

30 January 1957

THE FUTURE WORK OF THE COMMITTEEOUTLINE BY THE RAPPORTEUR OF HIS VIEWSA. General

The Special Committee's experience of its first witnesses has indicated the need for a more precise approach to the hearing of evidence if it is not, as has already been the case, to waste time which it cannot afford. There is no doubt that much useful information can be secured from suitable witnesses. The Committee must however bear in mind the warning of the Secretary-General (document A/3485) that the method of the taking of evidence must be "juridically satisfactory". The Secretary-General further reported the view of the three gentlemen who assisted him in an earlier approach to the problem of Hungary that without direct observation the United Nations might not get beyond the fringe of the facts. This appears to be a comment of some weight and it seems unlikely that the Committee will achieve direct observation in Hungary. Document A/3493 sets out the views of the Hungarian Government in the clearest and most categorical terms. It would be stretching hope to unreasonable lengths to expect a reversal of this attitude.

The Committee's search for facts may therefore be confined to

- (a) Information other governments can give the Committee in reply to the Committee's letter;
- (b) Ascertainable facts which the Committee and the Secretariat can collect (e.g., BBC Monitoring);
- (c) The evidence of witnesses;
- (d) Information from diplomatic representatives in Budapest.

The position on (a) and (b) will become clearer as the Committee proceeds.

So far as (c) is concerned, it seems to be self-evident that the Committee cannot hear everyone and that it must be guided mainly by the governments of the countries in which witnesses are at present to be found as to who will be relevant witnesses. On the Committee devolves a problem of making sure that witnesses who do have relevant information give to it facts which will help the Committee in its work. Most members of the Committee are not lawyers and are unaware of the techniques of procedure and evidence and the precise relating of the terms of an enquiry

to the art of cross-examination. It is not suggested that a precise legal approach is necessarily required or that the Committee should employ legal counsel to carry out its interrogations. It will however need legal advice as to the relevance of the evidence likely to be forthcoming from witnesses, which can be determined on the basis perhaps of a requirement that persons desiring to be heard should submit to the Committee a summary of what they would wish to say. The Committee is fortunate in that it has amongst its members those who are expert in these matters and it is suggested that these members should guide the Committee in collaboration with the Secretariat by the preparation of a paper on the scope and method of the enquiries, enquiries which should be precisely attuned to the terms of the resolutions of the General Assembly and not delve into the past.

The question of the hearing of witnesses in public or in private arises and it is suggested that in order to put both witnesses and the Committee at their ease and to enable lines of interrogation to be followed through without endangering either the witnesses or other people, private meetings should be the Committee's general rule. In this way also it will be possible to avoid those who seek to use the Committee as a means of securing personal publicity or notoriety.

So far as (d) is concerned, it is believed especially if the Committee is not to be able to visit Hungary that diplomatic representatives on the spot may well have useful information. It is therefore suggested that at an early date the Committee should communicate with all of those governments who have diplomatic representation in Hungary requesting that such information as they are able to provide from those diplomatic representatives would be of assistance to the Committee.

It should be observed that the representative of Poland (page 72, A/PV.634) himself suggested exactly this in the General Assembly.

B. Way in which the Committee might proceed

1. The Committee is required by its terms of reference to report to this session of the General Assembly. It is suggested that such a report should be tabled and not necessarily be the subject of oral presentation to the Assembly, thereby precipitating a debate. If delegations wish a debate on the Committee's report, it is up to them and not to the Committee. It is suggested that the report

should be a short one relating to the extent to which present facts support the assumptions on which the General Assembly resolutions were based; describing what the Committee has done; and what the Committee proposes to do. In this report the Committee can use information on the sequence of events in Hungary, e.g., monitoring reports; information from governments; relevant information from witnesses heard here; facts provided by delegations in the United Nations debates. The Committee might also wish to include references to the number of refugees from Hungary although it is clear that the Committee is not concerned with the conditions under which these refugees are living. It should also, if possible, include a section on deportations. It is suggested that the Committee should aim to table its report by February 15 and the Secretariat in collaboration with the rapporteur might start work at once on the framework of such a report for eventual approval by the Committee.

2. What should the Committee then do? Clearly it is sorely handicapped by what appears likely to be the complete lack of co-operation and even the active hostility of the only government which might make it possible to produce a really comprehensive report. The Committee however owes it to the General Assembly to make every effort if possibly can. Having exhausted what we can find out in New York at the United Nations and in the United States of America, the Committee can hardly avoid going further afield to Europe, getting as close as possible to the actual scene and in addition to getting all the information it can there - guided it is to be hoped by strict techniques relating to relevance and evidence already worked out and agreed on - make further efforts from near at hand to secure the co-operation of the Hungarian Government in
 - (a) securing admission to that country, and
 - (b) seeing and talking to Mr. Nagy.

C. How long should this take; what should be the time factor in the Committee's programme?

It is suggested for the consideration of the Committee -

1. That it reports to this session of the General Assembly about February 15.
2. That it aims to leave the United States at the end of February taking whatever United States evidence is available before that. In the case of evidence in the United States, it is suggested that the Committee should not attempt to visit places like Camp Kilmer where emotional overtones will affect the Committee's work but that, with the assistance of the United States Government it should make a careful selection of witnesses and bring them to United Nations Headquarters.
3. That the Committee should aim to spend no more than four weeks in Europe visiting, if that be possible, places like Vienna, Strasbourg etc., but basing itself in Geneva where United Nations facilities are incomparably better than elsewhere and which is geographically in a central position. In many cases witnesses could also be brought to Geneva.
4. That the Committee should return to New York at the end of March and complete its report in one or two weeks. This report would not be final as subsequent developments might need to be included but the broad outlines and conclusions would have been determined and further amendment would not necessarily involve matters of principle. All the members of the Committee have other duties and it may seem to the Committee that concentrated effort within this time framework would fully satisfy our duties to the United Nations and enable the people involved to return to their other important duties.

D. Form of the Report

The form of the final report raises a question. Should it be one large and compendious report with full documentation or not. It is suggested that the Committee would be better served if it were to produce two reports, one of findings which would be small, readable and susceptible of translation and printed in large numbers for widespread circulation and another much larger document of facts and evidence to support the smaller report.