

United Nations Fact-Finding Missions in the Field of Human Rights

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During the last four years, the United Nations has made considerable use of fact-finding missions to investigate and report on alleged violations of human rights. Before 1967, only spasmodic use was made by the World Organization of investigating groups as a means of protecting individuals from invasions of fundamental freedoms. The first of these missions was established as early as 1951 to investigate the question of forced labour, but the second United Nations fact-finding group was not set up until 1963. In that year, a United Nations mission went to South Vietnam to investigate alleged persecutions of Buddhists by the South Vietnamese government. It was not until 1967 that fact-finding became firmly established as a technique assisting in the international protection of human rights. Since that time, fact-finding missions have been set up to investigate South Africa's apartheid practices and to examine charges that Israel has violated the human rights of the citizens of the territories it occupied as a result of the June 1967 Middle East War.

The establishment of these missions marks a significant development in the measures adopted by the United Nations in the field of human rights. Previously, the Organization had not been actively involved in attempting to redress situations concerning human rights violations.

The United Nations Charter does not define human rights and speaks in vague terms of "assisting in the realization of",¹ "promot(ing)",² and "encourag(ing) respect for human rights".³ It does not call upon States to "protect" or "safeguard" or "guarantee" human rights.⁴ These words have provided a convenient refuge to States not wishing to remedy particular violations or to implement specific human rights at the national level. It is Article 2 para 7 of the United Nations Charter which has, however, proved to be the greatest legal and political impediment to effective international implementation of human rights. This Article reads:

"Nothing . . . in the . . . Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter."

This provision has been an almost insurmountable obstacle to United Nations' efforts to deal with relations between individuals and their governments. It enshrines the traditional legal view that questions concerning human rights and fundamental freedoms fall exclusively within the domain of national states and accordingly are outside the province of other nations and international bodies. Governments are also reluctant to damage political

relations with another State by formally charging that State with violating the rights of its own citizens.

As a result of these Charter limitations, and a 1947 self-denying resolution of the Economic and Social Council which stated that "the Commission on Human Rights has no power to take action on individual human rights complaints,"⁵ the Organization has played a fairly passive role in this area. It has largely concerned itself with defining human rights and codifying international norms and standards in the form of Declarations and Conventions which serve as a common standard of achievement for all States. The States which become parties to such Declarations and Conventions indicate their willingness to adhere to those standards. In all, nineteen international instruments dealing with such diverse matters as: slavery, the political rights of women, status of refugees and stateless persons, and the non-applicability of statutory limitation to war crimes and crimes against humanity, have been adopted by the United Nations. The ultimate objective of the Organization is the implementation of those standards at the national and local levels where they can be enjoyed and exercised by the people concerned.⁶

In order to determine whether human rights have been violated either at the national or international level, it is essential that all the known and relevant facts are produced for examination and interpretation. The examining body, be it a court, administrative tribunal, or other national or international organization must, in order to fulfil its functions adequately, have before it an accurate and unprejudiced account of all the pertinent social, political and legal facts concerning the problem. Because problems relating to human rights invariably impinge on the most delicate sector of any State's constitutional framework and involve relations between a government and its citizens, a political as well as a legal solution is often required. An objective recital of the facts can serve as a basis for both political and legal decisions.

It is axiomatic that facts are not constant but relative and the same set of facts may appear to be quite different to two different persons. Parties to disputes over human rights may also not attach the same significance or importance to the facts relevant to the dispute and there are generally few facts in such situations that can be scientifically proven beyond reasonable doubt.

Two main issues are involved in establishing any fact-finding group. The first concerns the purposes for which the group will be used and the second, the type of functions it will be called upon to perform. If the facts found by the group are solely to be used for propaganda purposes and to support generally pre-conceived political views on the situation investigated, then fact finding will be of limited usefulness. Far greater value would be obtained should the mission's work constitute the basis of a political or legal solution to those problems examined.⁷ The functions of the group hinge on its terms of reference—is it to give only an historical recital of the facts and thus make no more than a descriptive judgment of those facts, or, will it also be called upon to make an evaluation of those facts and thus perform a quasi-judicial function? These are policy decisions to be made by the establishing organ. Each of the fact-finding groups established by the United Nations in this field has been empowered to evaluate the facts it received.

In 1951, the first United Nations fact-finding mission in the area of human rights was established to investigate the question of forced labour as a means of political coercion or punishment for holding or expressing political views.⁸ A special committee of three experts was appointed jointly by the Secretary-General and the Director-General of the International Labour Office.

Forty-two governments replied to a questionnaire sent out by the Committee. In addition, various non-governmental organizations and individuals submitted material and a number of representatives of those organizations were heard. Summaries of the allegations on forced labour concerning some 24 countries were prepared and sent to the governments concerned for their comments.

In its final report to the Governing Body of the ILO,⁹ the Committee said its inquiry revealed that forced labour was being used (a) as a means of political coercion or punishment for holding or expressing political views, and (b) for important economic purposes. The Committee also noted that its inquiry showed the existence of facts relating to systems of forced labour of so grave a nature that they seriously threatened human rights and jeopardized the freedom and status of workers in contravention of the obligations and provisions of the United Nations Charter.

The governing body of the ILO then appealed to all governments which maintained a system of forced labour to re-examine their laws and administrative practices with a view to ending that system.¹⁰ After 1953, no further allegations concerning forced labour in the countries concerned were received by the ILO.

A period of twelve years elapsed before the next United Nations fact-finding mission in the field of human rights was established. In 1963, a mission was sent to South Vietnam by the President of the General Assembly to enquire into allegations that the South Vietnamese government was persecuting Buddhists and depriving them of religious freedom. This step was taken at the invitation of the President of South Vietnam, Ngo Dinh Diem, but without the express authority of the General Assembly. During the mission's visit, the Diem regime was overthrown and this, in part, led to the failure of any United Nations body, including the General Assembly, to take any action on the report of the mission.¹¹

This was a somewhat abortive attempt by the Organization to investigate a situation concerning alleged specific violations of human rights. Nevertheless, a precedent had been set and, in 1967, another fact-finding body was established by the United Nations.¹² Each year since then the Human Rights Commission has set up¹³ a Special Group of Experts to investigate alleged gross and systematic violations of fundamental rights and freedoms occurring in South Africa. The first group of experts was specifically empowered to enquire into and report on the charges of torture and ill-treatment of prisoners or persons in police custody in that country. At each of its subsequent sessions in 1968, 1969 and 1970 the Commission expanded the mandate of the Group to study other alleged violations of human rights occurring not only in South Africa but in other countries of Southern Africa as well.¹⁴

In the aftermath of the Middle East conflict of June 1967, the Commission on Human Rights was also called upon to investigate allegations concerning

human rights violations by Israel in those territories it occupied as a result of the "Six Day War".¹⁵ Both the Human Rights Commission and the General Assembly¹⁶ have established and sent fact-finding missions to the Middle East to investigate those charges. Each mission has submitted detailed and extensive reports¹⁷ to the organ empowering it. As the composition of the Group established by the Commission on Human Rights to investigate conditions in Southern Africa was the same as the Group it sent to the Middle East, and, as their method of operation and procedures followed were essentially the same, it is proposed to examine only the origins, functions and procedures of the "African" Group of Experts.

Origins

The "African" fact-finding mission was commissioned as a result of information supplied to the United Nations alleging that a number of flagrant and fundamental breaches of human rights were occurring in certain States in South Africa. Precise and specific charges were levelled against those countries and in many instances the charges were substantiated by sworn statements of persons who complained of particular violations. It was clear that the majority of the Member States in the Commission on Human Rights were deeply concerned about these allegations and desired that the grievances which had been expressed should be remedied.

In the case of South Africa, the establishment of the first of the fact-finding groups was largely precipitated by a communication¹⁸ to the Human Rights Commission from the Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of South Africa. The Chairman called on the Commission to carry out an international investigation of charges of torture and ill-treatment in South African prisons of prisoners and other persons in police custody, particularly the numerous opponents of apartheid who had been imprisoned under arbitrary laws.

The Apartheid Committee's documented request for an investigation concerning South Africa was the impetus needed by the Commission on Human Rights, for it was thus able to establish a fact-finding mission to look into particular violations alleged to be occurring in South Africa and to pinpoint specific charges substantiated by sworn statements.

United Nations Capacity to Establish Fact-Finding Missions

In the debates that preceded the Commission's setting up the first of the expert groups, several States questioned the competency of the Commission to deal with matters which they considered fell squarely within the domestic jurisdiction of the State concerned (South Africa) and they cited Article 2.7 of the Charter.¹⁹ The States favouring the establishment of the Expert Group noted that one of the aims of the United Nations is "to reaffirm faith in fundamental human rights in the dignity and worth of the human person, in the equal rights of men and women . . .".²⁰ They pointed out that since South Africa was a member of the United Nations it had agreed to abide by the terms of the Charter commitments including the Preamble and Articles 55 and 56. Article 55 provides:

" . . . the United Nations shall promote:

(c) universal respect for, and observance of, human rights and fundamental freedom for all without distinction as to race, sex, language or religion."

Under Article 56:

"... All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

The view taken by those States favouring the setting up of the Group was that the Charter and the numerous measures adopted by the United Nations relating to the protection of fundamental human rights had ceased to be a question essentially within the domestic jurisdiction of States and that therefore Article 2 para 7 did not apply. Some countries also indicated that what was occurring in South Africa represented a threat to international peace and security and that this represented an exception to the basic rule contained in Article 2 para 7.

South Africa opposed the sending of any fact-finding group. During debate in the Commission, the Observer for South Africa said that it would be an unprecedented occurrence for such an investigating body to be allowed to enter South African territory and that his Government believed that Article 2 para 7 of the Charter was applicable in those circumstances.²¹ South Africa has not in fact cooperated with the fact-finding groups nor has it allowed them entry into South Africa to make on-the-spot investigations.

The terms of reference of the Commission on Human Rights are not prescribed by the Charter. Under Article 68, the Economic and Social Council is empowered to set up a Commission for the promotion of human rights and this was one of its earliest tasks. The General Assembly at its 21st Session, by resolution 2144(XXI) asked the Commission to "give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur". Some States took the view that this Assembly resolution merely empowered the Commission to recommend measures to other bodies, while others were of the opinion that the text gave the Commission the necessary authority to adopt specific measures itself in the event of violations of human rights.²²

The Economic and Social Council, as early as 1946,²³ had authorized the Commission to:

"... call in *ad hoc* working groups of non-governmental experts in specialized fields or individual experts without further reference to the Council, but with the approval of the President of the Council and the Secretary-General."

To those States supporting the establishment of the Group, this Council resolution also provided an additional juristic basis for setting up the fact finding group of experts.

Composition of the Group

The resolution²⁴ establishing the group authorized the Chairman of the Commission on Human Rights to appoint "an *ad hoc* Working Group of Experts composed of eminent jurists and prison officials". The Chairman named five members to constitute the Group although there was no indication in the resolution as to how many members should be appointed. A proposal by the United Republic of Tanzania to establish a group of "nine governmental experts on the basis of equitable geographical distribution"²⁵ was not accepted by the Commission. In the selection of experts to fill the posts on the Group, the Chairman of the Commission did, in fact, take

into account the principle of broad geographical distribution and a representative of each of the Western, Socialist, African and Latin American States was appointed. The Asian States renounced their seat for a Second African Member. The members chosen were also selected only from States represented on the Human Rights Commission and the following five were appointed:

Ibrahim Boye, *Procureur General*, Permanent Representative of Senegal to the United Nations (Senegal) (Chairman)

Felix Ermacora, Professor of Public Law at the University of Vienna (Austria)

Branimir Jankovic, Professor of International Law, University of Belgrade (Yugoslavia)

Luis Marchand-Stens, Professor of International Law, Embassy of Peru at Washington DC (Peru)

Waldo Emerson Waldron-Ramsey, Barrister-at-law and Economist, Counsellor of the Permanent Mission of the United Republic of Tanzania to the United Nations (Tanzania)

The composition of the Group was subsequently²⁶ expanded to include an Asian member, N N Jha, First Secretary of the Permanent Mission of India to the United Nations.

The competence and qualifications of the Group are not in question; what may be called into question is their independence and impartiality. Three of the six members were full-time diplomatic representatives of their States, enjoying the powers and privileges of their offices and for that reason it is difficult to believe that they were truly independent from the directions of their governments. The question of their impartiality to the issues they investigated is also a delicate one. At least three members of the Group, both before and after their appointments, made strong and critical statements concerning the racial policies of South Africa, Portugal and Southern Rhodesia. No assumption can thus be made that a completely unbiased investigation of the facts was made by the Group.

Mandate of the Group

The original mandate of the Group was simply to investigate charges of torture and ill treatment of persons in police custody in South Africa. In 1968, the Commission extended the Group's terms of reference to investigate similar charges in Namibia (formerly the territory of South West Africa), Southern Rhodesia and Portuguese-administered African territories.²⁷ That same year, the Economic and Social Council²⁸ also extended the Group's mandate in the field of trade union rights to include allegations of infringements of these rights not only in South Africa but also in Namibia and Rhodesia. A substantial enlargement of the Group's mandate was again made by the Commission in 1969.²⁹

The Commission empowered the Group to look into the question of capital punishment in Southern Africa, the treatment meted out to political prisoners as well as to captured freedom-fighters in Southern Africa, and to investigate conditions of Africans in the "Transit Camps", as well as on the so-called "Native Reserves" in South Africa, Namibia and Rhodesia. The Group was also called upon to further investigate the "grave manifestations" of apartheid in South Africa which the Group had noted in its

1968 report to the Commission and to extend that investigation to cover colonialism and racial discrimination in Namibia, Rhodesia, and the Portuguese colonies of Angola, Mozambique and Guinea (Bissau).

A preliminary report on these matters was submitted to the Commission at the end of 1969 when the Commission also requested³⁰ the Group to study, from the point of view of international law, the question of apartheid which had been declared a crime against humanity.³¹

Method of Operation

The way in which the fact-finding group in 1970 proceeded largely followed the procedures it had developed since 1967.

In order for the Group to carry out its tasks in the fields, the question of working relations between the Group and the States to be visited had to be clearly determined. The Secretary-General sent a *note-verbale* to all United Nations Member States advising them of the Group's terms of reference and requesting them to transmit the names and addresses of people or organizations living in their territories who would be prepared to give information either orally or in writing to the Group. South Africa and Portugal again refused the Group permission to enter their territories.

Austria, Belgium, Ethiopia, the Democratic Republic of the Congo, the People's Republic of the Congo, Senegal, the United Kingdom, Tanzania and Zambia offered their cooperation and these were the States visited by the Group in 1970.³² Meetings were also held in New York and Geneva. A total of 146 witnesses were heard by the Group during the course of the year.

The procedural rules adopted by the group were of paramount importance for the effectiveness of its work. The hearings had all the outward trappings of a judicial inquiry. During the sessions, the members of the Group sat together facing each witness who, after giving his name, age and profession was invited to take an oath or to make a solemn declaration. This requirement was adopted to give greater credence to the testimony received and to help impress upon witnesses the significance of their statements. The formulae proposed were:

"I swear to tell the truth, the whole truth, and nothing but the truth."

or

"I solemnly declare, in all honour and conscience, that I will tell the truth, the whole truth, and nothing but the truth."

The Chairman explained to each witness the purpose of the investigation being conducted by the Group and asked him if he wished to make a statement. After hearing the witness's statement, each member of the Group was given an opportunity to ask questions. In some cases, the witness neither spoke nor understood either of the two working languages (French and English) and the Group had recourse to the services of locally recruited interpreters. These interpreters either took an oath or solemnly declared that they would do their utmost to interpret accurately the statements made at the meetings.³³

The Group also visited areas in Senegal and the Democratic Republic of the Congo to hear evidence from hospitalized victims of Portuguese bombardments or persons from the Portuguese-ruled territories who had taken refuge in the neighboring countries of Senegal and Congo-Brazzaville.³⁴

Three hearings were conducted *in camera* after witnesses had indicated that their families, who lived in one of the States whose policies were under investigation, might suffer as a result of their giving testimony. Otherwise, all sessions were completely open to the public and the news media were encouraged to attend.

Witnesses neither asked for nor were supplied with counsel. All witnesses appeared on a purely voluntary basis without prospect of any material gain. In the case of witnesses who were not resident in the cities visited by the Group travelling expenses were paid by the United Nations. Each of the sessions was tape recorded and all of the testimony recorded and transcribed to serve as the basis of the Group's report.

The Report

In compiling its findings, the Group reported its findings of fact that were received on the basis of direct and personal oral testimony. Hearsay evidence was not included in the report and documentary evidence was incorporated only if it could be substantiated. For instance, details submitted concerning legislation adopted in South Africa could be verified by reference to the appropriate statute.

Because of the sheer bulk of the evidence received from the 146 witnesses, and, in some cases the duplication of testimony, it was not possible to include all of the evidence in the report. In drafting the findings of the Group, some selection therefore had to be made from the numerous examples cited and from the evidence received. The report was principally drafted by the Human Rights Secretariat of the United Nations although the overall responsibility for the report and its conclusions and recommendations rested with the Group's Members.

Conclusion

Fact-finding is not an end in itself but only one means of resolving certain problems and disputes. If those problems and disputes are to be resolved, it is therefore essential that the investigating body should state clearly and explicitly what the problems are, and to express conclusions based upon their findings of fact. The various United Nations investigating groups were specifically authorized to evaluate and comment on the facts they had gathered and to make recommendations for action to be taken in particular cases. Hence, the functions of these groups went beyond that of exposing the atrocities and the measures adopted to perpetuate such policies as racial discrimination. They were performing a role that was judicial in character. The fact that they were performing a judicial role has presented some difficulties. One such difficulty is that as the missions investigating violations of human rights in both Southern Africa (and the Middle East) were denied entry into the areas concerned, and did not receive the support or co-operation of the governments of South Africa, Portugal (and Israel)—the United Nations does not recognize Rhodesia's unilateral declaration of independence from Britain—the information supplied to the fact-finding groups lacks the balance usually found in judicial proceedings.

Although fact-finding may be justified from a purely human rights aspect, it nevertheless becomes ambiguous whenever the State concerned is not willing to cooperate in the fact-finding operation. There must always be

such a State, for the problem of human rights only arises in the relationship between the State and its citizens. If the State concerned is not willing to cooperate—this is true in the case of apartheid and where all apparent ideological East-West controversies concerning human rights are involved—then the enquiry is condemned in advance to lose the character of an objective investigation.³⁵

The detached objectivity and balance that one customarily expects in a judicial enquiry is also not present when the composition of the fact-finding missions is examined. The members, although experts in their own right and drawn from the major political regions of the world have been, generally, neither independent of their Governments nor impartial to the governments whose policies they investigated. It is submitted that in the selection of members of such expert groups, the country whose policies are under review should, as a matter of right (analogous to disputing parties before the International Court of Justice), be entitled to one representative on the panel of experts to ensure that a "resident" expert is included in the panel. It is further submitted that instead of appointing members to those United Nations investigating groups who have been drawn from the members of the Commission on Human Rights, a truly independent and impartial body might be established, for instance from the Chief Justices of the United Nations Member States. A viable alternative might be to select the members from a Panel of Experts nominated by Member States of the Commission on Human Rights.³⁶

In sketching a profile of an "ideal" member for a United Nations fact-finding group to investigate violations of human rights, it is believed he should possess certain clearly recognized qualities. He should be an acknowledged expert in his particular discipline. His training and experience need not be confined to the law but might include any appropriate social science. He should also serve in his personal capacity and not as a representative of his government. Where gross and flagrant violations of human rights occur it is impossible to be completely detached and impartial; however, a more objective and less politicized report of the facts concerning those violations might be made if the reporter was not concurrently a fact-finder and a diplomatic representative of his state.

Because the States in question did not participate in the fact-finding exercise, their views on the situations examined remain largely unrecorded. Those States, as "quasi-defendants", did not avail themselves of the opportunity to question witnesses, produce substantial counter-arguments or permit inspection of the sites where the violations of human rights were alleged to have occurred. This lack of participation by those States and the consequent imbalance in the Groups' reports cannot be blamed on the Groups themselves but rather on the States concerned since they preferred to protect their self-interest behind Article 2.7 of the Charter.³⁷

In United Nations circles, it has long been held that a mere investigation of facts alone does not constitute an intervention in the domestic jurisdiction of any State. Because human rights matters are of such vital significance to all men everywhere, they transcend State borders and can no longer be regarded as being solely within the domestic jurisdiction of any one State.

One aspect of the Groups' activities which cannot be ignored or discounted is the political one. The political element which permeates so much

of the work of the Commission on Human Rights is especially noticeable in States' attitudes to the Group. It is not possible to divorce the political factors from the human rights elements in examining a Group of this kind and its operations and reports have unquestionably served as vehicles to attack politically the States concerned. Despite the politicization of the issues involved and the use of the Groups by certain countries as little more than a propaganda medium, the fact-finding missions have done more than serve only political ends. In addition to substantiating the accusations that South Africa, Portugal and Rhodesia are carrying out gross and systematic violations of fundamental freedoms, they have highlighted the draconic measures taken by those States to perpetuate their discriminating social and political policies.

One of the first witnesses heard by the Expert Group when it investigated complaints concerning prison conditions in South Africa said:

"One feels that if there had been more exposure in the Thirties about the treatment in concentration camps by the Nazis of Jews and political prisoners, the extermination of whole populations in the Forties might possibly have been avoided and that is one of the reasons why one feels strongly that the more publicity given to the illegalities—by any standard of justice—being committed in South Africa today, the more the hand of the Government there and the authorities will be restrained from effecting yet greater crimes against yet larger sections of the South African population. So even if it is not possible to achieve what one would like to achieve—namely, the liberation of these prisoners and the ending of these practices—nevertheless the focusing of attention on what is going on and the exposures of what has been happening are likely to exercise something of a brake on the authorities."⁸⁸

Despite the legal and political limitations inherent in the investigating bodies established to date by the United Nations in the area of human rights, those groups have considerable potential for exposing and resolving problems. Much of their real value lies in baring all of the facts concerned with human rights violations. This cannot be done adequately unless all of the States concerned with the problem are actively participating in the fact-finding mission. To secure objectivity and impartiality all major violations of human rights should be investigated and not merely a selected few. The human rights situations in Haiti, the Sudan, Brazil and Greece, to mention but a few States, all cry out for investigation as well as the countries of Southern Africa and Israel. However, to arrive at a satisfactory judgment concerning those violations proof of their commission is essential and nothing can be proved without an investigation. Once the evidence does establish that violations have in fact occurred, legal and political bodies may take informed positive steps to redress those situations affecting human rights.

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1 Article 13

2 Article 55

3 Article 76

4 See Green, *The United Nations and Human Rights* 1956, p 658.

5 ECOSOC resolution 728F (XXVIII).

6 See *International Protection of Human Rights* (1968) 40.

7 See Ermacora, *International Inquiry Commissions in the Field of Human Rights*. 1 *Droits de l'Homme*, p 180.

8 By ECOSOC Resolution 350 (XII) of 17 March 1951.

9 E/2431 paras 7-547.

- 10 See generally: *United Nations Yearbooks of Human Rights*, 1951, 1952, 1953.
- 11 See: *The Violation of Human Rights in South Vietnam: Report on the Fact-Finding Mission to South Vietnam*. A/5630.
- 12 By resolution 2 (XXIV)
- 13 By resolutions 2 (XXIV) and 8 (XXVI). This Group was also empowered by the Economic and Social Council to carry out a series of investigations on trade union rights and related questions in Southern Africa by resolutions 1216 (XLII), 1302 (XLVI) and 1509 (XLVII).
- 14 For instance, in Southern Rhodesia and in the Portugese territories of Angola, Mozambique and Guinea Bissau.
- 15 By Commission resolution 6 (XXV) of March 1969.
- 16 By resolution 244 3 (XXIII) of 19 December 1968.
- 17 See eg E/CN4/1016 and Add 1-5 for a report concerning the Middle East and E/CN4/1020 concerning Southern Africa.
- 18 Dated 3 February 1967.
- 19 See *Report of the Twenty-third Session of the Commission on Human Rights*. E/CN4/940 para 222
- 20 See Preamble of the United Nations Charter.
- 21 See *Economic and Social Council, Official Records: Forty-Second session—Supp No 6*. Report of the Twenty-Third Session of the Commission on Human Rights. E/CN4/940 para 229.
- 22 See Report of the Twenty-third Session of the Commission on Human Rights E/CN4/940 para 221.
- 23 Resolution 9 (II) of 21 June 1946.
- 24 Resolution 2 (XXIII).
- 25 This proposal (E/CN4/L892/RW1) was defeated by 17 votes to 3, with 11 abstentions.
- 26 By Commission resolution 2 (XXIV)
- 27 Resolution 2 (XXIV)
- 28 By resolution 1302 (XLIV)
- 29 Resolution 21 (XXV) para (3)
- 30 By resolution 8 (XXVI)
- 31 See The Convention On The Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, Article 1.
- 32 See the Report of the Group of Experts, E/CN4/1050, dated 2 February 1971.
- 33 Ibid, p 11.
- 34 Ibid, p 12.
- 35 Ermacora, *International Inquiry Commissions in the Field of Human Rights I Droits de l'Homme* p 180, 204.
- 36 Under the provisions of the Convention on the Elimination of Racial Discrimination, a Committee of "eighteen experts of high moral standing and acknowledged impartiality . . . who shall serve in their personal capacity" (Art 8(1)), has been established.
- 37 Ermacora, *International Inquiry Commissions in the Field of Human Rights, I Droits de l'Homme* p 180, 204.
- 38 See E/CN4/AC22/SR 24, p 20.