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Chairman: Mr. G. F. DAVIDSON (Canada).

Measures for the peaceful solution of the problem of prisoners of war (A/2482 and Corr.1, A/C.3/L.397 and Add.1, A/C.3/L.398) (continued)

[Item 71]*

1. Mrs. AFNAN (Iraq) said that, when the problem of prisoners of war had been placed before the General Assembly at its fifth session under the heading "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", her delegation had recognized the virtual impossibility of dealing with it as a purely humanitarian question and it, like many other delegations, had been extremely reluctant to take the responsibility of considering it. Indeed, at the Afghan delegation's suggestion, the whole Third Committee had agreed that the title should be changed to the more general one it finally bore, in order to eliminate any suggestion of recrimination. Still more anxious to avoid controversy, the Iraqi and Indian delegations had proposed that the Red Cross should be entrusted by the United Nations with the task of obtaining the repatriation of all prisoners of war, wherever they might be. She still regretted that the General Assembly had preferred to set up the *Ad Hoc* Commission on Prisoners of War.
2. Although she disagreed with some conclusions in the Commission's report (A/2482 and Corr.1), she recognized that the Commission had done its best to comply with its terms of reference in the spirit in which they had been given it.
3. The United Nations owed it to the prisoners of war to continue to try to reach a satisfactory settlement by all peaceful means at its disposal, but it could not do so except within the framework of international relations as a whole. She fully realized that peoples who had suffered from aggression and all the devastation it had caused would inevitably harbour the memories of their sufferings and that the problem of prisoners of war, presented, as it had been, as a humanitarian issue, would inevitably awaken those memories. The problem of prisoners of war had remained pending so long because the problem of peace had not been solved eight years after the end of hostilities. She could

not agree with the *Ad Hoc* Commission's conclusion that the main obstacle to its success had been its failure to obtain the Soviet Union's collaboration. The real obstacle had been the failure of the United Nations to achieve the state of peace in which alone such problems could be solved.

4. The *Ad Hoc* Commission's statement that it had been faced with a special problem owing to the fact that, through the judgments of military tribunals or other judicial proceedings, prisoners of war had become war criminals was terrible evidence of the way in which war had poisoned the atmosphere. Total warfare had certainly changed the character of war, but she still held to the belief that no one should be punished for a crime for which he was not responsible as an individual. The concept of collective guilt could not be a permanent one; with the establishment of peace on a firm basis it would become untenable.

5. Happily, most of the many prisoners of war in some countries at the time when the Commission had been set up had since been repatriated. The Committee would not fail to note that the progress in repatriation had followed the improvement of international relations. It would be most deplorable if the debate in the Third Committee were to worsen those relations.

6. She would support the joint draft resolution (A/C.3/L.397), just as she had always supported the principle of international co-operation in solving international problems, but she wished to dissociate herself completely from the views of certain delegations which had attached to that draft resolution considerations wholly foreign to its purpose.

7. The draft resolution had failed to take into account the fact that progress had taken place in the repatriation of prisoners of war in the course of the past two years and that certain countries had co-operated commendably with the Red Cross societies to that end. She wished to submit an amendment (A/C.3/L.399) in which the Committee would state its satisfaction and appreciation of those facts in two paragraphs to be inserted before the existing operative paragraph 1.

8. The *Ad Hoc* Commission should continue its endeavours. It should be clearly understood that, when the General Assembly appealed to the governments or authorities concerned to give the Commission their full co-operation, it considered that the Commission was responsible under its terms of reference for obtaining that co-operation by the methods or through the intermediary acceptable to the country concerned.

9. She disagreed with the Commission's conclusion that the problem remained in its entirety where co-operation had been withheld, since the Commission's report itself indicated that a number of governments had reported that certain of their nationals detained as prisoners of war in the Soviet Union had returned home. The General Assembly's primary interest was not to question the information received, but rather to

* Indicates the item number on the agenda of the General Assembly.

try to identify those prisoners who had died and those who were still alive, in order to reassure their families and to eliminate a source of international friction.

10. Her delegation seemed destined to support draft resolutions from which groups of major Powers dissented, such as that on the right of peoples and nations to self-determination (527th meeting)¹ and that under discussion (A/C.3/L.397). Nevertheless, her sense of responsibility demanded that she should remain consistent with her principles.

11. Mr. KOS (Yugoslavia) observed that the subject, although basically of a humanitarian character, was also obviously political. The longer the solution was deferred, the more political the issue would become. It could be solved by the goodwill of the authorities concerned. Prisoners of war should not be used as fuel for "cold war" propaganda; their plight should rather excite pity. The United Nations should persevere; failure to do so would imply that the solution could be achieved only by force.

12. He would support the joint draft resolution (A/C.3/L.397), since it merely asked the governments concerned to collaborate and maintained the *Ad Hoc* Commission as the machinery through which such collaboration could be put into effect. He would oppose the Byelorussian draft resolution (A/C.3/L.398). The United Nations was competent to deal with a humanitarian issue such as the question under discussion.

13. The generally high level of the debate had shown the concern of all for a solution; it would be unlikely to damage any negotiations in course. The moderate tone of the appeals made during the course of the debate should allay any irritation. The draft resolution reflected that restraint. The Iraqi amendment (A/C.3/L.399) would render its tenor even more moderate; he was inclined to support it.

14. Mr. TSARAPKIN (Union of Soviet Socialist Republics) maintained that under Article 107 of the Charter, the United Nations was not competent to discuss the problem of prisoners of war and the *Ad Hoc* Commission was illegal. The report of the so-called "Commission" should not be discussed and the "Commission" itself should be discontinued. All the steps taken in the General Assembly since the fifth session showed that the real purpose of illegally dealing with the subject was to wage a propaganda war against the Soviet Union. The "Commission" itself, in paragraph 34 of its report (A/2482 and Corr.1) admitted that the prisoners were merely "believed" to be in custody in the USSR. Had the "Commission" attempted to be impartial, it could not have based its conclusions on mere assumptions. Actually, it had been perfectly well aware, from the TASS reports of 22 April, 5 May and 9 July 1950, that the repatriation of prisoners of war from the USSR had been completed. The State Department of the United States had been officially notified to that effect on 15 July and 13 September 1950 and the Permanent Representative of the USSR had repeated in his letter No. 237 dated 17 September 1951 the information that more than two million Germans and half a million Japanese had been repatriated. The "Commission", therefore, had known from the very outset that it had no work to do, and, if it had genuinely wished to assist international co-operation, it should have dissolved itself.

15. Yet, with a zeal worthy of a better cause, it had devoted itself to the compilation of mendacious lists supplied by the Bonn, Italian and Japanese authorities on the orders of its American overlords, thus becoming their instrument for deluding the public. Paragraph 17 of its report was obviously designed to hoodwink those ignorant of the true state of affairs, for all the activities of the "Commission" had in fact been permeated with politics. The real purpose of the hubbub raised around the issue was to forward the aims of those in the United States of America and other countries who wished to prepare for a third world war. It had been raised in order to divert attention from the policy of openly reviving the German Army under the same leadership as it had had under Hitler. As early as 1945 the United States authorities had begun recruiting nazis to head the West German administration in contravention of the Potsdam Declaration. They and their tool, Mr. Adenauer, were openly conniving at the revival of militaristic gangs, such as the *Stahlhelm*, bringing back to power war criminals like General Kesselring and General Guderian and nazi industrialists such as Krupp. The Bonn Parliament had passed a resolution on 6 December 1952 instructing the Government to inform the countries participating in the plans for the formation of a European army that the boundaries of the Federal Republic of Germany were unsatisfactory, and Mr. Adenauer himself had raised the sinister old cry for *Lebensraum*. Those were some of the facts which the real masters of the "Commission" were trying to hide.

16. The German representative's statement exemplified the cynical methods used in the propaganda campaign conducted against the Soviet Union by the Federal Republic of Germany, with United States approval. That representative had sought to place the responsibility for members of the former German forces who had not returned to their families on the Soviet Union instead of on those really responsible, the nazi clique of former German generals engaged in rebuilding the German Army. References to humanitarian feelings would mislead nobody.

17. The Italian observer's claims had been more modest, but he too had contributed to the campaign of slander against the Soviet Union by resurrecting the old story of the sixty thousand officers and men missing on the Eastern Front.

18. The Japanese observer, while expressing his satisfaction at the success of the Red Cross negotiations in Moscow, had also joined the campaign, ignoring the official USSR news agency's rebuttal on 13 June 1952 of allegations in the Japanese Press that the Soviet Union was detaining Japanese prisoners. The agency had stated that only 1,487 Japanese prisoners condemned for war crimes were being held; and 420 of those were then being repatriated after serving their terms of imprisonment or receiving amnesty.

19. In the Committee's debate the United States representative had led the attack on the Soviet Union and the peoples' democracies, alleging that the Soviet Union had not fulfilled the decision of the Council of Foreign Ministers of 23 April 1947. That decision had been based on a USSR proposal, and the USSR member of the Allied Control Commission had suggested the drafting of a plan for the repatriation of German prisoners. That plan had not been drafted owing to obstruction by the United States member of the Commission, at whose insistence the question had been dropped

¹ Adopted in plenary meeting as resolution 738 (VIII) of the General Assembly.

from the Commission's agenda. The real reason for that procedure was that, without consulting the Commission, the United States military authorities had handed over to France, Belgium and Luxembourg some 800,000 prisoners of war for use as cheap labour. There was no conclusive evidence that those prisoners had ever been repatriated, and according to the Press many of them had been forcibly recruited in foreign legions for service in Indo-China, Madagascar, Malaya and other centres of colonial war against national liberation movements. Thus the United States had violated both the decision of the Council of Foreign Ministers and the relevant international conventions.

20. Other representatives had echoed the United States distortions and slanders. The Brazilian and Peruvian representatives, who had most loudly emphasized that the problem was humanitarian in nature and should not be used for propaganda purposes, had conducted what amounted to an ideological crusade against the Soviet Union, referring not only to the problem of prisoners of war, but to the questions of forced labour and alleged atrocities committed against United Nations personnel in Korea. Those questions were used by the United States simply to increase international tension and to poison the atmosphere of the United Nations.

21. The United States of America, however, had failed in its aim of fanning propaganda hostile to the Soviet Union and the peoples' democracies by blaming the Soviet Union for the crimes of the nazi clique. The discussion had typified United States use of the United Nations as a propaganda weapon to intensify hysteria and the deterioration of international relations, in order to spur the armaments race and prepare for a new world war. The United Nations should not lend itself to those purposes by discussing such matters as the three subjects mentioned.

22. He would vote for the Byelorussian draft resolution (A/C.3/L.398) and against the draft resolution submitted by five Powers (A/C.3/L.397).

23. Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic), replying under rule 114 of the rules of procedure, said that the Peruvian representative, instead of condemning Germany and its satellites for the wrongs they had inflicted on their own citizens and on the victims of their attack, had challenged her to name the documentary authority for her country's detention of prisoners of war. The Byelorussian SSR held prisoners of war who were serving sentences for war crimes on the authority of article 53 of the 1929 Geneva Convention² and article 119 of the 1949 Geneva Convention.³

24. Her country fully understood humanitarian principles; the people of the Soviet Union had acted humanely in freeing themselves and other European peoples from the German aggressor, in making every effort to prevent the launching of a third world war and in endeavouring to promote international economic and cultural ties and mutual understanding. They rejected all attempts to represent dreams of territorial expansion as humanitarianism.

25. The Brazilian representative had distorted the meaning of her remarks in accusing her of seeking sympathy for the sufferings of the Byelorussian people.

² Convention concluded at Geneva on 27 July, 1929, relative to the Treatment of Prisoners of War.

³ Geneva Convention relative to the Treatment of Prisoners of War of 12 August, 1949.

No self-respecting people sought sympathy: that was for the weak. She had spoken of Byelorussian sufferings to demonstrate that, despite Germany's responsibility for the wrongs it had inflicted, her country had treated the problem of prisoners of war humanely and generously. There was no documentary authority for a charge that the course it had followed, the repatriation of prisoners and the detention of war criminals to serve their sentences, was a wrong one. Her country's motive was not revenge, but equity.

26. She could not take seriously the Peruvian invitation to withdraw her draft resolution. Article 107 of the Charter made it plain that matters of the kind under consideration did not fall within the competence of the United Nations.

27. Mr. BELAUNDE (Peru) assured the Byelorussian representative of his high regard for her country and herself and urged that their relations should not be spoiled by mere differences of opinion. He had always paid a tribute to the heroic defence of the peoples of the USSR against the hitlerite invasion, which he had lost no opportunity to condemn. In reply to the Byelorussian representative's reference to the Geneva Conventions, he said that he had never denied the right of the Soviet Union to retain war criminals, but pointed out that, under those conventions, the names of all prisoners were to be forwarded to their countries of origin. The representative of the Federal Republic of Germany and the observers of Italy and Japan had complained of the USSR's failure to provide the names, and not of the fact that war criminals were still being held.

28. The contention in the Byelorussian draft resolution (A/C.3/L.398) that the United Nations was not competent, under Article 107 of the Charter, to deal with the matter was unfounded because it was obvious that Article 107 did not refer to such humanitarian questions as that of the return of prisoners of war and did not intend such questions to be dealt with by the Council of Foreign Ministers. It had been in a spirit of conciliation and in the hope of promoting harmony in the Committee that he had suggested that the Byelorussian representative should withdraw her draft resolution.

29. Mr. BYRNES (United States of America) reminded the Committee that most of the charges made against the United States of America by the representatives of the eastern European countries had also been brought at the fifth session, with the same purpose of diverting attention from the real issue. To the assertion that the United States was holding many German and Japanese prisoners, he replied that the United States Government had co-operated fully with the *Ad Hoc* Commission. According to the Commission's report (A/2482 and Corr.1), the United States had provided the requisite information, had held no prisoners at the time when the Commission was set up and had provided information on all the prisoners who had died in its custody. The Commission stated in the report that in those areas where governments had fully co-operated in supplying information the problem of prisoners of war no longer existed.

30. The Byelorussian allegation that the United States authorities had refused to release information about prisoners from German sources at the end of the war was also false. Following a decision of the Allied Control Council for Germany, the files of the German Supreme Command on soldiers killed in action had been taken to Berlin. Those files were now held by

French-operated agency, WAST. All the relatives of the persons on the files had been informed and death certificates had been issued where necessary. The German authorities had compared the list of the 102,958 German prisoners identified by name as having been in the custody of the USSR with those files and had not found a single case in which the names coincided.

31. With regard to the 25,000 soldiers allegedly executed during the war and posted as missing, the German representative had told him that the Government of the Federal Republic of Germany knew nothing of those documents, but would be interested to have them made available for comparison with the WAST files. It was probable that most of the names would be in the files and that none of them would coincide with the list of 102,958 prisoners.

32. It had been asserted that the admissions made in the *Bundestag* that the German Government had no definite figures for the prisoners in the USSR proved that the figures quoted by the representative of the Federal Republic of Germany were mere inventions. That representative had told him, however, that the Soviet Government had never given the names of the prisoners it still held. Moreover, a comparison between the figures provided by the USSR in 1947 and in 1950 had led to the improbable result shown that not a single German prisoner had died in three years of Soviet custody. That improbable assertion had led the German authorities to doubt the veracity of the Soviet figures and to begin their own investigation, which had resulted in the minimum figures that had been quoted.

33. It had also been said that the German prisoners presumed to be in the USSR were in fact being used for forced labour in the United States, the United Kingdom and France. The German representative, however, had said that the Governments of those countries had fulfilled their obligations under the 1947 agreement and had repatriated all prisoners by 31 December 1948. The few former German prisoners still residing in those countries had remained of their free will and none of that small number was included with any of the 102,958 German prisoners whose existence in Soviet captivity had been established.

34. The Byelorussian and Polish representatives had spoken of the atrocities perpetrated during the Nazi invasion. The United States sympathized with all victims of aggression and deeply appreciated the part played by the peoples of the USSR and the Soviet bloc countries in the Allied victory. No one could defend Nazi barbarism. But the events of the Second World War were not at issue. The question was that of the whereabouts of the prisoners who had not been repatriated or accounted for by the USSR and the Soviet bloc countries. However great the sufferings and losses of those countries had been at the hands of the Axis Powers, they were not justified in taking human reparations.

35. The representative of the Federal Republic of Germany and the observers of Italy and Japan had been absolutely free to accuse the United States of retaining prisoners of war and withholding information. They had not done so because they knew where the missing prisoners were.

36. Other charges had been brought against the United States of America, even that of trying to provoke a third world war. He emphatically denied that accusation on behalf of the Government and people of the United States. Such action as rapid demobilization after the war, willingness to turn over atomic secrets to an international authority and continuous efforts to promote peace had convinced the peoples of the world of the falsity of that charge.

37. Mr. DE MEIRA PENNA (Brazil) pointed out, in reply to the Ukrainian and USSR representatives' allegation that the Brazilian representative had slandered the USSR, that only two references to that country had been made in the Brazilian statement. One reference had been to Brazil's admiration for the heroism of the USSR armies during the Second World War and its appreciation of the tremendous cost of the Soviet effort in lives and property. That could hardly be regarded as slander. The other reference had been made, in connexion with the fate of Spanish prisoners of war, to Mr. Kiselyov's statement that 50,000 Spanish troops of the Blue Division had fought in the Byelorussian SSR and that most of them had been killed or captured. No Spanish prisoners had been repatriated from the USSR and Mr. Kiselyov's statement constituted an admission that there were still Spanish prisoners in that country. The Byelorussian representative might shed some light on that revelation, which was the more serious because the figures given by the Spanish Government were not so high as those quoted by Mr. Kiselyov.

38. The Polish representative had obviously misunderstood the Brazilian speaker in ascribing to him the statement that the USSR was a threat to civilization. There could be no doubt about the part played by the USSR and Poland in saving civilization. During the Second World War, heroic Poland had been the victim of appalling atrocities, such as the massacre of 17,000 Polish officers at Katyn and the tragic Warsaw rising. He hoped that the misunderstanding would be dispelled, as his delegation was fully aware of Poland's concern about threats to civilization.

39. The Byelorussian representative's statement that sympathy in politics was tantamount to weakness was noteworthy and called for no comment.

40. Mr. JOUBLANC RIVAS (Mexico), speaking on a point of order, pointed out that the French translation of the last phrase of paragraph 5 of the operative part of the joint draft resolution (A/C.3/L.397), to which the Argentine representative had objected (539th meeting) on the ground that it entailed infringement of the domestic jurisdiction of States, differed substantively from the English text and was not open to the same objections. It might be better to amend the draft resolution in accordance with the French text.

41. The CHAIRMAN stated that it was for the sponsors to decide whether such an amendment should be made. If they did not agree with the Mexican suggestion, the French text would have to be brought into line with the original text which was in English.

The meeting rose at 12.50 p.m.