

United Nations
**GENERAL
ASSEMBLY**

TWENTY-FIRST SESSION

Official Records

**THIRD COMMITTEE, 1462nd
MEETING**

Thursday, 15 December 1966,
at 4.50 p.m.



NEW YORK

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Chairman: Mrs. Halima EMBAREK WARZAZI
(Morocco).

AGENDA ITEM 12

Report of the Economic and Social Council (continued)
(A/6303, chap. I; chap. XI, sects. IV, VI, VII, VIII,
IX, XI, XII, XIII (except paras. 498-502) and XIV;
chap. XIII, sect. II and VIII; chap. XIV and chap. XV)

1. Mrs. SEKANINOVA-CAKARTOVA (Czechoslovakia) said that she wished to refer to a question to which her country attached particular importance, namely, that of the punishment of war criminals and persons guilty of crimes against humanity, which was dealt with in chapter XI, section VI of the report of the Economic and Social Council (A/6303). The question was of utmost significance not only in relation to the past and the present, but also in relation to effective protection of fundamental human rights and freedoms in the future. Her delegation therefore whole-heartedly supported the decision of the Economic and Social Council to prepare an international convention embodying in legally binding form the principle of international law that no statutory limitations applied to war crimes and crimes against humanity.
2. It was a matter of grave concern to her delegation that many war criminals had escaped punishment and were protected by the courts and by legislation in the Federal Republic of Germany; some, indeed, held important official posts in that country and promoted the very ideas which had led both before and during the Second World War to such brutal violations of human rights.
3. Her delegation fully shared the views expressed in the Economic and Social Council that the United Nations should also concern itself with the punishment of persons guilty of atrocities in South Africa, South West Africa, the Portuguese colonies and wherever else crimes against humanity were committed in the

interests of colonialism and aggression. It therefore welcomed the decision of the Economic and Social Council to invite the Commission on Human Rights to make such further recommendations as it believed desirable with a view to developing international co-operation in the prosecution and punishment of persons responsible for war crimes and crimes against humanity.

4. Mr. TOMOROWICZ (Poland) said that the Committee had an outstanding record in the field of human rights, and recalled that it had developed the Universal Declaration of Human Rights which proclaimed the right of everyone to life, liberty and security of person. It was therefore particularly painful for him to have to speak of events which had dramatically flouted those rights, namely, the mass extermination of persons in Indonesia solely on the grounds of their membership of a political party or organization. Many thousands of persons had been executed; whole families, including women and children, had been slain; whole villages had been razed; whole communities had been annihilated; rivers had overflowed with mutilated bodies. Unfortunately, that was no figment of the imagination; it had been freely admitted by the highest Indonesian authorities, including the Minister for Foreign Affairs. Indeed, there was evidence that the authorities in the regions concerned had not only made no attempt to prevent or halt the massacres but had actually instigated and taken part in them. The whole action had been carefully planned in advance. In an interview quoted by The New York Times on 24 August 1966, the military commander of East Java had revealed that, as far back as the middle of November 1965, orders had been issued by the Indonesian chief of staff for the "structural and ideological" annihilation of one of the major political parties.

5. His delegation had welcomed Indonesia's return to the United Nations, but it had expected at the least that so deplorable a chapter in the history of that nation would have been closed and that all the provisions of the Charter would be fully respected. His Government was prepared to show maximum goodwill in helping the Indonesian nation. It was therefore dismayed at the constant reports of continued persecutions in Indonesia and deemed it its duty to bring the matter to the Committee's attention. Such illegal and immoral acts should be strongly disapproved. The Indonesian Government should undertake to prevent the recurrence of violations of human rights incompatible with the Charter.

6. Mr. ROTTY (Indonesia) categorically denied the assertions of the Polish representative, which constituted interference in his country's domestic affairs. Not only were those assertions based on erroneous

Press reports, but they were also totally irrelevant to the item under discussion.

7. Mr. CHERNYAVSKY (Ukrainian Soviet Socialist Republic), referring to chapter XI, section VI, of the Economic and Social Council's report, recalled the decision of the Allied Powers, following the end of the Second World War, to ensure the punishment of German war criminals. He recalled further that the Commission on Human Rights was preparing a convention on the subject of war crimes and crimes against humanity. That question was as topical now as it had been twenty years earlier, and the decision of the Federal Republic of Germany to adopt a statute of limitations for such crimes was nothing short of a challenge to mankind. That decision amounted virtually to an amnesty for mass-murderers, and placed such persons on an equal footing with persons prosecuted under the criminal law of States. It violated even the Constitution of the Federal Republic of Germany, article 25 of which provided that the general rules of international law formed part of German law.

8. The reason for that decision had been given in the "Brown Book" published by the German Democratic Republic: it was that so many former war criminals occupied leading positions in the organs of government, in the civil and military administration, in the economy, in education and elsewhere in the Federal Republic of Germany.

9. It had been calculated that one out of every two German war criminals—persons responsible for the torture and extermination of many millions—had been acquitted, and that the punishment meted out to them was the equivalent of ten minutes' arrest or the payment of one mark for each person killed. It was significant, in that connexion, that some 12,808 persons had been prosecuted for war crimes in the German Democratic Republic, a figure twice as high as that of persons so prosecuted in the Federal Republic of Germany, although the population of the latter country was three times higher than that of the former.

10. In raising that issue, his delegation was motivated not by vengefulness but by concern that similar horrors should not take place again and it urged that the United Nations should take appropriate action in the matter.

11. Mr. NASINOVSKY (Union of Soviet Socialist Republics), also referring to chapter XI, section VI, of the Council's report, recalled that the United Nations had adopted a number of resolutions on the subject of the punishment of war criminals and that the question had been very thoroughly studied in recent years in the Commission on Human Rights and the Economic and Social Council, with particular reference to the non-applicability of a statute of limitations in respect of war crimes and crimes against humanity.

12. Unfortunately, however, events were taking place in a number of countries and territories which were directly contrary to the efforts of the United Nations in the matter. Many thousands of persons who had committed appalling crimes against humanity were at liberty in the Federal Republic of Germany, because it was the policy of the Government of that country to protect war criminals.

13. From a memorandum dated 22 February 1966 addressed to the Secretary-General by the Ministry

of Foreign Affairs of the German Democratic Republic, it appeared that many positions in the administration of the Federal Republic of Germany, including the administration of justice, were filled by persons who had directed Germany's economy during the war or by generals who had commanded Hitler's armies. 150 former diplomats under Ribbentrop, 250 former leaders of the Gestapo and SS, and 1,310 former judges of the Hitler era held positions of influence in the Federal Republic of Germany. Not only were war criminals not being prosecuted in that country but, on the contrary, every effort was being made to whitewash and to release previously convicted war criminals. That accounted, for instance, for the recent release from prison, before they had served out their full terms, of von Schirach and Speer, who had been triumphantly greeted by their sympathizers in the Federal Republic of Germany. Furthermore, the recent elections in Hesse and Bavaria, in which the neo-Nazi party of West Germany had been so strikingly successful, had aroused serious concern in the international community.

14. Racists were at present committing abominable crimes against Negroes, while imperialists were waging war against peoples struggling for their national independence, in the process bombing cities and villages, and sowing death and destruction indiscriminately upon the aged, upon women and upon children. Such action clearly constituted war crimes and crimes against humanity.

15. His delegation considered the question of the punishment of such crimes of extreme importance and believed that the Commission on Human Rights and the Economic and Social Council should give it priority consideration at their forthcoming sessions, so that the General Assembly might be able, at its twenty-second session, to adopt a convention on the subject.

16. Mrs. WILMOT (Ghana), referring to chapter XI, section XII, of the report, dealing with the methods of work of the Commission on Human Rights, said that her delegation agreed with the view expressed in the Council (A/6303, para. 493) that the Commission on Human Rights was having great difficulty in coping with its heavy agenda. It wished to give its opinion on the various solutions proposed to deal with that problem.

17. To extend the Commission's sessions would not be a complete solution. Instead, the Commission might be invited to reconsider its method of work and to decide, for example, to take up only a limited number of items at each session, which it could complete instead of leaving most of its items over to the next session. That solution would also benefit the Third Committee, which would then be better able to finish its work on human rights questions. In that connexion, the Third Committee could help the Commission by not asking it to give priority to each question referred to it.

18. Her delegation disagreed entirely with the suggestion that the Commission should dispense with general debates; it felt that the Commission should be permitted to make its own decisions in the matter. Through debate in smaller expert bodies such as the

Commission on Human Rights, the groundwork was laid for subsequent discussions in the Third Committee. It had grave doubts concerning the feasibility of having working groups meeting concurrently with the Commission as a whole, particularly as far as the smaller countries were concerned. Many of the small countries, including her own, could often afford to send only one representative to such sessions. The same difficulty had already been experienced in connexion with the sessions of the Economic and Social Council.

19. Her delegation endorsed the recommendation in Economic and Social Council resolution 1165 (XLI) that the Commission should consider giving priority to the accumulated items on its agenda and dispose of them.

20. With reference to chapter XI, section XIII, of the Council's report (A/6303), dealing with the status of women, her delegation welcomed the seminars on the civic and political education of women which were to be held in Finland in 1967. It hoped that similar seminars would be organized in other parts of the world and that, in choosing topics, attention would be paid to the particular needs of women in the region concerned, so that the seminars would have a practical and not merely an academic value for the women of that region.

21. The CHAIRMAN said that note would be taken in the Committee's report of the discussion under agenda item 12.

AGENDA ITEM 63

International Year for Human Rights:

(a) Programme of measures and activities to be undertaken in connexion with the International Year for Human Rights (A/6303, chap. XI, sect. V, paras. 461-463, 466, and sect. XIII, paras. 520-521, A/6422; A/C.3/L.1431);

(b) Report of the Preparatory Committee for the International Conference on Human Rights (A/6303, chap. XI, sect. V, paras. 461-463, 466, and sect. XIII, paras. 520-521, A/6354; A/C.3/602; A/C.3/L.1423 and Add.1, A/C.3/L.1425, A/C.3/L.1427, A/C.3/L.1432)

22. The CHAIRMAN drew attention to the documents relating to the item, and specifically to document A/6422 which included a draft resolution submitted to the General Assembly by the Economic and Social Council, document A/6354 containing the first progress report of the Preparatory Committee for the International Conference on Human Rights, document A/C.3/602 setting forth the invitation of the Iranian Government for the International Conference on Human Rights to be held at Teheran during 1968, documents A/C.3/L.1423 and Add.1, A/C.3/L.1425 and A/C.3/L.1427 containing draft resolutions, and documents A/C.3/L.1431 and A/C.3/L.1432 containing statements of financial implications.

23. Mr. BEEBY (New Zealand), introducing the first progress report of the Preparatory Committee for the International Conference on Human Rights (A/6354), observed that the Preparatory Committee's session, which had begun with rather sharp differences of opinion among members, had ended with a considerable degree of agreement. That had been due in large

measure to the chairmanship of Ambassador Taieb Slim, under whose guidance the Preparatory Committee had nevertheless been unable to complete the preparations for the Conference and with the mittee had been able to do almost all of its work without resorting to voting. The Preparatory Committee had nevertheless been unable to complete the preparations for the Conference with with the Assembly's approval would continue it work during 1967.

24. The most important issue discussed by the Preparatory Committee had been the draft provisional agenda for the Conference. While operative paragraph 13 of General Assembly resolution 2081 (XX) had been the basis for the elaboration of the draft agenda, there had been disagreement among the members concerning the extent to which the agenda should either concentrate on one or two key areas in the field of human rights or should be comprehensive in character. The draft set out in paragraph 31 of the Preparatory Committee's report represented an important step towards agreement on that issue although it was not to be regarded as final.

25. The Preparatory Committee's decisions regarding co-operation with the Commission on Human Rights and the Commission on the Status of Women were outlined in paragraph 17 and 18 of the report, and its initial decisions regarding documentation for the Conference were recorded in paragraph 43. The Preparatory Committee recommended that the Conference should last three weeks (A/6354, para. 45), that there should be four meetings daily (*ibid.*, para. 52) and that there should be four rather than three working languages (*ibid.*, para. 53). It had had great difficulty in deciding the venue of the Conference (*ibid.*, para. 46) and therefore the generous offer of the Government of Iran (A/C.3/602) was most welcome. It had taken no decision on the question of the range of States to be invited to the Conference but had expressed the hope that the delegations would include eminent and highly qualified persons (A/6354 paras. 48 and 49). It had decided that the competent specialized agencies should be invited to send observers but had left for future consideration the extent of participation by regional intergovernmental and non-governmental organizations (*ibid.*, paras. 50 and 51). It had agreed that the expenses of the Conference should be met out of the regular budget of the United Nations (*ibid.*, para. 55), and preliminary estimates of costs were presented in annex II. Annex I contained a USSR draft resolution which the Preparatory Committee had decided not to put to the vote but to refer to the General Assembly (*ibid.*, para. 15).

26. He commended the report to the Third Committee and expressed the hope that it would decide to direct the Preparatory Committee to continue its work.

27. Mr. A. A. MOHAMMED (Nigeria), introducing draft resolution A/C.3/L.1425, drew attention to the last preambular paragraph which indicated the Assembly's acceptance of the Iranian Government's invitation for the Conference to be held at Teheran. As a member of the Preparatory Committee, he greeted the invitation with particular enthusiasm, as the issue of the Conference's venue had been controversial. The invitation was further striking proof of Iran's deep attachment to human rights.

28. The remainder of the draft resolution was self-explanatory and basically procedural in nature, and he commended it to the Committee.

29. Mr. LANNUNG (Denmark) observed that, by resolution 2081 (XX), the General Assembly called upon regional intergovernmental organizations to devote the year 1968 to intensified efforts and undertakings in the field of human rights and invited their co-operation and participation in the programme with a view to making the celebrations successful and meaningful. As a representative of his country to the Council of Europe, he informed the Committee that the Consultative Assembly of the Council of Europe had pledged its support for the International Year for Human Rights and that detailed plans were being prepared for its participation in the programme of celebrations. The Consultative Assembly had resolved to hold a special session in 1968, the theme of which would be the implementation of the Universal Declaration and other conventions and declarations of the United Nations and specialized agencies in favour of human rights and fundamental freedoms.

30. As indicated in paragraph 51 of the first progress report of the Preparatory Committee for the International Conference on Human Rights (A/6354), the extent of the participation in the Conference by intergovernmental and non-governmental organizations had been left for future consideration. In his opinion there should be no doubt that certain non-governmental organizations, such as the World Federation of United Nations Associations and the World Association of World Federalists should be invited. Both those organizations were interested and very active in the field of human rights and would be valuable participants. In his country, the affiliates of those two organizations were planning an active part in the celebration of the International Year.

31. Mr. TSAO (China) said that his delegation was in general agreement with the recommendations in the Preparatory Committee's report. It took exception, however, to the recommendation in paragraph 53 that the Conference should have four rather than three languages, i.e., English, French, Russian and Spanish. Chinese was one of the official languages of the United Nations and was spoken by more people than any other language in the world. Moreover, the rules of procedure of United Nations organs and of international conferences similar in nature to the International Conference on Human Rights provided for two or three working languages but never for four. In the one case when four working languages had been envisaged for a United Nations conference—the International Symposium on Industrial Development—the mistake had been corrected before the holding of the Symposium. He drew attention to the fact that, according to paragraph 54 of the Preparatory Committee's report, the rules were to be based "on those of other similar United Nations governmental conferences". On behalf of his Government he formally requested that the Secretary-General should examine the matter and that the Preparatory Committee should take that formal request into account when reviewing the rules of procedure for the Conference. His Government considered that the Conference should have either three or five working languages.

32. His delegation was prepared to support draft resolution A/C.3/L.1425. In operative paragraph 1, however, he took it that the words "Takes note" did not mean approval of any recommendation in the Preparatory Committee's report and that recommendations like those concerning languages were subject to further consideration by the Preparatory Committee. He expressed his delegation's deep appreciation to the Government of Iran for its generous invitation.

33. The "all States" formula proposed in draft resolution A/C.3/L.1427 had been discussed and rejected in connexion with the International Covenants on Human Rights. Moreover, the resolutions referred to in the last preambular paragraph of draft resolution A/C.3/L.1427 contained general appeals which did not require the Secretary-General to communicate with or extend invitations to States.

34. Mrs. KOVANTSEVA (Byelorussian Soviet Socialist Republic) observed that General Assembly resolution 2081 (XX) did not refer to the matter of participation in the International Conference on Human Rights. She stressed the need for universal participation in the light of the growing trend in the United Nations to invite all nations to participate in the Organization's activities. There were many precedents in the United Nations for the proposal in the operative paragraph of draft resolution A/C.3/L.1427 which was, moreover, identical in substance with operative paragraph 4 of General Assembly resolution 429 (V) relating to the conference of plenipotentiaries on the Convention relating to the Status of Refugees. Participation in the International Conference on Human Rights by representatives of all States would greatly enhance the Conference's contribution to the cause of human rights.

35. To facilitate the Committee's work at the present late stage in its deliberations, she announced that the sponsors were withdrawing all but the operative paragraph of draft resolution A/C.3/L.1427, which they now proposed as an amendment to replace operative paragraph 3 of draft resolution A/C.3/L.1425.

36. Mr. HOVEYDA (Iran) thanked members for their expressions of appreciation to the Iranian Government and remarked that only five days before, on the anniversary of the adoption of the Universal Declaration of Human Rights, his country had held its customary nation-wide celebrations, including programmes in all towns, villages and schools and a special message by the Iranian Head of State.

37. His Government had decided to extend the invitation in order to facilitate the holding of the Conference and to mark Iran's profound dedication to human rights. He hoped that the Assembly would accept the offer by his Government, which was prepared to enter into immediate negotiations with the Secretary-General regarding arrangements for the Conference.

38. On the question of participation, his Government, as host, would accept whatever decision the Assembly took. His delegation generally endorsed the draft provisional agenda in the Preparatory Committee's report (A/6354 para. 31) and was glad to note that documentation would be prepared on the question of racial discrimination and apartheid (*ibid.*, para. 43).

The aims of the Conference were laid down in General Assembly resolution 2081 (XX) and developed in the Preparatory Committee's report, but there was an article in the Universal Declaration of Human Rights which seemed to him to define very well the general purpose of the Conference. Article 28 stated: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". He believed that the Conference would help to give practical effect to the terms of that article.

39. Mr. NASINOVSKY (Union of Soviet Socialist Republics) expressed his delegation's appreciation of the Iranian Government's invitation (A/C.3/602), which he welcomed and supported.

40. His country was willing to consider any aspect of the problem of human rights, but felt that, because of the short duration of the International Conference on Human Rights, it was essential to avoid overburdening its agenda with matters of secondary importance. Consequently, only the most urgent issues should be discussed by the Conference. In his view, the main issues on which it should focus its attention were: measures to achieve rapid and total elimination of all forms of racial discrimination in general and of the policy of apartheid in particular; the immediate granting of independence to colonial countries and peoples in order to ensure the observance of human rights; and other measures to strengthen the activities of the United Nations in promoting the full enjoyment of political, civil, economic, social and cultural rights, including the improvement of methods and techniques and such institutional and organizational arrangements as might be required.

41. Some items of the draft provisional agenda the Preparatory Committee's report would have to be revised in the light of subsequent developments. For example, item 11 (e) would have to take account of the measures of implementation of the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights.

42. His delegation had first introduced draft resolution A/C.3/L.1423 in the Preparatory Committee, which had decided not to vote on it, but to refer it instead to the General Assembly, as explained in the report (A/6354 paras. 14 and 15). Operative paragraph 1 of the draft was designed to ensure that the Conference should not be merely an occasion for solemn ceremonies but should result in an intensification of United Nations efforts to ensure the observance of human rights and fundamental freedoms.

43. With regard to the draft resolution recommended by the Economic and Social Council for adoption by the General Assembly (A/6422, annex), his delegation opposed recommendation C because it felt that the awarding of prizes in the field of human rights was unnecessary and might even be harmful. He therefore requested that a separate vote should be taken on that recommendation.

44. Lastly, since, as the Byelorussian representative had said, a precedent existed for inviting all States to participate in an international conference and since his delegation strongly favoured universality of participation in the Conference on Human Rights, it

accepted the operative paragraph of draft resolution A/C.3/L.1427, which paragraph was now before the Committee as an amendment to draft resolution A/C.3/L.1425.

45. Mr. MIRZA (Pakistan) speaking also on behalf of the Norwegian delegation, proposed that the following new paragraph should be added as operative paragraph 5 of the draft resolution recommended by the Economic and Social Council for adoption by the General Assembly (A/6422, annex):

"Requests further the Secretary-General to submit an interim report on the plans, preparations, arrangements, measures and activities referred to in paragraphs 2, 3 and 4 above to the twenty-second session of the General Assembly."

46. The two delegations considered that it would be very useful for the General Assembly to be informed in an interim report of the preparations referred to in paragraphs 2-4 of the draft resolution so that it might make suggestions, if necessary, before the commencement of the International Year for Human Rights. They requested a separate vote on that paragraph.

47. Mr. LOPEZ (Philippines) expressed his delegation's appreciation of the generous invitation extended by the Government of Iran, which had also been host to a session of the Commission on the Status of Women in 1965.

48. While the International Year for Human Rights was designed primarily to commemorate the twentieth anniversary of the adoption of the Universal Declaration of Human Rights, he hoped that it would also be possible during that Year to celebrate the entry into force of the two Covenants on Human Rights upon their ratification by thirty-five States. He wondered whether the sponsors of draft resolution A/C.3/L.1425 could agree to include a reference in operative paragraph 5 of their text not only to the adoption of the two Covenants but also to the decision to hold the Conference in Teheran and to the discussion of the item in the General Assembly, so that the Preparatory Committee would be able to take account of all those new developments at its further meetings.

49. His delegation could not support the Byelorussian proposal in document A/C.3/L.1427 to the effect that all States should be invited to participate in the Conference. Operative paragraph 3 of draft resolution A/C.3/L.1425, which also dealt with the question of participation in the Conference, had been taken from the final clauses of the Covenants, which had been accepted by all as a reasonable and satisfactory compromise after protracted debate.

50. It was as difficult to oppose the draft resolution in document A/C.3/L.1423 as it was to be in favour of it. However, the Preparatory Committee had considered the draft resolution irrelevant to its work and his delegation felt that the issue was not germane to the Third Committee's discussions either. Moreover, as the question had already been dealt with under item 95, there was no need for the adoption of a further resolution on the same subject. The ideas in draft resolution A/C.3/L.1423 were covered in item 11 of the draft provisional agenda for the Conference (A/6354, paragraph 31), which was the result of a

compromise reached in the Preparatory Committee—after lengthy discussion—between the views of those who felt that all human rights should be given equal treatment and the views of those who felt that certain human rights should be given special emphasis. Accordingly, paragraphs (a), (b) and (c) of item 11 had been included to cover specific human rights of particular importance in the modern world and paragraph (d) to cover the rights of individuals. If the

Third Committee adopted draft resolution A/C.3/L.1423, the careful and satisfactory compromise worked out by the Preparatory Committee would be upset and the Conference might very well have to overemphasize some human rights at the expense of others. He therefore hoped that the draft resolution might be withdrawn.

The meeting rose at 7 p.m.