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STATUS OF CLAIMS FOR INJURIES INCURRED IN THE SERVICE OF THE
UNITED NATIONSReport of the Secretary-General

1. In accordance with paragraph 3 of resolution 365 (IV), adopted by the General Assembly on 1 December 1949, the Secretary-General submits herewith a report on the status of claims for injuries incurred in the service of the United Nations and on proceedings in connexion with them.
2. This report covers the period from 26 November 1951 to the present date. Previous reports pursuant to resolution 365 (IV) were issued on 5 September 1950,^{1/} 10 August^{2/} and 26 November 1951^{3/} respectively.

Claim for the death of Mr. Ole Helge Bakke

3. In reply to the letter sent by the Secretary-General on 25 May 1951 to the Minister for Foreign Affairs of the Hashemite Kingdom of Jordan, the latter, in a letter dated 23 October 1951, disclaimed responsibility for the death of Mr. Ole Helge Bakke in Palestine. Whilst expressing its regret and condemnation of the incident, the Jordan Government stated that the shooting had started from the Israeli side during the passage of the United Nations convoy which included the jeep driven by Mr. Bakke, that he had been hit by a stray bullet, and that the shot was not fired by a member of the Arab Legion. The Jordan Government expressed the hope that it would be relieved of all financial claim connected with the incident.

^{1/} See Official Records of the General Assembly, Fifth Session, Annexes, agenda item 50, document A/1347.

^{2/} See document A/1851.

^{3/} See document A/1851/Add.1.

4. On 9 January 1952, the Secretary-General, in reply to the Jordan Government, proposed that the controversy should be submitted to arbitration in accordance with General Assembly resolution 365 (IV).

5. The Minister for Foreign Affairs of Jordan, in a letter dated 24 February 1952, maintained his position regarding the incident. It was also stated therein: "The terms of General Assembly resolution 365 (IV) referred to in your above-quoted letter presuppose the prior establishment of guilt or responsibility, which in the present case is completely absent". The Jordan Government, while reiterating its regret and condemnation of the incident, asked the Secretary-General to reconsider the case and to release it of all financial liability.

6. On 20 June 1952, the Acting Secretary-General replied that, on the basis of the information available to the United Nations, he was unable to release the Jordan Government from all financial liability in connexion with the matter and reiterated the proposal that the claim should be submitted to arbitration. It was also pointed out that, contrary to the Jordan Government's statement about the prior establishment of guilt or responsibility "the purpose of an arbitration tribunal would be precisely to determine whether the Government of Jordan has international responsibility and if so what reparation should be awarded to the United Nations. I wish to give you formal assurance that the United Nations would abide by any decision made by an arbitral tribunal established by agreement between the Government of Jordan and the United Nations".

7. The Minister for Foreign Affairs of Jordan, in his last letter dated 21 July 1952, confirmed that the Jordan Government could not agree to the Secretary-General's proposal that the claim should be submitted to arbitration.

8. In view of the unwillingness of the Jordan Government to settle this claim by negotiation or by arbitration in accordance with General Assembly resolution 365 (IV), the Secretary-General seeks guidance from the General Assembly regarding any future steps which might be taken in the prosecution of the claim.

Injuries to and death of French military observers

9. After receiving the French Government's reply of 23 October 1951^{4/} to his letter of 31 July 1950,^{5/} the Secretary-General took the following action in connexion with the deaths of four French military observers and the injuries suffered by another in Palestine.

Colonel Sérot

10. By a letter dated 11 September 1952, the Secretary-General requested the Government of Israel to pay to the United Nations the sum of \$25,233 as reparation for the monetary damage borne by the Organization in connexion with the death of the United Nations observer Colonel André Sérot, who was assassinated with the United Nations Mediator Count Folke Bernadotte in Jerusalem on 17 September 1948. It will be recalled, as was reported in document A/1347, that the Government of Israel has already substantially complied with the United Nations claim for the death of Count Bernadotte.

Lt. Colonel Queru and Captain Jeannel

11. On 5 September 1952, the Secretary-General addressed a letter to the Government of Egypt presenting a claim in the amount of \$52,874.20 for reparation for the damage caused to the United Nations as a consequence of the deaths on 28 August 1948 of Lt. Colonel Queru and Captain Pierre Jeannel. The Secretary-General summarized the facts of this incident and recalled that the two observers were attacked and killed by Saudi Arabian troops under Egyptian command after leaving their plane which had landed at the Gaza airfield after being the object of Egyptian anti-aircraft fire.

12. Inasmuch as the Government of Egypt, in its communications to the Mediator and Acting Mediator, had disclaimed all responsibility for the deaths of the two observers, the Secretary-General proposed that in the event that the Government of Egypt still maintained this position, the matter should be submitted to arbitration.

^{4/} See document A/1851/Add.1.

^{5/} See Official Records of the General Assembly, Fifth Session, Annexes, agenda item 50, document A/1347, paragraph 10.

Commander de Labarrière and Commander de Canchy

13. The Secretary-General has thoroughly examined the circumstances of the incident in which Commander René de Labarrière was killed and Commander Etienne de Canchy was wounded on 6 July 1948 in the Nazareth region. On the basis of the available information the Secretary-General has come to the conclusion that this incident was caused by the explosion of land mines accidentally set off by Commander de Canchy and by a Franciscan Father who was with the observers. The Secretary-General has determined therefore that this incident does not involve the international responsibility of any government. Accordingly, the Secretary-General does not intend to take any further action in the matter.
