

SPECIAL COMMITTEE ON PALESTINE

SUMMARY RECORD OF THE TENTH MEETING (PRIVATE)

Held at Kadimah Flats, Jerusalem, Friday,
20 June 1947 at 9.15 p.m.

Present:

- | | |
|--------------------------|-------------------------------|
| Chairman : Mr. Sandstrom | (Sweden) |
| Mr. Hood | (Australia) |
| Mr. Rand | (Canada) |
| Mr. Pech | (Czechoslovakia) |
| Mr. Garcia Granados | (Guatemala) |
| Sir Abdur Rahman | (India) |
| Mr. Entezam | (Iran) |
| Mr. Spits | (Netherlands) |
| Mr. Garcia Salazar | (Peru) |
| Mr. Fabregat | (Uruguay) |
| Mr. Simich | (Yugoslavia) |
| Secretariat: Mr. Hoo | (Assistant Secretary-General) |
| Mr. Garcia Robles | (Secretary) |

The CHAIRMAN called the meeting to order at 9.15 p.m.

Adoption of the Agenda

The Agenda was adopted.

Consideration of Matters Relating to the Work of the Committee in Palestine.

The CHAIRMAN informed the Committee that Sub-Committee One on the Itinerary of Visits had submitted its recommendations (document A/AC.13/SC.1/2) and invited members to express their views on them.

Mr. HOOD (Australia) pointed out that the itinerary was on the long side, and suggested that the Sub-Committee might revise the itinerary with a view to abbreviating it.

SIR ABDUR RAHMAN (India) proposed, as a time-saving device, to combine in one day the visit to Jaffa and to Tel Aviv, and to suppress the one-day visit to the Jewish community in the Negeb.

Mr. GARCIA GRANADOS (Guatemala) pointed out that Tel Aviv and Jaffa were the two most important Jewish and Arab centres in Palestine, and that

they could not properly be visited in one day. He added that if delegates were to understand the problem of Palestine it was essential to make a thorough visit of the country. If necessary, the Committee should prolong its stay in Palestine.

The CHAIRMAN stated that the Committee should have due regard to the feelings of the population and that therefore a whole day should be spent in both Jaffa and Tel Aviv. The Committee should also visit the Jewish settlement in the Negeb since this had an important bearing on the Palestine question.

Several alternate delegates, as members of Sub-Committee One, intervened in the debate and informed the Committee that the Sub-Committee was in unanimous agreement on all aspects of the itinerary as finally drafted with the exception of the two days proposed for separate visits to Jaffa and Tel Aviv, which had been approved by majority vote. Mr. Bunche, as Chairman of Sub-Committee One, explained that the liaison officers had maintained strongly that it was impossible to visit Jaffa and Tel Aviv together in one day.

SIR ABDUR RAHMAN (India) raised the question of a possible visit by the Committee to Beirut, Amman and Damascus in order that delegates might acquire the necessary background to enable them to reach decisions on the Palestine question.

The CHAIRMAN stated that a visit to the neighbouring Arab countries had wide implications, and that it would be better to postpone discussion on this question until it had received careful consideration.

Mr. ENTEZAN (Iran) pointed out that this was a serious question not to be decided upon lightly. Before visiting the Arab countries, it would be necessary first to consult their governments and explain to them the purpose of the visit.

The CHAIRMAN proposed that the question of a visit to Arab countries should be examined at a later stage.

DECISION:

The Committee unanimously agreed to postpone consideration of visits to Arab countries to a later date.

The CHAIRMAN enquired whether the Committee desired to refer back to Sub-Committee One the question of the itinerary from Friday, 27 June, to Thursday, 3 July, or whether it approved the whole of the proposed itinerary.

DECISION:

The Committee unanimously approved the itinerary for the period 21 June to 3 July inclusive as recommended by Sub-Committee One (document A/AC.13/SC.1/2).

Sub-Committee to Study Statements and Requests for Hearings

The CHAIRMAN informed the Committee that it was advisable to appoint a Sub-Committee to study the statements submitted to the Committee and to suggest which persons and organizations should be heard by the Committee. He suggested that the delegates for the Netherlands and Yugoslavia, together with Mr. Hoo, should be the members of this Sub-Committee.

A brief discussion took place as to whether members of the Committee, other than those mentioned by the CHAIRMAN, could join the Sub-Committee at any time they wished, or whether they should express their desire of joining the Sub-Committee before it began its work.

SIR ABDUR RAHMAN (India) supported the first view and was supported by Mr. HOOD (Australia). Mr. ENTEZAN (Iran) favoured maintaining the decision reached in the Third Meeting (A/AC.13/SR.3), namely, that any member of the Committee might participate in the work of any Sub-Committee, and considered that no formal decision should be taken now which might affect future cases.

The CHAIRMAN enquired if there were any delegates who wished to join the Sub-Committee. Mr. HOOD (Australia) and Mr. FABREGAT (Uruguay) declared that they so wished.

DECISION:

The Committee agreed to set up a Sub-Committee composed of the delegates of the Netherlands, Yugoslavia, Australia and Uruguay, together with Mr. Hoo, to study the statements submitted to the Committee and to suggest which persons and organizations should be heard by the Committee.

Consideration of Letters from Parents and Relatives of Jews Sentenced to Death

The CHAIRMAN invited the Committee to resume discussion on the letters from the parents and relatives of the three Jews sentenced to death for an act of sabotage. He urged members of the Committee to be very careful in what

/they

they said about such a very delicate matter.

The CHAIRMAN reported that he had a private talk with the High Commissioner who had pointed out some features which were not known to the Committee at its previous discussion. One was that after the Special Session of the General Assembly had made its plea* there had been thirty-four or thirty-five British soldiers killed in Palestine by the Jewish underground. Again, there had to be taken into consideration the feeling of the British soldiers who had to perform a heavy duty under strained conditions, as well as the sentiments of the relatives of those soldiers who had been killed. The CHAIRMAN believed such aspects showed how delicate the matter was and how difficult it was to take any stand on the question.

SIR ABDUR RAHMAN (India) asked whether the Chairman had made himself clear when talking to the High Commissioner that he was doing so in his individual capacity and the CHAIRMAN indicated that this had been made perfectly clear.

Mr. GARCIA GRANADOS (Guatemala) said that he had learned from two newspapermen that they already knew of the visit of the Chairman to the High Commissioner, and of course had inferred the purpose of the visit. One of them told him that he thought it was through British sources that the leakage had come. He wished to make clear that he thought none of the members spoke of the matter. Newspapermen always seem to find out what had happened.

The CHAIRMAN said he had not in mind any suspicion against any member. He only wanted to stress the caution that must be taken in a matter like this. He proposed saying as little as possible about any answers which the Committee might make to the letters received.

SIR ABDUR RAHMAN (India) expressed the hope that if the Committee took the view it was not competent to interfere, then all it need say was that the matter was beyond its competence.

The CHAIRMAN said he thought there was a means of getting round the legal aspect. The Committee might perhaps agree to draw the attention of the parents and relatives to the fact that the legal means at their disposal had not been exhausted.

/Mr. GARCIA GRANADOS

*Resolution of 79th Plenary Meeting of 15 May 1947 (document A/309).

Mr. GARCIA GRANADOS (Guatemala) recalled the statement of the Chairman that legal means were at their disposal. He did not know much about Palestine law, but he had been told by a well-informed newspaperman that there was absolutely no legal means at their disposal.

The CHAIRMAN said that there were legal means. They could make an application for habeas corpus, against which there would be an appeal, as had happened in another case. Such a course would carry the matter over until the Committee had finished its work.

Mr. GARCIA GRANADOS (Guatemala) asked if the Committee could be certain as to the existence of legal means. The Chairman had been told by the Chief Justice of the Government of Palestine that they existed; he himself had been advised to the contrary. Would it not be proper to appoint a sub-committee to make a study of the matter?

The SECRETARY stated that the letters had been delivered to him by hand by Mr. Asher Levitsky, who, when asked if the matter were extremely urgent, had given him to understand that it could wait for some days because there was the possibility of an appeal.

The CHAIRMAN stated that the Committee had received since the last meeting one telegram and two letters to the same effect as the letter from the parents and the relatives.

Mr. ENTESAN (Iran) said that it appeared to him, as he read the letter addressed by the parents and relatives of the condemned men, that they had no doubt that the Committee was not competent. They had asked the Committee simply to use their "good offices" with the authorities: they did not ask for intervention. He therefore suggested that, if it were decided to send an answer, the answer should state that the Committee was not competent to intervene, but that for humanitarian reasons, the Chairman had had a talk with the legal authorities who had given certain information. This information would then be communicated. In this manner the Committee would be taking no legal stand; it would be simply communicating to the parents and the relatives what the authorities told the Chairman.

The CHAIRMAN said that such a course was not practicable. The

letters asked the Committee to use their good offices and the proposal did not meet this requirement nor could he make public his private conversation with the High Commissioner.

Mr. ENTEZAI (Iran) said that what he had had in mind was that the Chairman should communicate to the parents the information regarding legal appeal possibilities--habeas corpus, for example.

Mr. FABREGAT (Uruguay) expressed the view that the question did not have to be resolved from a legal point of view. He believed that the Committee was now very well placed to take a decision: which was to ask indulgence or clemency for the condemned men. The Committee was confronted with one very serious piece of reality, namely, what answer should be given to the parents and relatives of the condemned persons. When the Committee said that it was not competent, the problem nevertheless became a public one. The Committee was trying to keep the matter secret, but all the newspapers today were aware that it was discussing the problem. According to the Resolution of the General Assembly, the Committee was certainly competent to ask that the sentences be commuted, especially as the verdict had been pronounced on the very first day that the Committee met in Palestine. If it must enter into the question of competence, this did not mean that the Committee should simply tell the parents and relatives of the condemned persons that there were legal means open to them. He therefore asked that the problem remain on the agenda of the Committee until a solution had been found. The Committee could and should ask that the sentences be commuted and that clemency be shown.

Mr. SINICH (Yugoslavia) declared that while from a strict juridical standpoint the Committee could not intervene, any overtures which it might make to the authorities in Palestine would be justified in the first place by the task which the Committee had to accomplish. The Committee was charged with making as complete as possible an investigation which perhaps would be the basis for a just and equitable solution of the Palestine problem. Naturally, the Committee could not foresee the consequences of a capital execution in the case of these condemned people, but it was quite enough

to recognize that the crime committed was a political crime and the consequences of the execution might be political. In the actual situation in Palestine these consequences could be very complex and they would perhaps not be of a purely political nature. Why should the Committee forego making any intervention? The British authorities would understand such an intervention and would not act contrary to their wishes or sense of what was possible.

Mr. HOOD (Australia) dealt with the question of competence. The Committee's first duty was the duty to itself. However much the members might be moved by humanitarian motives, their first duty was the standing of the Committee which was a Committee of the General Assembly of the United Nations. This question having once been raised, the Committee could not evade the obligation to make an exposition of its views, and to inform by letter the relatives of these persons of those views. It was also the Committee's responsibility to indicate publicly its opinion. He supported the suggestion that the answer to the letter be a simple statement that the Committee regretted it was not within its competence to intervene.

Mr. GARCIA GRANADOS (Guatemala) asked what the word "competent" meant. Was the Committee a court? Was it a judge acting on a specific law to know if it were competent or not to deal with the case? No: the Committee was a political body. If the Committee addressed itself to the Palestine Government and explained to them that its work would be prejudiced if the executions took place, the Committee would be acting strictly within the Resolution of the General Assembly, and also within its own terms of reference. It would merely be explaining the consequences of the execution.

SIR ABDUR RAHMAN (India) said that the question of competence applied not merely to a judge, but also to the conduct of every human being. Every committee was bound by its terms of reference. It would be going very much beyond the terms of reference if it encroached on a subject which did not fall within the ambit of its decision. How that the

Chairman had in his individual capacity seen the results of his demarches, he hoped that better sense would prevail. Any blame in the matter would rest on the authorities if they acted improperly. It was for them to decide.

Mr. RAND (Canada) noted that there was definitely a difference of opinion, and suggested that the Committee might communicate with the Secretary-General of the United Nations in New York to find out the opinion of his legal advisors.

The CHAIRMAN, replying to Mr. Simich, said that the concern he had expressed had already been placed before the High Commissioner by him. It was obvious to him that the Irgun, and other groups from the time the United Nations made its appeal, ^{had met} observed the truce that was proposed, and what they wanted now was to try to use the Committee to get out of the fire.

Mr. HOO (Assistant Secretary-General) indicated that, according to a press report, Mr. Lie, when asked his opinion on this question, had replied that he had his own opinion but refused to state it because he thought it was for the Committee to decide.

The CHAIRMAN said that an objection to Mr. Rand's suggestion was that it was very difficult to take a definite standpoint in this question without knowing the exact situation on the spot.

If the Committee made a public appeal it might put the Palestine Government in a worse situation and get itself into difficulties. He emphasized further that the High Commissioner had not yet made a decision on the matter, which had not yet been brought before him. It was the Chairman's feeling that if the Committee let the matter rest, there would not be an execution before it left Palestine.

Mr. GARCIA GRANADOS (Guatemala) pointed out the publicity given to the matter. It would have further publicity, and the Committee could not ignore it. Some members had taken their stand and might even have to state their personal positions, if it later became necessary. Therefore, he preferred to exchange views and reach a definite decision. He proposed, first, that the Committee should examine the problem again and decide

that it was entitled to ask for mercy. Secondly, that the Committee should reply to the letters indicating that it was considering the problem with the greatest interest and in the hope that the Palestine Government would take into account the Committee's observations--or something along such lines.

Mr. RAND (Canada) moved that a reply be sent by the Secretary to the effect that this matter was receiving the consideration of the Committee, and that further discussion of this matter be taken up at the next meeting.

SIR ABDUR RAHMAN (India) said he would agree to the proposal by Mr. Rand provided that the Chairman's request to the High Commissioner or any step taken by any member with any authority were not disclosed.

The CHAIRMAN said that it would put the High Commissioner and himself in a very awkward position if any disclosure were made.

Mr. GARCIA GRANADOS (Guatemala), explaining his previous statement said that when the matter was decided the attitude of members would be shown in the Committee's records and anybody could see the records.

The CHAIRMAN said the records were not public as it was a private meeting.

Mr. GRANADOS (Guatemala) stated that it had been decided that copies of the record would be sent to the Liaison Officers.

Mr. ROBLES (Committee Secretary) : The decision was that, in general, all documents, even if they were all restricted, would be sent to the Liaison Officers. However, it was always up to the Committee to decide that the document was confidential and in that case it would not be sent to the Liaison Officers.

Mr. ENTEZADI (Iran) supported the proposal put forward by Mr. Rand. He drew the Committee's attention to three procedural possibilities. The first was to reopen discussion on the question of competence. In the second place, the Committee could either leave the letters unanswered or else simply state that it was not competent to act. The third possibility was to reply and state in the answer that the Chairman had had certain

/discussions

discussions with the High Commissioner, indicating the answer that the High Commissioner had given. This last course could only be followed with the consent of both the Chairman and the High Commissioner.

The CHAIRMAN pointed out that the proposal of Mr. Rand contained another element, namely that while the Committee was discussing the matter it should send a letter to the parents and relatives to the effect that the matter was under its attention.

Mr. HOOD (Australia) said he did not object to the latter part of Mr. Rand's motion, but he thought a false impression might be given to the parents of the persons sentenced if at this stage, some four or five days after they had written the letter, the Committee informed them that the matter was under consideration.

The CHAIRMAN said that the best way to proceed was to vote first on the postponement and then on the question as to whether any answer should be given to the parents in the meantime.

Mr. RAND (Canada) said he thought the Committee wished to give some acknowledgement to the letters as a matter of courtesy. He would, however, withdraw the first part if it were the desire of the Committee.

The CHAIRMAN said the proposal was therefore simply to adjourn the debate until the next meeting, and to take no action regarding a reply to the letters.

DECISION:

The proposal was adopted.

Mr. ROBLES (Secretary) enquired if it were the Committee's wish that the summary record of the Ninth Meeting and of the present meeting should be considered as confidential for the time being and therefore not to be distributed to the Liaison Officers.

Mr. GARCIA GRANADOS (Guatemala) agreed on the understanding that, if later it should be publicly stated that there was unanimity in the Committee in deciding that members did not consider themselves entitled to intervene in the case, he reserved the right to make a statement to the press indicating that he did think the Committee entitled to ask for mercy.

Mr. FABREGAT (Uruguay) said he felt the same way as Mr. Granados.

DECISION:

The CHAIRMAN said the matter would be discussed when the contingency arose. The decision now was to keep the record confidential for the time being.

Next Meeting

DECISION:

The next meeting was fixed for Sunday, 22 June, at 9.30 a.m.

The meeting adjourned at 11.15 p.m.
