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Bang - Jensen Case

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- b.) Decision of the Sec.-Gen on the Report, 18 Jan.
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- e.) Note to correspondents, 19 Feb.

UNITED NATIONS
Department of Public Information
Press and Publications Division
United Nations, N. Y.

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Press Release SG/651
15 January 1958

SECRETARY-GENERAL RECEIVES REPORT OF COMMITTEE
INVESTIGATING THE BANG-JENSEN CASE

The Secretary-General has received the attached report from the Committee investigating the conduct of Mr. Povl Bang-Jensen. After consulting the Special Committee on the Problem of Hungary, the Secretary-General will make his decision on the recommendation of the Committee.

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Report of the Committee of Investigation concerning the Disposition
of Certain Papers, connected with the Work of the Special Committee
on the Problem of Hungary, retained by Mr. Bang-Jensen.

The Special Committee on the Problem of Hungary completed its Report on 7 June 1957. The Committee had taken testimony from 111 witnesses in five cities, beginning in New York on 17 January 1957, and proceeding thence to Geneva, Rome, Vienna, London, and back to Geneva, where the hearings were concluded in mid-April 1957. Of the 111 witnesses who appeared before the Committee, 81 requested leave to testify anonymously. In every case the request was granted without question.

All of these witnesses were Hungarian nationals and most of them had recently fled from scenes of terror in their homeland. Their desire to assure against reprisal against themselves, their family, or their friends, was understandable. They were entitled to the shelter of anonymity which they sought, and they received it.

The circumstances in which the hearings were held inevitably created pressures of time and confusion as to administrative arrangements. On the basis of our study of the procedures followed in the five cities in which the Special Committee on Hungary held hearings, we have been impressed by the thoroughness and devotion to duty exhibited by the members of the staff of the Secretariat of the Special Committee. Working in an atmosphere of tension, and under tight schedules of time and movement, the performance of their duties was in the best tradition of the international civil service.

On 9 October 1957, several months after the Committee had issued its Report, an inquiry was addressed to the Secretariat regarding an individual who was faced with deportation proceedings from the United States and who asserted, as an element in his defense, that he had testified anonymously before the Special Committee on Hungary. It was then learned, apparently for the first time, that Mr. Bang-Jensen had retained in his possession certain papers relating to the work of the Special Committee, which contained material tending to identify witnesses who had appeared before the Committee anonymously. He was instructed to transmit such papers under seal to the Under-Secretary for Political and

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Security Affairs, to be kept in secure custody. This he refused to do, on the ground that, in conducting interviews with certain prospective witnesses, he had given assurance that he alone of all members of the Secretariat would have knowledge of their identity.

Inasmuch as he persisted in this refusal, he was on 6 December 1957 suspended from duty, with pay, pending further investigation. Such suspension became effective on 4 December 1957 and is without prejudice to his rights as a staff member.

On the same day, the undersigned were requested by you to make a thorough review of Mr. Bang-Jensen's conduct relating to his association with the Special Committee on Hungary, and after detailed study and evaluation of the matter, to convey to you on the basis thereof such views, suggestions or recommendations for further action as we deemed appropriate.

In view of the special considerations pertaining to Mr. Bang-Jensen's retention of certain papers connected with the work of the Special Committee on Hungary, we feel it appropriate to submit to you this Report reflecting our study and evaluation of this aspect of Mr. Bang-Jensen's conduct relating to his association with the Special Committee.

The nature of Mr. Bang-Jensen's duties as Deputy-Secretary of the Special Committee on Hungary has been fully described to our group by his immediate superiors, Dr. Jordan, who served as Secretary to the Committee, and by Dr. Protitch, Under-Secretary for Political and Security Affairs. Mr. Bang-Jensen, as Deputy-Secretary of the Committee on Hungary, had no authority or responsibility except those assigned to him. He was charged with the duty of making physical arrangements for meetings, conference rooms, interpreters, and other similar administrative requirements, including technical aspects of documentation and translation, handling of practical arrangements for appearance of witnesses (including defrayment of expenses of witnesses, for which purpose he was authorized to pay without obtaining receipts), and drafting of official correspondence relating to the work of the Committee. In carrying out these duties, he interviewed numerous witnesses, most of them through an interpreter, Miss de Hedervary, who described in detail to our Committee the procedures followed.

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According to information furnished to us by the Chairman of the Special Committee on Hungary, Mr. Alsing Andersen, and the Rapporteur of the Committee, Ambassador K.C.O. Shann, as well as the testimony of higher officials of the Secretariat, Mr. Bang-Jensen was not authorized and, if the question had ever been raised by him -- which he admits it never was -- would not have been authorized, to give assurance to witnesses that he would be the sole and personal custodian of papers holding clues to their identity.

Such a course would have been contrary to past practice of the numerous United Nations Commissions of Inquiry, which have over many years dealt with highly confidential testimony and documentary material often involving the safety or lives of individuals. Such a course would have violated a basic principle of organization of the Secretariat, in accordance with which responsibility and authority are centralized in the Secretary-General, and cannot be usurped by a subordinate member of the staff. Moreover, it would have been so incompatible with the general procedures established by the Secretary of the Committee on Hungary, as well as by the Committee itself, as to have been an irrational delegation of administrative responsibilities.

It follows that the only appropriate procedure which should have been followed by Mr. Bang-Jensen in carrying out his assigned responsibilities was to transmit official documents pertaining to the Special Committee on Hungary to the Secretariat for safekeeping. As we have pointed out in our Interim Report of 21 December 1957, the Secretariat is the custodian of United Nations documents and the Secretary-General in particular maintains personal and official surveillance over highly classified documents of the type in question. Such documents are not available to any member of the Secretariat or to anyone else.

It was undoubtedly for these reasons that, upon the recommendation of the Secretary-General, the Special Committee on Hungary concluded on 17 December 1957 that "all documentation should remain in the custody of the Secretary-General as the only way in which complete security could be afforded for these documents, as the experience of twelve years has demonstrated."

Our own careful study and evaluation leads us emphatically to affirm the validity of this conclusion.

A problem of the character involved in Mr. Bang-Jensen's conduct in this matter has never before arisen in the history of the Organization. This fact, standing by itself, suggests that the essence of the matter lies in the aberrant conduct of an individual rather than in the demonstrated capacity of the United

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Nations Secretariat to assure that confidential documents are dealt with in a manner appropriate to their special character.

Indeed, Mr. Bang-Jensen's conduct during the period in which the Special Committee on Hungary was hearing witnesses, demonstrates that he did not in fact consider himself to be the sole custodian either of information or of papers bearing upon the identity of witnesses.

He would in effect have been undertaking a lifelong responsibility to maintain in his personal control papers bearing upon the identity of witnesses. Mr. Bang-Jensen, as well as those who appeared before the Special Committee on Hungary, must have known that he was not conducting interviews in a personal capacity, but as an official of the United Nations.

In practice, the Secretary of the Committee, Dr. Jordan, and the Legal Adviser, Mr. Schreiber, did not often find it necessary to learn the identity of the witnesses. However, if in a particular case either of them did make such an inquiry of Mr. Bang-Jensen, the name was supplied by the latter as a matter of course. As the Legal Adviser stated to our Committee, it would have been "unthinkable" for a name to be withheld under such circumstances and, in fact, this never happened.

Furthermore, in Vienna, some fifty or more witnesses were interviewed by Mr. Schreiber and by another member of the Secretariat staff, Mr. Duckworth-Barker. Virtually all of these witnesses wished to testify anonymously. In no case did Mr. Schreiber or Mr. Duckworth-Barker find it appropriate to assure a witness that his name would not be divulged to any member of the Secretariat other than the individual who happened to be interviewing him. Both of these officials also pointed out to us that the administrative procedures followed by the Committee would have precluded them from giving such an assurance which, in the nature of the case, could not in any event have been carried out literally.

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Moreover, Mr. Bang-Jensen, while still in Europe, sent to New York Headquarters, in the care of an assistant to Dr. Jordan, a file of 40 depositions containing the names of anonymous witnesses who had appeared before the Committee in Vienna. He relinquished custody of these papers without raising any question, and they were returned to him upon his subsequent arrival in New York so that they might be kept in the files at Headquarters along with other similar Secretariat documents.

As stated at the outset of this Interim Report, it was not until October 1957 that Mr. Bang-Jensen contended for the first time that he regarded himself as having a strictly personal obligation to retain possession of certain papers bearing upon the identity of witnesses.

We are, of course, unable to ignore the possibility that, by improvident or ill-defined assurances, he might have induced certain witnesses to testify who otherwise would have been reluctant to do so. Any action now taken must be consistent with the objective of protecting such persons, their families or friends from avoidable risk or apprehension of danger.

It is not clear exactly what papers bearing upon the identity of anonymous witnesses are in fact in the possession or under the control of Mr. Bang-Jensen at the present time. In the course of two lengthy interviews with our Committee, he testified that he had in his possession an undefined "list" and, in addition, certain material vaguely described by him as containing "some notations of my own."

In the light of the uncertainty as to their actual character, we must work on the assumption that the papers which may be in his possession contain the names of most, if not all, of the anonymous witnesses who testified before the Committee, as well as information which, if disclosed, would furnish indications as to the identity of such witnesses. The materials may include all or some of the depositions referred to above. We must assume further that certain of the papers were in the nature of personal notes which could have been destroyed by him as soon as they had served whatever immediate purpose he had in mind in preparing them. This was, in fact, the practice followed by other members of the Secretariat staff who interviewed anonymous witnesses. Papers which may be in his possession and which would properly be regarded as official United Nations documents, should not have been retained by him, but should have been transmitted for maintenance under seal in secure physical custody of the United Nations, in such manner as the Secretary-General directed.

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In his interviews with the Committee, Mr. Bang-Jensen revealed an ignorance of rational security procedures. He told the Committee that when travelling he usually carried the papers on his person. When he went out in the evening, and felt they might not be safe on his person, he would "conceal them in the hotel room in some odd manner." When asked what would have happened to the papers if some accident had befallen him when he was carrying the papers about on his person, he replied merely that he had felt some "worry" on this score. He has refused to say where the papers are maintained at the present time. Even if they are physically in some relatively secure place, there is continuing risk that, in the event of his death or disability, the papers might pass into the control of other unauthorized persons. These considerations have been pointed out to him, but without evoking any apparent understanding of their significance.

We are forced to conclude from our study of the record of lengthy and patient interviews with him conducted by Dr. Protitch, the Under-Secretary for Political and Security Affairs, that Mr. Bang-Jensen is not open to rational persuasion on this matter. This is confirmed by a new element which has entered into the situation since the suspension of Mr. Bang-Jensen. The Chairman of the Special Committee on Hungary, Mr. Andersen, at the urgent request of the Committee, held a personal talk with Mr. Bang-Jensen in order to try to convince him to deliver the papers either to the Chairman or to the Secretary-General for safekeeping. Mr. Bang-Jensen refused to do so.

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At the same time, we are satisfied, on the basis of our detailed study and evaluation of the matter, that the papers which Mr. Bang-Jensen asserts he has in his possession can have no present or future use. Such validity or use as they might once have had, regardless of their character, has been impaired, if not destroyed, by his manner of dealing with them. Even though certain of these papers at one time would have been regarded as official United Nations documents, no reliance can now be placed upon them, either as to completeness or accuracy. The same irresponsibility which has marked his method of handling the papers may have brought about their alteration or defacement in respects impossible now to ascertain. Accordingly, such information as may now be embodied in them is no longer entitled to credence.

The evidence adduced before us disposes of an element for concern which had previously been thought to rule out the destruction of the papers in question. It was feared that such a course might make it impossible to comply with the request of an individual who himself might wish to confirm that he had testified anonymously before the Committee. Our study shows, however, that the best means for determining whether a person testified is to compare his recollection of his testimony with that found in the verbatim records. This procedure, indeed, which has already in one case permitted a rapid and certain determination that the person did in fact testify, is available whether or not the documents now in Mr. Bang-Jensen's possession are destroyed. In any event, we have concluded that such papers should not now be given credence for any purpose. On balance, therefore, any practical benefits which might have been thought to justify keeping these papers in existence, are more than outweighed by the security advantages to be gained through their destruction.

Recommendation

Many of the facts and considerations relevant to our findings have been developed during the course of our investigation and were, accordingly, not known at the time Mr. Bang-Jensen was instructed to transmit the papers to the Secretary-General for safekeeping, in accordance with normal security procedures.

On the basis of such findings, we are led to the conclusion that the papers, irrespective of their present character or content, should now be destroyed. Accordingly, we recommend that Mr. Bang-Jensen be instructed forthwith to burn

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these papers, in a sealed envelope, in the presence of a United Nations Security Officer. Furthermore, he should be required to give explicit assurance that no copies of the papers have been made by him and that, to the best of his knowledge, no such copies are in existence.

We think it outside our province to deal with the question whether or not carrying out these recommendations requires the prior approval of the Special Committee on Hungary.

Our Committee is currently concluding its review of other aspects of Mr. Bang-Jensen's conduct relating to his association with the Special Committee on Hungary and will convey to you as promptly as possible such views, suggestions or recommendations for further action as we may deem appropriate.

Respectfully submitted,

Ernest A. Gross, Chairman

Constantin A. Stavropoulos

Philippe de Seynes

* * *

[Mr. Gross is former Assistant Secretary of State of the United States, former Deputy Representative of the United States to the United Nations, and Legal Adviser to former Secretary of State George C. Marshall. Mr. Stavropoulos is United Nations Legal Counsel. Mr. de Seynes is United Nations Under-Secretary for the Department of Economic and Social Affairs.]

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UNITED NATIONS
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Press Release SG/652
18 January 1958

THE DECISION OF THE SECRETARY-GENERAL ON THE REPORT
OF THE COMMITTEE INVESTIGATING THE BANG-JENSEN CASE

The Secretary-General has examined the report of the Committee which he appointed on 6 December 1957, with Mr. Ernest A. Gross as Chairman, to investigate the conduct of Mr. Povl Bang-Jensen and has consulted with the members of the Special Committee on the Problem of Hungary, who, considering the insecure manner in which these papers have been kept by Mr. Bang-Jensen, concur in the recommendation of the Committee of Investigation. The Secretary-General has decided to accept the recommendation of the Committee that such papers as Mr. Bang-Jensen possesses should be destroyed by burning in the presence of a United Nations official.

The new evidence which was uncovered by the Gross Committee demonstrated that the irresponsible handling of the papers by Mr. Bang-Jensen has compromised their character and their credibility. They have therefore lost such value as they might otherwise have possessed as official documents entrusted to the United Nations for safekeeping. The Committee correctly concluded that at no time was Mr. Bang-Jensen authorized by anyone to be the sole guardian of the papers bearing upon the identity of the witnesses.

The Secretary-General also took note of the following finding of the Gross Committee:

"The evidence adduced before us disposes of an element for concern which had previously been thought to rule out the destruction of the papers in question. It was feared that such a course might make it impossible to comply with the request of an individual who himself might wish to confirm that he had testified anonymously before the Committee. Our study shows, however, that the best means for determining whether a person testified is to compare his recollection of his testimony with that found in the verbatim records."

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UNITED NATIONS
Department of Public Information
Press and Publications Division
United Nations, N. Y.

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Press Release SG/654
24 January 1958

PAPERS RELATING TO WORK OF UN SPECIAL COMMITTEE

ON HUNGARY BURNED AT UN HEADQUARTERS

On the instructions of the Secretary-General, and in accordance with procedures established by him, sealed envelopes containing papers in the possession of Povl Bang-Jensen relating to the work of the Special Committee on Hungary were destroyed by burning at United Nations Headquarters today.

Mr. Bang-Jensen was accompanied by his counsel, Adolf A. Berle, Jr., and the burning was done in the presence also of Dr. Dragoslav Protitch, UN Under-Secretary for Political and Security Council Affairs, and a UN security officer.

At the same time Mr. Bang-Jensen gave the Secretary-General written assurance by letter that he had delivered for burning all papers in his possession relating to witnesses who appeared anonymously before the Special Committee on the Problem of Hungary, and that he had not retained any copies of those papers, and that, to the best of his knowledge, no such copies were in existence.

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STATEMENT BY MR. LASZLO GYAROS,
SPOKESMAN OF THE HUNGARIAN FOREIGN
MINISTRY ON THE BANG-JENSEN CASE
(Budapest, 25 January 1958)

Question: What is the Foreign Ministry's opinion on the Bang-Jensen case?

Answer: Paul Bang-Jensen, an employee of the U.N. Secretariat, who conducted the interrogation of Hungarians who fled abroad on behalf of the notorious committee of five, appointed by the U.N. General Assembly, has not been willing to hand over to the U.N. Secretary-General the list of persons interrogated and the relating documents. For that reason the Secretary-General suspended Bang-Jensen from his position.

Lately a committee of three was appointed to investigate the activities of Bang-Jensen. Accepting the recommendation of this committee, the U.N. Secretary-General has decided that the documentary material in Bang-Jensen's possession is to be burned in the presence of a U.N. official.

Mr. Hammarskjold in a recent statement to the press, among other things, justified this decision by saying that the committee investigating Bang-Jensen's case found new evidence according to which "the irresponsible handling of the documents by Bang-Jensen compromised their character and authenticity."

We have on several occasions emphatically and resolutely rejected the U.N. committee of five's report published in June 1957 as an irresponsible and untrustworthy heap of calumnies. It is a certain satisfaction to us that the U.N. Secretary-General has himself expressed doubts about the sources on which the report is based. We never doubted the impossibility of one of the world's most distinguished international organization accepting these "depositions" of witnesses shrouded in the dimness of anonymity. We are convinced that publication of the list of the so-called witnesses would compromise the report of the U.N. committee even more than the burning of the documentary material.

Note No. 1736
19 February 1958

NOTE TO CORRESPONDENTS:

(The following background note is issued to correspondents in response to questions.)

The Committee appointed by the Secretary-General to make a review of the conduct of Mr. Povl Bang-Jensen relating to his association with the Special Committee on the Problem of Hungary has completed its work and submitted its final report to the Secretary-General. The Secretary-General is considering the report and in due course will make his decision in accordance with the procedures prescribed in the Staff Regulations and Staff Rules.

This report covers the entire period of Mr. Bang-Jensen's service with the staff assigned to the Special Committee on Hungary. The report, dealing with an internal personnel matter, will not be made public, in line with established policy. This policy did not apply in the case of the earlier report of the Committee on the question of the disposal of certain papers Mr. Bang-Jensen said he had in his possession. This was a question involving the principle of Secretariat responsibility for safeguarding the security of such papers. The earlier report did not concern itself with personnel action regarding a staff member.

A copy of the final report has, of course, been made available to Mr. Bang-Jensen.

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