

GENERAL
ASSEMBLY

TWENTY-SEVENTH SESSION

Official Records

Thursday, 26 October 1972,
at 11 a.m.

NEW YORK

Chairman: Mr. Hady TOURÉ (Guinea).

AGENDA ITEM 38

The policies of *apartheid* of the Government of South Africa (continued) (A/8666 and Corr.1, A/8670, A/8689, A/8703, paras. 501-519; A/SPC/L.239, A/SPC/L.240):

- (a) Reports of the Special Committee on *Apartheid* (A/8722 and Add.1, A/8770);
- (b) Reports of the Secretary-General (A/8822, A/8833)

CONSIDERATION OF DRAFT RESOLUTIONS

1. The CHAIRMAN drew attention to the two draft resolutions before the Committee, A/SPC/L.239 and A/SPC/L.240.

2. Mr. STEPHEN (India), reviewing the background of United Nations consideration of the question of *apartheid*, deplored the fact that South Africa had turned a deaf ear to the appeals made to it by the Special Committee, the Commission on Human Rights, the General Assembly at each of its sessions since 1946, the Security Council, the Organization of African Unity and the Conference of Heads of State or Government of Non-Aligned Countries; in fact, the racist régime had intensified its policy of torture and reacted to the anti-*apartheid* movements in an inhuman and bestial manner. In 1971 the international community had been horrified to hear about the so-called "suicide" of a young teacher, Mr. Ahmed Timol, while he was under detention in Johannesburg, as a result of which the General Assembly had adopted by 109 votes to 2—those of Portugal and South Africa—with no abstentions, resolution 2764 (XXVI), in which it requested the Special Committee to prepare a special report on all known cases of maltreatment and torture of prisoners in South Africa.

3. He reminded the Committee that the report of the special Committee on the maltreatment and torture of prisoners in South Africa (A/8770) had been prepared on the basis of impartial inquiries carried out by various bodies under the auspices of the United Nations and cited the cases of several persons among many others who had died in South African prisons. No one would ever know whether the allegations of suicide were a concoction or if the torture had reached such a stage that suicide was the only way out for the victims. Some, like Mr. Desingee Francis, had survived and had described the methods used. The South African Security Police had added a new dimension, borrowed from psychology, to the scientific torture developed by the

Nazis in order to reduce the victims to nothing. The report had referred to the many detainees who had had to have psychiatric treatment on leaving prison. Modern scientific psychological techniques were replacing primitive torture chambers and the purpose of torture was no longer merely to extract information; it had become an end in itself and was used systematically against any citizen who opposed the State. In South Africa, it had become an institution. It was to be noted that while in most civilized countries, there was a censorship concerning torture, especially on television, those same countries made no attempt to condemn those who perpetrated torture.

4. In introducing draft resolution A/SPC/L.239, which was essentially a humanitarian and non-controversial proposal, he expressed the hope that Member States, whatever their position towards the South African Government and its policy of *apartheid*, would adopt it unanimously. The first preambular paragraph referred to General Assembly resolution 2764 (XXVI) and the second to the special report which had emerged as a result of that resolution; the third expressed grave concern over the maltreatment and torture of prisoners and detainees. In operative paragraph 1 the Government of South Africa was called upon to put an end to all forms of physical and mental torture. In that connexion, a distinction should be drawn between the policy of *apartheid*, on the one hand, and of recourse to gruesome and barbarous methods of torture, on the other. Whereas it adopted an attitude of defiance and justification with respect to its policy of *apartheid*, the South African Government persistently and publicly denied the allegations of torture. It was to be hoped that the findings by the international community and the appeals made to South Africa would have an effect and that, if nothing else, the flagrant violations of article 5 of the Universal Declaration of Human Rights would cease. By operative paragraph 2 the Special Committee was requested to follow the situation and to promote an international campaign for ending repression, maltreatment and torture in South Africa. There was no doubt that by giving the widest world-wide publicity to the situation in all its horror, the United Nations would be making the most significant contribution it could make towards assisting the people of South Africa to resist the inhuman practices and would force the Government to desist from them. By operative paragraph 3 the General Assembly would request the Secretary-General to publicize the special report of the Special Committee on *Apartheid* and to transmit it to the Commission on Human Rights. That report had served to put the Government of South Africa in the dock before the

international community; now it either had to disprove the findings of expert bodies set up by the United Nations or to put a stop to its practices and respect the Universal Declaration of Human Rights. He hoped that the Office of Public Information of the Secretariat would publish the report so that it could become a permanent reference document.

5. The question was whether the international community would accept in helpless inaction a situation in which the opponents of *apartheid* were reduced to the status of "sub-men". India's involvement with *apartheid* had begun in 1893, when Mahatma Gandhi had arrived in South Africa. The techniques of "satyagraha" (passive resistance) had in fact been evolved in that connexion in South Africa. Three quarters of a century later, there was still no improvement; if anything, the situation was worse, since inhuman laws and torture had been added to the racial discrimination. If violence broke out, the responsibility would lie not only with the white racist régime of South Africa but also with all its friends who had done nothing to dissuade it from following its suicidal policy. In the long run, the dehumanizing effect of torture would affect the South African whites more than the blacks, because they might lose not only their material wealth but also their humanity, dignity and soul.

6. He hoped that the draft resolution, which asked simply that in dealing with the prisoners the canons of human conduct and dignity should be observed, would be unanimously adopted.

7. Mr. GALLAGHER (Ireland) endorsed the statement made by the representative of India. His delegation, which was one of the sponsors of the draft resolution, reiterated its concern about the deteriorating situation in South Africa and the widespread use of repressive legislation. The report of the Special Committee on *Apartheid* on the maltreatment and torture of prisoners in South Africa was an indictment of the Government of South Africa and its *apartheid* policies, which were based on racism and repression. In that connexion, he reminded the Committee of the massacre of peaceful African demonstrators at Sharpeville in 1960 and the prosecution in 1971 of the Dean of Johannesburg for providing humanitarian assistance to those persecuted under *apartheid* laws.

8. The basic purpose of the draft resolution was to ensure that the Committee spoke up forcefully against the practices detailed in the report and, by alerting international public opinion, to induce the South African Government to put an end to its degrading and repressive practices.

9. Mr. DI BERNARDO (Italy) said that nothing was more abhorrent to the Italian people than the doctrine of *apartheid*, which was an affront to human

dignity. The practice of torture was an insult to the moral principles of the international community and a denial of fundamental human rights. His delegation therefore vote in favour of draft resolution A/SPC/L.239.

10. Mr. FRELLESVIG (Denmark), introducing draft resolution A/SPC/L.240, said that the United Nations Trust Fund for South Africa had been set up for exclusively humanitarian purposes, to provide assistance to the victims of *apartheid* and racial discrimination in South Africa and, to a limited extent, to the victims of such policies in Namibia and Southern Rhodesia. In view of the increasing needs for humanitarian assistance as repression became intensified, more resources were vitally needed.

11. Draft resolution A/SPC/L.240 was self-explanatory; it was slightly shorter than the resolution adopted by an overwhelming majority the previous year, as there seemed to be no need to repeat all the paragraphs. However, it included for the first time an expression of the General Assembly's appreciation of the efforts of the Secretary-General and the Committee of Trustees to promote contributions to the Fund. It also appealed to States, organizations and individuals for *annual* contributions. Its sponsors were confident that it would meet with the same support as previous resolutions and hoped that it would be followed up by practical action and that a larger number of States would contribute to the Trust Fund so that it might continue its work for the benefit of victims of *apartheid* and racial discrimination in southern Africa.

12. Mr. JOB (Yugoslavia) said that the reasons why Yugoslavia was one of the sponsors of draft resolution A/SPC/L.239 were well known. He was very pleased that the humanitarian concern expressed in the draft resolution knew no frontiers, for all the continents were represented among its sponsors.

Organization of the Committee's work

13. The CHAIRMAN suggested that the Committee should proceed with its work by taking up item 40 of its agenda concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East on 2 November. It would then go on to item 41 if the report of the Special Committee on Peacekeeping Operations was available in time. Lastly, it would take up item 42, dealing with the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories so that it would complete its work on 6 December.

It was so decided.

The meeting rose at 11.35 a.m.