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Action

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FROM: NEW YORK

**NAZI WAR CRIMES DISCLOSURE ACT
2000**

Info

TO: Secretary of State

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NO: 1432, JUNE 22, 1960, 10:50 P.M.

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USUN INFORMATION DIGEST NO. 254

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SECURITY COUNCIL -- EICHMANN CASE

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ARGENTINA INTRODUCED IN SC JUNE 22 RESOLUTION OPERATIVE PART OF WHICH WOULD 1) DECLARE THAT ACTS SUCH AS TRANSFER OF EICHMANN TO ISRAEL "MAY" IF REPEATED, ENDANGER INTERNATIONAL PEACE AND SECURITY, AND 2) REQUEST ISRAEL TO "PROCEED TO ADEQUATE REPARATION". PREAMBLE INCLUDED PARA "NOTING" NOTHING IN RESOLUTION "SHOULD BE CONSTRUED AS IN ANY WAY CONDONING HEINOUS CRIMES SUCH AS THOSE OF WHICH EICHMANN IS ACCUSED".

AMADEO (ARGENTINA) TOLD COUNCIL FRONDISI COULD NOT AGREE TO MEETING WITH BEN GURION IN VIEW OF LATTER'S QUITE OBVIOUSLY NEGATIVE ATTITUDE TOWARD ARGENTINA'S JUST CLAIM, AS EVIDENCED BY HIS JUNE 21 STATEMENT ISRAEL NOT RELEASE EICHMANN. MEIR (ISRAEL) REPORTED RECEIPT BY ISRAELI EMBASSY, BRUSSELS OF NOTE VERBALE FROM ARGENTINE EMBASSY STATING SUBMISSION OF ISRAELI NOTE TO UN HAD CHANGED SITUATION AND CONSEQUENTLY "PRESIDENT OF ARGENTINA CONSIDERS THAT MEETING WOULD NOT BE POSSIBLE UNTIL AFTER UN HAS DEALT WITH THIS QUESTION". IF MEETING DID NOT TAKE PLACE, RESPONSIBILITY LAY WITH ARGENTINA, MEIR ASSERTED.

MEIR QUESTIONED SC'S COMPETENCE AND SOUGHT CLARIFICATION OF "ADEQUATE REPARATION". WHILE SUPPORTING ARGENTINA'S POSITION ON SOVEREIGNTY, USSR SCORED ITS FAILURE ARREST AND EXTRADITE EICHMANN. LODGE GENERALLY SUPPORTED ARGENTINA RESOLUTION BUT SUBMITTED TWO AMENDMENTS (CORTEL 1428) DESIGNED IMPROVE IT. UK ENDORSED AMENDMENTS. DISCUSSION TO CONTINUE JUNE 23, WITH POLAND, ITALY, ECUADOR AND FRANCE ON SPEAKERS' LIST.

TWO ISRAELI LETTERS TO SC PRESIDENT (S/4341, 4342) CIRCULATED PRIOR TO MEETING. IN ONE, IT WAS ARGUED ARGENTINE COMPLAINT

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BEYOND SC'S COMPETENCE ON GROUND ARGENTINA DID NOT ALLEGE DISPUTE OR SITUATION WAS ONE LIKELY TO ENDANGER MAINTENANCE OF INTERNATIONAL PEACE. ISRAEL CONVINCED MATTER COULD AND SHOULD BE SETTLED BY DIRECT NEGOTIATION; IT DID NOT SHARE ARGENTINE VIEW RE "FAILURE OF DIPLOMATIC REPRESENTATIONS". IT WAS HOPED EXPLANATIONS GIVEN IN JUNE 7 LETTER FROM PRIME MINISTER BEN GURION TO PRESIDENT FRONDIZI WOULD OPEN WAY FOR AMICABLE AND DIRECT SETTLEMENT.

ISRAEL, LETTER CONTINUED, WITHHELD REPLY TO ARGENTINA'S JUNE 8 NOTE VERBALE IN HOPE DIRECT CONTACT "AT HIGHEST LEVEL" PAVE WAY FOR SETTLEMENT. FINALLY, LETTER NOTED BEN GURION-FRONDIZI MEETING "ARRANGED TO TAKE PLACE IN EUROPE LATER IN THIS WEEK".

SECOND LETTER CONTAINED TEXTS OF ISRAEL'S JUNE 3 NOTE VERBALE TO ARGENTINA AND OF BEN GURION'S JUNE 7 LETTER TO FRONDIZI. BEN GURION'S LETTER EXPRESSED "MOST SINCERE REGRET" FOR VIOLATION OF ARGENTINE LAW, WHILE UNDERSCORING "PROFOUND MOTIVES AND SUPREME MORAL JUSTIFICATION" FOR EICHMANN'S "CAPTURE" AND TRANSFER TO ISRAEL.

PROVISIONAL AGENDA ADOPTED WITHOUT OBJECTION. PRESIDENT TSIANG (CHINA) INVITED ISRAELI FOREIGN MINISTER MEIR TO TAKE SEAT AT COUNCIL TABLE.

--ARGENTINE STATEMENT--

FOLLOWING UNSUCCESSFUL EFFORTS ACHIEVE SETTLEMENT BY DIRECT NEGOTIATIONS, ARGENTINA PLACED MATTER BEFORE SC IN DESIRE AVOID RECURRENCE OF "ACCOMPLISHED FACTS" WHICH WOULD "IRREVOCABLY COMPROMISE" RELATIONS BETWEEN ISRAELI AND ARGENTINE PEOPLES, AMADEO (ARGENTINA) ASSERTED. GOI, HE ARGUED, HAD ASSUMED RESPONSIBILITY FOR ILLICIT ACTIONS OF ITS NATIONALS IN VIOLATING ARGENTINE SOVEREIGNTY.

CONTINUING, AMADEO SAID HE WOULD LEAVE IT TO OTHERS TO ASSESS VALUE OF STATEMENT "ATTRIBUTED TO EICHMANN" CONSENTING TO HIS TRANSFER TO ISRAEL. HOWEVER, THERE WAS NO QUESTION EICHMANN "TRANSPORTED TO ISRAEL BY FORCE". CIRCUMSTANCES SURROUNDING EICHMANN'S ILLEGAL RESIDENCE IN ARGENTINA WERE "COMPLETELY EXTRANEOUS" TO PRESENT CASE, HE HELD, OBSERVING THIS WAS EXCLUSIVELY DOMESTIC MATTER.

SC, AMADEO MAINTAINED, WAS COMPETENT BECAUSE CONFLICT

ENGENDERED SITUATION

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ENGENDERED SITUATION LIKELY TO ENDANGER INTERNATIONAL PEACE. MAIN THREAT TO PEACE RESULTED NOT FROM VIOLATION OF ARGENTINE SOVEREIGNTY BUT FROM "TRANSCENDENTAL VALUE" OF PRINCIPLE VIOLATED. SHOULD THIS PRINCIPLE ("ABSOLUTE RESPECT" FOR SOVEREIGN RIGHTS OF STATES) FALL INTO DISUSE, INTERNATIONAL LAW BE REPLACED BY LAW OF JUNGLE. WHILE HOSPITALITY TO REFUGEES SHOULD NOT SERVE AS PROTECTION OF CRIMINALS, DISTINCTION BETWEEN CRIMINALS AND "ASYLEES" MUST BE DRAWN BY LAW AND BE DECIDED BY AUTHORITY HAVING LEGITIMATE JURISDICTION, HE ARGUED.

ARGENTINA IN NO WAY CLAIMING IMMUNITY FOR CRIMINALS, AMADEO STATED. IT WOULD NOT OPPOSE ANY FORMULA WHICH, "HAVING RESTORED OUR VIOLATED RIGHT", WOULD "PERMIT JUSTICE TO TAKE ITS COURSE". WHAT ARGENTINA COULD NOT ACCEPT WAS THAT EICHMANN'S TRIAL BE DIRECT RESULT OF VIOLATION OF THIS RIGHT. NO PEOPLE MORE REPELLED BY CRIMES ATTRIBUTED TO EICHMANN THAN ARGENTINES, WHO FULLY UNDERSTOOD EMOTIONS ISRAELI PEOPLE, HE ADDED.

SC, MEIR HELD, COULD TAKE ACTION ONLY IN ACCORDANCE WITH ART. 34, WHICH SPECIFIED THAT ONLY LEGITIMATE PURPOSE OF INVESTIGATION MUST BE TO DETERMINE WHETHER CONTINUANCE OF DISPUTE OR SITUATION LIKELY ENDANGER MAINTENANCE OF PEACE. ISRAEL REGARD ANY RESOLUTION NOT IN CONFORMITY WITH THIS RULE AS ULTRA VIRES. GOI, SHE SAID, RECOGNIZED THAT PERSONS WHO TOOK EICHMANN FROM ARGENTINA TO ISRAEL "BROKE LAWS OF ARGENTINA", AND ISRAEL HAD APOLOGIZED FOR THIS. HOWEVER, "THIS ISOLATED VIOLATION OF ARGENTINE LAW" MUST BE SEEN IN LIGHT OF EXCEPTIONAL CHARACTER OF CRIME ATTRIBUTED TO EICHMANN AND OF MOTIVES OF THOSE WHO APPREHENDED HIM.

ELABORATING ON EICHMANN'S ROLE IN HITLER'S "MONSTER MACHINE OF DEATH AND TORTURE" OF JEWS, MEIR HELD THAT DELAY IN BRINGING EICHMANN TO JUSTICE WAS "GRAVE HISTORIC INJUSTICE". SHE EMPHATICALLY DENIED ISRAEL VIOLATED OR INTENDED TO VIOLATE ARGENTINA'S SOVEREIGNTY. ARGENTINA WAS "IN ERROR" IN NOT ACCEPTING ISRAEL'S EXPRESSION OF APOLOGY, SHE HELD.

CONTINUING, MEIR SAID SHE WAS AT LOSS TO UNDERSTAND HOW SC COULD BE EXPECTED TO REACH SO FAR-REACHING A FINDING AS WAS IMPLICIT IN ARGENTINE STATEMENT. WHILE NOT TAKING STAND ON RESOLUTION, SHE ASKED MEANING OF EXPRESSION "ADEQUATE REPARATION", SO SC MEMBERS WOULD KNOW WHAT THEY WERE BEING ASKED TO VOTE FOR. IN HER OPINION, ISRAEL'S APOLOGY CONSTITUTED ADEQUATE

REPARATION. ISRAEL,

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REPARATION. ISRAEL, SHE CONCLUDED, VALUED ARGENTINA'S FRINDSHIP AND DID NOT BELIEVE QUESTION WAS ONE "THAT SHOULD DIVIDE US ANY LONGER".

--USSR POSITION OUTLINED--

SOBOLEV (USSR) STRESSED EICHMANN WAS NAZI WAR CRIMINAL WHO HAD COMMITTED "HORRIBLE CRIMES AGAINST MANKIND". HE WAS AMONG THOSE WHO WERE TO BE TRIED IN ACCORDANCE WITH DECLARATIONS OF ALLIED POWERS OF DEC. 18, 1942 AND OCT. 30, 1943. LATTER DECLARATION APPROVED BY 1945 I-A CONFERENCE, WHICH AGREED THAT AMERICAN REPUBLICS SHOULD NOT ACCORD ASYLUM TO NAZI WAR CRIMINALS. MOREOVER, FIRST GA CALLED ON ALL GOVERNMENTS TO ARREST AND EXTRADITE THESE CRIMINALS. ALL THESE DECLARATIONS AND DECISIONS REMAINED IN FORCE, HE HELD.

"WITH DIRECT TOLERATION OF WESTERN POWERS", MANY WAR CRIMINALS SUCCEEDED IN ESCAPING JUST PUNISHMENT, SOBOLEV CHARGED, ADDING SOME OF THEM, "AS IS WELL KNOWN", FOUND REFUGE ON ARGENTINE TERRITORY. ARGENTINE GOVERNMENT, BY FAILING TO TAKE MEASURES FOR EICHMANN'S TIMELY ARREST AND EXTRADITION HAD NOT ACTED IN ACCORD WITH ABOVE-MENTIONED DECLARATIONS AND DECISIONS, HE SAID.

SOBOLEV WENT ON TO ELABORATE CHARGE THAT MANY WAR CRIMINALS OCCUPYING LEADING POSTS IN FEDERAL REPUBLIC OF GERMANY AND NATO, AND THAT THEIR ACTIVE "REVANCHIST" EFFORTS LEADING TO RESURGENCE OF FASCISM AND CREATING THREAT TO PEACE. USSR SUPPORTED ARGENTINE POSITION ON QUESTION OF SOVEREIGNTY, HE SAID, ASSERTING VIOLATIONS OF SOVEREIGNTY INADMISSIBLE AND COULD NOT BE JUSTIFIED IN ANY CASE.

--LODGE'S STATEMENT--

SC ACTION SHOULD BE GUIDED BY FOLLOWING CONSIDERATIONS, LODGE BELIEVED: 1) NOTHING SHOULD BE SAID OR DONE WHICH FURTHER COMPLICATE RELATIONS BETWEEN ARGENTINA AND ISRAEL; 2) INTER-NATIONAL LAW AND PRACTICES MUST BE UPHELD; 3) MATTER COULD NOT BE CONSIDERED APART FROM MONSTROUS ACTS WITH WHICH EICHMANN CHARGED. IN VIEW OF EICHMANN'S RECORD, US COULD WELL UNDERSTAND SENTIMENTS OF ISRAELI PEOPLE. US ALSO UNDERSTOOD ARGENTINA'S CONCERN THAT ITS SOVEREIGN RIGHTS BE RESPECTED.

WHILE ARGENTINE RESOLUTION APPEARED TO MEET CONSIDERATIONS HE HAD OUTLINED, LODGE PROPOSED TWO AMENDMENTS: ADDITION

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OF FIFTH PREAMBULAR PARA CITING CONCERN OF PEOPLE IN ALL COUNTRIES THAT EICHMANN SHOULD BE BROUGHT TO APPROPRIATE JUSTICE; 2) ADDITION OF THIRD OPERATIVE PARA EXPRESSING HOPE "TRADITIONALLY FRIENDLY RELATIONS BETWEEN ARGENTINA AND ISRAEL WILL BE ADVANCED". LODGE REPUDIATED SOBOLV'S INFERENCE THAT TOTALITARIANISM EXISTED IN NATO.

DIXON (UK) SAW NO CONFLICT IN RESPECT OF PRINCIPLES. KIDNAPING OF NATIONAL OF ONE STATE FROM ANOTHER STATE WAS ILLEGAL ACT. HOWEVER, IT WOULD BE WRONG FOR COUNCIL TO UNDERESTIMATE FEELINGS OF JEWISH PEOPLE. UK, HE SAID, REMAINED CONVINCED DIRECT NEGOTIATIONS BEST WAY SETTLE EXISTING DIFFERENCES. ARGENTINE DRAFT, AS IT RELATED TO SOVEREIGN RIGHTS, CORRESPONDED TO UK VIEWS. HOWEVER, DRAFT SHOULD BE MODIFIED TO BRING OUT MORE CLEARLY REPULSION "WE ALL FEEL" AT EICHMANN'S CRIMES, HE SAID, ENDORSING US AMENDMENTS.

TRUSTEESHIP COUNCIL -- RUANDA-URUNDI, ORAL HEARING

REPLYING TO RWAGASANA (RUANDA-URUNDI), CLAEYS-BOUUAERT (BELGIUM) TOLD COUNCIL JUNE 22 PETITIONER WAS POLITICIAN, WHO MADE TENDENTIOUS CHARGES. INDIA, BURMA AND CHINA INTERROGATED AA REPRESENTATIVES ON ECONOMIC, SOCIAL AND EDUCATIONAL CONDITIONS IN RUANDA-URUNDI.

RWAGASANA SAID HE WAS AFRAID HE MIGHT BE ARRESTED IF HE RETURNED TO RUANDA-URUNDI. HE EXPRESSED HOPE HIS PARTY (UNAR) BE INVITED TO PARTICIPATE IN ROUND-TABLE CONFERENCE. HE STRONGLY OPPOSED SEPARATION OF RUANDA AND URUNDI AS VIOLATION OF TRUST AGREEMENT.

POLISH REPRESENTATION

POLAND'S NEW PERMANENT UN REPRESENTATIVE LEWANDOWSKI PRESENTED CREDENTIALS TO SYG JUNE 22.

UN MEETINGS

FOLLOWING UN MEETINGS SCHEDULED JUNE 23:

A.M. - UN JOINT STAFF PENSION COMMITTEE
GROUP OF EXPERTS ON GEOGRAPHICAL NAMES
SECURITY COUNCIL

TRUSTEESHIP COUNCIL

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TRUSTEESHIP COUNCIL
DRAFTING COMMITTEE ON TANGANYIKA

P.M - UN TIN CONFERENCE - EXECUTIVE COMMITTEE (CLOSED)
TRUSTEESHIP COUNCIL
STANDING COMMITTEE ON ADMINISTRATIVE UNIONS

LODGE

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