisional conclusion of a fundamental discussion. In the course of the discussion, many individual situations had been referred to: mention had been made of Governments and private individuals, accused persons and judges, legislators and police officials, persecutors and priests and totalitarian dictators fiercely opposed to the individuality of the soul; meanwhile on the horizon there loomed the dark outlines of the gallows of Budapest, the gaols of Sofia, and Romanian priests murdered at their altars.

21. The anxious endeavour of the French delegation, at the current session as at the previous one, had been to keep the discussion on the level of the highest principles. France was ever anxious for the triumph of liberty, which it had been the first to proclaim to the world; was always zealous in its wish to see observance of the law, which it had inherited by ancient tradition; and always complied with international treaties, which it prided itself on respecting. Once again, it would base its decision on the three essential principles: respect for and the guarantee of human freedoms, observance of the law and respect for treaties.

22. Members of the Assembly could not remain unmoved by the seriousness of the situation; never in the history of moral violence had human freedoms and dignity been trampled upon with such brutality.

23. It was easy to understand that a power and a doctrine which sought to transform the social and economic life of peoples without asking their consent was obliged to forbid those peoples any feelings or thoughts. In the eyes of the populations of the classical democracies, however, freedom of feeling and thought was the essence of freedom itself, and therefore nothing seemed to them more hateful than oppression directed against feeling and thought. For those democracies, the expression of thought in speech and through the Press was the most sacred of possessions, and the very fact that the current debates were ignored in the newspapers of Bulgaria, Romania and Hungary proved the non-existence of that freedom in those countries.

24. Dictators and tyrants of all reactionary régimes had not merely prevented the expression of thought in speech or through books, in other words the publicizing of thought. Dictators tracked thought down to its very origins; they persecuted faith and the most intimate and noblest metaphysical hopes, not only in their external manifestations but in the inner sanctum of the soul. Their police pursued it to its very depths and destroyed it, a thing which no one had ever dared to do before.

25. The current Assembly should certainly not ignore such a situation. If the Assembly hesitated, its duty was clearly dictated by the Charter itself. Article 55 c of the Charter called upon the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

26. The question was whether the Assembly had the power to intervene. That was where the discussion began and where the relation between the respect for freedoms and the effectiveness of law must be clearly defined. It was in respect to that that the Assembly must realize how far it could and should go. It was in respect to that that the Assembly should take care to avoid exaggerations which, far from serving its purpose, would on the contrary be detrimental to it.

27. The position was as follows: under the Charter, the United Nations was the guardian of the fundamental freedoms of humanity. The Universal Declaration of Human Rights enumerated and defined the rights and freedoms essential to humanity. Nevertheless, until a supra-national jurisdiction was available to individuals, there would be no higher legal body which alone could investigate, judge and mete out punishment impartially.

28. The problem at issue, however, was an exceptional one. One course was open in defending rights: the International Court of Justice could be asked for an opinion. Three Powers had concluded treaties with other Powers according to which human rights had to be respected in the three countries concerned. The co-contracting Powers considered that those rights were not being observed. A dispute thus arose between the groups of Powers. How should that dispute be settled?

29. The Treaties provided for an arbitration procedure in case of dispute: each party would appoint an arbitrator and the arbitrators would choose a third arbitrator. If the parties did not agree upon that appointment, they would request the Secretary-General of the United Nations to appoint such a third arbitrator.

30. Thus, in the case under discussion, human rights were protected by treaties. Those treaties themselves provided for the intervention in the arbitration procedure of a leading figure of the United Nations—yet another argument in favour of the competence of the United Nations.

31. Thus, in that exceptional instance, all circumstances combined to make it possible to ensure human rights within the orbit of the United Nations.

32. After negotiations, an exchange of notes and much diplomatic correspondence, Bulgaria, Hungary and Romania, accused of violating human rights and thus of violating a clause in the Treaties of Peace, refused to appoint an arbitrator. They asserted that they were observing all freedoms and that there were consequently no grounds for submitting their domestic policy to judgment. They considered that no dispute existed.

33. The problem should therefore be solved by a request for an advisory opinion as to whether there was a dispute or not. Quite correctly, the proposal was made in paragraph 3, questions I and II of the draft resolution, that the problem should be submitted to the International Court of Justice for an advisory opinion. Under Article 96 of the Charter and Article 65, paragraph 1, of the

Statute, the International Court of Justice could be consulted by the United Nations on the interpretation of treaties and could take cognizance of a legal question such as a dispute. The United Nations should therefore appeal to the Court without hesitation. Its advisory opinion would be valuable, because it would be well founded. The rule of law would thus come to the rescue of endangered freedoms.

34. The Court would say whether there was a dispute; if it said there was, it would also say whether the procedure provided by the peace treaties should be applied and whether Bulgaria, Hungary and Romania were consequently obligated to appoint their arbitrators.

35. Admittedly, the Court's advisory opinion was not mandatory. Nevertheless, would not the parties have an interest in appointing their representatives, in trying to agree on a third arbitrator and, if they failed to agree, in having him appointed by the Secretary-General of the United Nations in order to demonstrate their recognition of international law and their own respect for the Court?

36. The French delegation was therefore strongly in favour of that part of the draft resolution.

37. On the other hand, the French delegation would caution the Assembly against action which it felt was more hazardous—that contained in questions III and IV of the draft resolution. It had voted against those sub-paragraphs in the *Ad Hoc* Political Committee. In that part of the draft resolution the Court was asked a question which could not and should not be asked. The Court was asked whether, if Bulgaria, Hungary and Romania refused to appoint their arbitrators even if a dispute existed, it would not be possible for an arbitration commission to be set up in the absence of the arbitrator of one of the parties. The arbitration commission would thus be composed of an arbitrator appointed by the United Kingdom, for example, and of a third arbitrator. Such a solution could not be accepted.

38. Arbitration procedure was a voluntary procedure in which the consent of the parties concerned was essential; it could not be carried out in the absence of the representative of one of the parties. For that legal reason that part of the draft resolution was completely unacceptable. It was inconsistent with the very notion of arbitration.

39. It was unacceptable, furthermore, for another reason. He had referred to the tradition of arbitration based on the consent of the parties concerned. He would go on to refer to another tradition—that of observance of treaties—as an argument against questions III and IV. The Charter of the United Nations formally emphasized the need for observation of treaties and the discussions at San Francisco had witnessed the defeat of those who had wanted an article advocating treaty revision to be inserted in the Charter. It was therefore firmly established that the revision of treaties could not be carried out in the General Assembly. Unquestionably, treaty revision was not and could not be within the competence of the Assembly or an obligation incumbent upon it.

40. Yet the danger inherent in questions III and IV of the draft resolution was precisely that the Assembly might be led to the revision of the peace treaties. That part of the draft resolution, indeed, went so far as to propose that the International Court should validate the alteration of a procedure laid down in treaties in advance and substitute another procedure for it. It was easy to show that that was so. The organization of an arbitration commission in the absence of the representative of one of the parties, in other words, the organization of an arbitration commission differing in composition from that provided by the treaties, would be tantamount to the alteration of those treaties. If the Assembly were to adopt that part of the draft resolution, it would be embarking upon treaty revision and would be running counter to the general principles of law and of the precedent established in the case of the Treaty of Peace with Italy.

41. The attitude of the French delegation was neither egotistical nor had it been lightly taken. It was the result of a thorough study which had taken the interests of all countries and of the United Nations itself into account. It was based upon deep respect for the very principles which were the foundation of international law.

42. Thus the French delegation strongly upheld the idea of submitting the question of the existence of a dispute of the Court for an advisory opinion but cautioned the Assembly against questions III and IV, in which the Court was requested to approve an alteration in the arbitration procedure laid down by the treaty. Such an innovation was untenable in law in relation to the principle of arbitration, and seemed dangerous because it led to treaty revision.

43. In conclusion, the French delegation would vote for the draft resolution submitted by the *Ad Hoc* Political Committee, but hoped that questions III and IV would be deleted during the voting. It earnestly appealed to the Assembly to delete them. It definitely wished the Court to undertake the interpretation of the treaties, as it could do in accordance with its Statute, but not their revision. If the Court decided in its advisory opinion that a dispute existed, France hoped that Bulgaria, Hungary and Romania would appoint their arbitrators according to the procedure in the treaties.

44. It was to be hoped that in face of the calm judgment of the highest international court of law, those countries would realize the necessity of respecting the rule of law, in view of their responsibility to history. France, which had fought and suffered so much for freedom and human rights, expressed the earnest hope that the dull lamentations from the East might be stilled, not in the mute submission of the prison cell, but in the awakening of the peoples to freedom regained.

45. Mr. DROHOJOWSKI (Poland) remarked that even before listening to the United States representative's statement, he had foreseen that they could agree upon a few issues to which he would refer later. After listening to it, he realized that there was a further point on which they were in agreement. The United States representative had opened his statement with the words "We are again called upon . . ."[1] Mr. Drohojowski quite shared the United States representative's regret that the Assembly was once again called upon to

[1] The quotation is from the verbatim record of the 234th meeting.

discuss the issue before it. He hoped, however, that the United States representative would agree that that state of affairs was not the fault of the Polish delegation.

46. Mr. Drohojowski felt that members should clarify in their own minds why the item had again been presented for consideration. Was it because the Charter was at stake? Was it because peace was endangered? Was it because some specific international agreements had been violated and the United Nations was therefore bound to intervene? To those three questions the answer was "No". Why, then, was the Assembly being asked to give its blessing to continued intervention by the United Nations, and to involve the International Court of Justice in the matter? To that question, too, the answer was clear and simple.

47. The United States, the United Kingdom and their supporters were suffering from a feeling of frustration because certain countries—and especially Bulgaria, Hungary and Romania—did not wish or care to obey orders from Washington and London. That was so because those countries had established truly democratic régimes, emanating from the people, controlled by the people and benefiting the people.

48. The representative of the United States had spoken of majority and minority rules. Mr. Drohojowski thought that he had been entirely out of order in speaking about Czechoslovakia. Where, how and when had the United States representative conducted the plebiscite? Had it been in the antechambers of the United States Embassy in Prague, or possibly at the United States Information Service office? And how had the poll been conducted? He did not think that the Gallup poll system for investigating public opinion existed in Czechoslovakia; the system of the United States Embassy was, perhaps, a better one.

49. The true reason why the Assembly was discussing the item was that groups of imperialists, allied with the Hapsburgs or the Horthys, the Hohenzollerns or the Coburgs, were not in a position to sell out their countries to foreigners. The disappointment and frustration felt in Washington and London were very well founded, but, to the Governments of Bulgaria, Hungary and Romania, the good of their citizens was more important than foreign imperialistic interests. The peoples of those three countries did not wish to be exploited. They had closed the door forever to foreign exploitation, foreign economic interests and foreign stockholders. They were rebuilding their economy on new premises, and they would not allow *coups d'Etat*.

50. That was why, as a last resort, the United Nations was being asked to act on behalf of those selfish economic interests. Was the General Assembly going to tolerate those attempts against free and peaceful peoples? Was it going to tolerate that an Organization created for peaceful purposes should become a tool of cold war and international strife?

51. Mr. Drohojowski asked members to examine the facts as they were and not as imperialistic propagandists wished to represent them.

52. Two events which had occurred during the current session of the General Assembly were particularly pertinent to that aspect of the problem of human rights and fundamental freedoms which was then before it. They had occurred in different circumstances, but there was a connexion between them.

53. In the first case, the *Ad Hoc* Political Committee, after deliberating for a week or so, had recommended that the plenary meeting should adopt a resolution. It had done so in spite of the fact that a number of representatives had expressed reasonable doubts as to the merits of the case and as to the wisdom of such a step, and had expressed the view that such an action tended to broaden the realm of imperialism.

54. In the second case, after protracted hearings during which the jurors' minds had been poisoned through the medium of a strongly biased Press, a verdict of guilty had been passed, in spite of reasonable doubts, against eleven United States citizens, solely because of their political beliefs.

55. The Polish delegation believed that the draft resolution recommended by the *Ad Hoc* Political Committee was injurious to the prestige of both the United Nations and the International Court of Justice. Should that draft resolution be approved, further harm would be done.

56. With regard to the item before the Assembly, the Polish delegation wished, without repeating the detailed motivation which it had presented to the Committee, to restate the reasons why it had opposed, was opposing, and would firmly oppose the continued interference of the United Nations in the internal affairs of Bulgaria, Hungary and Romania.

57. It was universally admitted that the presence of reasonable doubt excluded positive action. But those in favour of taking action in the case under discussion had not affirmed that they had proof of violations of human rights and fundamental freedoms; they had merely claimed to have reasonable doubts. On such a flimsy premise, they had forced their recommendation upon the Committee. They had not affirmed that treaties had been violated; they had asserted only that treaties might have been violated. No proof had been produced, nor had well-founded charges been made, that there had been a miscarriage of justice in Bulgaria, Hungary and Romania. The attacks on the jurisprudence or judicial proceedings of those three countries—attacks for which the United Nations was a most unsuitable forum—had been based on differences existing between them and such countries as the United States or the United Kingdom. On that basis, a right to reasonable doubt had been claimed, and no evidence had been produced to substantiate the claim.

58. On such flimsy grounds, the majority of the Committee—and he reminded the General Assembly that a majority had abstained from voting on some amendments—wished the United Nations to contravene the Charter, to infringe the sovereignty of independent States and to disturb international peace. That majority also wanted to place the International Court of Justice in a difficult position and to impair the authority of that body. On the basis of the ludicrous assertion that there was some reasonable doubt somewhere, the General Assembly was asked to engage in a continued campaign to smear the peoples' democracies, the very countries which, unlike the protectors of Hitlerites from Bonn, did not foster fascism but eradicated it.

59. The Polish delegation had opposed the faulty reasoning of the majority with documented proofs and solid arguments, despite the fact that

the illegality of the very presentation of the case should have made such a course of action unnecessary. It had repeatedly explained that the case was outside the competence of the United Nations, whether looked at from the viewpoint of the Charter or from that of the treaties. It had stated that the three countries of the peoples' democracies, in applying respectively article 4 or 5 of the peace treaties, had only lived up to their contractual obligations. Had they not acted as they did in liquidating organizations of the fascist type, whether political or military, on their territory, and preventing the existence and activity of organizations which had had as their aim the denial of democratic rights to the people, they would have been faced, beyond a reasonable doubt, with a case of treaty violation. There could be no doubt whatever that those sentenced in Bulgaria, Hungary and Romania had aimed at the overthrow of their respective Governments by force and violence, that such activities had been supported by foreign emissaries, specifically by agents of the United States and of the United Kingdom, and that the business interests as well as the pro-fascist reactionary elements of those Powers would have been the beneficiaries of successful fascist *coups d'Etat.*

60. Had those Governments been submissive to the demands of foreign imperialists, they would have betrayed the interests of their people and would have sapped their own independence and sovereignty. Their responsibility towards posterity would have been a heavy one indeed. The Polish delegation welcomed their firm and well-founded attitude.

61. It could not be overlooked that the Bulgarian, Hungarian and Romanian fascist plotters had had war—the greatest crime against humanity—as their ultimate aim.

62. That was the crux of the matter. Economic interests of the United States and the United Kingdom, assisted by reactionary elements in Bulgaria, Hungary and Romania, had been unwilling to accept the new order of things in those countries. Nationalization of industry and agrarian reform had, directly or indirectly, affected the interests of the capitalist countries, which had been concerned not with the welfare of the broad masses but solely with their own selfish profits. Such economic interests did not hesitate to promote *coups d'Etat* which had war as their ultimate aim. What the world was witnessing was merely another phase of the cold war directed from Washington against the interests of peace and of the United Nations.

63. In spite of repeated denials, Mr. Drohojowski reasserted that the accusers, and specifically the Governments of the United States and the United Kingdom, wished to impose upon the three countries concerned a pattern of life which would suit their own imperialistic aims.

64. Such an interpretation of the peace treaties, which would have infringed their sovereignty, had, of course, been rejected by Bulgaria, Hungary and Romania. That being so, the United States and the United Kingdom were at the current juncture trying to use the machinery of the United Nations and of the International Court of Justice for their own advantage.

65. There had been accusations to the effect that freedom of worship, of meeting, of the Press and of publication had been curtailed in the countries of the peoples' democracies. The statements of the Polish delegation to the effect that freedom of worship was, in reality, assisted by the respective Governments of those three countries, which, for instance, contributed generously to the construction and reconstruction of churches, had not, however, been challenged. The Polish delegation had referred the accusers to the Constitutions of Bulgaria, Hungary and Romania and to the guarantees they provided for free worship. No challenge had been forthcoming, and no substantiated challenge was possible. The Polish delegation had pointed out that freedom of meeting, of the Press and of publication was practised by the people for the benefit of the broad masses and was not subjected, as in bourgeois countries, to the control and *de facto* censorship of a few for the benefit of a few.

66. The Polish delegation's opponents had not challenged its statement that criminal traitors, black-marketeers and plotters, such as those who had been convicted in the three countries of the peoples' democracies, would have met a similar fate elsewhere.

67. The strategy of the accusers deserved a few minutes of the General Assembly's attention. They had asserted, in the first place, that certain events had really occurred and that they were prepared to produce the evidence. However, when it had been proved to them that they could not produce that evidence because it did not exist, and when, moreover, evidence to the contrary had been produced, they had removed the entire question to another plane. They had conceded that the facts produced by the other side were correct, but, assuming the role of philosophers and sociologists, they had attempted to explain the circumstances by distorting them. It had to be decided whether to deal with facts or with commentaries. The accusers had been prepared to achieve their purpose *per fas et nefas* and, when it had become clear that they were not succeeding on the basis of facts, they had shifted their ground and adapted their methods.

68. It sometimes appeared doubtful that the representatives of the United States and Australia understood the meaning of human rights and fundamental freedoms. The former had suddenly, for example, evinced a humanitarian interest in groups of political criminals or common delinquents in Bulgaria, Hungary and Romania, while many millions of Negroes and other racial or social groups were denied human rights in the United States. The latter had, strangely, expressed solicitude for pro-fascist groups in Romania or in the other two peoples' democracies. Yet those groups had planned *coups d'Etat,* financed by foreign funds, in order to re-establish pre-war régimes of oppression and exploitation. It would be more fitting for Australia to introduce the basic principles of human rights in its own country in its relations with the aborigines.

69. The representative of France had delivered a fairly long tirade concerning human rights. Mr. Drohojowski respectfully called the attention of the representative of France to the police régime of Mr. Moch, the former and possibly future Prime Minister, and asked whether it could be characterized as a régime of classical democracy. He also reminded the representative of France of the situation in Viet-Nam, where people were being murdered by the French, and of conditions in

Madagascar. He did not expect a reply, for reasons which were clear to the Polish delegation. However, in the circumstances, it was all the more difficult to understand why the French representative had shown such interest in the fate of criminals, black-marketeers, smugglers and similar law-breakers in Bulgaria, Hungary and Romania. The representative of France probably would reply that his interest was of an entirely disinterested, humanitarian nature.

70. In response to the challenge made by the Polish representative concerning the moral qualifications of the accusers, and specifically of the United States, the representative of the United States had admitted that his country could not claim perfection in the observance of human rights and fundamental freedoms. The Polish delegation had stated that the accusers did not possess a basic prerequisite; that they should come to court with clean hands. The United States representative, Mr. Cohen, had admitted that his country had not attained perfection, but had attempted to impress the *Ad Hoc* Political Committee with the substantial progress which had taken place. Mr. Drohojowski reminded the United States representative that *Lincoln's Emancipation Proclamation* had been issued *on 1 January 1863* and that the *Fifteenth Amendment* had been ratified, according to a declaration by the then Secretary of State, *on 30 March 1870*. When Mr. Cohen referred proudly to the progress made in the field of human rights and fundamental freedoms, the Polish representative wondered whether he also took into account the verdict pronounced at Foley Square which would doubtless stand in the record of history. According to *Robert S. Bird* of the *New York Herald Tribune*, the Governor of the State of New York, Mr. Dewey, of Peekskill fame, had already given the verdict historical importance by expressing his delight that it was, in the words of Governor Dewey, "a vindication of the American system of justice".

71. Finally, Mr. Drohojowski emphasized that the only real reason for asking the General Assembly to deal with the item under discussion at its fifth session and for referring certain aspects of it to the International Court of Justice was to permit the United States and those that shared its view to continue their slanderous and mendacious propaganda against the three peoples' democracies. That propaganda was being directed against them because they did not fit into a pattern which served the aggressive policies of the State Department and the Pentagon or such aggressive schemes as the Truman Doctrine and the Marshall Plan.

72. The real question before the General Assembly was whether it was to yield to the wishes of those who were attempting to subject the interests of the United Nations and of peace to the aggressive plans directed against the United Nations and peace. The Polish delegation had consistently defended the United Nations. It did not intend to swerve from that position. It would continue to do its utmost to stop those who disrupted understanding between nations to the detriment of the basic interests which the United Nations should protect in accordance with the lofty ideals of the Charter.

73. Mr. VAN HEUVEN GOEDHART (Netherlands) quoted from an address presented to the fourth session of the General Assembly on behalf of the Netherlands Catholic Workers' Movement to illustrate his country's widespread concern at the daily violations of basic human rights and fundamental freedoms in territories under communist rule. That concern was shared by the overwhelming majority of the civilized peoples of Western Europe, who had learnt to appreciate the inestimable value of freedom and human dignity as a result of five years of the most cruel oppression. During those five years the people of the Netherlands had been deprived of freedom of speech, and of freedom to criticize their rulers or to take part in the government of their country. From the experience of their invincible resistance movement, several thousands of whose members had been shot by firing squads, they knew what life was like in Bulgaria, Hungary and Romania for those who sought to defend their inalienable human rights and freedoms.

74. The resolution before the Assembly deal with only some of the violations of those basi rights and freedoms. It must be frankly admitte that the Assembly was confronted with a tragi divergence of views between East and West tragic because due to two entirely different con ceptions of human life, one giving priority to th State, the party or the doctrine, and the other t the individual and his inborn rights, of which as was stated in many constitutions on the Amer ican model, he could not "deprive or divest hi posterity".

75. The issue before the Assembly was clear. I the end, the two conceptions were irreconcilabl and the United Nations must therefore take a firr and unambiguous line, bearing in mind that a San Francisco and in the Atlantic Charter it ha already taken its stand on the side of freedom fo all, that is, in favour of the Western conceptio of the dignity of human life.

76. The Netherlands delegation was firmly cor vinced that the General Assembly should not lim itself to treaty procedures or violations of suc procedures, however important, but should bas its action on the Charter. The lamentable fact tha the Charter did not provide the weapons to ensu the observance of human rights did not relieve th United Nations of its moral responsibility in tha field.

77. In proposing that the draft resolution und discussion should be based not only on certai provisions of the peace treaties, but also and pr marily on provisions of the Charter, the deleg tions of Brazil, Lebanon and the Netherlands ha been prompted by the view that the United N tions should act as the conscience of the world.

78. It would be futile to embark on a juridic discussion of the interrelationship of Articles the Charter, in particular of the question wheth Article 55 was or was not subject to the gener provisions of Article 2, paragraph 7. No captio argumentation could ever obscure two facts, t first, that the definition of the pledge assumed Members of the United Nations in regard to t observance and promotion of human rights a fundamental freedoms for all, given in the Cha ter, was quite unambiguous, and the second, th a simple reference to that pledge as defined Article 55 had no connexion whatsoever wi the intervention in domestic affairs, to whi Article 2, paragraph 7 referred. Such a referen was, however, of the greatest significance, sin it recognized a common moral responsibility a

was the only possible answer the General Assembly could give to the appeal of public opinion.

79. The Netherlands delegation had no desire to prejudge the advisory opinion of the International Court of Justice. It had deliberately confined its statement to a reference to the inescapable responsibility of the United Nations and to an account of the reasons underlying its increased concern for the observance of human rights. In the opinion of the Netherlands delegation, the rejection of the General Assembly's invitation to Bulgaria and Hungary,[1] and later to Romania,[2] to express their views, provided ample grounds for such increased concern.

80. The delegation of the Netherlands urged acceptance of the draft resolution before the Assembly by as large a majority as possible, so that the world might thereby be informed that the General Assembly was not afraid of its responsibilities.

81. Mr. DE MARCOS (Cuba) read the heading of the draft resolution before the Assembly as submitted by the *Ad Hoc* Political Committee ("observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms") and noted that the passage had been split into two parts and that after numerous discussions the words "observance of human rights" were still being repeated as if after five or one hundred and fifty years, as the French representative had said, it were impossible to get a clear idea of the exact meaning of those words. The second part of the phrase related to the events which some speakers spoke of in gloomy terms and others, like the Polish representative in bland optimism.

82. Admittedly there was a serious problem in Eastern Europe, which needed a determined and effective solution, and while the draft resolution before the Assembly was not a full solution, at least it placed the Assembly on the path of dignity. Nobody, absolutely nobody, could object to the idea protecting human dignity and the conscience of mankind against violence and outrage.

83. Cuba was a country with a genuinely democratic tradition and its delegation did not want scaffolds in Eastern Europe or anywhere else. Its aim was freedom. It joined the French and Netherlands representatives in asking for unanimous approval of the draft resolution.

84. Mr. CLEMENTIS (Czechoslovakia) had been late for that afternoon's meeting, but had been told that the United States representative had repeated some of the usual prefabricated propaganda about Czechoslovakia. The United States representative's remarks had come somewhat late, since the Security Council elections had taken place on the previous day, and the propaganda drive in the American newspapers had stopped at that time.

85. Mr. Clementis thought that there was a *prima facie* contradiction between the heading of the resolution under consideration, which had been adopted by the usual majority in the *Ad Hoc* Political Committee, and Article 55 c of the Charter. The Charter mentioned "universal" respect for and observance of human rights and fundamental freedoms. The phrase implied that action taken on the basis of that Article should be universal and should not be limited to certain countries which had not been permitted to become Members of the Organization owing to the non-observance of the peace treaties by some Member States.

86. He did not think that the promoters and supporters of that resolution would care to assert that universal respect for, and observance of, human rights and fundamental freedoms for all should only be promoted in those three countries. Even Sir Hartley Shawcross, who was such a champion of human rights and freedoms—*in partibus infidelium*, of course—had found it necessary to emphasize, in the course of the discussion in the *Ad Hoc* Political Committee, that it was of course, not in every case where human rights are involved that the United Nations was entitled to intervene.

87. It would indeed be inconvenient if the United Nations were to intervene on behalf of the "observance of human rights and fundamental freedoms" in Malaya, for instance, or in Viet-Nam or in the Land of Jim Crow.

88. During the discussion of that item at the second part of the third session of the General Assembly and in the *Ad Hoc* Political Committee at the current session, there had been sufficient evidence that there were very few of the supporters of the drive against the peoples' democracies who should not, as the Czech proverb said, "first sweep their own threshold".

89. Sir Hartley's answer was, of course, that, with regard to Bulgaria, Hungary and Romania those ex-enemy countries had bound themselves internationally to secure and observe human rights, and it was clearly the right and duty of the United Nations, since it was concerned both with the observance of treaties and with the promotion of human rights, to take cognizance of the matter.

90. Was that indeed so? In the first place, what did the phrase "have bound themselves internationally" really mean? Was a multilateral treaty an international treaty? It might be assumed that it was. In that case, did that apply to a bilateral treaty? Sir Hartley Shawcross might suggest that all international treaties in which subjects were mentioned that had some direct or indirect connexion with the principles formulated in the Charter were "clearly" of the category upon which the United Nations should deliberate and decide. Mr. Clementis, however, did not think that that was so.

91. The only point that emerged clearly was that neither of the sponsors nor the supporters of the resolution had cited a single fact or introduced a plausible juridical theory to prove that the United Nations was entitled to deal with the substance of the resolution. On the contrary, if their theory was correct, it would be necessary to renounce Article 55 c of the Charter because according to Sir Hartley Shawcross, the United Nations was not entitled to intervene in every case where human rights were involved.

92. How could that thesis be held to be compatible with Article 55 c of the Charter which referred to "universal" respect for, and observance of, human rights and fundamental freedoms?

[1] See *Official Records of the third session of the General Assembly, Part II, Ad Hoc Political Committee*, annexes, documents A/AC.24/50, A/AC.24/57 A/AC. 24/58.

[2] See *Official Records of the fourth session of the General Assembly, Ad Hoc Political Committee*, 7th and 10th meetings.

93. Article 55 of the Charter also referred to the promotion of high principles of humanity. He could hardly believe that the speeches delivered during the discussions could be covered by the expression "promotion", since all the accusations brought forward against the three countries were either false or incorrect or belonged to the category of basic differences between the concepts of a capitalist world, on the one hand, and the socialist world, on the other. One example would illustrate that point. According to the capitalistic concept, the *entrepreneur* had the sacred right to lock out thousands or millions of workers, thus depriving them of their earnings, if he considered that the workers did not bring in the expected profit. According to the socialist concept, that was a crime against humanity.

94. In summarizing what had been said about the right of the United Nations to deal with the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Romania, it had to be concluded that Article 55 of the Charter was not applicable to the case of those three countries, even without reference to the clear provisions of Article 2, paragraph 7 of the Charter.

95. The operative part of the *Ad Hoc* Political Committee's resolution referred to articles of the Treaties of Peace with Bulgaria, Hungary and Romania, which referred to disputes regarding the interpretation and execution of the treaties which were not settled by direct diplomatic negotiation.

96. The fact that those articles referred to situations in which the Secretary-General of the United Nations could be requested by either party to the dispute to make the appointment of a third member selected by mutual agreement of two parties, did not mean that the United Nations, as such, was entitled to act in that particular case. That was an unjustified assumption. There was nothing in the peace treaties to justify the General Assembly taking the action proposed in the *Ad Hoc* Political Committee's resolution.

97. The head of the USSR delegation, Mr. Vyshinsky, had proved conclusively in the *Ad Hoc* Political Committee that the dispute in question was not between the three Powers mentioned in the respective articles of the peace treaties on the one hand and Bulgaria, Hungary and Romania on the other. Neither the procedure advocated in the articles of the peace treaties quoted in question I of the draft resolution, nor that proposed in the *Ad Hoc* Political Committee's draft resolution, could be applied.

98. The supporters of the resolution, who had referred to the various provisions of the peace treaties with Romania, Bulgaria and Hungary, had failed to quote certain articles of those treaties concerning the substance of the matter under discussion, such as article 5 of the Treaty of Peace with Romania and article 4 of the Treaties with Bulgaria and Hungary. Those articles provided that the countries concerned should dissolve and suppress all fascist organizations.

99. Those who had attended the Paris Peace Conference would remember that there were at that time certain elements in the Governments of the ex-enemy countries connected with representatives of the former régimes which forced Romania, Bulgaria and Hungary into the war on the side of nazi Germany. The position of those semi-feudal and semi-nazi ruling classes had been very strong, as the entire social, economic and legal structure of those countries had been arranged to suit their needs and to strengthen their position.

100. At the time of the Paris Peace Conference it had been clear even to those who currently supported the resolution under discussion, that the only danger threatening the democratic peoples of those countries and their peaceful collaboration with neighbouring countries, came from the representatives of the old régimes. That was why they had adopted the article he had just quoted.

101. Much had changed since then. Former enemies could be used to undermine the peaceful social reconstruction of the peoples' democracies. Great changes, however, had also taken place in the Governments of those countries since the Paris Peace Conference. The Governments of the peoples' democracies had fulfilled their obligations under the peace treaties.

102. He did not wish to deal in detail with the propaganda used against the socialist States in the *Ad Hoc* Political Committee. It had been refuted at once, but despite that the majority in that *Ad Hoc* Political Committee had voted—as he was sure the plenary meeting would also vote—in favour of the resolution, which proposed the inclusion of that item on the agenda for the next General Assembly. That would not hinder the reconstruction of Romania, Bulgaria and Hungary but would certainly do the United Nations no good.

103. The peoples of those countries had, for the first time in their history, been afforded the opportunity of establishing peaceful and good neighbourly relations with other nations, and of raising their social and cultural standard of living. They were making good use of that opportunity. The adoption of the resolution, which was, in effect, directed against the peoples, was regrettable not so much from the point of view of the peoples' democracies of Bulgaria, Hungary and Romania, as from that of the United Nations.

104. Mr. ANZE MATIENZO (Bolivia) said that at the previous session of the Assembly he had given an interpretation of Article 55, paragraph c, in relation to Article 2, paragraph 7 of the Charter. On that occasion he had explained why his Government was proposing an agenda item which at that time merely spoke of consideration and study of the trial of Cardinal Mindszenty.

105. He had then said that that proposal was due to an emotional experience of his country, which had gone through the tragic experience of a short but hard period of nazi-fascist government, from which it had freed itself at the sacrifice of the blood of its citizens.

106. In those circumstances his Government, noting that the United Nations Charter spoke of the observance of human rights and basing itself on Articles 1 and 55, had thought it appropriate to include the said item on the agenda.

107. Subsequently his Government had supported the Australian proposal concerning the observance of human rights in Bulgaria.

108. During the discussions at the previous session, the representatives of the Eastern Euro-

pean countries had repeatedly claimed that the United Nations was not competent to deal with the question, especially as it was covered by the peace treaties. But owing to his delegation's insistence and to the fact that human rights were referred to in the Charter and in the peace treaties it had found a suitable way open in the shape of a reference to the clauses relating to human rights contained in the peace treaties. But resolution 272 (III), which was then adopted, provided that the item would be placed on the agenda of the fourth session of the General Assembly.

109. The question was raised in the General Assembly why the item had been placed on the agenda. That was due primarily to the earlier resolution. The coincidence that less than thirty days previously the people of Bolivia had once again been called upon to shed their blood in defence of their freedoms and democratic institutions struck him as a further reason why that problem should engage the attention and constant vigilance of the United Nations. The problem before the Assembly was not only the individual and the rights of the individual, but also was directly related to the problems of international peace and security.

110. If that was so with respect to the Charter and to the guarantee of international peace and security, the same applied to the fulfilment of peace treaties.

111. The General Assembly had followed the course indicated by the Eastern European representatives in dealing with those questions at the current session and had simply urged fulfilment of the clauses relating to human rights as contained in the peace treaties; in that way, though the problem was referred to in the Charter, action became a matter for the Powers signatories to the treaty and the Assembly found that execution of the treaties had failed owing to the intransigence of one of the parties.

112. He was pleased to note that a major Power like the United States of America, in association with two smaller countries like Canada and Bolivia, had said that it would respect the Court's advisory opinion as to the interpretation of the relevant articles dealing with human rights; surely that was a splendid and constructive contribution. The stability and life of the small nations were based on law, and the respect for the individual was the fountain-head of democracy, which in turn was the source of peace. His delegation asked the General Assembly to support the draft resolution submitted by the *Ad Hoc* Political Committee.

113. Mr. HENRÍQUEZ UREÑA (Dominican Republic), explaining his delegation's attitude to the important draft resolution before the Assembly, said it would vote in the same way as it had voted in Committee and would accept the resolution as a whole. It agreed, however, with the French representative's point of view, that questions I and II were the points on which the opinion of the International Court could be sought; questions III and IV were not only superfluous but involved purely hypothetical questions and conflicted with normal juridical principles. On the remainder of the draft resolution the Dominican delegation agreed as to form and substance.

114. Approval of the resolution by the General Assembly would not amount to interference in the domestic affairs of a country since the point to be determined was whether there was a probable violation of treaties. Treaties were *ipso facto* international instruments and any State signing a treaty assumed an international obligation to comply with its terms. Moreover, the General Assembly was merely applying to the International Court of Justice for an advisory opinion; that would contribute to strengthening the prestige and authority of the Court, which was so important to the development of the United Nations.

115. He repeated that he would vote for the proposal; but if it were voted on in parts he would prefer to see questions III and IV omitted.

116. Mr. Vyshinsky (Union of Soviet Socialist Republics) noted that every speaker before him had tried to justify his position. It seemed to him that it would be difficult for the Assembly to follow a system by which each speaker tried to repeat what had been said by his predecessor. Nevertheless, that particular point should be stressed because reference had been made to general comments which were also important in principle.

117. Accordingly he wished to dwell on the statement of Mr. Cohen who, in his opinion, had put forward a strange theory. Mr. Cohen had expressed very original views on co-operation, on the conditions in which co-operation could be achieved and what was meant by willingness or unwillingness to co-operate. According to him, it would seem that any Government refusing to obey the orders of the United States was refusing to co-operate and that co-operation would merely be obedience to the demands which a group of Governments, led preferably by the United States, presented to a given country. That was a strange theory and it was at variance with all the ideas that Mr. Vyshinsky had hitherto held regarding the meaning of the word "co-operation".

118. He would try to show that precisely such an attitude had been adopted when slanderous complaints were lodged against Bulgaria, Hungary and Romania, countries which, it was alleged, had violated fundamental freedoms and human rights and had failed to fulfil their international obligations and to carry out the provisions of the peace treaties.

119. Mr. Cohen had stated, for example, that those three countries had refused to appear before the General Assembly or to come before the United Nations to take part in the discussion of those questions. Thus, in the matter of the admission of Bulgaria, Hungary and Romania to the United Nations, it had been decided that those countries should not be invited, but when gross slander and a series of unjustified attacks were directed against them, invitations were duly sent asking them to come and explain their position. Was there a single representative of a self-respecting Government who could tolerate such treatment? Was it proof of co-operation for a country to agree to appear only when it was specially summoned to be subjected to insults?

120. To describe such a procedure as international co-operation was rank hypocrisy. The Soviet Union would have nothing to do with that sort of co-operation, and held that, in the question of the so-called violation of human rights and fundamental freedoms by Bulgaria, Hungary and Romania, the General Assembly was faced with nothing less than a brutual *Diktat*.

121. He then dealt with the substance of the matter. The representatives of the United States, the United Kingdom and Australia had shown themselves particularly anxious to find some justification for the slanderous accusations which they had hurled against the three Eastern European countries. Most representatives were familiar with the points stressed by Mr. Cohen, Sir Hartley Shawcross and Mr. Makin, who had claimed in the *Ad Hoc* Political Committee that they based their allegations on certain "documents". Their efforts had ended in utter failure. The USSR delegation had given a detailed explanation of its position in the *Ad Hoc* Political Committee. It had submitted documents showing that the charges levelled against Bulgaria, Hungary and Romania were completely groundless and that the so-called facts actually constituted a distortion of the truth or plain fabrications.

122. The accusations had been shown to be entirely unfounded; yet that had not prevented the majority of the *Ad Hoc* Political Committee from adopting a draft resolution which had been sent to the General Assembly. That resolution was not in accordance with the true state of affairs, was not based on any facts and did not arrive at any logical conclusion. Those who had attempted to expose the Governments of Bulgaria, Hungary and Romania and who wished to set themselves up as their mentors, had already shown that to be the case. Mr. Vyshinsky would attempt to prove it in his turn.

123. The campaign against the peoples' democracies of Bulgaria, Romania and Hungary proceeded along three main lines. First, there were slanderous statements to the effect that those three countries had violated fundamental freedoms and human rights. Secondly, it was claimed that they had violated the provisions of the peace treaties. Thirdly, it had been said that they had refused to carry out international obligations.

124. He stated that none of those accusations was based on facts. He had no intention of acting in the Assembly as counsel for the defence; on the contrary, he would speak as prosecutor of the prosecutors. Attempts had been made to show that human rights and fundamental freedoms had been violated in Bulgaria, Romania and Hungary, and the political régime set up in those countries after the victory of the peoples' democracies had been attacked. As a basis for their slanders, the members of the Anglo-American bloc had cited the Petkov trial in Bulgaria, the Mindszenty trial in Hungary, and the trial of Juliu Maniu and his accomplices in Romania.

125. Indeed, in connexion with the accusations made against the three Eastern European countries, Sir Hartley had produced a whole series of falsifications and base insinuations which had been disproved and refuted a hundred times—alleged facts containing not a jot of truth and representing a tissue of lies and distortions of the real position. In order to cast opprobrium on justice in the peoples' democracies and to prove that human rights were violated in those countries, the United Kingdom representative had alleged in his Press release of 6 October that persons arrested for political reasons were never brought before the courts until they had admitted their guilt. He had also alleged in the same Press release that those supposed confessions presented a very sinister picture. It was true that Sir Hartley had probably realized later that he had gone rather too far and, in a speech on 12 October, he had preferred to draw back and had stated that that did not apply to all the trials, although he had previously said and written that the accused persons concerned had never been brought before the courts. Nevertheless, he had not been able to refrain from stating that his assertion was true with regard to the large majority of the trials and from adding that confessions were obtained by force.

126. That question had already been under discussion for a fortnight and Mr. Vyshinsky wished to know if a single fact had been adduced in support of the statements that had been made. Instead of producing facts, Sir Hartley Shawcross had stooped to repeating gossip about alleged psychological laboratories where, it was claimed, the accused were subjected to a process of preparation for the trial. There again, Sir Hartley had been unable to give any facts.

127. The Attorney General of the United Kingdom, who was launching his thunderbolts against the peoples' democracies and who was at the same time singing the praises of fully developed legal systems such as the British system which, according to him, treated confessions of accused persons with the greatest circumspection, was again mistaken in that respect. In reality, the United Kingdom was precisely the country where admission of guilt by the accused played a decisive role in the conduct of a criminal trial. In the Middle Ages there was a rule that confession was the supreme proof. It was precisely in the fully developed legal system which Sir Hartley Shawcross had praised that that rule had been effectively maintained.

128. The legislation of the peoples' democracies contained nothing resembling that medieval law of the United Kingdom, which distorted the judicial proceedings and constituted a violation of human rights. It was not an accident that a series of English jurists had written that the provisions of British judicial procedure were in large part nothing but a mass of provisions which the judge was given complete discretion to apply and which were expressed in ambiguous Latin or English sentences that were only half intelligible and could be applied only by being adapted to each particular case, and which through unwise application acquired a completely false significance. Those were the statements of British lawyers who fought against the survival of the medieval spirit in their laws and in the practice of their courts. Reference to the writings of Mr. Thayer clearly showed the unhappy position of those who came within the reach of that kind of justice and the effect that that situation had on the exercise of human rights. It was therefore somewhat surprising that Sir Hartley Shawcross, who in his capacity as Attorney General of the United Kingdom, was obliged in the British courts to flounder in the mire of those medieval survivals, should seek in the *Ad Hoc* Political Committee to give lessons to the peoples' democracies on the subject of justice and the proper treatment of accused persons. As was the case in Romania and Hungary, justice in Bulgaria was based on democratic principles. Courts conducted trials in accordance with the procedure prescribed by law, on the basis of legally valid evidence, and the confession of the prisoner carried no more weight than other forms of evidence.

129. In the courts of Bulgaria, Hungary and Romania, the confession of the accused was not the sole factor in establishing his guilt; it was not even the most important factor. In democratic countries courts based their verdicts on the sum total of evidence.

130. The efforts of Sir Hartley Shawcross and his friends to cast opprobrium upon the peoples' democracies by trying to make capital of the confession of accused persons could be regarded as a total failure. But Sir Hartley had further evidence to offer. In the *Ad Hoc* Political Committee, he had asserted that the Hungarian Minister of Justice was said to have stated—no one knew when or where—that the political attitude of the accused was taken into consideration in Hungary as a factor in proving guilt. He was implying that in Hungary the administration of justice was merely a method of settling political accounts, and people were tried not for the crimes they had committed but for their political convictions. That was an old wives' tale which had been given the lie in a particularly striking manner during the Mindszenty trial, where the accused had been convicted of crimes as specific as participation in a conspiracy to overthrow the lawful Government of Hungary, espionage and treason. During that trial, the guilt of the accused had been established not only by his own confession, but by evidence as irrefutable as the iron box found in the cellar of the house where the Cardinal lived, containing the list of members of the Government which Mindszenty and the other conspirators intended to put in power after the overthrow of the lawful Government of the country.

131. Consequently, to assert that the most important factor influencing the courts of Hungary and the other peoples' democracies was the political attitude of the accused was to advance a slanderous fabrication. But there was one country where prosecution for offences against the laws governing State secrets did not even require a confession on the part of the accused and where it was sufficient to rest the case on the character of the prisoner. That country was the United Kingdom. A law of 22 August 1911 provided that, in legal proceedings bearing upon State secrets, the guilt of the accused did not have to be established by a definite act showing that he intended to endanger the security and the interests of the State. The provisions of that law violated the elementary principles of justice. True, it was a British law and not a Bulgarian, Hungarian or Romanian law. But who had been accused of violating human rights?

132. He would not dwell on the other arguments produced in the *Ad Hoc* Political Committee by Sir Hartley Shawcross as they were not even worth mentioning. He had dwelled on the matter of the confession of the accused because it was a fundamental point; if courts passed verdicts on the strength of forced confessions, there could be no question of either justice or human rights. Sir Hartley had not produced any proof in support of his argument. No confession had been made at the Petkov trial. Sir Hartley had said that when unimportant cases were tried the accused enjoyed the luxury of not making confessions. Mr. Vyshinsky had shown in the *Ad Hoc* Political Committee that the luxury of making a confession had been granted Nikola Petkov in Bulgaria, and that Baranyai, who had been Mindszenty's right-hand man, had refused to admit his guilt at the beginning of the trial, but had been proved guilty later by the evidence of witnesses, documents and statements by Mindszenty himself. The same applied to the case of Juliu Maniu and his co-defendants. As to the psychological laboratory and the like, it was no secret that there still existed in British judicial practice so-called third-degree cross-examinations. He could if he wished relate many interesting things about that but he wished merely to prove that the accusations which had been levelled against Hungary, Romania and Bulgaria, and which had been supported by Sir Hartley Shawcross, were pure inventions and falsifications based on a distortion of truth.

133. After Sir Hartley had spoken in the *Ad Hoc* Political Committee, Mr. Makin, head of the Australian delegation, and a former member of the Australian Government, had quoted Law 341, under which only members of the Communist Party could be peoples' assessors in Romania. Mr. Vyshinsky had said, at the time, that that was a complete invention. He had produced the text of the law which did not in any way corroborate the Australian representative's statements. Moreover, even that law no longer existed as it had been repealed on 2 April 1949. He wondered how anyone could assert, on the strength of such facts, that human rights were not respected in Bulgaria, Romania and Hungary, when the facts advanced in support of those accusations were pure invention. True, the invention did not bear the trademark "Made in Australia", but Mr. Vyshinsky felt entitled to label it thus or, more accurately "Made in U.S.A.", for the principle source of such concoctions was in the United States.

134. He regretted having to claim the Assembly's attention a while longer. In attacking Bulgaria, Sir Hartley Shawcross had mentioned the law of 28 August 1947 in pursuance of which, he had claimed, Petkov's so-called opposition party had been liquidated. It was true that such a law had existed. The so-called opposition had indeed been liquidated, and that in full conformity with article 4 of the Treaty of Peace, which required the suppression or disbanding of organizations of a fascist type. It was, however, interesting that Sir Hartley had admitted that the transition from fascism to democracy took place in gradual stages, during which special measures had to be adopted. In 1947 and 1948 Bulgaria had been and even at the moment it still was passing through such a period.

135. It was really astonishing that all the attacks against the existing political régime in Bulgaria, Hungary and Romania and against the laws of those countries were being made by the Governments of those very countries where all human rights and all fundamental freedoms were trampled underfoot. That was particularly true in the case of Australia, the initiator of the complaint brought against Romania. It was evident from the works of Mr. Thomson, the well-known Australian anthropologist, that the inhabitants of many regions of the Northern Territory of Australia worked in conditions amounting to slavery. Confirmation of that fact could also be found in a book which had appeared in the United Kingdom under the characteristic title of *Black Chattels* and which described the appalling situation of Australian aborigines who were the victims of shameless exploitation.

136. It was indeed astonishing that the Australian representative was not at all dismayed about the fact that some Australians enjoyed no rights whatever while showing such concern, as the *Ad Hoc* Political Committee's draft resolution indicated, about the fact that human rights had allegedly been violated in the countries of the peoples' democracies. The slave-owners wanted to start a new crusade against the democratic countries; their most typical representative, the representative of the Netherlands, had said so before the Assembly. There was nothing new in that; attempts had been made on earlier occasions, as for instance in 1918 and 1919, to organize such crusades.

137. The Netherlands representative, who was no doubt fully conversant with all the crimes committed by his country against the Indonesian people, could neither intimidate nor surprise anyone by his statements. He was virtually exhorting the General Assembly to form a new anti-communist league and to launch a new crusade against communism. What pitiful words, what pitiful men!

138. Mr. Vyshinsky went on to say that much might be told of conditions in the United States itself, that country so well known for its respect of human rights—of what happened in places like Peekskill and elsewhere; something might be said of such things as the machinations of Judge Medina, who had even found a means of depriving defendants of the right to speak in their own defence. A fine justice, the Medina type of justice, which made it possible to condemn not only the accused but also their defending counsel!

139. Something might be said, too, of the United Kingdom and of its habit of opening fire on peaceful demonstrations, as for instance in the Somaliland. That affair had already been mentioned in the *Ad Hoc* Political Committee. Mention could also be made of the frenzied propaganda being spread in the United States and the United Kingdom for a new war and the mass extermination of peoples. It might be mentioned, too, that fascists enjoyed freedom of speech in the United Kingdom.

140. Mr. Vyshinsky said that Mr. Cohen, the United States representative, had not missed the opportunity to shoot an arrow against the USSR concerning proposals it had submitted (226th meeting) with the object of preventing preparation for a new war and promoting the conclusion of a five-Power pact to consolidate peace. Mr. Cohen had said that that was a peace proposal unacceptable to the United States. Obviously peace was unacceptable to those who were preparing for war. That was what should be said to those who had assumed in the General Assembly the role of preacher and moralizer, which scarcely suited them.

141. The Attorney General of the United Kingdom, who moralized to the General Assembly on the subject of democratic freedoms and human rights, might be reminded of the Meerut trial of the leaders of the Indian trade-union movement. At the time, the British newspaper *New Leader* had stated that the trial was the biggest scandal in the history of political persecution, the most shameful event in the legal annals of the world.

142. Taking all that into account, it seemed strange to refer to article 2 of the Treaty of Peace with Bulgaria and article 3 of the Treaty of Peace with Romania, which concerned human rights and which had supposedly been violated. Who had violated them? Criminals who had been caught red-handed, conspirators, terrorists, spies and traitors to their country had been brought to the dock and convicted. That was what was alleged to constitute a violation of those articles. It was as if the peace treaties were to protect the right and freedom to commit such crimes. At the same time, those who so freely levied accusations did not mention articles 4 and 5 of the same treaties, which obliged the signatory countries to fight against terrorists, fascists, and supporters of Petkov, namely, all those who committed crimes against their Governments. In fact, there had been no violation of human rights. That was a pure fabrication, invented in order to justify the attacks against the peoples' democracies. The law applied in that case was the law of the wolf in the fable of the wolf and the lamb.

143. It was not the first time that attempts had been made to justify interference in the internal affairs of Bulgaria, Hungary and Romania with the help of fabrications, calumnies and distortion of the facts. It was because of direct interference in the internal affairs of Bulgaria that the elections to the National Assembly, scheduled for 26 August 1947, had been postponed. In the same way, in 1945 and 1946, the United States and the United Kingdom had done everything possible to get supporters of Petkov and terrorists into the Bulgarian and Romanian Governments; they had tried to cover up the criminal activities of Petkov and interfere in the internal affairs of Hungary with the help of conspirators and traitors. The explanation of all that was that the governmental circles of the United States and the United Kingdom wanted to prevent the collapse of the capitalist system and could not look with indifference on the fact that the system had collapsed in the eastern European countries. Those circles were trying to gather together the remains of capitalist reaction, which had been beaten by the popular democratic movement in those countries. They were trying to retard the progress of popular democracy and the march of those countries towards socialism.

144. The peoples' democracies had been established as a result of the defeat of the German-fascist forces, after the great victory of the Soviet Union during tthe Second World War. They had been established by the efforts of the people, led by the working class, to attain their national independence. That development had brought about the collapse of the imperialist system in many countries of eastern and south-eastern Europe. The countries of the peoples' democracies were in a transitional period which would enable them to advance towards socialism. Reactionary circles in the capitalist countries obviously could not accept that situation. Therein lay the reason for which the question of observance of human rights in Bulgaria, Hungary and Romania had been brought before the General Assembly. An attempt had thus been made to camouflage the attempts to interfere in the internal affairs of those States, attempts on which the calculations of the Anglo-American capitalist monopolies were based.

145. There had even been complete distortion of the contents of the Charter. Thus, for instance

reference had been made to Article 55. Mr. Vyshinsky had already quoted the verbatim records of the San Francisco Conference, which showed that Article 55 in no way authorized interference in the internal affairs of a State. To strengthen his argument, he quoted the report submitted to the President of the United States on 26 June 1945 by the United States delegation concerning the results of the San Francisco Conference. That report stated that one of the elements of the Australian proposal, which called upon States to adopt measures outside the international Organization, went beyond the framework of the Charter and perhaps even constituted a violation of the domestic jurisdiction of Member States by imposing on them a certain attitude in regard to relations between States and private individuals.

146. The provisions finally adopted obliged the various countries to co-operate with the Organization for the achievement of its purposes in the economic and social fields, without, however, involving any interference in domestic affairs and leaving each country free to follow its own ideas in political and economic activities.

147. Thus, the authors of Article 55, and even the San Francisco Conference, which had ratified the Charter, had been careful to explain the scope of Article 55 very particularly. Yet, all those indications were being ignored and Article 55 was being used to support an argument justifying interference in the domestic affairs of Hungary, Bulgaria and Romania.

148. It was also claimed that international obligations had been violated. He had dealt at length with that subject in the *Ad Hoc* Political Committee, and would confine himself to stating that the assertion that there was a dispute which should be resolved by applying articles 36, 38 and 40 of the Treaties of Peace with Bulgaria, Hungary and Romania respectively, did not stand up to criticism. It was true that those articles dealt with possible disputes, but disputes between two parties. Who were those parties? One would be Bulgaria, Hungary and Romania, that is to say the conquered party, and the other would be the party formed by the three Governments of the United States of America, the United Kingdom and the Soviet Union. No such situation, however, existed. The fact was that only one party existed —Bulgaria, Hungary and Romania—and that party was not convinced that there was a dispute. On the other side, there was no party in the sense of the treaties, for the only Governments involved were those of the United Kingdom and the United States, two Governments and not three. He might be asked whether it were possible to interpret treaties in that way. In support of his statements he adduced article 39 of the Treaty of Peace with Hungary, which provided that in case of disagreement as to the interpretation and application of the treaty, the three Governments, that is to say the United States, Great Britain and the USSR, should act by common agreement. There had not been any agreement. There could therefore be no question of parties. There could be no question of dispute. Lastly, there had not even been any violations, for, as he had pointed out, no such violations had been proved.

149. Was there any reason to request the opinion of the International Court of Justice? The Court would have to be asked whether Bulgaria, Hungary and Romania were guilty of violating the peace treaties. The matter was quite clear, however, and there was no reason to apply to the Court.

150. It was also questionable whether the Secretary-General of the United Nations was entitled to appoint an arbitrator when no parties to the dispute existed. Lastly, it was questionable whether an arbitration commission composed of two representatives of one party—a party which was, moreover, incomplete—and an arbitrator would be sufficiently competent to deal with the matters submitted to it.

151. He thought he should not insist on that point, for the representatives of the Dominican Republic and France, who could not be suspected of communism, had already disposed of those questions. Nevertheless, the possibility was not excluded that the General Assembly would follow the Anglo-American leaders, represented by Sir Hartley Shawcross and Mr. Cohen. He could not but say that the proposals advanced were humiliating to the General Assembly and the International Court of Justice. If, as had been proposed, the General Assembly referred the matter to the Court, it would show that it had no respect for the Court, for it would have acted only from considerations of political resentment.

152. The USSR delegation considered that there was no reason to turn to the International Court of Justice, for nothing had been adduced in support of the charges that there had been violations. On the contrary, it could be stated that Bulgaria, Hungary and Romania were very scrupulously and conscientiously applying the provisions of the peace treaties and the obligations incumbent upon them under those treaties in relation to their other signatories. It should be quite clear that the unjust and slanderous campaign against those three countries had nothing in common with the purposes of the United Nations.

153. For all those reasons, the USSR delegation protested against the draft resolution submitted to the General Assembly by a majority of the *Ad Hoc* Political Committee and vigorously requested that the draft should be rejected for, by accepting it, the Assembly would only encourage the falsifiers and slanderers who were attacking the sovereign rights of independent and democratic States.

154. Sir Hartley SHAWCROSS (United Kingdom) said that, before entering upon the substance of the matter, he wished to refer to one point, on which he had found himself in agreement with Mr. Vyshinsky. While the representative of France, followed by the representative of the Dominican Republic, had agreed that the question whether a dispute existed under the terms of the peace treaties with Bulgaria, Hungary and Romania should be referred to the International Court of Justice, they had doubted the wisdom of asking the two further questions in the resolution. He hoped that the French representative would accept Mr. Vyshinsky's view that questions III and IV were the logical conclusion of the first two questions. It might well be that, if Bulgaria, Hungary and Romania did not fulfil their obligation to appoint representatives to the treaty commission, appointments could not be made on their behalf, in which case the International Court of

Justice would not hesitate to say so. It might also be that, in the absence of a representative appointed by the other treaty Powers, the treaty commission would be unable to function.

155. There were those who held the opposite view and, in his opinion, convincing arguments could have been advanced on both sides. It was however precisely because the General Assembly must be aware of the legal consequences of a refusal by those three States to fulfil their obligations, and also of the exact nature of those obligations, that the proposal to refer the question to the International Court of Justice had been made.

156. Questions III and IV gave no indication of the action to be taken by the Secretary-General in the event of the countries failing to make an appointment themselves, or of the action to be taken by the treaty Commission in the absence of any representative appointed by the three Powers or by the Secretary-General. Without suggesting revision of the treaties, the resolution merely sought the guidance of the Court in the interpretation of their precise meaning. Whatever the answers to questions III and IV might be—and they might well be in the negative—it would put the matter beyond the range of discussion in the General Assembly. In the circumstances, he strongly hoped that the French and Dominican representatives would not dissent from what he believed to be the majority view and would vote in favour of the draft resolution as a whole.

157. Sir Hartley Shawcross regretted that Mr. Vyshinsky should have made it necessary to embark on further discussion of the elementary propositions in the draft resolution. The fact that its substance should be the subject of acrimonious discussion reflected little credit on certain Members of the United Nations.

158. In listening to some of the assertions made by the partisans of the ruling class in Bulgaria, Hungary and Romania, he had again been impressed by the similarity between contemporary events and the technique followed by the nazi and fascist dictators. There was, however, no doubt that justice and truth would again prevail and the action taken by the Assembly on the question under discussion might make some small contribution to that end.

159. Under the peace treaties with the three ex-enemy countries, there was a specific obligation on each country to observe and promote fundamental human rights. The position of those countries was different from that of the Members of the United Nations who were bound by the provisions of the Charter relating to human rights; most of them had also subscribed to the Universal Declaration of Human Rights adopted in Paris the previous year.[1] But they had not entered into express treaties with other States which put them under legal obligation to those other States to observe fundamental human rights.

160. Because of their totalitarian history and the danger that methods with which they had previously been familiar—the methods of tyranny and suppression—might be used again, it had been deliberately laid down in the peace treaties that the three ex-enemy countries must ensure fundamental human rights. The matter had not been left to their free choice, or to their discretion within their domestic jurisdiction, whereby they might select for themselves what rights they would or would not give to their people. They had entered into a treaty which bound them to give full effect to the fundamental human rights.

161. But, in dealing with the matter at the current stage, that was not all. The General Assembly was not called upon just then to express any final conclusion as to whether treaty obligations had or had not been violated. Its Members could hardly refrain, however, from expressing their anxiety concerning the allegations made, in view of what had been said and of how those allegations had been met. That anxiety was inevitably all the greater when the three countries concerned not only declined to come before the Assembly and discuss the matter, but, with open and cynical disregard of the treaty machinery—which they were legally bound to follow—refused to discuss it with the co-signatories to the treaties.

162. The matter of concern to the Assembly at the current stage was to ascertain the nature of the legal machinery under the peace treaties in regard to disputes. The provisions of the treaties would appear to be sufficiently clear. Article 36 of the Treaty of Peace with Bulgaria stated that, when a dispute arose between the parties which was not settled by direct diplomatic negotiation, it should be referred to three heads of mission, and that any such dispute not resolved by them should be referred to a commission. The other treaties had corresponding clauses.

163. The question with which the Assembly was concerned at the moment was not whether the allegations made were true or false: the important matter was to ascertain the legal consequences of the position that had arisen, and the resolution proposed that tthe Assembly should obtain legal advice on the point.

164. The refusal of Bulgaria, Hungary and Romania to operate the treaty machinery was based on thè specious pretext that, in actual fact, no dispute existed; that attitude had doubtless been dictated to them by the USSR. Mr. Vyshinsky had supported their position and denied the jurisdiction and interest of the United Nations in the matter.

165. He was unable to comprehend how such a contention could be upheld. The matter had been debated at great length in the *Ad Hoc* Political Committee and grave allegations had been made that, in those three countries, the most elementary and fundamental rights and liberties of men were trampled underfoot.

166. It was unnecessary to repeat in detail the allegations for which his delegation accepted responsibility but it asserted that, in those three countries, there was no freedom from arbitrary arrest. People innocent of any crime defined by law were arrested and detained in prison, in forced labour or in concentration camps for long periods, sometimes indeed to disappear forever. Such a practice was an utter negation of the most elementary principles of justice, and he wished he could say that it was unheard of elsewhere. Certainly it was without parallel outside the orbit of the Soviet Union.

167. Further, the laws of those countries, together with the official statements of government

[1] See *Official Records of the third session of the General Assembly, Part I, Resolutions*, No. 217 (III).

policy by Ministers, showed that the judges were subservient and liable to instant dismissal by so-called Ministers of Justice or of the Interior; that lay judges were to be recruited only from political circles agreeable to the Communists; and that the lawyers were servile. Under the laws of those three States, the trial of political prisoners for alleged offences against the State could not be, and was not, more than an odious farce, designed to bolster up the courage of the Communists and to terrify those who might question the ruling class: in short, an abominable affront to the most elementary principles of justice.

168. The elaborate confessions, invariably implicating other people, which preceded the vast majority of political trials in those States seemed to his country to be a most sinister feature of the court procedures. In the courts of civilized countries, such evidence would not be considered.

169. In his book on penal procedure, Mr. Vyshinsky had specifically stated that Soviet judges should not adhere to juridical logic and should always bear in mind that the law was nothing but the expression of party politics. It was not perhaps surprising that Bulgaria, Hungary and Romania should follow that law with such slavish servility.

170. Passing on to the question of political freedom and of freedom of the Press, Sir Hartley Shawcross said that, in the opinion of the United Kingdom Government, the admitted laws and practices of those countries ruled out the development of an opposition party, a view with which Mr. Vyshinsky was apparently in agreement, although he maintained, four years after the war, that conditions were still abnormal. It was a fact that minorities, however small or democratic, were ruthlessly suppressed and that no opportunity existed for the free expression of opinion either at public meetings or in the Press.

171. In the *Ad Hoc* Political Committee he had ventured to prophesy to Mr. Vyshinsky that the papers, say of Romania, would not run the risk of publishing a single word of the speeches made in favour of the draft resolution or of omitting a single word which he, Mr. Vyshinsky, said on the subject. That prophesy had been fulfilled. On 14 October, the leading Romanian paper, *Scanteia*, had published the full text of Mr. Vyshinsky's speech and that of Mr. Manuilsky, but not a word from any speech in favour of the resolution. Such was the meaning of freedom of the Press in Bulgaria, Hungary and Romania.

172. Whether the assertions which the United Kingdom Government, as a party to the peace treaties, had felt bound to make were right or wrong was a matter for settlement under the machinery of those treaties. The partisans of Bulgaria, Hungary and Romania, however, while stridently denying the allegations made, were boldly maintaining that no dispute existed.

173. He would say nothing of the speech of the Polish representative, which, in view of the many unfounded assertions it contained, was obviously intended not for consumption by the Assembly but for publication in some communist newspaper in which opposing views would be suppressed.

174. Mr. Vyshinsky, however, had gone further, and had sought to suggest that before the treaty machinery in regard to disputes could come into operation, the three heads of mission must agree. Members of the General Assembly had the actual language of the section of the treaty before them, and could form their own opinion on the matter. Mr. Vyshinsky must have been speaking rather as a politician who preferred to throw the documents aside when they were against him than as a lawyer who was trying to give an objective interpretation of the treaties by which he himself was bound; he was well aware that article 36 of the Treaty of Peace with Bulgaria, which was quoted in the annexes 8 and 9 to document A/990, expressly dealt with cases in which the three heads of mission did not agree.

175. Mr. Vyshinsky had also asserted that Article 2, paragraph 7 of the Charter precluded the United Nations from taking action in the matter, ignoring the fact that the problem before the Assembly concerned the implementation of international treaties. Yet on 8 December 1946[1] he had given exactly the opposite interpretation of that Article. Apparently he was prepared to interpret the Charter in whatever way suited his book at any given time.

176. Mr. Vyshinsky had delivered himself of a long and misconceived attack on the British legal system. He had alleged, for instance, that British law readily admitted confessions.

177. It was true that English courts accepted a plea of guilty made in open court in the presence of the judge, the jury, the public and the Press, although in capital cases and treason cases it was most unusual for a plea of guilty to be accepted. They did not, however, accept confessions prepared outside the court in the secrecy of some prison cell. Mr. Vyshinsky would seek in vain to draw a parallel between what was being done in Bulgaria, Hungary and Romania and what was done under the system of Anglo-Saxon justice.

178. Mr. Vyshinsky was also misinformed as to the contents and effect of the United Kingdom law on military espionage. According to the usual rule of English law, an offence was constituted by a criminal act plus criminal intention; under the Act of 1911 it was sufficient for the prosecution to prove the criminal act, and after that the guilty intention might be proved by surrounding circumstances.

179. On previous occasions the General Assembly had shown a proper attitude to threats of the kind that had been uttered by Mr. Vyshinsky and other representatives; he was confident that it would do so again. Many might feel, in the face of the grave allegations that had been made, that a much greater effort should be made to protect the life and dignity of men from being trampled ruthlessly under the jack-boots of those who would stop at nothing to preserve themselves in power. Certainly no Assembly worthy of the Charter could do less than the resolution proposed; it should be adopted with the unanimity of all who loved freedom and cherished the rights of free men.

180. The PRESIDENT announced that he had only one more speaker on his list, the representative of the Ukrainian SSR; in the absence of any objection, he declared the list of speakers closed.

The meeting rose at 6.30 p.m.

[1] See *Official Records of the second part of the first session of the General Assembly*, 52nd plenary meeting.