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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory (A/1339, A/1339/Add.1 and A/C.3/L.145) (*continued*)

[Item 67]*

1. Mrs. SAMPSON (United States of America) said that the draft resolution under discussion (A/C.3/L.145) dealt with a deeply human problem, namely, the fate of hundreds of thousands of people taken prisoner during the Second World War who had not returned to their homes and whose fate was unknown.
2. The United States delegation joined with the United Kingdom and Australian delegations in asking the General Assembly to set up an impartial commission to assist governments which desired to find out what had happened to those prisoners and to assist in repatriating those who were still alive.
3. Before explaining the circumstances in which the question had been brought before the United Nations, she wished to make a few remarks on certain points raised by previous speakers.
4. The USSR representative had maintained at the previous meeting that the problem had no legal justification and was not even a practical proposition. That was certainly not the opinion of the German, Italian or Japanese Governments, or of the prisoners' families. It was for the General Assembly to decide on the merits of the problem. She had understood the USSR representative to say that his government would have nothing to do with the United Nations on that matter, but she hoped that she had misinterpreted his words, for, were the General Assembly to decide to set up the proposed body, it would obviously be a very serious matter if the USSR refused to co-operate in so humanitarian an undertaking.
5. The USSR representative had also protested against the disparity of the figures published on various occa-

sions by the Supreme Commander for the Allied Powers in Japan or by the Japanese Press and Government. He had thus touched on the very root of the problem: no one, except the Soviet Government, knew the exact figure of the prisoners still remaining in Soviet territory. The available figures had been obtained from censuses or inquiries made on the basis of estimates furnished by repatriated prisoners. The figure thus obtained in regard to Japan amounted to 316,000, but it was probable that it would reach half a million.

6. The USSR representative had said that those statistics had been invented in order to throw discredit on the Soviet Union and prepare the ground for a third world war. If there really was any intent to deceive, it should be exposed. By questioning the statistics available, the Soviet Government only made the establishment of an impartial body the more necessary. In fact, it should be among the sponsors of the draft resolution in question.

7. The USSR representative had also accused the United States of America and other countries of maltreating prisoners of war, making slaves of them and refusing to repatriate them. The United States Government, while contesting the merits of such accusations, was willing to allow an impartial body to conduct an inquiry into the matter. The USSR delegation had thus provided an additional reason for the establishment of such a body and should logically vote for the draft resolution. The text referred to all prisoners of war, whatever the country in which they were, and the proposed commission could therefore carry out an investigation in the United States.

8. She explained why the question of the prisoners of war had been brought before the United Nations. The United States of America and other Powers had long tried to reach a solution by negotiation and agreement, as the representatives of the United Kingdom and Australia had clearly explained. Despite the agreements concluded and promises given, the USSR had stated that, with the exception of a few thousands persons accused of war crimes and a handful of sick persons, all the

* Indicates the item number on the General Assembly agenda.

German prisoners had been returned. The Governments of the United Kingdom, France and the United States had then proposed the establishment of a commission composed of representatives of the occupying Powers or representatives of neutral countries, or any other group mutually acceptable, which would undertake an investigation (A/1339, annex X). The reply of the Soviet authorities, dated 30 September 1950, was in the negative. In the circumstances, the Foreign Ministers of France, the United Kingdom and the United States, at a meeting in London, had pledged themselves to take all possible steps to obtain information bearing on the fate of prisoners of war and civilians not yet repatriated from the Soviet Union and to bring about repatriation in the largest possible number of cases.

9. The United States felt obliged by that decision to join with other governments in bringing the matter before the United Nations. They did so not only because they believed that the facts should be known, but also out of a sense of responsibility towards the occupied countries. They did so because it was the duty of the international community to protect human rights and reaffirm the value of human life. No people could be disinterested in what their representatives did about the problem. The Soviet Union itself had an interest in reassuring the world in that connexion.

10. In submitting the joint draft resolution (A/C.3/L.145) to the General Assembly, the United States delegation did not propose that the United Nations should pass judgment or condemn. It simply proposed that an impartial commission should study the facts and assist in solving the matter. That was exactly the type of service which the United Nations was established to perform. It was clear that, if the USSR had, like its Allies, made use of international agencies to supervise repatriation operations, it would not be obliged to ask the world to take its word concerning the fate of hundreds of thousands of prisoners.

11. She then recalled the obligation of the governments having charge of prisoners of war under the international conventions of The Hague and Geneva. According to those agreements, information regarding capture, serious illness and deaths must be immediately reported to the home countries of prisoners of war. Neutral organizations must have access to the camps and be able to report on actual conditions therein. And repatriation must be effected as soon as possible after hostilities had terminated.

12. In 1942, Mr. Molotov, the Foreign Minister of the USSR, referring to German maltreatment of Soviet prisoners, stated that his country did not intend to use retaliatory measures and would adhere to the obligations of The Hague convention. Later, the Soviet news agency announced on 12 October 1945 that German prisoners would be allowed to correspond with their families. That measure, which was applied only for a very short period, was accompanied by a promise of repatriation. If that promise had been kept, the Soviet Government would be eager to prove it to the world by authorizing an impartial investigation.

13. Turning to the situation as it actually was five years after the war, she referred the Committee to the statements submitted by the United Kingdom and Australian representatives (339th meeting), who had quoted facts and figures in detail. She recalled that the

Government of the Soviet Union was the only party to the Moscow agreement which had failed to repatriate German prisoners by the agreed time limit of 31 December 1948. The USSR had admitted as much on 24 January 1949 when it had stated that the prisoners would be repatriated during 1949. Many were in fact repatriated, but an investigation made in March 1950 in the territory of the Federal Republic of Germany and in West Berlin proved that the number of unreturned prisoners whose existence has been definitely established was almost five times greater than the figure of 13,000 given by the Tass agency. Moreover, there was a great disparity between the number of prisoners announced by the Soviet Government during the war and the number shown as repatriated. If all those prisoners, amounting to a considerable number, had died, it might be asked why their deaths had not been reported.

14. The figures relating to Japanese prisoners were even more specific. The Australian representative had described the various efforts made to obtain their repatriation. The Japanese Government had stated that at least 369,382 persons were still unrepatriated and unaccounted for. The Soviet Government, for its part, claimed that only 2,467 were being held in connexion with war crimes and for medical reasons. It was impossible to believe that all those missing Japanese had been killed in action. It was even difficult to believe that 80,000 of them had been killed in action as a Soviet Press announcement dated 11 September 1945 stated. It should be recalled that hostilities between the Soviet Union and Japan had lasted barely six days. If those prisoners had died in camps, the Soviet Government should, according to its international obligations, have notified their deaths to the Japanese Government or to the Supreme Commander.

15. Lastly, she referred to the case of prisoners from other countries who were likewise unaccounted for. Out of 100,000 missing Austrians, half had disappeared in Soviet territory. No information about them had been received. As for Italians, the Soviet Government announced at the beginning of 1943 that it held 115,000 prisoners. After the war, it stated that 20,096 had been repatriated. Despite the difference between the two figures, it now affirmed that there were no Italian prisoners in the Soviet Union. A large number of Hungarian and Romanian prisoners were also awaited by their families.

16. Some prisoners of war might have been given civilian status, and some civilians might have been classified as military prisoners. But both were held against their will and denied communication with the outside world. Soviet spokesmen often tried to put themselves on the side of the masses, yet in the case in point the Soviet authorities had struck directly at the masses by leaving thousands of families in ignorance of the fate of their kith and kin.

17. In conclusion, she quoted extracts from some of the many letters she had received in the preceding few weeks from the wives or mothers of German and Japanese prisoners of war, begging her to intervene on their behalf. All the letters deserved to be answered. The pleas should be heard and the General Assembly should adopt the draft resolution that had been proposed, which would enable a United Nations commission to begin work shortly on such a historic task.

18. The CHAIRMAN announced that the President of the General Assembly and the Secretary-General had transmitted to him the text of communications received from the Governments of Italy, Germany and Japan concerning the question of prisoners of war detained in Soviet territory.
19. He suggested that the documents should be circulated to Committee members, unless delegations proposed some other method.
20. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) said that texts submitted by delegations of States Members of the United Nations were the only ones which could be circulated to Committees.
21. The CHAIRMAN said that the procedure he had suggested was in keeping with rule 58 of the General Assembly rules of procedure, which stated that all resolutions and other important documents should be made available in the official languages and that upon the request of any representative, any other document should be made available in any or all of the official languages.
22. The communications he had mentioned would therefore be issued if a member of the Committee so requested.
23. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) replied that rule 58 referred only to the distribution of documents produced by Members of the United Nations and that there was no provision in the rules of procedure for distribution by the United Nations of communications from non-member States.
24. Mr. CAÑAS FLORES (Chile) recalled that at its 313th meeting the Committee had adopted certain rules to enable it to speed up its work and had agreed that interventions by the sponsors of amendments should be limited to ten minutes and interventions by all other speakers to five minutes. That rule had not been observed at the 339th meeting, the speech by the USSR representative having lasted two and a half hours.
25. So far as the distribution of documents having a bearing on an agenda item was concerned, he felt the Committee ought to have the fullest possible information at its disposal and accordingly formally moved that the documents in question should be distributed.
26. Mr. ORIBE (Uruguay) supported the Chilean representative's proposal: the documents mentioned by the Chairman were of great importance and directly related to the question of prisoners of war detained in Soviet territory.
27. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) said the Chilean representative's remarks on the length of his (Mr. Arutiunian's) speech at the previous meeting was an example of the tendency to magnify, exaggerate or distort the facts. It was not uncommon for a speaker to lose the sense of time and if for that reason his intervention had exceeded the prescribed time limit, it had not, however, lasted two and a half hours, as the Chilean representative had stated.
28. Returning to the question of the distribution of communications from non-member States, he pointed out that neither the Chairman of the Third Committee nor the President of the General Assembly could violate the rules of procedure which entitled no one but delegations to submit and ask for the circulation of documents.
29. Just recently, when a plenary meeting of the General Assembly took a decision on items it had referred to the Third Committee, the members of the Committee had unanimously protested against what they considered to be a violation of the rules of procedure (333rd meeting), and, surprisingly, members of the conservative group had been the first to express disapproval. If the procedure suggested by the Chairman were adopted, those who a short while before had been defending the rules of procedure would be infringing them.
30. It would be illegal to authorize a non-member State to submit a communication and have it distributed; it was only too true that certain measures recently taken by the Secretariat were not in accordance with the rules, but the tendency to illegality evident among all those who would like the United Nations to become a docile instrument in the hands of the Anglo-American bloc, must be resisted.
31. The CHAIRMAN said the documents in question had been transmitted to him by the President of the General Assembly and the Secretary-General and hence, in his opinion, were United Nations documents.
32. Mr. MICHALOWSKI (Poland) pointed out that non-member States had never been entitled to address communications directly to the General Assembly or its Committees for distribution. He urged the Committee not to depart from the practice followed by the United Nations ever since its establishment.
33. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that by authorizing the distribution of the communications in question as official documents, the Committee would be creating a dangerous precedent which could be relied on in the future by anyone who might wish, rightly or wrongly, to have a document considered by the General Assembly.
34. Mr. CAÑAS FLORES (Chile) repeated his proposal concerning the distribution of the documents transmitted to the Chairman.
35. It seemed to him all the more justified inasmuch as rule 47 of the rules of procedure stated that the Secretariat should receive, translate, print and distribute documents, reports and resolutions of the General Assembly, its Committees and organs. The Secretariat, a United Nations organ, had received the communications in question before transmitting them to the Chairman of the Third Committee and they ought to be distributed.
36. Lord MACDONALD (United Kingdom) was not sure that the communications in question could be considered United Nations documents; he wondered if the Chairman and the Committee would be satisfied if it was decided to make the texts accessible to delegations wishing to inspect them, without circulating them in the usual manner.
37. Mr. PAZHAWAK (Afghanistan) inquired what exactly was the attitude of the President of the General Assembly, for it did not so far seem clear that the communications in question ought to be distributed, yet in voting he did not wish to go against the wishes of the President of the Assembly.
38. He therefore asked the Chairman to tell the Committee the exact words used by the President of the General Assembly in transmitting the communications.

39. The CHAIRMAN explained that the President of the General Assembly had ordered the communications to be brought to the attention of the Chairman of the Third Committee, manifestly with the object of enabling him to communicate them to the Committee.

40. Mr. TEIXEIRA SOARES (Brazil) considered that a vote should be taken on the proposals before the Committee.

41. Mr. VILFAN (Yugoslavia) said he seemed to recall some earlier occasions when certain Committees had decided to distribute documents received from sources outside the United Nations. Consequently, as neither rule 58 nor rule 47 of the rules of procedure convinced him that the communications in question were United Nations documents, he suggested that the Secretariat should be asked to mention any relevant precedents.

42. Mr. D'ESTERNO (Secretariat) explained that in the case of documents received from outside sources, the procedure, in so far as they related to items on the General Assembly's agenda, was to publish the title of the document in a list, which appeared in English only, called *Review of Communications relating to General Assembly Matters*.

43. Mr. VILFAN (Yugoslavia) explained that he had really wanted to know the precedents before the General Assembly itself for he seemed to recall that in some cases documents from sources outside the United Nations had been distributed.

44. Mr. LANNUNG (Denmark) pointed out that according to a long-established practice, documents from external sources were distributed if a representative so requested and the Committee agreed.

45. That practice had been followed in the *Ad Hoc* Political Committee, and in the Fourth Committee when it had discussed the question of South West Africa.

46. Mrs. AFNAN (Iraq) recalled that she had always supported proposals to give those not represented in the United Nations the opportunity of voicing their opinions. She knew that other Committees had adopted a similar procedure.

47. Mr. WINIEWICZ (Poland) said the explanation by the Secretariat representative left no doubt concerning the procedure followed by the United Nations for dealing with communications from outside sources. The Fourth Committee had certainly accepted documents of that kind, as the Danish representative had recalled, but they had been communications from Non-Self-Governing and Trust Territories towards which the United Nations had special obligations.

48. Mr. HOFFMEISTER (Czechoslovakia) inquired who had actually proposed the distribution of the communications.

49. In addition he pointed out that, a few days previously, the General Assembly had rejected a draft resolution submitted by El Salvador to grant non-member States the right to send observers to the General Assembly.¹ The distribution of communications from non-member States would be equivalent to admitting them

to the Committee without the prior consent of the Assembly. Moreover, if the Committee established that precedent it would be in danger of being swamped by communications from everywhere: hence it would be unwise to take such a step.

50. Mr. NORIEGA (Mexico) supported the Danish representative's remarks, adding that the Fourth Committee had even granted a hearing to a representative of an African tribe. If the United Nations accepted all the petitions from the Trust Territories, it could surely not refuse communications from States or groups in cases where humanitarian and social questions were involved.

51. The Committee ought not to continue to discuss the matter, as a formal proposal had been made by Chile and Uruguay.

52. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) pointed out that any delegation, whether it were Chile or Iraq, had the right to distribute any document on its own responsibility, but the Chairman could not rely on rule 58 as justifying distribution by the United Nations of a document from an outside source.

53. He asked whether the Chairman maintained his ruling, several delegations having challenged it on the grounds that it was based on a mistaken interpretation of rule 58. In his opinion the Chairman ought either to withdraw his ruling or put it to the vote.

54. The CHAIRMAN said he had never used the word "ruling" but, if his suggestion had been taken by some delegations as a ruling, he would withdraw it.

55. Mr. CAÑAS FLORES (Chile) thought it paradoxical that anyone should have opposed freedom of information in the very Committee which had been discussing it a few weeks before. In his opinion, for the purpose of taking a decision on so serious a matter, the Committee ought to be able to consult as many documents as possible; that alone should suffice to persuade the Committee to adopt the Chilean and Uruguayan proposal unanimously.

56. With regard to the allusion to the draft resolution submitted to the General Assembly by El Salvador, he thought there was a great deal of difference between the presence of persons in an assembly and the distribution of documents to be read.

57. If precedents were wanted, he said he had before him document A/C.3/538 in which the Secretary-General had transmitted to the Third Committee a communication received from the Allied High Commission for Germany containing a statement by the Government of the Federal Republic of Germany.

58. Lastly, he pointed out that in the Fourth Committee the USSR had voted in favour of a proposal similar to that just presented by Chile.

59. The CHAIRMAN called for a vote on the proposal presented by Chile and Uruguay that the communications from the German, Italian and Japanese Governments should be distributed.

60. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) considered that the Committee had no power to decide upon the distribution of documents with which it had not dealt and of which it consequently did not know the contents.

¹ See *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, 318th meeting.

61. He disapproved of the conduct of the discussion and protested against the vote on the Chilean and Uruguayan proposal.

62. Mr. CAÑAS FLORES (Chile) asked for a vote by roll-call.

63. The CHAIRMAN put to the vote the Chilean and Uruguayan proposal.

A vote was taken by roll-call.

The Dominican Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Ecuador, France, Greece, Guatemala, India, Iran, Iraq, Lebanon, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Uruguay, Brazil, Burma, Canada, Chile, China, Colombia, Denmark.

Against: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Abstaining: Syria, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia, Afghanistan, Australia.

The proposal was adopted by 26 votes to 5, with 8 abstentions.

64. The CHAIRMAN said the Committee had to decide whether it wished to reimpose the decision taken at the 313th meeting to fix a time limit for speeches. The time limit had not been observed since the Committee had started to consider item 7 of its agenda (item 67). Moreover, some representatives would probably wish to explain their votes.

65. Mr. PAZHWAQ (Afghanistan) moved the adjournment of the meeting.

The motion was adopted by 23 votes to 2.

The meeting rose at 6.10 p.m.