

SPECIAL COMMITTEE ON PALESTINE

SUMMARY RECORD OF THE TWELFTH MEETING (PRIVATE)

Held at the Y.M.C.A. Building,
Jerusalem,
Sunday, 22 June 1947, at 4 p.m.

Present:

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

Consideration of Letters^{HC} Received by the Chairman

The CHAIRMAN stated that new drafts of the letter^{HC} to the relatives and of the proposal^{HC} to send a communication to the Secretary-General of the United Nations had been distributed to the Members. The Committee had before it two proposals:- one was for some positive action, and the other was for informing the relatives that the Committee was not competent to act on their letter. The text of the draft letter was as follows:

"On behalf of the Special Committee on Palestine I wish to acknowledge receipt of your letter of 17 June 1947 addressed to me as Chairman, concerning the three young men who had been convicted and sentenced to death by the Military Court of Jerusalem on 16 June.

"On grounds relating to the circumstances of the case and the personal conditions of the condemned you request the Committee to use its good offices with the Government and Military authorities to prevent the execution of the youths by procuring a commutation of the death sentence passed upon them.

/"Your

* Document A/AC.13/NC/27 in particular.

** For final text see document A/AC.13/23.

*** For final text see document A/AC.13/24.

"Your letter has been called to the attention of the Committee which has considered it with full appreciation of your anguish.

"I am authorized by the Committee to tell you that it is beyond the scope of the Committee's instruction and function to interfere with the judicial administration in Palestine; but having regard in the circumstances to the task of the Committee, the matter has been brought to the attention of the proper authorities."

The text of the proposal to send a communication to the Secretary-General was as follows:

"In view of the fact that some members of the Committee have expressed concern as to the possible unfavorable repercussions that execution of the three death sentences against Jewish terrorists, pronounced on the day on which the Committee held its first meeting in Jerusalem, might have upon the fulfilment of the task which the General Assembly has entrusted the Committee; and

"Considering the opinion of such members of the scope of the resolution on the Palestine question, adopted on 15 May 1947 by the General Assembly;

"The Committee is in accord that the Chairman bring the matter to the attention of the Secretary-General for communication of the above-mentioned views to the Mandatory Power."

Sir ABDUR RAHMAN (India) suggested that the following words be added in the last sentence of the latter proposal: "if he deems it to be proper".

Mr. GARCIA GRANADOS (Guatemala) opposed the amendment of Sir Abdur Rahman.

Mr. SIMIC (Yugoslavia) objected to the words "some members of the Committee" appearing in the first sentence. The decision, he said, did not depend upon some members but upon the majority. He therefore opposed the present draft.

Mr. LISICKY (Czechoslovakia) proposed that before any vote was taken every member should be consulted to see whether he wished to express concern within the meaning of the proposal under discussion. If there were a majority who shared concern, then the phrase "some members" should be altered accordingly.

Mr. HOOD (Australia), on a point of order, inquired whether the motion presented at the eleventh meeting by Sir Abdur Rahman stating that the Committee had no competence to deal with the matter was

still before the Committee.

The CHAIRMAN stated that there were two questions before the Committee: the first was whether the Committee had competence to interfere, and the second, whether it had competence to bring the matter to the attention of the Secretary-General.

Mr. LISICKY (Czechoslovakia) asked Sir Abdur Rahman whether he would be satisfied if the last sentence of the draft of the letter to the relatives were modified as follows: "I am authorized by the Committee to tell you that it is beyond the scope of the Committee's instruction and function to interfere with the judicial administration of Palestine."

Sir ABDUR RAHMAN (India) replied in the affirmative, adding that he wanted it to be decided that the Committee had no local standing to interfere. After seeking a vote on his motion that the Committee was not competent to intervene, he then agreed not to press his motion if the letter to the relatives were voted on before the proposal to communicate with the Secretary-General.

Mr. FABREGAT (Uruguay) suggested to delete from the last paragraph of the letter the following words "it is beyond the scope of the Committee's instructions and functions to interfere with the judicial administration of Palestine".

Sir ABDUR RAHMAN (India) remarked that in view of the amendment proposed by Mr. FABREGAT, he would have to insist on his previous motion being put.

Mr. HOOD (Australia) proposed deletion of the words in the last paragraph of the letter beginning "...but having regard..." down to and including "authorities".

The CHAIRMAN put Mr. FABREGAT proposal to the vote.

DECISION:

The proposal was rejected: two votes in favour, seven against and two abstentions.

The CHAIRMAN then put to the vote the proposal of Mr. HOOD.

DECISION:

The proposal was rejected: one vote in favour, eight against and two abstentions.

The CHAIRMAN indicated that if there were no further amendments

he would put the text as a whole of the proposed letter to the vote.

DECISION:

The text was approved: eight votes in favour and three against.

Question of Expressing Concern

The CHAIRMAN then called for a vote on the proposal of Mr. Lisicky to determine how many members of the Committee wished to express their concern as a basis for further action by the Committee.

DECISION:

Six members voted in favour of expressing concern, three were against and two abstained.

(The vote was taken by show of hands).

Consideration of Proposal to Send a Communication to the Secretary-General

The CHAIRMAN explained that, in view of the decision just made, the words "some members" in the first sentence of the draft would be changed to "the majority of the members".

Sir ABDUR RAHMAN (India) withdrew his amendment that there should be added the words "if he deems it proper" at the end of the final paragraph.

Mr. HOOD (Australia) proposed three amendments: (1) omission of the second paragraph; (2) that the words "the Committee is in accord" in the last paragraph be replaced by "some members of the Committee..."; (3) that the last paragraph be recast as follows:-

"...that the Chairman bring to the attention of the Secretary-General, for his information, a copy of this minute and the letter in question, requesting him to provide the representative of the Mandatory Power, for his information, with copies thereof".

Mr. GARCIA GRANADOS (Guatemala) proposed as an amendment to the last paragraph that the words "the Committee resolves" replace "the Committee is in accord".

The CHAIRMAN put to the vote Mr. HOOD's first amendment.

DECISION:

The amendment was rejected: two votes in favour, eight against and one abstention.

Mr. GARCIA GRANADOS' amendment was accepted without vote.

Mr. HOOD (Australia), after discussion, said he would not press

his second amendment.

After further discussion during which Mr. HOOD explained the purpose of his third amendment, Mr. LISICKY (Czechoslovakia) suggested the following amendment to Mr. Hood's amendment:

"...that the Chairman convey to the Secretary-General a copy of this minute and the letter received from the relatives of the condemned persons for the communication of the above to the Mandatory Power".

Mr. HOOD (Australia) said he could accept Mr. LISICKY's amendment if the latter would agree to add the words "for the information of the latter" after "Mandatory Power".

Mr. LISICKY (Czechoslovakia) declined to accept the proposed revision.

The CHAIRMAN put Mr. LISICKY's amendment to the vote.

DECISION:

The amendment was carried: seven votes in favour, one against and three abstentions.

The CHAIRMAN proposed the deletion of the words "against Jewish terrorists" as unnecessary in the first paragraph.

Mr. HOO (Assistant Secretary-General) pointed out that the term "terrorists" had not been used officially by the Committee and suggested a drafting change as follows:

"...execution of the three death sentences pronounced by the Military Court of Jerusalem on 16 June, the day on which the Committee held its first meeting..."

The CHAIRMAN put to the vote the revised text* of the Resolution as a whole:

"In view of the fact that the majority of the members of the Committee have expressed concern as to the possible unfavorable repercussions that execution of the three death sentences pronounced by the Military Court of Jerusalem on June 16, the day on which the Committee held its first meeting in Jerusalem, might have upon the fulfillment of the task with which the General Assembly has entrusted the Committee;

and

"Considering the opinion of such members of the scope of the resolution on the Palestine question; adopted on

* Document A/AC.13/24 gives the final text (after minor drafting changes).

May 15th, 1947 (Document A/309) by the General Assembly;

"The Committee resolves that the Chairman communicate to the Secretary-General a copy of this minute and the letter received from the relatives of the condemned persons for their transmission to the Mandatory Power."

DECISION

The text was approved: nine votes for, one against, and one abstention.

Sir ABDUR RAHMAN (India) asked whether a record might be kept of those members who had dissented from expressing concern. He indicated that these had been ^{the representatives} of Canada, the Netherlands and India. The representative of Australia had abstained.

Mr. HOOD (Australia) requested that a short declaration be put on record to the effect that the Australian delegation did not agree with the action resolved by the Committee on the grounds that such action exceeded its competence and functions.

Mr. HOO (Assistant Secretary-General) suggested some minor verbal changes* to the text already approved by the Committee which were accepted.

Press Release

The Committee discussed the communiqué to be given to the press regarding the decisions taken at the eleventh and twelfth meetings.

Mr. HOOD (Australia) asked whether, in the circumstances, the proper practice would be to defer publication of the Committee's decisions until the Secretary-General had received copies.

Mr. HOO (Assistant Secretary-General) explained that though normal diplomatic practice might support Mr. HOOD's view, the practice of committee of the United Nations was generally to publish resolutions adopted by them at once.

DECISION

It was decided to release the text of the press communiqué as read out by the Press Officer.

The meeting adjourned at 6:20 p.m.