THIS FILE TO BE ISSUED ONLY TO OFFICIALS LISTED ON INSIDE COVER.

UNITED NATIONS | **NATIONS UNIES**

Social Matters
Relief and Rehabilitation

FILE NUMBER / NO. DU DOSSIER: SO 534/32

Clear DAL 18/2/16

HUMANITARIAN ASSISTANCE TO THE HUNGARIAN PEOPLE

CONSULTATION WITH EMERGENCY ASYLUM COUNTRIES

YUGOSLAVIA

YUG

PART / PARTIE

FILE BEGINS / DOSSIER COMMENCE LE: Nov 1956

ENDS / TERMINE LE: May '57

DATE	REFERRED TO / TRANSMIS A	ROOM / BUREAU NO.	P. A. / B. F.	DATE	INIT.	DATE	REFERRED TO / TRANSMIS A	ROOM / BUREAU NO.	P. A. / B. F.	DATE	INIT.
8/1	1957 Hamek										

CR. 37 (5-55)

FOR CONNECTED FILES SEE INSIDE COVER
POUR LES DOSSIERS CONNEXES VOIR AU VERSO

CONFIDENTIAL

SO 534/32 YUG

countries where the refugees have expressed the desire to go, with a view to obtaining the required visas for their departure to the respective countries. Until the replies of the governments concerned are received, there does not seem to be any need for requesting the assistance of the United Nations High Commissioner for Refugees with regard to the settlement of the refugees in question in other countries.

The screening of refugees is done exclusively by Yugoslav organs, and all the necessary steps have already been taken for the final solution of this problem on the basis of the freely expressed wish of the refugees.

The Permanent Representative of the Federal People's Republic of Yugoslavia to the United Nations avails himself of this opportunity to renew to the Secretary-General of the United Nations the expression of his highest consideration.

RT:jjz

RECORDS CONTROL
So 534/32 Yugo
14 DEC 1956

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the Federal People's Republic of Yugoslavia to the United Nations and has the honour to acknowledge the receipt of his note dated 13 December 1956.

14 December 1956

Permanent Representative of Yugoslavia
to the United Nations,
Permanent Mission of the Federal People's Republic
of Yugoslavia to the United Nations,
854 Fifth Avenue,
NEW YORK 21, N.Y.

cc. Mr. My. Cohen
Miss A. Cohen

Mr Myrdal

12/XII/56

PERMANENT MISSION
OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA
TO THE UNITED NATIONS
854 FIFTH AVENUE, NEW YORK 21, N. Y.

Refugees

File

No. 1140

SO 534/32 Yug

20 DEC 1956

The Permanent Representative of the Federal People's Republic of Yugoslavia to the United Nations presents his compliments to the Secretary-General of the United Nations and, in view of the interest which the United Nations takes in the problem of refugees from Hungary, has the honour to place at the disposal of the Secretary-General the following information:

An agreement has been reached between the governments of the Federal People's Republic of Yugoslavia and of the People's Republic of Hungary providing for a repatriation to Hungary, on December 7 and 9, of those refugees who have freely expressed their wish to return to that country. 141 persons have expressed their wish to return to Hungary.

As far as the other refugees, whose number at the present moment exceeds 600, are concerned, they will be treated in conformity with their wishes, viz. refugees wishing to emigrate to other countries will be given the possibility to do so, while, at the same time, those wishing to remain in the Federal People's Republic of Yugoslavia will be allowed to remain there.

The Permanent Representative of the Federal People's Republic of Yugoslavia to the United Nations avails himself of this opportunity to renew to the Secretary-General of the United Nations the expression of his highest consideration.

6 December 1956

His Excellency
Mr. Dag Hammarskjold
Secretary-General
United Nations Headquarters
New York, New York

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Mr. Philippe de Seynes, Under-Secretary for Economic and Social Affairs

Date: 12 November 1956

FILE NO. SO 534/32 Yugo

THROUGH:

FROM: Egon Schwelb, Deputy Director, Division of Human Rights

E. S.

SUBJECT: General Assembly resolutions relating to Hungary

I do not know whether the problem is still of importance after your meeting with the Yugoslav delegation this morning.

I have just learned that at a press conference earlier today, the spokesman for the Yugoslav Foreign Office, Mr. Branko Draskovic, was asked whether it was true that Yugoslavia intended to return Hungarian refugees to the Hungarian authorities. He replied that the official Yugoslav standpoint was the opposite of this allegation.

DRAFTER Townley
ESD

REGISTRY FILE COPY

FILE No. So 534/32 Yugo

46 SSS NY 288 12 18517 =

HICOMREF

GENEVA =

186 READ FROM COHEN RALPH TOWNLEY AND ALINE COHN STOP PRIMO HAVE THIS MORNING SPOKEN WITH BRILEJ YUGOSLAVIA AMBASSADOR WHO AFTER REITERATING STATEMENT BY HIS FOREIGN MINISTRY THAT HIS GOVERNMENT WILL NOT POSSIBLY REPATRIATE HUNGARIAN REFUGEES AGREED TO INQUIRE FROM HIS GOVERNMENT THE FOLLOWING COLON ONE HOW MANY =

P2

REFUGEES ARE THERE IN YUGOSLAVIA AND WHAT IS THE RATE OF FLOW SEMICOLON TWO POLICY HIS GOVERNMENT INTENDS TO FOLLOW WITH RESPECT TO CARE AND SETTLEMENT SEMICOLON THREE WHICH ORGANIZATIONS HIS GOVERNMENT WILL DESIGNATE TO HANDLE THE PROGRAMME LOCALLY SEMICOLON AND FOUR WHICH UNITED NATIONS BODY THEY ARE WILLING TO =

P3

DEAL WITH STOP PARA CONSEQUENTLY YOU MAY WISH TO AWAIT REPLY ON THIS BEFORE YOU HAVE FURTHER COMMUNICATION WITH YUGOSLAV GOVERNMENT STOP SUCH A REPLY SHOULD BE RECEIVED BY THE TIME YOU ARRIVE UNATIONS HEADQUARTERS THURSDAY STOP SECUNDO WE WOULD LIKE TO KNOW YOUR GENERAL PLANS FOR IMPLEMENTING YOUR RESPONSIBILITIES =

P4

WITH REGARD TO THE HUNGARIAN REFUGEES STOP PARA DO YOU INTEND TO GO BEYOND CONSULTATION AND ASUME RESPONSIBILITY IN THE FIELD FOR THE COORDINATION OF THIS PROGRAMME QUERY STOP IF AFFIRMATIVE DO YOU HAVE AVAILABLE A SENIOR OFFICER FAMILIAR WITH THIS TYPE OF OPERATION WHO YOU ARE PREPARED TO SEND =

P5

TO VIENNA IMMEDIATELY STOP IF YOU DO NOT HAVE SUCH AN INDIVIDUAL IMMEDIATELY AVAILABLE DO YOU KNOW WHERE ONE CAN BE FOUND ASSUMING WE CAN PROVIDE FUNDS TO COVER HIM STOP WE HAVE A POSSIBLE CANDIDATE STOP PARA WHAT ACTIVITIES ARE YOU UNDERTAKING WITH REGARD TO RESETTLEMENT OF THESE REFUGEES =

P6/38

QUERY STOP IS IT YOUR INTENTION THAT THIS WILL BE HANDLED BY ICEM AND BY VOLUNTARY AGENCIES QUERY STOP DO YOU KNOW WHETHER ICEM HAS FUNDS FOR THIS PURPOSE OR IF NOT CAN GET THEM QUERY STOP =

UNATIONS +

CFM 186 +

UNITED NATIONS
NOV 12 PM 2:57
TELEGRAPH UNIT

DRAFTER Cohen
SSD

REGISTRY FILE COPY

FILE No. S0 5 34/32 Yugo.

BUN60 SSS NEWYORK 65 12 2119EST UNGOVT

HICOMREF

GENEVA (SWITZERLAND) =

188 READ SUBSEQUENT TO TELEPRINTER CONVERSATION WE HAVE BEEN ADVISED BY YUGOSLAV DELEGATION THAT TOTAL NUMBER OF REFUGEES IN YUGOSLAVIA BETWEEN 200 AND 300 SEMICOLON THESE REFUGEES WILL HAVE FREEDOM TO MIGRATE TO THE WEST CMA SETTLE IN YUGOSLAVIA OR RETURN TO HUNGARY IF THEY WISH STOP DELEGATION =

P2/15 =

ADVISED THAT YOU WILL RECEIVE ON TUESDAY REPLY DIRECTLY FROM BELGRADE TO YOUR CABLES =

DESEYNES +

CFM 188 200 300 +

ENCLOSURE

All papers filed beneath this enclosure have been extracted from the files kept by the Office of the Under-Secretary for Relief to the Hungarian People. None of the material has been placed on the Name Index kept by Records Control

So 534/32 Y/6

INFO. COPY

Action To: DESEYNES

File No.

xij So

36 GVA 172 12 1235

HICOMREF NY

12 NOV 1956

HCR 139 REFERENCE SECGEN CABLE 183 PLEASE INFORM DESEYNES IN ACCORDANCE WITH RESOLUTION ADOPTED BY GENERAL ASSEMBLY NINE NOVEMBER READ IS CONSULTING WITH OTTER APPROPRIATE INTERNATIONAL AGENCIES AND INTERESTED GOVERNMENTS WITH VIEW TO AGREEMENTS FOR EMERGENCY ASSISTANCE STOP AS EXPRESSED IN MY CABLE HCR 133 COORDINATING COMMITTEE INCLUDING

P2

AUSTRIAN GOVERNMENT ICEM USEP RED CROSS AND INTERESTED AGENCY REPRESENTATIVES ALREADY WORKING IN VIENNA STOP TOMORROW TUESDAY 13 NOVEMBER READ CALLING HIGH LEVEL MEETING INCLUDING INTERNATIONAL COMMITTEE RED CROSS LEAGUE RED CROSSES ICEM USEP COUNCIL EUROPE WHO AND FOLLOWING VOLUNTARY AGENCIES COLON STANDING CONFERENCE NCWC WCC AJDC ISS LWF YMCA

P3

YWCA WVF WUS APWR TOLSTOY BRETHREN AFSC ENTRAIDE OUVRIERE INTERNATIONALE INTERNATIONAL CONFERENCE CATHOLIC CHARITIES IRC STOP PELT ALSO INVITED STOP OVERALL PLAN FOR EMERGENCY ASSISTANCE BEING WORKED OUT WITH AUSTRIAN GOVERNMENT AND IN CONSULTATION WITH OTHER INTERESTED INTERNATIONAL AND VOLUNTARY AGENCIES STOP NO RESPONSE FROM YUGOSLAVIA AS YET READ WILL

P4/22

REQUEST AGAIN TODAY ACTION THROUGH YUGOSLAV PERMANENT DELEGATE GENEVA TO WHOM WILL PROPOSE SEND OFFICIAL THIS OFFICE TO BELGRADE FOR CONSULTATIONS

HOVEYDA

CFM 139 183 133 13

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

TO: Mr. Philippe de Seynes, Under-Secretary for Economic and Social Affairs

Date: 12 November 1956

FILE NO.:

THROUGH:

FROM: Egon Schwelb, Deputy Director, Division of Human Rights E.S.

SUBJECT: General Assembly resolutions relating to Hungary

Last night Mr. Townley informed me of the recent developments in this matter and of your having been charged by the Secretary-General with responsibility for the implementing and follow-up of those provisions of resolutions adopted at the Second Emergency Special Session of the General Assembly which deal with relief needs of the people of Hungary.

While I am not yet fully informed of the various problems which will have to be settled, I made a study, Sunday night, of the question of Hungarian refugees in Yugoslavia. I have drawn up an aide-mémoire on this question which you may wish to take into consideration in your discussions with the Yugoslav delegation, which I understand are scheduled to take place today. I am fully aware of the fact, of course, that the aide-mémoire may be dealing with a question which might not arise at all.

ES/yg

12 Nov. 1956

Aide-mémoire on the attitude of Yugoslavia to the problem of refugees

1. General background - The refugee problem in Yugoslavia has a long history, both in the period between the two wars and after 1945. Considering the limited resources of the country and its political exposure, it can fairly be said that the Yugoslav attitude has been a generous one. This applies both to the treatment of Russian refugees between 1919 and 1941, to Macedonian refugees and Greek children after 1946 and to refugees from neighbouring countries since 1948.

2. Constitutional provisions - The Constitution of the Federal People's Republic of Yugoslavia of 1946 provides in Article 31 as follows:

> "Foreign citizens persecuted on account of their struggle for the principles of democracy, for national liberation, the rights of the working people or the freedom of scientific and cultural work, enjoy the right of asylum in the Federal People's Republic of Yugoslavia."

Similar provisions are contained in the Constitutions of the various People's Republics forming the Federation: Serbia (Article 32), Croatia (Article 32), Slovenia (Article 30), Bosnia and Herzegovina (Article 32), Macedonia (Article 30), Montenegro (Article 31).

3. United Nations pronouncements - As early as at the first part of its first session, on 12 February 1946, the General Assembly stated in its resolution 8 (I) on the question of refugees, inter alia, the following principle:

> "No refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries of origin, and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin."
>
> (The exception (paragraph (d)) deals with war criminals, quislings and traitors).

The Convention relating to the Status of Refugees of 1951, of which Yugoslavia is a signatory, but which was not ratified by Yugoslavia, deals in Articles 31-33 with the protection of refugees unlawfully in the country of refuge, with expulsion of refugees and with the prohibition of expulsion or

return (refoulement). Article 33 provides inter alia:

> "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

While it might be doubtful whether the Refugee Convention applies to people who have become refugees owing to recent events in Hungary, a resolution unanimously (with the vote of Yugoslavia) adopted at the United Nations Conference on the Status of Stateless Persons in 1954 is of relevance. The Conference stated that it was "of the opinion that Article 33 of the Convention Relating to the Status of Refugees of 1951 is an expression of the generally accepted principle that no State should expel or return a person in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". Reference should also be made to a resolution adopted unanimously (with the vote of Yugoslavia) at the United Nations Conference on the Status of Refugees and Stateless Persons, Geneva, 1951, which reads as follows:

> "The Conference,
> Considering that many persons still leave their country of origin for reasons of persecution and are entitled to special protection on account of their position,
> Recommends that Governments continue to receive refugees in their territories and that they act in concert in a true spirit of international co-operation in order that these refugees may find asylum and the possibility of resettlement."

4. Legal literature - A writer who has dealt with great authority with the problem of the international protection of refugees (P. Weis), had the following to say on the problem in the "American Journal of International Law" of April 1954, pp. 198-199:

> "Thus it would seem that the principle that bona fide refugees should not be returned or expelled to a country where their life or freedom would be threatened for political, religious or racial reasons, is indeed widely, if not universally, recognized today. It applies equally to persons whose residence in the territory has been authorized, and to illegal entrants. It seems justified to deduce therefrom a duty of States to refrain from action which may lead to the return of a refugee to a country where he may become the victim of persecution; but it seems difficult to reconcile such a rule with the doctrine of the unlimited right of States to regulate the admission of aliens. It is believed, however, that a rule of international law is in the process of development, which qualifies this right in the sense that States should not refuse admission to a bona fide refugee where such a refusal would expose him to persecution endangering his life or freedom, i.e. primarily at the frontiers of his country of origin. This does not imply that the

> admitting State should necessarily permit the continued residence of the refugee once admitted. The admitting State may, subject to its treaty obligations, and sometimes does, expel him to another country."

The same writer states in Clunet (Journal du Droit International, 83ème année, 1956, p. 45):

> "Ne pas expulser ni refouler les réfugiés de bonne foi vers le pays de persécution, peut être considéré, aujourd'hui, comme entrant dans les usages des Etats civilisés."

Louise Hauck
EXT. 2434

COPY

CONFIDENTIAL

G.XV. 13/1/29 YUG

10 November 1956

Sir,

I have the honour to draw the attention of your Government, as a member of the UNREF Executive Committee, to a telegram which I have addressed to the Yugoslav Government in connection with the new refugees arriving from Hungary.

This telegram reads as follows:-

" AM INFORMED THAT CONSIDERABLE NUMBERS OF REFUGEES FROM HUNGARY HAVE ARRIVED IN YUGOSLAVIA AS WELL AS IN AUSTRIA STOP WOULD BE GRATEFUL TO KNOW IF YUGOSLAV GOVERNMENT WISHES THIS OFFICE TO RENDER ANY ASSISTANCE TO REFUGEES STOP DETAILS OF NUMBERS OF REFUGEES ARRIVING AND ARRANGEMENTS MADE FOR THEIR RECEPTION URGENTLY REQUIRED FOR REPORT TO SECRETARY GENERAL UNDER RESOLUTION A/3286 ADOPTED GENERAL ASSEMBLY FIVE NOVEMBER"

I hope that information concerning the situation of the refugees in Yugoslavia will be communicated by the Yugoslav Government, but in the meantime I should be grateful for any information which you may be able to obtain through diplomatic channels concerning the influx of refugees from Hungary into Yugoslavia and their present situation.

I have the honour to be,

Sir,

Your obedient Servant,

James M. Read
Deputy High Commissioner

The Secretary of State of the
United States of America
Department of State
WASHINGTON, 25, D.C., U.S.A.

Copy to: U.S. Resident Delegation, Geneva
UNHCR Acting Representative, U.S.A.

(2)