

**FOR THE RULE  
OF LAW**

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***Bulletin  
of the  
International  
Commission  
of Jurists***

*"That every State and every citizen  
shall be free under the Rule of Law"*

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**No. 5**

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## I. THE AFTERMATH OF THE ATHENS CONGRESS

The bringing together of a 150 leading jurists from 48 countries at Athens "to consider what minimum safeguards are necessary to ensure the use of the Rule of Law and the protection of individuals against arbitrary action of the State" has led to a great expansion in the scope and scale of the Commission's activities and responsibilities. In view of these developments it seems desirable to devote this number of the Bulletin to a survey of the organization, past achievements, present work and future activities of the Commission. Such a survey has been requested by numerous friends of the Commission, particularly by delegates to the Athens Congress.

In an appendix to the *Report of the International Congress of Jurists* at Athens, which has now been published, <sup>1</sup> some contemporary reactions of the world press have been printed, but we should also like to draw attention to a detailed examination in the *Revue de Droit International, de Sciences Diplomatiques et Politiques* (1956, Janvier-Mars, No. 1, 34e année) by Professor JEAN GRAVEN, a Judge of the Cour de Cassation of Geneva, and Vice-President of the International Association of Penal Law. Those present at the Congress will remember the important role which he played in its deliberations as chairman of the Committee on Criminal Law. <sup>2</sup>

In drawing up a balance sheet of the achievements of the Congress, Professor GRAVEN writes:

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<sup>1</sup> The English version is in process of distribution and is available on request; the French and German translations will shortly be available.

<sup>2</sup> Prof. GRAVEN's paper on the rights of the accused is summarized at pp. 67-70 of the Congress Report (English edition). A limited number of copies of his full speech under the title "Les Droits de l'Accusé dans le Procès pénal" is available in French. It may be obtained by writing to the International Commission of Jurists, 47 Buitenhof, The Hague, Netherlands.

"Among the great professional international organizations the Commission . . . is a meeting-place, a natural centre of life and action. It has, indeed, adopted as its aim and slogan 'the defence of fundamental legal principles, a task of all jurists', and it does in fact represent a real 'Jurists International' consisting of lawyers — both academic and in practice — of all schools and all countries. These lawyers are resolved to pool their knowledge and experience in order to strengthen and to propagate their legal ideals without preconceptions of system or school of thought, regardless of the origin, location or political importance of the countries from which these ideals draw their support."

The Commission has received many appreciative letters regarding the Congress but what has been even more valuable is the spirit of constructive criticism which has inspired them. The theme of most of these letters is remarkably consistent. In the first place there is a general desire to know more about the organization, finances and methods of work of the Commission, which it is hoped to satisfy in this Bulletin. Secondly, there is a repeated insistence that the Commission should envisage its task not merely in negative terms, necessary as it has been and continues to be to point out the shortcomings of legal systems in totalitarian ruled countries. In this context it is relevant to quote from a speech by Mr. VAN DAL, Vice-President of the Commission, at a dinner attended by leading members of the English legal profession in London on March 9, 1956; further reference to this occasion is made later in the Bulletin. Mr. VAN DAL said "if we want to preserve the most precious legal values of our tradition, we have to realize what they are. We have to present a constructive legal concept of freedom, adapted to forms of the modern State, a conception around which we can unite the freedom minded lawyers". In the same sense was a letter of the Secretary-General to *The Times* which was printed in its issue of March 23, 1956, in which he spoke of "the special responsibility of the legal profession in all countries where liberty of opinion is respected and government is subject to the Rule of Law to realize

the full implication of these principles and offering them to the communist and indeed to all totalitarian ruled countries as the only feasible framework of freedom”.

The third theme which has been continuously emphasized by the friends of the Commission, and indeed is forced to its attention by the ever-widening scope of its contacts, is that its work cannot be confined to those areas of the world in which in recent years human rights and principles of justice have been most flagrantly violated. We have recently been warned by an English Lord of Appeal against too easily categorizing our democratic civilizations as the “free world”.<sup>3</sup> The economic and social development of all states, whether authoritarian or democratic in their governmental structure, requires an increasing measure of collectively organized power in the hands of the community. To control this power and to ensure that it is truly used for the benefit of the individuals who in the last resort make up a State, is the special responsibility of lawyers. In no sphere, as many of our correspondents have pointed out, is this responsibility more important than in those countries which have recently obtained or are about to obtain their independence, and it is encouraging to note the interest which the work of the Commission has evoked in such countries as, to name but a few, India, Burma, Malaya and the territories of Africa.

As this Bulletin was being written we received from Mr. Justice BOSE of the Supreme Court of India the text of the broadcast which he gave in 1954 over All-India Radio, which is here singularly appropriate. It was delivered in English and in translation beamed to China and the Far East. Mr. Justice BOSE pointed out that what is understood by the Rule of Law is not merely a list of individual freedoms, which in any event all governments to a greater or lesser extent must restrict; nor does it consist in the formal independence of the judiciary, in the legal controls imposed on the Executive, or even in the constitutional responsibility of the government to Parliament and the electorate. In the last resort, Mr. Justice BOSE argued, it is “an intangible

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<sup>3</sup> LORD RADCLIFFE, “Law and the Democratic State”, presidential address to the Holdsworth Club, University of Birmingham, published by the Holdsworth Club of the University of Birmingham, 1950.

something broad-based on the goodwill of the people". This appeal beyond the sphere of legal forms and safeguards to basic political and ethical ideals emphasizes a fourth theme which has inspired discussion of the objectives of the Commission since Athens. It is necessary for the Commission to offer to the world legal community something more than is already provided by well-established international organizations of lawyers. Other organizations fulfil a valuable task as an international expression of the solidarity of a professional group and of common interest in an intellectual study: the compelling attraction of the Commission is, or ought to be, its concern with human values of which the lawyer is the especial custodian in the interests of the wider world community.

Perhaps the most striking consequence, entirely unsolicited by the Commission, of the Congress at Athens was a communication received at The Hague from the Executive Board of the Bar Association of Santa Cruz de la Sierra, Bolivia. Their eloquent and uncompromising adherence to the Act of Athens deserves wide publicity and it is with great pleasure and some pride that we print the original document in Spanish, together with a translation into English, as an appendix to this Bulletin.

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## II. THE PURPOSES AND METHODS OF ACTION OF THE COMMISSION

The purposes and methods of action of the Commission are set out in Articles 4—6 of the Statute of the Commission which read as follows:

### Aims and Objectives

Art. 4. The Commission is dedicated to the support and advancement of those principles of justice which constitute the basis of the Rule of Law. The Commission conceives that the establishment and enforcement of a legal system which denies the fundamental rights of the individual violates the Rule of Law.

The Commission will uphold the best traditions and the highest ideals of the administration of justice and the supremacy of law and, by mobilizing the jurists of the world in support of the Rule of Law, will, *inter alia*, advance and fortify the independence of the judiciary and the legal profession and promote fair trial for all persons accused of crime.

The Commission will foster understanding of and respect for the Rule of Law and give aid and encouragement to those peoples to whom the Rule of Law is denied.

### Methods of Action

Art. 5. The aims and objectives of the Commission are carried out through the publication of printed matter, including bulletins and periodicals; the organization of private lectures, public meetings

and congresses; the preparation and transmission of suitable radio and television broadcasts, and generally by any other type of activity appropriate to achieve the objectives of the Commission.

Art. 6. The Commission further proposes to co-operate with national and international legal organizations and groups engaged in activities consistent with the aims, objectives and procedures defined in the present Statute.

### The Meaning of the Rule of Law

The primary place accorded in the thinking of the Commission to the concept of the Rule of Law requires explanation. SIR IVOR JENNINGS,<sup>4</sup> one of the foremost English authorities on constitutional law, has called it "rather an unruly horse". The older generation of English lawyers were brought up on DICEY's analysis of the Rule of Law,<sup>5</sup> which implied 1) that power must be derived from the law, 2) equality before the law, by which DICEY meant in fact that public officials should be answerable for their acts in the ordinary courts, and 3) that the law of the Constitution is in English law determined by the rights of individuals, which are the ultimate source of legal authority vested in the State. Later English critics of DICEY, largely under the influence of SIR IVOR JENNINGS, have however pointed out that even a tyrant may derive his authority from the law provided that it is sufficiently wide in scope; that public officials in many states are answerable for their acts only in special administrative courts and in any event in all modern states must have a wide sphere of discretion; and finally that the emphasis which DICEY put on the rights of individuals as the starting-point of English constitutional law was in fact a political and not a legal doctrine, inspired by his own liberal *laissez-faire* conception of the proper functions of the State.

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<sup>4</sup> *The Law and the Constitution*, 4th ed., 1952, p. 59.

<sup>5</sup> *Introduction to the Study of the Law of the Constitution*, 9th ed., 1945, Part II.

On the other hand, in European legal theory what can only be translated in English as the Rule of Law — *Rechtsstaat, état de droit, stato di diritto* — has been mainly concerned with the first and the third points in DICEY's analysis. In contrast to the State ruled by the arbitrary power of an eighteenth-century despot, of a *Führer*, a *Duce* or a Communist oligarchy, this conception of the Rule of Law envisages 1) the answerability of all organs of State power to the law, 2) the guarantee by the law of certain fundamental human rights and 3) the protection of these fundamental human rights by an independent judiciary. From this basis an immense literature <sup>6</sup> has worked out conclusions which have secured a varying degree of general acceptance. For example, it is widely argued that the separation of powers between Legislative, Executive and Judiciary, as in the Constitution of the United States or in the *Bonner Grundgesetz* of the Federal Republic of West Germany, constitutes an essential part of the Rule of Law.

The Rule of Law, as it is understood by the International Commission, owes much to these two great legal traditions, but it does not identify itself with either of them. For the Commission the Rule of Law is a convenient term to summarize a combination of legal ideals and practical experience which should appeal to lawyers, and through them to the public whom they serve, in all countries of the world. This appeal has been stimulated by the assault made in recent times on such ideals and experience by Fascist, National Socialist and Communist governments; the collection of documents, entitled *Justice Enslaved*, <sup>7</sup> presented to the International Congress at Athens in 1955, was a sufficient exposure of the Communist repudiation of principles which over the centuries have won the support of lawyers in the entire

<sup>6</sup> See, e.g., Robert von Mohl, *Geschichte und Literatur der Staatswissenschaft*, Vol. I (1855) pp. 227 *et seq*; Frederick Julius Stahl, *Staats- und Rechtslehre*, 3rd ed. (1856), Vol. II, p. 137; Battaglia, *Stato Etico e Stato di Diritto*, *Revista Internazionale de Filosofia del Diritto*, Vol. XVII, pp. 237 *et seq*. Recent contributions include Thoma, *Ueber Wesen und Erscheinung der modernen Demokratie* (1948), Ernst von Hippel, *Gewaltenteilung im modernen Staate* (1949) and Wilhelm Grewe, *Die Bundesrepublik als Rechtsstaat*, DRZ (1949) pp. 392 *et seq*.

<sup>7</sup> Available on request from the International Commission of Jurists, 47 Buitenhof, The Hague, Netherlands.

civilized world. But the Commission does not conceive of its task in a negative spirit. Its aim is rather to offer in a sphere of public life, where lawyers everywhere have a special responsibility, a constructive alternative to the tyrannous misuse of power and the unwarranted suppression of the rights of the individual. Such positive objectives are more easily defined by way of contrast with their opposites than by giving them a specific content; even the Act of Athens, approved by the jurists who attended the Athens Congress, could not avoid three references to the Rule of Law, which, as has already been suggested, has meant different things at different times and in different countries. Nevertheless, the Commission believes that not only those who attended the Athens Congress but the overwhelming majority of lawyers throughout the world, who are free to express their opinion, have two major fields of concern:

#### A. Human Rights

The Act of Athens declares that "the Rule of Law . . . springs from the rights of the individual developed through history in the age-old struggle of mankind for freedom; which rights include freedom of speech, press, worship, assembly and association and the right to free elections to the end that laws are enacted by the duly elected representatives of the people and afford equal protection to all."

It will be noted that in this formulation primary importance is given to those human rights which ensure freedom of opinion and of association and the right to take part through representatives in the government. This accords with the realistic view that, in spite of the most rigid legal safeguards of human rights, ultimate security can only lie in the existence of a sympathetic public opinion which is able to make its views effective through political channels.<sup>8</sup> There are however other important human rights; the difficulty is that lawyers, however liberal their convictions, are apt to be somewhat sceptical

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<sup>8</sup> Cf. SIR IVOR JENNINGS, *op. cit.*, p. 61: "The test of a free country is to examine the status of the body that corresponds to His Majesty's opposition".

about such sweeping assertions of human rights as are contained in the United Nations Charter, the Declaration and Covenant on Human Rights and the European Convention on Human Rights. To this scepticism the Commission replies that, although the extent and even the existence of particular rights may be the subject of a legitimate difference of opinion, there ought to be unity on what the Preamble to the United Nations Charter calls "the dignity and worth of the human person". It is precisely the special responsibility of the lawyer to see that the legal guaranties of human rights in national systems of law (whether as in most countries formally guaranteed by the Constitution or, as in England, the result of a purely moral limitation on the powers of a sovereign Parliament) do in their total effect protect and enhance this dignity and worth; and, what is even more important, to offer his expert guidance in regard to those exceptions to human rights which, in the alleged interests of "public policy", "state necessity", or "the interests of the workers" may, as experience in totalitarian countries has shown, deprive even the most rigid guaranties of human rights of any real value.

**B. The Way in which Legal Systems, Procedure and Practice hamper or make possible Respect for Human Rights**

The principles which are applicable in this field include the following:

- the independence of the judiciary;
- the answerability of the Executive for its acts either to the ordinary courts or to independent administrative courts or tribunals;
- the unhampered right of every citizen to independent legal opinion and representation;
- the strict control of the Public Prosecutor (and of his office where it exists) by the law;
- a police system under similar strict legal control.

There is not, and there need not be, full agreement on every detail of such principles. Different countries will feel more strongly about certain principles than others; and much can be learnt by comparison of the views and experience of different countries, to which end the Commission hopes to contribute by its publications and by facilitating international personal contacts between lawyers. But in countries where all these principles are disregarded there can in practice be no adequate security for the rights of the individual or for the Rule of Law, as it is here understood.

### **Activities of the Commission**

*Cooperation with National Sections.* The practical work of the Commission is carried out partly by its own Secretariat and partly through the National Sections, for which the central organization provides literature, suggests speakers, arranges international contacts and in general acts as a clearing-house for the ideas and policies of the Commission. The National Sections can however greatly help, as well as be helped by, the Secretariat. Thus, for example, mention is made below of a number of questionnaires on legal themes to which the Commission is requesting answers from the point of view of different legal systems. While it is extremely valuable to have the expert guidance of comparative lawyers on such questionnaires, a real cross-section of the legal life of a community can only be obtained by the co-operative effort of a representative group of judges, public prosecutors, practising and academic lawyers such as a National Section alone can provide. Conversely, the preparation of answers to such questionnaires will help the National Sections; both by way of stimulating interest in a precise project and by providing the material means, in the form of fees paid by the Commission for answers of general interest published in its Bulletin, to carry out the practical organization of National Sections.

*Information regarding Abuses of the Rule of Law.* One important aspect of the activities of the Commission is the collection

and dissemination of reliable information on systematic abuse of the Rule of Law in all countries of the world, but particularly in those areas where such abuses cannot at present be rectified by a free exchange of opinion and the democratic processes of government. This work of enlightenment takes several forms. It may involve the preparation of a massively documented report, such as that presented under the title of *Justice Enslaved* to the Athens Congress; or it may be carried out by a considered statement in the name of the Commission on an incident or series of incidents which has shocked the legal conscience of the world and to which the Commission seeks to give the fullest publicity in legal journals, in the Press and through broadcasting agencies. The exposure of such abuses of the Rule of Law has a dual purpose: in the first place it serves as a warning to those who may be inclined to take at its face value adherence to the Rule of Law by governments whose practice in their own countries does not accord with their assertions; secondly, it gives to lawyers who understand the implications of the Rule of Law in countries where such abuses take place a feeling that they do not stand alone and that they are supported by the international solidarity of the legal profession. Thus, in a radio interview, which was broadcast in seven languages to the countries of the Soviet orbit, the Secretary-General of the Commission said in reference to recently publicized changes in the legal systems of the Soviet orbit:

“Members of the Communist Party have begun to claim for themselves such basic human rights as freedom of expression and freedom from arbitrary arrest. We wait with great interest to see what will be the next move, whether it will be possible for the Communist Party to claim these rights and to withhold them from the broad mass of the people. Lawyers in communist-dominated countries should endeavour to generalize the criticisms of their legal systems and to seize every opportunity of applying them more widely to their communities as a whole. When that begins to happen we shall begin to be able to speak of a system of justice throughout the world.”

*Law and Co-existence.* The move towards co-existence in international relations, which was stimulated by the XXth Communist Party Congress in Moscow, is of special concern to the International Commission of Jurists in so far as it has been accompanied by apparent recognition within the countries of the Soviet orbit of some of those principles of justice, which have long been taken for granted (although not of course perfectly realized) in the rest of the world.<sup>9</sup> Indeed, the speeches made at the Sixth Congress of the Communist-dominated International Association of Democratic Lawyers at Brussels in May 1956 gave the impression that "violations of legality" in the Soviet Union have all been laid bare some years ago by the decisive action of the Soviet Government", that "those responsible have been strictly punished and the accused completely rehabilitated and re-established in their rights".<sup>10</sup> These wide claims raise serious questions which are difficult to answer and were certainly not answered at Brussels, for example: 1) What precisely are the "violations of legality" so far admitted, who were its victims and by what methods and to what extent have they (or their surviving dependents) been rehabilitated? 2) How can we know that these violations are the only cases which require correction? 3) How was it possible for such abuses to arise and to remain unrectified and unadmitted for many years, when their existence was commonly alleged in other parts of the world? 4) What changes have been made in the legal systems of the Soviet orbit to prevent their reoccurrence and, in particular, to prevent the suppression of the very fact of their existence? The Commission in no way underestimates the significance of the changes which have taken place in the Soviet orbit, but it considers it extremely important that the lawyers of the world should as far as possible have the material information on which answers to these questions can be attempted. For this reason the Commission hopes to publish a study of these changes in the next issue of the Bulletin.

<sup>9</sup> Thus, JOE NORDMAN, Secretary-General of the IADL, told his audience in Brussels that "as far as the right of peoples to manage their own affairs and the rights of man – in particular in penal trials – are concerned, the victories of the bourgeoisie in Britain, the United States, France and many other countries today form part of the common heritage of mankind".

<sup>10</sup> The foregoing quotations are from the speech of PETER KUDRYAVTSEV, Vice-Minister of Justice of the USSR.



*The Commission's Responsibility in the World as a Whole.* Although the Commission in pointing out systematic abuses of the Rule of Law has been in practice mainly concerned with injustice in the Soviet orbit "this does not imply that the Commission restricts its activities to the field of totalitarian systems of the Communist variety".<sup>11</sup> For example, at the Athens Congress in 1955 the Committee on Public Law passed the following Resolution:

"This Congress is of the opinion that discrimination based on race and colour is contrary to Justice, the Charter of the United Nations, and the Universal Declaration of Human Rights, and is abhorrent to the conscience of the civilized world.

"The Committee on Public Law of the International Congress of Jurists, after having heard the statements made by Mr. Purshottam Trikamdas on the legislation concerning the 'apartheid', establishing inequality before the Law to the prejudice of certain groups of population in South Africa, requests the International Commission of Jurists to proceed to an extensive investigation of the juridical situation of the groups of discriminated population and to publish the results of this survey as soon as possible."

Pursuant to the Resolution the Commission is taking the necessary steps to obtain the fullest information on the legal situation in South Africa.

In considering the situation within any country the Commission has as a primary consideration whether there is a free public opinion, especially among members of the legal profession, which is itself able and ready to ensure respect for the Rule of Law. Where opinion is free the Commission in the first place offers its facilities to representative legal opinion in the country concerned which may wish to present the issues involved before the forum

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<sup>11</sup> See Preface to *Justice Enslaved*.

of world legal opinion. It is one of the most important tasks of a National Section to provide the means whereby such representative legal opinion may find expression. On the other hand, where, as in the Soviet orbit, opinion is not free and where in particular the legal profession, in spite of recent criticisms, <sup>11a</sup> is not independent, the Commission will continue to give the fullest possible information on the legal situation in the country concerned and, in the words of its Statute, "give aid and encouragement to those peoples to whom the Rule of Law is denied".

*Investigation of the Implications of the Rule of Law.* It has been reiterated in this Bulletin that the work of the Commission cannot and does not rest on negative propositions, but that, on the other hand, its positive assertion of the Rule of Law necessitates clarification of the meaning attached to the concept of the Rule of Law in different countries. With this end in view, the Commission is preparing a questionnaire on the law and practice which it considers to be implied in the idea of the Rule of Law; it will be circulated for completion by National Sections and by outstanding individual lawyers or groups of lawyers where National Sections do not exist. The results of the enquiry will be published and provide a basis for further discussion and conferences, leading, it is hoped, to the formulation of a set of principles in the spirit of, but in greater detail than, the Act of Athens. Meanwhile the Commission welcomes the views of individual lawyers, whether with a view to publication or not, concerning the treatment of the Rule of Law put forward in this Bulletin, the form of a questionnaire and the answers to be made from the point of view of national systems of law.

*Vienna Conference in the Spring of 1957.* The questionnaire on the Rule of Law is necessarily a long-term and comprehensive

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<sup>11a</sup> As, for example, in Poland where the position of the lawyer has been under discussion for over a year, with the prosecuting authorities being taken to task for treating defence counsel as 'subordinates' and 'collaborators'. (See especially the proceedings of the IV Congress of the Association of Polish Jurists and particularly *Nowe Prawo*, February 1956, pp. 3-69.) This and other legal developments in the Soviet orbit will be discussed in the next Bulletin (6 of the Commission).

project. Meanwhile the Commission is continuing its investigation of specific problems within the same broad field. For example, it is planned in the spring of 1957 to hold a Conference of European lawyers at Vienna, where two themes will be discussed in the light of questionnaires to be distributed in the participating countries. The first theme will deal with "The Nature of and Procedure Applicable to a Political Crime"; the second concerns "Legal Limitations on Freedom of Opinion". It is a very encouraging sign of the development of interest in the Commission that the initiative for this Conference has come from the French and German National Sections. Professor VOUIN of the University of Bordeaux and Professor VAN BEMMELEN of the University of Leiden have already consented to act as rapporteurs.

*The Publications of the Commission.* Although the ultimate objective of the Commission is practical action, this can only be achieved through an informed legal public opinion. It is the intention of the Commission, therefore, greatly to expand the scope and interest of its publications, not only in the Bulletin but also by the issue of a periodical, to appear at rather longer intervals, in which it will be possible for leading jurists to treat legal topics of general concern to the Commission in an authoritative and expert manner. Each issue of this periodical will contain about four long articles; two will be devoted to current topics and two will form part of international symposia on chosen themes. It is probable that the first two subjects so to be treated will be "The Law and the Layman" and "The Role of the Public Prosecutor". Subject to the normal editorial discretion and the general objectives of the Commission, contributors will be encouraged to express their personal views and criticisms of their own and other systems of law. There will be provision for published correspondence and a special feature will be made of reviews of books dealing with topics of concern to the Commission; in such reviews it will normally be the rule that the reviewer comes from a different legal tradition to that of the author. In connection with this publication and indeed on any topics concerning the Commission the Secretary-General welcomes the enquiries or suggestions of lawyers in all countries.

*Tasks for the Individual Lawyer.* The Commission at present distributes its publications to 18,000 lawyers in 93 different areas of the world. Many of the recipients are in close contact with the Commission. A questionnaire is now in course of distribution, in which recipients are being asked to state their opinion regarding the publications of the Commission. The response so far has been most encouraging, not only because the overwhelming majority wished to continue on the Commission's mailing lists, often with a request for an increased number of copies, but even more on account of the frequent friendly and constructive comments which accompanied the answers to the questionnaire. The Secretary-General on behalf of the Commission welcomes such individual contacts and hopes that they will increase. It may however be possible to give a general answer to the questions which are frequently put to the Commission: —

A. What can the individual do to help the Commission?

The Commission will put the enquirer in touch with a National Section, where it exists. In any event the Commission is always interested to hear of legal personalities in the enquirer's country, who are likely to be interested in the work of the Commission.<sup>12</sup> The Commission is further anxious to know about encouraging or discouraging legal developments, within the general sphere of the Rule of Law, in all parts of the world.

B. In particular, can the individual make a financial contribution to the work of the Commission and in some way be enrolled as a member?

The individual enquirer is in the first place referred to his National Section, where such is properly constituted. But the Statute specifically provides for "jurists — or juristic organizations" who "may be invited to join the Commis-

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<sup>12</sup> For example, correspondents in Malaya, Burma, the Philippines, Iraq, Guatemala, Chile and other countries have supplied lists of persons who would be interested to receive the publications of the Commission.

sion as Supporting Members, without vote". No fixed dues are at present presented for Supporting Members, but the Commission would welcome any contributions of whatever amount, either specifically to defer the cost of publications at present distributed free or for the general work of the Commission. <sup>13</sup>

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<sup>13</sup> Contributions should be sent to the Secretary-General, International Commission of Jurists, 47 Buitenhof, The Hague, Netherlands.

### **III. THE ORGANIZATION OF THE INTERNATIONAL COMMISSION OF JURISTS**

#### **Central Organization**

The International Commission is a non-profit and non-political legal entity incorporated on June 16, 1955, under the laws of the Netherlands; it draws its financial support from voluntary private contributions of lawyers and legal associations, as well as other individuals having a community of interest with its aims.

At present, the Commission consists of fifteen members:

THE HONOURABLE JOSEPH T. THORSON (President), President of the Exchequer Court of Canada, Member of the Privy Council of Canada, former Member of the Canadian House of Commons and delegate to the Assembly of the League of Nations

A. J. M. VAN DAL (Vice-President), lawyer at the Supreme Court of the Netherlands

GIUSEPPE BETTIOL, former Minister, Professor of Penal Law at the University of Padua, Member of the Italian Parliament and Chairman of its Committee on Foreign Affairs

DUDLEY B. BONSAI, President of the American Fund for Free Jurists, Member of the New York Bar and partner in the firm of Curtiss, Mallet-Prevost, Colt and Mosle, New York

PHILIPPE N. BOULOS, lawyer at the Court of Appeal and Cassation, Beirut, Lebanon, former Minister of Justice and former President of the Court of Appeal, Member of the Commission of Three which drafted the present Penal Code of the Lebanon

PER T. FEDERSPIEL, lawyer, Member of the First Chamber of the Danish Parliament, Minister of Special Affairs, 1945—1947, Danish Delegate to the United Nations Assembly, 1946—1949, Member of the United Nations Palestine Commission, 1947—1948, and Member of the Consultative Assembly of the Council of Europe

THEO FRIEDENAU, lawyer, Chairman of the Investigating Committee of Free Jurists, West Berlin

AXEL HENRIK MUNKTELL, Member of the Swedish Parliament, Professor of Law at the University of Upsala

JOSE THOMAZ NABUCO, Member of the Bar of Rio de Janeiro, former President of the Brazilian-American Institute

STEFAN OSUSKY, former Minister to Great Britain and France, Delegate to the Paris Peace Conference and Assembly of the League of Nations, Minister of State in the Czechoslovak Government in London, 1940—1942

SIR HARTLEY SHAWCROSS, Attorney General, 1945—1951, Chief Prosecutor for the United Kingdom, International Military Tribunal at Nuremberg, a Principal Delegate for the United Kingdom to Assemblies of the United Nations, 1945—1949, President of the Bar Council

PURSHOTTAM TRIKAMDAS, Senior Advocate at the Supreme Court of India, Senior Counsel at the Bombay High Court, former Chairman of the Socialist Party, Delegate to the United Nations Ninth Assembly, Vice-President of the Trade Union Congress, 1940, sometime Secretary to Mahatma Gandhi, Member of the Bombay Legislative Assembly, 1948—1952

HATIM BADRUDIN TYABJI, former Judge of the Presidency Court of Small Causes at Bombay, former Judge of the Chief Court of Sind, Chief Draftsman, Ministry of Law of Pakistan, 1951—1955

JUAN JOSE CARBAJAL VICTORICA, lawyer, Professor of Public Law, Member of the Uruguayan National Council of UNESCO, President of the Committee for Administrative Codification, former Member of the Uruguayan Parliament, former Minister of Interior (1943—1947), Delegate to the United Nations Human Rights Commission at Geneva

EDOUARD ZELLWEGER, lawyer, former Swiss Minister to Yugoslavia, former Member of the Swiss National Council, former Member of the Court of Appeal of the Canton of Zurich, at present Constitutional Adviser to the Prime Minister of Libya.

The Commission meets at least once every three years at which time it defines its general policy and programme of activities. Whenever the Commission is not in session, the authority and powers of the Commission are exercised by an Executive Committee, elected from the Members of the Commission, which meets at least three times a year. At present the Executive Committee consists of: DUDLEY B. BONSAI, A. J. M. VAN DAL, THEO FRIEDENAU, AXEL HENRIK MUNKTELL, and EDOUARD ZELLWEGER. Serving as an alternate to DUDLEY B. BONSAI is JAMES L. MCDONNELL, Member of the New York Bar and American Counsellor of Law with the London office of the firm of Breed, Abbot & Morgan of New York.

The practical work for the realization of the aims and objectives of the Commission is the responsibility of the Secretary-General who is empowered within the general policy laid down by the Executive Committee to take such action as may be necessary to this end. Since April 1956 the Secretary-General is NORMAN S. MARSH, Fellow of University College, Oxford, who assumed this office upon the election of A. J. M. VAN DAL to the Vice-Presidency of the Commission. Mr. MARSH, after studying law at Oxford, practised at the English Bar until World War II in which he served with the army and the Control Commission for Germany, having charge of United Nations property in the British Zone. After the war he returned to Oxford to teach law and has made a special study of international and comparative



law. He has been given leave of absence by his College to take over his present post.

The Secretary-General is assisted in the daily conduct of the affairs of the Commission by the Administrative Secretary, EDWARD S. KOZERA, former Lecturer in Government at Columbia University, by HORST ROCKMANN, WERNER SCHULZ and KAREL VASAK, legal assistants, and by a secretarial staff.

## **National Groups**

Some indication was given above of the world-wide support the Commission has received from individuals and groups of lawyers. The Commission encourages the formation of national groups of jurists which pursue the same objectives as the Commission and which are regularly constituted according to the laws of their respective countries. Although independent of the Commission these national groups co-operate with it on the basis of mutuality of purpose and interests. The details of the founding of some of these national groups were reported in previous issues of the Bulletin; <sup>14</sup> a summary is presented below, with additional particulars relating to the formation of new groups.

### **ARGENTINA**

During the months of April, May, and June, Mr. A. J. M. VAN DAL, Vice-President of the Commission, undertook a tour of the Americas on behalf of the International Commission. One of the countries he visited was Argentina where he was accorded a warm welcome from many prominent jurists, among them ARGENTINO G. BARRAQUERO, former President and Judge of the Civil Court; ADOLFO BIOY, President of the Argentine Bar; LUIS M. BOFFI BOGGERO, Director, Institute of Comparative Law, Faculty of Law and Social Science, University of La Plata; HECTOR LUIS BRENTA, Adviser, Ministry of Labour; PODESTA COSTA, Minister of Foreign Affairs; JUAN FRANCISCO LINARES, Under-Secretary, Ministry of Justice; HAROLD DARQUIER; JULIO

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<sup>14</sup> Nos. 1 and 4.

DASSEN; ALBERTO M. JUSTO, Judge; GUILLERMO G. LASCANO; CARLOS C. MALAGARRIGA, of the Faculty of Juridical and Social Studies of the University of La Plata; RAUL CARLOS MIGONE, Minister of Labour and Provision; RUIZ MORENO, Under-Secretary of the Ministry of Foreign Affairs; JULIO OTAEGIN; ALFREDO ORGAZ, President of the Supreme Court; JOSE JULIO SANTA PINTER; SEBASTIAN SOLER, Procurator-General of Argentina; ALBERTO M. STAINOH; ALEJANDRO A. VASQUEZ, Titular Professor of the Faculty of Economics, University of Buenos-Aires; CARLO EDUARDO WEISS; IGNACIO WINIZKY, Secretary, Argentine Association of Comparative Law; CARLOS JUAN ZAVALA RODRIGUEZ, President of the Commercial Court of Appeal.

A Working Committee was constituted, preliminary to the founding of an Argentine Section of the Commission, consisting of:

President:	SEBASTIAN SOLER
Vice-President:	ALBERTO M. JUSTO
Secretary:	HECTOR LUIS BRENTA
Members:	ARGENTINO G. BARRAQUERO JULIO DASSEN

#### AUSTRALIA

As a result of the initiative of SIR JOHN MORRIS, Chief Justice of the Supreme Court of Tasmania, a Committee of Jurists under the distinguished presidency of the Chief Justice of Australia, THE RIGHT HONOURABLE SIR OWEN DIXON, G.C.M.G., is being organized, in the words of SIR JOHN MORRIS, to "form an intellectual front against all those things which tend to eat into the Rule of Law and by its existence to be a source of moral support to the Commission and a means of furthering an agreed policy."

#### BELGIUM

A Belgian Section of the International Commission (Commission Belge d'Etudes Juridiques pour la Défense des Libertés Fondamentales) was formed on April 28, 1956, with its seat at Chaussée de Charleroi 70, Brussels.

The members of the Administrative Board are:

President: HENRI MOREAU DE MELEN, Vice-President of the Senate, former Minister of Justice

Vice-Presidents: FERNAND DEHOUSSE, Senator, Professor of Law at the University of Liège  
GEORGETTE CISELET, Senator

Members: LOUIS FREDERICQ, lawyer at the Court of Appeal, Professor of Law at the Universities of Ghent and Brussels

HENRI FAYAT, Member of Parliament, lawyer at the Court of Appeal, Professor at the Free University of Brussels

PAUL VELDEKENS, lawyer at the Court of Cassation, Professor at the University of Louvain, former President of the Bar

PAUL-MAURICE ORBAN, Senator, former Minister, former President of the Bar, Professor and former Dean of the Faculty of Law of the University of Ghent.

The initial membership of the Belgian Section consists of: R. ANCOT, Senator, former President of the Bar; CH. BOCLEU, former President of the Federation of Belgian Lawyers; GEORGES BOHY, Member of Parliament; S. CAMBY, Senator; PIERRE-ALBERT CHARPENTIER, Member of Parliament, former President of the Bar at Huy; J. CHOT, Senator, former President of the Bar of Dinant; THEO COLLIGNON, former President of the Bar at Liège, former President of the Federation of Belgian Lawyers; E. COULON-VEAUX, Senator, President of the Bar of Dinant; Count CH. D'ASPREMONT LYNDEN, Senator, former Minister; L. DE BIE, former President of the Bar at Ghent; Baron D'HUART, Senator, Mayor of Namur, former President of the Bar of Namur; W. DELVA, Professor at the University of Ghent; DE MEYERE, Professor at the University of Louvain; H. DE POTTE, President of the Bar of Appeal at Ghent; RENE DE RIJCKE, Lawyer at the Court of Appeal of Ghent, Professor at the Free Uni-

versity of Brussels; A. E. DE SCHRIJVER, Minister of State, former Minister; R. DE SCHRIJVER, President of the Bar of Termonde; Baron ALBERT DE VLEESCHHOUWER, Professor at the University of Louvain; G. D'HANENS, permanent Deputy at the Provincial Council (Fl. Or.), former President of the Bar at Termonde; VIC. CH. DU BUS DE WARNAFFE, Member of Parliament, former Minister of Justice; J. DUVIEUSART, Senator, former Prime Minister; JEAN EECKHOUT, Lawyer at the Court of Appeal at Ghent; GASTON EYSKENS, Member of Parliament, Professor at the University of Louvain, former Prime Minister; R. GEORGE, Senator, President of the Bar at Charleroi; A. GILSON, Member of Parliament, Lawyer at the Court of Appeal at Brussels; P. HARMEL, Professor at the University of Liège, former Minister; CH. HEGER, President of the Bar at Namur, former Minister; A. KLUYSKENS, former President of the Bar at Ghent, former Rector and former Dean of the Faculty of Law of the University of Ghent; L. LAGAE, Senator, former Minister of Justice; v. LAMBERT, President of the Bar at Liège; J. MERTENS DE WILMARS, Lawyer at Antwerp, former Deputy; L. MOYERSON, Member of Parliament, former Minister of Justice; MUSCH, former President of the Bar at Liège; Baron P. NOTHOMB, Senator; A. PARISIS, Member of Parliament, Professor at the University of Liège; JOSEPH PHOLIEN, Senator, former Prime Minister; MARC A. PIERSON, Member of Parliament, Professor at the Free University of Brussels; PAUL STRUYE, Lawyer at the Court of Cassation, Professor at the University of Louvain, former President of the Senate, former Minister of Justice; PROSPER THUYSBAERT, Mayor of Lokeren, Professor at the University of Louvain; VAN BOGAERT, Professor at the University of Ghent; FRANS VAN CAUWELAERT, Minister of State; O. VAN DEN BERGHE, former President of the Bar at Courtrai; VAN DER DONEKT, President of the Bar at Antwerp; JACQUES VAN DER STEGEN, Lawyer at the Court of Appeal of Ghent, Deputy-Mayor of Ghent; W. VAN GERVEN, Senator, former President of the Bar of Termonde; FERNAND VAN GOETHEM, former Dean at the Faculty of Law at the University of Louvain; GEORGES VAN HECKE, Professor at the University of Louvain; J. VAN HOUTTE, Professor at the University of Liège and Ghent, former Prime Minister and Senator; J. VAN IMPE, Senator, Lawyer at the Court of Appeal; H. VAN LEYNSELE, former President of the Bar at the Court of Cassation; PAUL VAN ZEELAND, Min-

ister of State, Professor at the University of Louvain, former Prime Minister, former Minister of Foreign Affairs; P. VERHAEGEN, Lawyer at the Court of Appeal of Ghent; VERHELST, Lawyer at the Court of Appeal of Ghent, former Deputy-Mayor of Ghent; RENE VICTOR, Professor at the University of Ghent, former President of the Bar at Antwerp; P. WIGNY, Member of Parliament, former Minister.

## **BRAZIL**

As a result of Mr. VAN DAL's visit to Brazil and the initiative of JOSE THOMAZ NABUCO, Brazilian Member of the Commission, it is expected that a Brazilian National Section will shortly be founded. Among the prominent jurists expressing a practical interest in the Commission were: RAUL FERNANDEZ and JOÃS NEVES, former Ministers of Foreign Affairs; HILDEBRANDO ACCIOLY, Legal Adviser, Foreign Office; EDUARDO CHERMONT DE BRITO, former Minister of Finance; HAROLDO VALLADÃO, former President of the Brazilian Bar, Professor of Law, Member of the Supreme Electoral Tribunal; SANTIAGO DANTAS, Professor of Civil Law and Chairman of the Juridical Committee of the Pan-American Union; GERALDO NASCIMENTO E SILVA, of the Cabinet of the Minister of Foreign Affairs; PLINIO PINHEIRO GUIMARÃES, lawyer; AFONSO ARINOS DE MELO FRANCO, Professor of Constitutional Law; LEVI CARNEIRO, former Judge, International Court of Justice at The Hague; TRAJANO DE MIRANDA VALVERDE, President, Colegio de Abogados de Brasil and Instituto dos Abogados Brasileiros.

## **CANADA**

The Commission has a special association with Canada through its President, JOSEPH T. THORSON, President of the Exchequer Court of Canada. Mr. VAN DAL paid a visit to Ottawa and addressed a crowded and enthusiastic meeting at Ottawa on April 13, 1956, under the Chairmanship of B. M. ALEXANDER, Q. C., President of the Bar of Ottawa. The participants in the meeting included THE HONOURABLE PATRICK KERWIN, Chief Justice of Canada; IVAN CLEVELAND RAND, Judge of the Supreme Court; and the President of the Hull (Quebec) Bar. As a result of the meeting it was decided to form a Canadian Section.

## CHILE

Mr. VAN DAL, Vice-President of the International Commission, in the course of a speaking tour of the Americas, visited Chile in May 1956, finding there enthusiastic and wide-reaching support for the aims of the Commission. At a public luncheon on May 18, 1956 JOSÉ MAZA FERNÁNDEZ, President of the General Assembly of the United Nations, proposed the formation of a Working Committee.

On May 19, 1956, the first session of the Working Committee, preliminary to the founding of a Chilean Section of the Commission, took place in Santiago de Chile. The members of the Working Committee include: RAUL VARELA VARELA, President of the Bar of Chile; ENRIQUE BARBOSA, former Minister of Foreign Affairs; LUIS DAVID CRUZ OCAMPO, Legal Adviser to the Ministry of Foreign Affairs, former Ambassador to Moscow and the Vatican; DARIO BENAVENTE GORRONO, Dean of the Faculty of Law, University of Chile; PEDRO LIRA URQUIETA, Dean of the Faculty of Law at the Catholic University; ROLANDO MORINO; LUIS COUSINO MCIVER; OSVALDO ILLANES, Judge of the Supreme Court of Chile. GONZALO FIGUEROA was elected Secretary of the Working Committee.

## CUBA

In the course of the tour referred to above, Mr. VAN DAL in a visit to Havana met a number of Cuban lawyers who expressed their practical interest in the Commission, including: ALBERTO BLANCO, Professor of Law in the University of Havana; JOSE MIRO CARDONA, President of the Havana Bar Association; ERNESTO DI-HIGO, Director, and ENRIQUE DOLZ, Chairman of the Administrative Council, of the Inter-American Institute of Comparative and International Law; HUMBERTO SORI MARIN, lawyer; and COSME DE LA TORRIENTE, former President of the General Assembly of the League of Nations. It is hoped that a National Section will shortly be formed.

## ENGLAND

The Commission was host to a number of distinguished representatives of the Bar, Bench, and University at a dinner in London on March 8, 1956. Among the guests were:

SIR DINGWALL BATESON, M. C., Past President, Law Society; W. W. BOULTON, T. D., Secretary, Bar Council; E. J. COHN, Barrister-at-

Law; SIR WILLIAM CROCKER, M. C., Past President, Law Society; JOHN G. FOSTER, Q. C., M. P., former Under Secretary, Commonwealth Affairs; GEOFFREY DE FREITAS, M. P., former Under-Secretary, Home Office; GERALD GARDINER, Q. C.; A. L. GOODHART, Q. C., Master of University College, Oxford; C. J. HAMSON, Professor of Comparative Law, Trinity College, Cambridge; SIR CHARLTON HODSON, M. C., Lord Justice of Appeal, President of the International Law Society; SIR LEONARD HOLMES, Past President, Law Society; K. O. G. HUNTLEY, C. B. E., partner in the firm of Lovell, White and King, London; F. H. JESSOP, Past President, Law Society; SIR IVOR JENNINGS, Q. C., former Vice-Chancellor, University of Ceylon, Master of Trinity Hall, Cambridge; F. H. LAWSON, Professor of Comparative Law, Brasenose College, Oxford; T. C. LUND, C. B. E., Secretary, Law Society; SIR THEOBALD MATHEW, K. B. E., M. C., Director of Public Prosecutions; SIR GODFREY RUSSELL-VICK, Q. C., Past Chairman, General Council of the Bar; GERALD A. THESIGER, Q. C.; HUMPHREY WALDOCK, Q. C., Professor of International Law, All Souls College, Oxford; R. O. WILBERFORCE, Q. C.; RICHARD O'SULLIVAN, Q. C.

The Commission hopes that it will as a first step be possible to build up in the United Kingdom a small and informal Working Committee which will be able to put forward a representative British view on some of the topics of concern to the Commission.

## FINLAND

Preliminary to the constitution of a formal section, a Working Committee of Jurists has been initiated under the sponsorship of VELI KAARLO MERIKOSKI, Professor of Administrative Law, Member of the Constitutional Court and former President of the Finnish Lawyers' Society, and TAUNO SUONTAUSTA, former Minister of Justice and Member of the Permanent Court of Arbitration, both of whom attended the Athens Congress.

## FRANCE

The French Section was formed on March 1, 1955, at Paris under the title of "Commission d'Etudes Juridiques pour la Défense des Libertés Fondamentales" with its seat at 13 bis, Rue de Poissy, Paris (Ve). The organization is as follows:

- General President: DANIEL BOISDON, Counsellor and former President of the Assemblée de l'Union Française
- President of the Executive Committee: JEAN KREHER, lawyer at the Court of Paris
- Vice-Presidents: ROBERT LECOURT, former Minister of Justice, parliamentary representative of Paris  
 ANDRE BLONDEL, Professor at the Law Faculty of Dijon  
 PAUL JANVIER, Counsellor at the Court of Cassation  
 JEAN-JACQUES MARZORATI, lawyer at the Bar of Le Mans  
 LOUIS ROUSSEAU, lawyer at the Council of State and at the Court of Cassation
- Secretary-General: JEAN-LOUIS AUJOL, lawyer at the Court of Paris
- Assistant Secretary-General: Mrs. JACQUELINE BROMBERGER, lawyer at the Court of Paris
- Treasurer: LOUIS PETTITI, lawyer at the Court of Paris
- Assistant Treasurer: Mrs. SUZANNE MERLE, lawyer at the Court of Paris
- Members of the Executive Committee: EMMANUEL BLANC; RENE DUPUY; GOUVERNEL; ROCHETTE, lawyers at the Court of Paris.

## GERMANY

The German Section was formed on April 28, 1955, at Baden-Baden under the title of "Deutsche Sektion der Internationalen Juristen-Kommission", with its seat at Bad Godesberg, Kölnerstrasse 93. Its organization is as follows:



**Presidium:**

WILHELM MARTENS, former President of the High Court of Appeal, Karlsruhe

ARWED BLOMEYER, Dean of the Law Faculty, Free University of Berlin

THEO FRIEDENAU, Chairman, Investigating Committee of Free Jurists, West-Berlin

REINHART MAURACH, Professor of Penal Law, University of Munich

WOLFGANG POHLE, Member, Federal Diet, and Director, Mannesmann A.G., Düsseldorf

EBERHARD SCHMIDT, Professor of Penal Law, University of Heidelberg

MAX SILBERSTEIN, President of the High Court of Appeal, Karlsruhe

**Secretary-General:**

WALTER SCHMIDT, lawyer, Düsseldorf

**Secretary:**

HEINRICH SCHRADER, lawyer, Bad Godesberg

**President of the  
Curatorium:**

HERMANN WEINKAUFF, President of the Federal Supreme Court, Karlsruhe.

**GREECE**

A Greek group was formed in 1953, which in 1955 acted as host to the Athens Congress of the Commission. A full list of the sixty lawyers concerned is given in the *Report of the International Congress of Jurists*.<sup>15</sup>

**GUATEMALA**

Mr. VAN DAL's tours included a visit to Guatemala, during which he met with a very friendly reception from leading members of the Government and the legal profession, including the President of the Republic Colonel CARLOS CASTILLO ARMAS; RICARDO QUINONEZ, Minister of Foreign Affairs; EDUARDO RODRIGUEZ GENIS, Min-

<sup>15</sup> pp. 18-20. The *Report* is available on request.

ister of the Interior; ADOLFO MOLINA ORANTES, Dean, and VINCENTE DIAZ SAMAYOA, Rector, of the Law School of the University of San Carlos; and the President and Members of the Supreme Court: MIGUEL ORTIZ PASSARELLI, ALBERTO RUIZ AGUILAR, GREGORI AGUILAR FUENTES, JOSE ARTURO RUANO MEJIA, and ARNOLDO REYES MORALES.

As a result of the interest shown a Working Committee preliminary to the formation of a National Section was set up on May 10, 1956, with the following members: EDUARDO CARCERES-LEHNHOFF, JUAN IBARRA, JORGE SKINNER KLEE, and ERNESTO VITERI ECHEVERRIA.

## ITALY

A meeting preparatory to the formation of a National Section was held in Rome on March 30, 1956, under the chairmanship of RERRENTE FERRANTI, former President of the Chamber of the Court of Cassation, with GIORGIO SUPPIET, lawyer, as secretary. A lively discussion took place on the aims and work of the International Commission and on the significance of the Act of Athens. A Working Committee was set up the members of which, apart from the above mentioned, consisted of FRANCESCO SANTORO-PASSARELLI, Professor of Law at the University of Rome; ERMANNIO BELARDINELLI, lawyer; GIUSEPPE FERRI, Professor of Law at the University of Pisa; LIONELLO LEVI SANDRI, past President of one of the Chambers of the Council of State.<sup>15a</sup>

## MEXICO

Preliminary to the founding of a Mexican Section of the Commission a Working Committee was founded in Mexico City in May 1956 consisting of: EDUARDO L. BIENVENU, Member of the Tribunal Superior de Justicia del Distrito y Territorios Federales; MANUEL J. ESCOBEDO, President of the Barra Mexicana de Abogados; ALFONSO FRANCISCO RAMIREZ, Judge of the Supreme Court of Mexico; ALBERTO VELA, Member of the Tribunal Superior de Justicia del

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<sup>15a</sup> Since going to press it has been learned that an Italian Section has been formed. Further details will appear in the next Bulletin of the Commission.

Distrito y Territorios Federales; ANTONIO PEREZ VERDIA, President of the Colegio Ilustre y Nacional de Abogados.

During the course of Mr. VAN DAL's visit to Mexico, he explained the work of the Commission to a number of prominent jurists, from whom he obtained an encouraging response; among them may be mentioned: ANTONIO MARTINEZ BAEZ, former Minister; EDUARDO L. BIENVENU; JUAN JOSE GONZALEZ BUSTAMENTE; JAVIER CERVANTES; MARIO DE LA CUEVA, Professor of Law, University of Mexico; DONATO MIRANDA FONSECA, President, Tribunal Superior de Justicia del Distrito y Territorios Federales; TRINIDAD GARCIA; MIGUEL S. MACEDO, former President, Barra Mexicana de Abogados; VALENTIN MEDINA, Member, Tribunal Superior de Justicia del Distrito y Territorios Federales; ROBERTO MANTILLA MOLINA; EDUARDO SUAREZ, former Minister of Finance; CARLOS A. ECHANOVE TRUJILLO, Professor, University of Mexico; ALBERTO VELA; JUSTAVO R. VELAZCO, Dean of the Escuela Libre de Derecho; IGNACIO VILLALOBOS, Member, Tribunal Superior de Justicia del Distrito y Territorios Federales.

## PERU

Mr. VAN DAL was accorded a most friendly welcome in Peru. Among the distinguished jurists expressing a positive and practical interest in the Commission were: ANDREAS A. ARAMBURU, Professor of Law at the University of San Marco; RICARDO ELIAS Y APARICIO, President of the Bar of Lima; ENRIQUE GARCIA SAYAN, former Minister of Foreign Affairs; JOSE JACINTO RADA, former Ambassador to Argentina and the German Federal Republic; MANUEL G. ABASTOS, Professor of Law at the University of San Marco; JOSE LEON BARANDIARAN, Dean of the Faculty of Law of the University of San Marco, former Minister of Justice; ISMAEL BIELICH FLOREZ, Dean of the Faculty of Law and Political Science, Pontificia Universidad Nacional Catolica del Peru; HECTOR J. MARISCA, former President of the Colegio de Abogados of Lima; FELIX NAVARRO IRVINE, former President of the Bar; EDGARDO RODRIGUEZ CARTLAND, ESTUARDO NUNEZ, MAXIMO CISNEROS, L. EDUARDO GLAVE VALDIVIA, Members of the Executive Committee of the Colegio de Abogados. A National Section is in the process of formation.

## SWEDEN

Founded in January 1954 the "Swedish Association of Jurists for the Security of Justice" (Svenska juristföreningen för rättssäkerhet), with its seat in Stockholm, has conducted an active programme including the holding of public meetings, distribution of Commission materials and publication of articles in local newspapers. Recently a meeting of the Section elected the following officers: President: HENRIK MUNKTELL; Vice-President: ERIK ALEXANDERSON; Secretary: BERTIL BOLIN; Members of the Governing Board: INGRID GÄRDE-WIDEMAR, FOLKE SCHMIDT, ANNA-MARIA EEK, LENNART ELIASON. The Swedish Association has in its membership representatives of all branches of the legal profession; plans to increase its activity among law students are now being put into effect.

Among the public meetings arranged by the Section, special mention may be made of two organized on the following themes: "Deprivation of Freedom by Administrative Proceedings" and "Justice in a Democracy and in a Totalitarian State", the latter having as its guest speaker Professor PER O. EKELÖF whose address at the Athens Congress evoked great interest.<sup>16</sup>

## TURKEY

The Turkish Section of the Commission – "Association for the Defence of Law Against Injustice" – came into existence in 1953 and was formed to propagate the concept of the rule of law and to combat injustice with a view to securing the liberty of the individual and safeguarding his rights.

The Governing Board consisted of: YAVUZ ABADAN, Dean of the Faculty of Political Sciences, Ankara; MUAMMER AKSOY, University Lecturer and lawyer; HIKMET BELBEZ, Dean of the Faculty of Law, Ankara; VEDAT DICLELI, lawyer, former Minister of Trade and Economy; BAHADIR DÜLGER, Member of Parliament; BÜLENT ESEN, Political Economy Faculty, Ankara; HIFZI TIMUR, Political Economy Faculty, University of Istanbul. The Deputy Governors were: TAHIR SEBÜK, President of the Trade Senate at the Court of Cassation; NURETTIN GÜRSEL, President of the Second Civil Court, Ankara; H. A. GÖKTÜRK, President Turkish Law Society, Ankara; Control-

<sup>16</sup> Available on request by writing to the International Commission of Jurists, 47 Buitenhof, The Hague, Netherlands.

lers: SÜHEYİB DERBİL, Ankara; ZAHİT CANDARLI, President, Commercial Court, Ankara.

The seat of the Turkish section is: c/o Turkish Jurists' Union, Adakale Sokak, Yenisehir, Ankara.

#### UNITED STATES OF AMERICA

Mr. VAN DAL preceded his visit to Latin America by an extensive tour of the United States, in which he addressed meetings in Philadelphia, New York, Chicago, San Francisco, Los Angeles, Denver, Washington, D. C., Cleveland, Boston, St. Louis and Dallas. The encouraging response which Mr. VAN DAL experienced had been prepared by the earlier work of the American Fund for Free Jurists, which was set up in 1953 by a Special Committee of the Association of the Bar of the City of New York, and by the members of a Special Committee of the American Bar Association to Cooperate with the International Commission of Jurists. The American Bar Association at its annual meeting in 1953 adopted the following resolution:

"Resolved, that the American Bar Association endorses the program of the International Commission of Jurists in exposing systematic injustice and denials of individual rights in countries lying behind the Iron Curtain and in bringing to lawyers in those countries, who attempt to secure justice and to protect such rights, the encouragement and understanding of the lawyers of the free world."

Subsequently the American Bar Association established a Special Committee, under the Chairmanship of ERNEST ANGELL, to stimulate the interest of the American bar in the work of the International Commission of Jurists.

The American Fund for Free Jurists has the following Directors: JAMES GRAFTON ROGERS (Chairman), former Assistant Secretary of State and former Dean of Law, University of Colorado and Yale University; DUDLEY B. BONSALE (President), Member of the International Commission of Jurists and of its Executive Committee; WHITNEY NORTH SEYMOUR (Vice-President), former President of the Association of the Bar of the City of New York, partner in the firm of

Simpson, Thacher and Bartlett, New York; HAROLD R. MEDINA, JR. (Treasurer), partner in the firm of Cravath, Swaine & Moore, New York; ELI WHITNEY DEBEVOISE, of Debevoise, Plimpton & McLean, New York, sometime Acting U.S. High Commissioner for Germany; BENJAMIN R. SHUTE, of the law firm of Cravath, Swaine & Moore, New York; BETHUEL M. WEBSTER, of Webster, Sheffield & Chrystie, New York, former President of the Association of the Bar of the City of New York.

The Special Committee of the American Bar Association consists of: ERNEST ANGELL (Chairman), New York; HARVEY H. BUNDY, Boston; Mrs. KATHERINE D. AGAR, Chicago; EDWARD C. FREUTEL, JR., Los Angeles; ALVIN J. ROCKWELL, San Francisco; J. WESLEY MCWILLIAMS, Philadelphia; PHILIP W. AMRAM, Washington, D. C.; PAUL CARRINGTON, Dallas; STEPHEN C. THAYER, Cleveland; IRA W. JAYNE, Detroit; RANGER ROGERS, Denver; STEPHEN C. HART, Denver; CICERO SESSIONS, New Orleans; JACOB M. LASHLEY, St. Louis.

The members of the Los Angeles Bar Association Committee on Cooperation with the International Commission of Jurists consist of: JOHN T. BINKLEY; HAROLD A. BLACK; HOMER D. CROTTY; HARRY L. DUNN; EDWARD C. FREUTEL, JR.; JOSEPH P. LOEB; MORRIS PFAELZER; JAMES C. SHEPPARD; WILLIAM FRENCH SMITH; LOYD WRIGHT.

An encouraging feature of the American reaction to the Commission's work have been resolutions of leading lawyers, supporting the aims of the Commission, the resolution reading:

"We, the undersigned, wishing to add our support to that of lawyers in many other nations in a fight which is vital to lawyers everywhere, do hereby endorse the work of the International Commission of Jurists at The Hague in the promotion of the principles of justice under law and in publicizing and denouncing the systematic destruction of the law in the Communist nations and wherever else such systematic injustice may occur."

One of the most important meetings in Mr. VAN DAL's tour took place in New York on April 10, 1956, at the House of the Association of the Bar of the City of New York under the sponsorship of the New York Association's Special Committee to Cooperate with

the International Commission of Jurists. Members of this Special Committee are: DUDLEY B. BONSAI, Chairman; ERNEST ANGELL; JOHN P. CAMPBELL; JOHN N. HAZARD; PETER S. HELLER; HAROLD R. MEDINA, JR.; WHITNEY NORTH SEYMOUR; BENJAMIN R. SHUTE; DAVID SIMON; ROBERT B. VON MEHREN; BETHUEL M. WEBSTER; JOHN ASHLEY WELLS.

Among the guests attending the meeting were: THE HONOURABLE LEARNED HAND, Judge, United States Court of Appeals, Retired; E. SMYTHE GAMBRELL, President of the American Bar Association; DAVID F. MAXWELL, President-designate of the American Bar Association; PAUL R. HAYS, Professor of Law, Columbia University; JAMES GRAFTON ROGERS; THE HONOURABLE JOSEPH T. THORSON.

## URUGUAY

On May 31, 1956, as a result of the efforts of Mr. A. J. M. VAN DAL and JUAN JOSE CARBAJAL VICTORICA, Member of the Commission, the first meeting of the Uruguayan Section of the International Commission of Jurists took place at the Institute for International Law of the University of Montevideo. Among the prominent jurists participating were: JOSE SERRATO, former President of the Republic; FRANCISCO GAMARRA, Minister for Foreign Affairs; JULIO DE GREGORIO, President of the Supreme Court; ARQ. LEOPOLDO CARLOS AGORIO, Rector and, RODOLFO MEZZERA ALVAREZ, Dean, Faculty of Law, University of Montevideo; DARDO REGULES, Vice-President of the Institute of International Law; JUSTINO JIMENEZ DE ARECHAGA, BERNARDO SUPERVIELLE, EDUARDO JIMENEZ DE ARECHAGA, Professors of Law, University of Montevideo; E. RODRIGUEZ LARRETA, former Minister of Foreign Affairs. Further information will be announced in forthcoming issues of the Bulletin.

## TRANSLATION

## COLLEGE OF ADVOCATES

SANTA CRUZ DE LA SIERRA  
BOLIVIAADHERENCE TO THE ACT OF ATHENS

(We) THE MEMBERS of the Executive Board of the College of Advocates of Santa Cruz de la Sierra, Bolivia; answering the call contained in the Act of Athens of the Free Jurists, passed at their meeting of June 18, 1955, held upon invitation of the International Commission of Jurists of The Hague (Netherlands):

Consider as inalienable and imprescriptable the Human Rights of freedom of expression and diffusion of thought, of religious belief, assembly, and association, contributing to the establishment of public authority in conditions of political equality, independence in the practice of the legal profession, and uniform application of the fundamental principles of justice;

Realize that it is a professional duty to strive for the defence of the State based on Law, because it is rooted in the reverence for and practice of the Rights of Man, achieved in the course of History through an incessant age-old strife, solemnly affirmed in these present times by the Declaration of Bogota of May 2, 1948, by the Ninth Inter-American Conference and by the Universal Declaration approved in Paris, December 10, 1948, by the General Assembly of the United Nations;

Declare our adherence to the Act of Athens of the Free Jurists in the belief that the acceptance and defence of the principles applicable to the legal system and the State, enumerated therein, constitute the motive power of the social thinking guiding Mankind and an inexhaustible source of understanding and brotherhood among Men in the service of civilization and international peace.

In witness whereof our signatures this 8th day of February 1956.

Luis Saucedo Aponte  
Julio A. Guiterrez  
Lucas Saucedo Sevilla

Juan del Villar  
Rafael Suarez Arana  
Jorge Urenda Peinado



## COLEGIO DE ABOGADOS

SANTA CRUZ DE LA SIERRA  
BOLIVIAADHESION AL ACTA DE ATENAS.

LOS MIEMBROS de la Junta Ejecutiva del Colegio de Abogados de Santa Cruz de la Sierra, Bolivia; atendiendo al llamado contenido en el Acta de Atenas de los Juristas Libres, labrada en sus reunión de 18 de junio de 1955, efectuada a invitación de la Comisión Internacional de Juristas de La Haya (Países Bajos);

Consideramos como inalienables e imprescriptibles los Derechos Humanos a la libertad de expresión y difusión del pensamiento, creencia religiosa, reunión y asociación, contribuir a la formación de los poderes públicos en condiciones de igualdad política, independencia en el ejercicio de la profesión y aplicación uniforme de los principios fundamentales de justicia;

Apreciamos que la defensa del Estado de Derecho es un deber profesional, porque radica en el acatamiento y práctica de los Derechos del Hombre, adquiridos a través de incesante lucha milenaria en el curso de la Historia, consagrados en los tiempos contemporáneos, por la Declaración aprobada el 2 de mayo de 1948 en Bogotá, por la IX Conferencia Internacional Americana y la Declaración Universal aprobada el 10 de diciembre de 1948 en París, por la Asamblea General de las Naciones Unidas;

DECLARAMOS nuestra adhesión al Acta de Atenas de los Juristas Libres, estimando que la aceptación y defensa de los principios de ordenamiento jurídico institucional y del Estado, allí enumerados, son la fuerza generatriz del pensamiento social directivo de la Humanidad y la fuente inagotable de comprensión y confraternidad entre los Hombres al servicio de la civilización y la paz internacional.

En fé de nuestra decisión, la firmamos y rubricamos, el 8 de febrero de 1956 años.

JUAN SATOLLO APONTE

Abogado

Rafael Suárez Arana.

Juan del Villar.

JORGE URRUTU - PEINADO  
ABOGADO