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SPECIAL COMMITTEE ON THE PROBLEM OF HUNGARY

VERBATIM RECORD OF THE FIFTY-EIGHTH MEETING (CLOSED)

Held at the Palais des Nations, Geneva,
on Monday, 8 April 1957, at 3.00 p.m.

Chairman:

Mr. Alsing ANDERSEN

(Denmark)

The CHAIRMAN: The fifty-eighth meeting of the Committee is called to order. As you will see the Secretariat has arranged that a verbatim record should be taken of this meeting. I now call upon the Rapporteur.

Mr. SHANN (Australia)(Rapporteur): I approach this particular stage of our work with a mixture of joy, because we are at last beginning to see the end of a very long road -- you, Mr. Chairman, have just reminded us that this is the fifty-eighth meeting of the Committee, and apprehension at the task which remains to be done. We are now faced with the most difficult and arduous part of our work. The amount of material which we have assembled from the hearing of witnesses, from governments and from various other sources has now reached quite extraordinary proportions and the sifting of that and the impressions which we have all gained after all these months of work seems to me to present no small difficulty.

I would like first of all to make a few remarks in my capacity as Rapporteur. The document 12 which was circulated to the Committee, I think in Vienna, and on which naturally no decisions were taken as it was merely a framework of a possible approach to the question of the final report, does in itself raise a question of principle: that is, the question of how the drafting of the final report of the Committee is to be approached. Members of the Committee will recall that the interim report was based largely on a chronological account of the events which took place in Hungary particularly from 23 October to 4 November and shortly thereafter. The document 12 adopts a different approach, that is the approach of dividing the subject matter of the Committee's enquiry into sections. It seems to me that if we were to deal with the question of the final report chronologically we might find ourselves in some considerable confusion because of the vast mass of material which the Committee has before it. If we dealt with the events as they took place day by day, or in some cases hour by hour, we would run the risk of producing a report which might be both unreadable and unhelpful. If we were to approach the report by subject the Committee would be able to state its findings as to the events which took place at the end of each section which would render the document more interesting and more readable. Furthermore, we would be able to state our general conclusions as to what actually took place in Hungary at the end of the report. The question also arises as to the use which should be made of the testimony which we received. My own view is quite strongly that we should make no

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attempt to annex the testimony to the report. To begin with, there are dangers for the witnesses who have appeared before us. Even if we were to edit these testimonies it would often be possible to identify the witnesses because of the places involved and the particular type of testimony given. Members of the Committee will appreciate that seventy-five or eighty per cent of the witnesses have expressed a wish to remain anonymous. In addition to that the evidence itself contains a very wide range of material much of which I think some of us would not regard as being particularly relevant to our work. Much of it also has merely been elicited by questions emanating from members of the Committee with a view to corroborating the evidence given by other witnesses. If we were to include it we would produce a very large quantity of material and while it would, of course, be necessary to examine such material in order to satisfy our own minds, it would not be of any further interest to anyone else. There is also another problem. Many differences of opinion will arise among the members of the Committee as to the value of some of the witnesses and the validity of some of the evidence which they have given. I hope the Committee will agree that the testimony forms the basis of our work and was not the objective of the hearings we held in America and all over Europe. I think that my role as Rapporteur at this juncture is to hear the views of the other members of the Committee. As regards the form and content of the report I have two aims in mind. The first is to produce a considerably expanded version of document 12 which will be circulated to members of the Committee later this week and which will form the basis for the further tasks of the Committee and for further directives from members of the Committee to me, as Rapporteur, and to the Secretariat, as to what should appear in the final report. I think, however, I should give the Committee some indication of my general views, as representative of Australia as to the findings of the Committee, and on what it should report, and in the briefest outline I would like to suggest to the Committee that we have easily sufficient evidence to support the following conclusions within the framework of a detailed and accurate account of what actually took place in Hungary:

(1) What took place in Hungary was a spontaneous national uprising which stemmed from certain basic causes and was precipitated by the unnecessary use of violence by the AVH and, to some extent, by Mr. Geroe's speech; that the basic

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causes were partly economic but mainly the reaction of a proud people to a repressive system harshly administered by Hungarians, and in particular by the AVH, and domination by a foreign power.

(2) That the uprising was not counter-revolutionary in nature and united the whole people including a great many former Communists.

(3) That while Hungary has a sorry history of anti-Semitism, anti-Semitism was not apparent except in isolated instances in the revolution and that many Jews themselves fought for the revolution.

(4) That the revolution was not planned in advance although there is some evidence of Soviet fears that something was brewing.

(5) That the Government of Imre Nagy in no way foresaw the course of events, in many ways acted as a brake rather than a leader of the people and was swept along by events over which it had little control. The real power lay in the hands of Revolutionary and Workers' Councils which arose spontaneously and with real popular support. There is, however, much evidence that Imre Nagy himself came to see the real basis of the revolution and sincerely supported it.

(6) That the demands of the students and the intellectuals struck a responsive chord; there was a very wide reaction on the part of the whole population, including the workers.

(7) That a Communist, Imre Nagy did authorize the re-establishment of political parties, did take them into his Government and did intend to hold free elections.

(8) That the Committee is in possession of sufficient facts carefully to plot the course of both Soviet intervention from a military as well as a political point of view; that the Soviet Union did in fact intervene in all sorts of ways in the life of Hungary particularly during and after the second intervention; that especially in the case of the second intervention there is no legal basis in international law or under the Warsaw Pact for the action; that the second intervention was massive, pre-meditated and violent and taken against the wishes of the legal Hungarian Government and while the Soviet Union was actually negotiating with that Government.

(9) That there are many cases of infringements of the basic human rights of the Hungarian people and of inhumane and cruel practices both by the Hungarian Communist Government and the AVH and that in the case of the Soviet Union deportations did take place in numbers which cannot be accurately assessed but which ran into thousands. In addition there is adequate evidence that Hungarians were forcibly moved from one point to another within Hungary against their will by the Russians.

(10) That the real counter-revolution was the setting-up with Russian support of the Kadar Government against the Government of Imre Nagy and that this action violates the Soviet Union's own definition of aggression.

Those are some of the basic conclusions that occurred to me. In my view there are many other details which must be brought out in the report on which the Committee is fully entitled on the basis of the mass of evidence which is before it to make findings. For instance, the discriminatory wage system; the uranium mines; the role of Radio Free Europe; agricultural production norms; the expectation of aid from the United Nations and so on.

There are also fields, I think, in which we must admit that we cannot make findings. I believe these include the question of the precise number of casualties and the precise number of deportations from Hungary which in my view have been grossly exaggerated and on which we have not been able to secure sufficient data. I do not personally believe that there was very much interference with the Red Cross or with relief supplies. I am also convinced that a lot of Hungarians left Hungary for no good reason other than adventure and those are the sort of things -- and there seemed to me to many of them -- about which the Committee must strive to be objectively honest. It seems to me that our report will be strengthened and not weakened by an attitude of this kind.

Finally, I would like to say a word about the tone of our report. It seems to me that the Committee must seek a tone of calm objectivity. That we should stick to verifiable fact and so far as possible avoid what can be described as spectacular blood and thunder. We could talk a great deal if we wished to -- and I think it would be unwise -- of tortures and so on, and we could make sweeping judgments about human rights in fields in which, in my view, we do not have basic evidence. It seems to me that we will enhance the reputation both of the United Nations and of this Committee if we calmly describe what we know to be the case rather than attempt to write a document which is dramatic in tone and in language. It seems to me that the report is going to be a strong enough document in all conscience without entering too closely into the field of polemics. Thank you.

The CHAIRMAN: I thank the Rapporteur. I should also like to thank him for the draft in which he has proposed how to organize the report in a number of chapters on different problems. It seems to me that this method of procedure is the best one, and perhaps the only one, that really would be of value in order to give a clear, and as the Rapporteur said, readable report on these many complex events.

I am not going to embark upon a detailed discussion on the contents of the different chapters. It seems to me that it is impossible. It would mean that each of us -- the other four members of the Committee -- should draft a kind of report in which we mentioned how we would like to have the contents of each chapter and it is premature, in my opinion, to begin that discussion. In my opinion, we ought to have the draft report first and I have complete confidence in the Rapporteur and the Secretariat that they will do their utmost in order to write a comprehensive and objective report on these events.

I agree also with what the Rapporteur said about annexing testimonies. We could not do that at least to a very great extent. There might be occasions however where it will be necessary -- I hope the Rapporteur and I agree on that point -- and perhaps valuable to quote certain testimonies in order to give the real, objective picture of the events. In other respects a brief note of what we have heard will be sufficient. Perhaps in most cases it will be sufficient to mention the events and the testimonies on the basis of the verbatim records.

In my opinion, it would be of value to have some remarks on the economic background and dissatisfaction of the population but I admit partly that perhaps we have not got sufficiently exact material giving a real picture of the economic background. I also admit that some of the witnesses at least have told us that the economic situation although the living standard was low was not the real cause of the revolution. Perhaps after all it will not be possible to go into real details in order to show the facts in this field.

The Rapporteur spoke about the AVH and the atrocities committed by the AVH and he held the opinion that we should not go too far into details. I do not know whether I quite agree with the Rapporteur. Perhaps when we come to the facts we will agree without difficulty but I want to say at this juncture that in my opinion it is necessary to have, perhaps not an independent chapter, but at least some sections about the atrocities committed by the AVH. Otherwise something would be lacking and there can be no doubt that the methods and the behaviour of the AVH has played a great part in the development of events. It would perhaps also be reasonable to mention the

(The Chairman)

organization of the AVH and particularly to what extent AVH people were used as controlling officers in all spheres of life and also in the different ministries -- for instance, in the Foreign Office.

When I mentioned the atrocities and the necessity of having those mentioned with some examples I did that because it may be of importance to the future developments that it is mentioned publicly to the whole world how Communist methods work. We know that they are the same under Communist dictatorships in all countries and now that the AVH in Hungary is being reorganized, or perhaps already reorganized to take up its work again, probably along the same lines, it might be of value to the Hungarian population in order to protect political prisoners in the future that we should disclose in an official manner the methods of the AVH in Hungary. In this context I suggest, and perhaps it is already in the mind of the Rapporteur, that we should also mention the slave labour camps to which the AVH send thousands of political prisoners and in which camps they were also maltreated.

I have mentioned a few examples of what I would like to see in the report and I will not embark upon further details as, in my opinion, it would lead us too far. I have expressed some desires and I ask the Rapporteur and the Secretariat to take my wishes into consideration during their future work.

Mr. RODRIGUEZ-FABREGAT (Uruguay) (interpretation from Spanish): I have listened with a great deal of attention to the words of the Rapporteur and I also listened with a great deal of attention to you, Sir, when you spoke of the structure of the report as well as the nature of the contents of the report that the Committee is to present to the General Assembly.

I was very happy when the Rapporteur expressed his point of view saying that our task was nearing its end at least in so far as this stage is concerned. It has been a great pleasure to me to work on a committee with such an able Chairman as yourself, Sir, and such an able Rapporteur. It has also been a great pleasure for me to work with such wonderful colleagues as the representatives of Ceylon and Tunisia. Before getting to the real core of the problem may I say here that whatever observations my delegation might have made I consider that it was a great pleasure for me when my country did me the honour of sending me to represent them on this Committee. I am also happy to be so close to the Secretary of the Committee -- Mr. Jordan -- whom I have learnt to appreciate fully.

(Mr. Rodriguez-Fabregat)

As we are near the time of our departure I would also say that we appreciate the work of our collaborators, the members of the Secretariat as well as the interpreters and technical services who have all tried to contribute to our task in the best possible way.

It is evident that we are now near the important part of our problem, and the general structure of our report outlined by the Rapporteur in his document 12 seems to me to be completely in accordance with the report itself. In the framework, into which all the various elements have to fit proportionately, the Rapporteur has, I believe, made a completely wise choice and decision.

Insofar as each individual chapter is concerned, I would like to offer certain observations which I submit first of all for the consideration of the Rapporteur. I do not know whether I understood correctly, but in the general structure of this report there are two facts which are troubling me very gravely. One is the fate in the report of the statements made to this Committee by the different witnesses who gave evidence. The other factor pertains in a general way to what my delegation has called here the violation of human rights in the framework of events in Hungary as well as in the framework of the political regime that we studied.

As to the first question, document 12, which is a guide for our work and which is of such high quality, states that the report will be based on the many documents submitted to the Committee as well as on the testimonies of the witnesses. I do not understand this statement about the subsidiary role of the testimonies, and I do not well understand the paragraph pertaining to the role of the testimonies in the report. I believe we must let the Assembly know of the complete lack of information from the Government of Hungary up to the present time, as well as from the governments mentioned in the Resolution of the Assembly which created this Committee. From that point of view there is a source of information which should have been very important to us, as it was a question of the Government itself and a source of information which is completely absent from our work, an absence which I repeat is wilful. The Government of Hungary ignored the legality of our Committee from the very beginning. This Member State and its delegation at the General Assembly and at the special session of the Assembly have continuously ignored the lawfulness of our work, and consequently we find ourselves facing a source that is completely absent, that did not advise us officially, and did not supply us with

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any kind of the documentation which it would have been the obligation of a Member State to bring to a committee charged with the duty of studying the acts of that government. We now have other kinds of information, namely the testimonies of the witnesses. I am here only asking questions. I have spoken about my doubts on this subject. I believe that the information of the witnesses must form part of our report, directly or in the form of an appendix, or at least attached in some form to the report. I believe that what was said in our Committee was said at the Assembly. It is true that many witnesses preferred to remain anonymous. I agree it is a question of guaranteeing them anonymity — this I do not want to discuss — which deserves indeed the greatest possible caution on our part. In the meantime this information is an essential element of what we know. We are making an enquiry, and the basis of our enquiry is definitely the testimony of witnesses. There are other documents, documents presented by the Secretariat. There are still other documents that might enter into our judgment. There are other documents presented by the Member States who were invited by the General Assembly to bring information which they had, and which this Committee ought to have known about. There is still another source of information, and my delegation spoke about it several times. When our Committee was asked by the General Assembly to proceed to an enquiry, and when the main actor in the events chose voluntarily to be absent, then I believe one has the right to regard as information all information that might be obtained in an honest way, and in this case I mean information given by the press, both articles written by foreign correspondents and articles by writers. When a committee has no access to such a source of information, which is indeed the true source, then nobody has the right to criticize any other source that might be considered legitimate in order to allow an opinion to be formed.

It is for this reason, when it is said that the report should state the source of information only in exceptional cases, that I should like for my part to propose a somewhat different procedure. I propose that all our sources of information be put into an annex, or at least into a resumé, a kind of summary record, which would constitute the annex, so that all the governments of our Member States who read the report will be as informed as ourselves on the questions brought to the attention of the Committee by the witnesses and by the publications the Committee has consulted. I myself believe, unless the contrary is proved, that this would be a good procedure.

(Mr. Rodriguez-Fabregat)

There is another question to which I would like to call attention. With regard to the series of chapters in document No.12, outlined by our Rapporteur, it seems to me -- and I speak in very general terms -- that it would not be an exaggeration to say that the question of human rights should constitute a whole chapter. There is a chapter here entitled, "The re-establishment of political rights". Looking at the resumé I notice amongst those political rights "The re-assertion of political rights", chapter 12, covering the re-establishment of political parties, the changes that took place in the Government, the newspapers and radio stations, the various factors; and even the person of Cardinal Mindszenty is mentioned, the most important priest of the most important church of Hungary. I notice, too, that at the end of chapter 12 there appears "Violation of other human rights by the Hungarian Government". When a question of the violation of human rights is concerned, that cannot be put in an annex of the report, in section C, violation of other human rights. I do not believe it can be put as an appendix, a kind of annex. We have here a question which is as important as the question whether there was intervention in Hungary, and we are concerned with the extent to which the human rights of an entire people and of each person individually have been violated, and about which the chapter speaks when it speaks of the privileges and dignity of human beings. This morning I put some questions to a Hungarian professor. I do not know who he is; I only know that he is a professor, that he came to tell us that it is possible that they will shoot seventeen of his students.

(Mr. Rodriguez-Fabregat)

One should not of course make a sentimental question of this but all of us know what it means to a professor to say "Seventeen of my students were executed without a trial because they thought as their professor had taught them to think." This cannot be put at the end of a chapter, at the end of a report, under the heading of other violations. We have heard a witness say that women have been violated. We have heard many statements that have told of systematic police action against men, women and children, against the Hungarian people. It seems to me that as a Committee established by the General Assembly of the United Nations we are called upon to devote a whole chapter, a chapter equal to that on foreign intervention, to the violation of human rights. Human rights are mentioned in the Charter and respect of these rights is an international obligation -- as important in the international field as in the field of the individual conscience. I therefore ask the Rapporteur to take my words into account.

We have heard about trials of people who took part in the public life of Hungary and how these trials are being carried on. We know too that as an outcome of these trials death sentences were pronounced and in some cases carried out. Let us imagine that some of these things are not true, and I hope with all my heart that they are not. Let us imagine that those death sentences of which the professor spoke to us this morning were not carried out, and again I hope that with all my heart. If any one of us could contribute to preventing this we should certainly do so. Let us imagine that it is not true and that our report nevertheless makes a concrete reference to it. Will this be our fault? Will we be guilty of including facts that are not verified? No. If this happened we would be absolved of any blame, of any error, because the fault would lie with the witness who was absent from this Committee established by the General Assembly, and I am speaking of the Government of Hungary and the Government that is mentioned in the General Assembly resolution and instead of coming and telling us the truth, telling our Committee which represents the human conscience of our time, has isolated itself in an ivory tower ignoring the resolutions of the General Assembly and a Committee which is only trying to establish facts concerning the human rights and the sovereignty of States.

(Mr. Rodriguez-Fabregat)

I would like to submit for the consideration of the Chairman, the Rapporteur and the other members of the Committee the point of view of my delegation. As our Rapporteur said earlier, we shall be able to re-examine our report in New York and to draft a concrete final text on which we can exercise our judgment. I believe we still have time to think about all this and that we are asked not to do a quick short-lived task but as serious and lasting a job as possible. I believe that when we meet again in New York we shall all have had an opportunity to give this question thought and to **crystallize** our point of view as regards this report and bring before the Committee our concrete ideals. Please note that I am not opposed to the report — very far from that — and on the contrary I want to congratulate our Rapporteur on his work. I believe that no matter what the point of view of each of us may be the final report must follow this general outline but in the meantime I did want to submit my own views, especially as regards respect for human rights because for a **representative of my country** and of my continent such questions are not domestic or internal matters which can be settled arbitrarily. I demand a chapter that speaks of the respect of human rights here because the work of a body such as the General Assembly of the United Nations has a dual purpose. The work of the United Nations cannot only be a reference to what has happened — it involves also the life of future generations so the whole world should know that to violate human rights is to call down the critical judgment of all humanity upon oneself. It is for this reason that we must, in our report, give the chapter concerning human rights the place due to it within the framework of our task.

I should like to apologise if I have spoken for too long. This is all I have to contribute to the study of the draft report and it represents the opinion of my delegation on the work the Rapporteur has submitted to us.

Mr. SLIM (Tunisia) (interpretation from French): I should first of all like to underline the fact that the summary made by the Rapporteur on the general outline of the report and on the essential points that should be included in the report seems to me to be perfectly adequate and completely correct. I am also fully in agreement with him on the general conclusions that should be drawn as the result of our inquiry. I believe, however, that there are two essential points on which we might insist rather more than is done in the resumé of document 12 in order to conform to the directions given us by the General Assembly.

(Mr. Slim)

The first point is the intervention of Soviet forces in the internal affairs of Hungary. There is here one point on which we have sufficient elements to date to enable us to have an opinion and which is essential to this report. Was the intervention of the Soviet troops on the evening of 23 October legal or illegal? In other words, can we consider that the appeal that was made to the Soviet troops about which the position has remained confused was legal or illegal? We do not know who called in the Soviet troops from the information we have. Unfortunately we cannot call Mr. Nagy in order to ask him this openly but we know that certain people in the Communist Party did appeal and said later on that it was the Government which called in the troops, which the Government later denied. In other words, a very confused situation that shows that no really lawful element requested the intervention of Soviet troops on 23 October.

As to the second point, was the action of Soviet troops in conformity with the Warsaw Pact or was it not? It seems to me that as a consequence of our enquiry we are convinced that that was not in conformity with the Warsaw Pact. It was therefore an intrusion contrary to the Warsaw Pact and not made at the explicit request of a lawful authority. It was therefore an intervention of Russian troops — that is troops foreign to Hungary — and only a regular governmental authority can appeal to forces controlled by another government. I think we should insist on this point in the report because we have sufficient elements to enable us to give an opinion. The next problem on which it seems to me that we can insist somewhat — and here I am fully in accord with my colleague Professor Fabregat — is a violation of human rights. Perhaps Professor Fabregat will allow me to ask him a question concerning his statement. He expressed very legitimate emotion about the violation of the human rights of the Hungarian people. I hope this sentimental outburst did not have as its only reason the violation of the rights of Hungarian people but that if such violation should occur in other parts of the world against other people he and his Government would manifest the same emotion. One of the fundamental principles of the Charter is respect of human rights and as regards the events in Hungary since 23 October this is the problem that gave rise to the greatest number of speeches in the Assembly. It is not only the interference of a foreign power in Hungary that roused the world's indignation but also the violation of the human rights of the Hungarian people.

(Mr. Slim)

These are the two essential points on which I would like to ask the Rapporteur to give more details in his report.

I should now like to go over to the question of documentation. Are we going to include all the documentation in the report? I do not think so, as this would mean a considerable number of documents. The statements of witnesses, the documents sent by other governments -- all these cannot be included in the report, which has to be as concise as possible so as to be read by everybody. It seems to me that these documents should be contained in an appendix to the report. I believe there is some misunderstanding between us and Professor Rodriguez-Fabregat. He wanted, if I understood him correctly, to have within the report the citations of witnesses. I do not believe this is possible, unless one made them very short. I think one could make certain references, certain footnotes, or notes as to pages of the appendix, but I do not think we could include all the quotations, however important, because in that case the report would become very voluminous and would not get the attention it warrants from the delegations. I think the best way of proceeding would be to make the report as outlined in document 12 with the addition of the two points I have mentioned, which I would like to see elaborated.

There is a third question, and that is in regard to page 4 of this document, chapter 10 entitled "The Direct Origins of the Armed Uprising in Hungary". It seems to me that since yesterday we have a clearer idea of the events immediately preceding those of the 23rd, and on page 3 one might bring in the fact of how a manifestation of the most peaceful and inoffensive kind transformed itself into violence, and that that violence had as its origin a complex set of factors and bad conditions that had existed for some time in the country. After the speech of Geroe the events of the 23rd and 24th manifested themselves with great violence. This is an important point, and I do not think it will escape the attention of our Rapporteur.

Another question which should be discussed, as it is important, is that at a certain moment the General Assembly was approached by the Hungarian Government for negotiations appertaining to the withdrawal of the Soviet troops, and to Hungarian neutrality. The Government that approached the General Assembly was the "illegal" Government, but I think we now have sufficient information to show that it was indeed a regular and lawful government. From 4 November this body calling

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itself the Government of Hungary told the General Assembly of the United Nations not to interfere any more in Hungarian affairs. The second body, calling itself the Kadar Government, refused to co-operate with the United Nations, although it was a Member of the United Nations. This Kadar Government was a continuation of the first government that had approached the United Nations. This second government also called itself lawful. Is it in reality legitimate? I do not believe so. We have asked questions of a number of witnesses and of certain international personalities well versed in legal matters, and this is a question that should not be neglected. I believe the Rapporteur has already referred to it in one of the chapters of document 12.

I will not mention here the possible hearing of Mr. Nagy, because I do not want to prolong this debate. I believe the best thing is to begin by discussing document 12 only.

Mr. GUNewardene (Ceylon): May I at the outset express my very sincere appreciation of the very concise, well thought out, and balanced statement that the Rapporteur made today. I had dreaded the thought that it might be my painful duty to write a report of dissent even lengthier than the report itself, but I am relieved of that great fear. We can go far afield; it is easy to do so with a human subject. Certain aspects may impress us more than others, but we are called upon to perform semi-judicial functions, and therefore we must as far as possible be objective and dispassionate. We can all evoke blood and thunder; I think I can do that as well as anybody else, it is easy enough. That is not our function; our function is to concentrate on the facts about which there can be no doubt. There is such a volume of facts on which we can all agree, a large number of conclusions on which we can all agree, so it would seem a pity to keep on trying to discover other points which hardly touch the subject itself, but which can raise a storm of controversy, not only in the Committee, but in the outside world and in the General Assembly itself.

We must therefore produce a report on which we can all agree without difficulty. I am generally in agreement with the plan submitted by the Rapporteur. Much has been said of the possibility of annexing or including testimony or documents which we

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have received, but I submit that is utterly impossible in the circumstances of this case. In the first place such documents as we have received are of a confidential nature. The report is not going to be a confidential report; it will be a public report submitted to the General Assembly. It would be quite unfair to refer to the communications received from the governments for our own purposes. Secondly, seventy-five per cent of the evidence given by witnesses was given anonymously. There would be dangers arising from setting out the names. If there is a danger in giving no names, and we go to the extent of reproducing the evidence given by witnesses, we shall find ourselves in the same danger.

I should like to ask this question: we are judges now, and merely because a witness says something, does it necessarily follow that it is to be accepted? A witness gives testimony in regard to a particular question or detail. I for one am not prepared to accept such evidence without checking it with the evidence of many other witnesses and without corroborative evidence. We can agree on a multiplicity of evidence that creates certain impressions in our minds; those are the impressions to which the Rapporteur has referred. There are general conclusions at which we can arrive in the face of certain facts, so I would advise the Committee not to call individual testimony. What one member of the Committee may accept as possible truth may not be accepted by another; it depends on the impression made on one by the witness and on many other factors. Evidence is not to be considered so lightly. We are finding ourselves in difficulties in trying to go into details of the testimony. It would be a far better thing to find out what effect the evidence had on our minds in regard to particular subjects. It is therefore most welcome that the Rapporteur decided on this course of action, to present the facts on particular subjects and on these facts to draw our conclusions. Very often the facts are not difficult, and the conclusions are not difficult unless we want to gild the lily, and in trying to do that we would only make the picture a hundred times worse.

Therefore I earnestly request the Committee to take into consideration such evidence as we can agree on and such conclusions as we can reach. There is a tremendous number of conclusions in the report submitted which any reasonable person can accept, so that we can go on those lines. If you think it necessary to have more chapters on many other subjects not contemplated by this enquiry, for instance economic conditions, I have no definite impression as to the testimony given on economic conditions. There are those who may be prepared to accept the

(Mr. Gunewardene)

evidence given by a witness who said this was how things were, but I am afraid it would lead me to the study of the social and economic history of Hungary, which is outside our province. It is sufficient for our purpose to indicate that there are certain reasons for this which appear to be obvious, and we cannot go further than that. Similarly, if you go into the previous history of the tortures and brutalities, you are up against the same trouble. No doubt we can make general statements but if we go into too much detail we shall find ourselves again in difficulty.

We must state all the facts which contributed to the events of 23 October. I think the Rapporteur has been wise in giving those indications. I must again express disagreement with my esteemed friend, the representative of Tunisia. We would find ourselves in trouble if we were to examine closely the legal aspects of the situation. His conception of the law is probably not the same as mine or the same as many other people's. The law is not quite so simple as one imagines and, moreover, our purpose is not the discussion of legal decisions. On the other hand, there are certain facts which we can put before the General Assembly; certain events took place which were either lawful or unlawful or moral or immoral; that is not our concern. The General Assembly will reach conclusions and will vote on them. The legal matters do not concern us. International jurists take one view of the law, other lawyers take another and we ourselves may take yet another view. We must confine ourselves to the facts. It is my opinion that we can produce a report which will be sufficiently strong and convincing to arouse public opinion and it would be a pity to spoil the effect of the report by introducing highly controversial matters.

I agree on the whole with the observations made by the Rapporteur and think that we should write a report along the lines suggested by him and I expect we shall have the opportunity of discussing the various sections and chapters.

Mr. SHANN (Australia) (Rapporteur): I do not want to detain the Committee for more than just a few minutes but I would like to say how extremely grateful I am for the views which have been expressed by the members of the Committee. They will contribute to the confidence so necessary to myself and the Secretariat when preparing the report. I should just like to make a few remarks in reply to the observations which have been made in an endeavour to satisfy some of the doubts which exist in the minds of the members of the Committee.

I agree with the representative of Denmark that there are certain general remarks concerning the AVH which must be made in the report. May I remind the Committee of the conclusions I reached when speaking in my capacity as representative of Australia. One of those conclusions related specifically to those matters just mentioned and I agree that the reasons for our conclusions must be included in the report. I think you will see that by doing that in an objective way we shall produce a strong indictment of the methods used, which none of us can properly understand.

I would like to reassure the representative of Uruguay that I do not regard the question he raised as being in any way subsidiary. This is an accident of drafting in document 12; we could just as easily, and perhaps more logically, have put the testimony before the other information. The report will refer very definitely to the

impossibility of holding hearings and taking evidence from the Government of Hungary, as the General Assembly had hoped we would be able to do. If it should prove possible to attach to the report, as an annex, a resumé of the sources of information to which we have had access, without in any way perpetrating a breach of confidence, then I am sure that question will be very carefully considered -- the remarks made by the representative of Ceylon in this connection must be carefully borne in mind.

The question of human rights was raised by the representatives of Uruguay and Tunisia. I think some misunderstanding has arisen from the way in which document 12 is worded in this respect. It is not intended that the question of human rights should be relegated to an annex of the report. Document 12 is divided into introductory chapters and three main sections; one of these sections deals with the question of human rights. Section "C" is not an annex but a main section of the report. The question of the violation of human rights in Hungary will be adequately treated in the report.

The representative of Tunisia raised a legal point regarding the intervention in the internal affairs of Hungary. We certainly tried hard enough in our cross-examinations to establish who called in the troops and whether they had the legal right to do so or not. We have not exactly established who did so and I do not think the Committee is in the position to express a definite view on the legal position as regards the first Soviet intervention. The second intervention is an entirely different matter. The Committee will feel that the views expressed by the International Commission of Jurists, and others, on this subject should be included, but I do not feel that the Committee will be able to express a firm view on that legal matter.

I agree with what the representative of Tunisia has said regarding the extension of Chapter X in the light of some of the evidence which has been given since document 12 was drafted and his views will be reflected in the expanded version of document 12 which will be circulated later in the week. Some of our documentation will not appear in the body of the report but I think it will be necessary to attach it in the form of annexes in order to render the report properly comprehensible. This is a subject to which I have given a great deal of thought and to which I should like to devote some further thought, but I do feel that it will be necessary to attach some of that documentation. I do not mean, in this regard, that we should attach the testimony; I continue to oppose such a course. I agree quite strongly with the representative of Ceylon on this matter. Furthermore, I am in agreement with him, and I think we all are, that the question of economic conditions in Hungary and their effect on the

(Mr. Shann)

events which took place is a matter which still remains rather obscure.

Finally I should like to say that I am most grateful to the representative of Ceylon for saying that his mind is relieved from having to write a lengthy minority report which might have been longer than the report prepared by all of us.

Mr. SLIM (Tunisia) (interpretation from French): There seem to be a number of questions regarding which some misunderstanding exists among members of the Committee. Firstly, I refer to documentation. Is it to be regarded as being public or private? Will it be put at the disposal of the delegations to the United Nations or will it remain "confidential"? If the documentation is to be put at the disposal of delegations it will need to be printed. Will it be included as an annex to the report? I quite agree that witnesses should remain anonymous, but some of the delegations may wish to refer to the testimony which has been given. May they feel free to do so?

Secondly, I refer to the question of interpretation of law. As I said a moment ago we are obliged to make certain legal judgments; I do not mean that we have to state whether the Government of Kadar is legal or illegal or whether the Government of Nagy is still the legitimate government or not, but our report must reflect the evidence given by important witnesses in this respect. Furthermore, we must express our opinion on the events which have taken place in Hungary in relation to basic human rights. We should refer to the testimony made by one important witness, and to the paper drafted by the International Commission of Jurists which states that the present juridical system in Hungary is contrary to the traditional system as known and accepted by other nations. I agree that we should, of course, then leave people free to form their own opinions on this matter. As I said, it is not for us to say whether the Kadar Government is legitimate or not but I do agree with the representative of Ceylon that if an eminent jurist has expressed a certain opinion before the Committee it is not for us to decide whether that opinion is correct or not, but some reference to it should be included in the report. Briefly, all the facts and testimony should be put before the General Assembly; they can then make their decisions.

Thirdly, I agree with the Rapporteur that the report should be devoid of any sentimental or emotional feelings. I believe that we are all in agreement that it should be objective, thus increasing its impact on the world.

The CHAIRMAN: As far as I understood the Rapporteur it was in his mind that certain documentation ought to be added as annexes to the report but perhaps it is difficult today to decide or even say anything definite about what kind of annexes should be attached to the report. It would be easier as far as I can see it to leave that question until we have the draft report and after that, at our meeting in New York, when we are discussing the report we can discuss what kind of annexes should be attached to the report.

I would like to mention in this context the same point I mentioned in New York, namely, the official protest by the Yugoslav Government with regard to the abduction of Imre Nagy to Romania. From my point of view I take that as an example of a document that ought to be attached as an annex to the report. I would like to submit that now as an example of the kind of documentation that might be attached as an annex to the report.

Mr. RODRIGUEZ-FABREGAT (Uruguay)(interpretation from Spanish): I am in full agreement with what has just been proposed. We will have to decide eventually what annexes should be attached but I am in full agreement that this can be left until later and I agree that this can be done in New York when we shall have the opportunity of studying the text of the report.

If I understood him correctly the representative of Tunisia addressed himself to my delegation in so far as the question of human rights is concerned when he asked if all violations of human rights constitute a violation wherever they occur and I must answer to my colleague that this is indeed the case. The violation of human rights can indeed only be measured in one way and the responsibility for them is placed in front of the whole world. We have never supported the theory of paragraph 7, Article 2 of the Charter -- namely, domestic jurisdiction -- in so far as the responsibility of human rights is concerned. I fully support the proposal of the Rapporteur which really means a clarification of my words.

While we are discussing here the importance of this chapter on human rights in the case of Hungary I should like to add that the work of the United Nations has considerable value and it is from this report that people will know that human rights cannot be ignored and violations go unpunished without the international community watching to see that they are respected.

(Mr. Rodriguez-Fabregat)

I should like to ask the Chairman if before the end of our meeting he will explain to us what our work will be in the days ahead. The Chairman knows that some of us are needed elsewhere and I have tried to postpone a great deal of work that demanded my presence in New York so that I could stay with my colleagues on the Committee until we finished the essential aspects of the work of this Committee. Therefore, I should like to know two things; will we meet again in New York to discuss the report and about what time will this meeting be held; secondly, what will our commitments be in so far as the material that was handed to us by the Secretary is concerned? I should like to ask the Chairman to give clarification on this before today's meeting ends.

The CHAIRMAN: I would like to ask first whether there are any further remarks on the report. Apparently there are no further remarks and I, like other members of the Committee, would like to express once more my appreciation to the Rapporteur. That we have been able to have such a brief and concise exchange of views here today is above all due to the work done by the Rapporteur and the Secretariat both in the written plan and in the oral outline which the Rapporteur gave us at the beginning of our meeting.

I feel convinced that it will be possible to agree on a report. I quite agree with the remarks made by some, or perhaps all of my colleagues today that the report will gain in strength if it is objective and factual and I am convinced that if we can unanimously agree on the report then it will make a decisive impression on world opinion. According to our experience today it seems to me that there is every evidence that we will succeed in reaching an agreement.

The representative of Uruguay asked me some questions. The first was in regard to the work in the days ahead and I am happy that I can refer to the schedule which has been distributed to members of the Committee. Tomorrow, Tuesday 9 April, we are going to continue hearing witnesses and to see a film which we have already agreed to see. On Wednesday we shall hear witnesses in the afternoon and on Thursday afternoon there will be further consideration of the report after an enlarged plan has been distributed to members of the Committee. I cannot tell you any more about the future of the work as, to a certain extent, it depends on the members of the Committee and how many days it will be necessary to set aside for hearing witnesses and discussing the report.

(The Chairman)

With regard to the final discussion of the report, in my opinion, it has to and must take place in New York but on what date, and in which week even, I am not able to say at present because it depends upon when the draft report will be ready and distributed to members. It will presumably be in May but in which week of May I cannot tell you at present.

Mr. RODRIGUEZ-FABREGAT (Uruguay)(interpretation from Spanish): I should like to ask another question. The Chairman has just said that on Friday we will hear witnesses or continue the study of the report, if we have to examine certain parts of the report here in Geneva I should like to ask the Chairman if the meeting on that morning could be devoted to the report because then at least one of us could start preparations to leave on Saturday or Sunday for New York. For this reason I should like to ask you, Sir, to establish the schedule now if you find it appropriate and I should like to ask if the meeting on 12 April could be devoted to the report. If necessary we could hear witnesses afterwards but we should not subordinate the report to that. I believe we should consider the discussion of the report as the main item on the agenda for Friday, especially for the morning.

I do not know what date our Rapporteur will choose for the draft report but I believe that our Chairman will have certain duties that cannot be postponed as is the case with every politician who plays such an important role as our Chairman does in the life of his country. Therefore, I propose that we should stop for a moment and try to co-ordinate all points of view. I do not wish to take upon myself the task of the Rapporteur or of the Chairman but we all have different points of view and I believe that it is in our interest that we should be careful that the Chairman of the Committee has enough time to participate in our work in New York. I therefore ask him to come to a decision now concerning the discussion of the report on Friday morning and, secondly, could he please give us more information about the meeting which is to take place in New York because it would be very bad if there were political differences which could not be settled?

Mr. SHANN (Australia)(Rapporteur): I do not think the draft report could possibly be ready for discussion in Geneva. The document which we are

proposing to circulate to members of the Committee is document 12 expanded to a certain extent taking into consideration the views expressed today so that the members of the Committee may have this document with them. I am not sure that it is necessary for us to have any further discussion of the report at this particular time but members of the Committee may wish to raise points on the expanded document.

(Mr. Shann)

If that were the case I do not think it would be likely to take more than half an hour, which we could fit in towards the end of the week to suit the convenience of all members of the Committee including the representative of Uruguay.

There is one thing I would like to say. If we are to have the time to produce a document which will, I think, be of value to the representatives on the Committee and to their Governments to give them an idea of the way in which we are going about our work, I think it might be necessary, at least from the point of view of having enough time to do the necessary work, to omit one of the meetings we are proposing for the hearing of witnesses, either tomorrow or Wednesday. I think it might be a good idea if we were not to hold a meeting tomorrow morning to hear witnesses, but confine ourselves tomorrow to seeing the film in the afternoon, continuing with witnesses on Wednesday, and possibly in the meeting on Wednesday afternoon or on Thursday we can have time to look at this other document if members of the Committee wish to do so.

So far as the drafting of the final report is concerned, I am only too aware that the Chairman has certain commitments. At any rate, I promise the members of the Committee that we will press on with the preparation of the document, and that when we find out what sort of date is likely to be possible for the consideration of the final report it will be the Chairman who will be consulted as to the time of that meeting. It is not, I believe, either possible or reasonable to expect me or the secretariat at this stage to give any sensible indication of when what is going to be a very very large document will be produced.

The CHAIRMAN: I think we can agree about the last question. Of course the Rapporteur and I have to talk about the possibilities of the meetings in New York, but first we have to take into consideration the work that has to be done and, as the Rapporteur has said, it is not possible to say anything today about the date when the draft report will be ready so that we can receive it and have it ready and be prepared for the next meeting on the final report.

Secondly, as has been mentioned by the representative of Uruguay -- and I am very grateful to him for saying so -- I have certain obligations in Denmark up to 14 May. I hope there will be no conflict with regard to the date. I think the

(The Chairman)

Rapporteur and I will easily find out when the work is approaching its end, and find out what date will be reasonable and practicable for the meeting in New York to discuss the final report.

As to the current meetings I quite agree with the proposal that if it is necessary to have a meeting on the report on Friday we ought to have it in the morning, but in view of the remarks already made by the Rapporteur it is perhaps not probable that it will be necessary to hold a meeting on the report on Friday. It is to be hoped that we shall be able to finish the discussion on the provisional plan of the report on Thursday afternoon.

It has been suggested that we should not hear any witnesses tomorrow morning. As far as I can see, the number of witnesses is not so large that it will be necessary to hold a meeting. It is proposed to have no hearing of witnesses on Tuesday morning, but only the showing of a film at 3 p.m., and then if necessary to have hearings of witnesses on both Wednesday morning and Wednesday afternoon and on Thursday morning. I think we can agree on that if it is necessary in order to get through the work.

Mr. SHANN (Australia): I do not want to have a meeting on Wednesday morning, Mr. Chairman. I think we can finish our work quite adequately if we leave the programme as you have it at the moment but cutting out the meeting tomorrow morning.

The CHAIRMAN: Yes. There are important witnesses on the list.

Mr. JORDAN (Secretary): As I see it, the need is to decide specifically with regard to the meeting on Tuesday morning. If the Rapporteur feels, and the Committee agrees, that it is desirable not to have a meeting on Tuesday morning, I presume we would cancel the meeting then.

With regard to the further schedule, I wonder whether we could just leave it in abeyance at the moment, having decided in favour of the proposal of the Rapporteur to cancel the meeting on Tuesday morning. If I may say so, it is necessary to take into account the number of witnesses to be heard, and I would hope the Committee would feel it desirable now to keep the number of witnesses to the very minimum. I would merely like to mention a preoccupation which I raised this morning, that we

(Mr. Jordan)

have a backlog of certain work for the Committee, and I would just like to say that if the Committee found it possible to dispense with the meeting on Tuesday morning, 16 April, it would be of great assistance. I naturally would like to have the opportunity to discuss this with the Chairman and the Rapporteur, and therefore perhaps we could agree to cancel tomorrow morning's meeting and to consider our further schedule in private conversation, and with the representatives of Uruguay and Tunisia.

The CHAIRMAN: I think we ought to cancel the meeting tomorrow morning, and inform the witnesses to that effect. It will be valuable to the verbatim reporters, I understand, in order to have their work from Vienna and London done, and it will also be of importance to the Rapporteur in order to work out the next issue of the plan which we are going to discuss on Thursday.

Mr. RODRIGUEZ-FABREGAT (Uruguay)(interpretation from Spanish): I was really very very worried. I do not know whether Mr. Jordan suggested that the new consideration of the report be again postponed. It seems to me he gave priority to the witnesses.

Mr. JORDAN (Secretary): No, that is not the case.

Mr. RODRIGUEZ-FABREGAT (Uruguay)(interpretation from Spanish): Then my only question is, do we leave for Thursday and Friday mornings the discussion of the report? If so I have nothing to say but on the contrary am in favour of it. I think it is an excellent idea to let a few meetings go next week so as to leave more time for the Secretariat. In the meantime we can question witnesses during the other meetings.

The CHAIRMAN: I propose that we cancel the meeting tomorrow morning, and if it is possible for the Rapporteur and the Secretariat to have the enlarged plan of the report ready in time, we could have the next meeting on the report on Thursday morning instead of Thursday afternoon if it is possible. We can decide afterwards

(The Chairman)

whether we can hear witnesses on Thursday afternoon, but tomorrow morning the meeting is cancelled and a film will be shown at the cinema in this building, close to Door 6, at 3 p.m. You will be informed of subsequent meetings according to the preparations of the Secretariat.

The meeting stands adjourned until a time to be notified at the showing of the film tomorrow afternoon.

The meeting rose at 5.15 p.m.