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TWENTY-SIXTH SESSION

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SPECIAL POLITICAL COMMITTEE, 764th  
MEETING



Tuesday, 2 November 1971,  
at 3.20 p.m.

NEW YORK

Chairman: Mr. Cornelius C. CREMIN (Ireland).

AGENDA ITEMS 37 AND 12

The policies of *apartheid* of the Government of South Africa (*continued*) (A/8403, A/8422 and Corr.1, A/8467, A/8468, A/SPC/145, A/SPC/L.205):

- (a) Report of the Special Committee on *Apartheid* (A/8422 and Corr.1);
- (b) Reports of the Secretary-General (A/8467, A/8468);
- (c) Report of the Economic and Social Council (chapter XVII (section C)) (A/8403)

1. Mr. WARBERG (Denmark) said that his country had always opposed all forms of racial discrimination. In an era when efforts were being made to safeguard human rights, the South African Government persisted in ignoring those rights and was even intensifying its odious policy of *apartheid*, which the United Nations had been unable to make it abandon. His delegation had studied attentively the report of the Special Committee on *Apartheid* (A/8422 and Corr.1) and the report of the Secretary-General (A/8467), which showed the various efforts being made by the United Nations to combat *apartheid*. It particularly welcomed the results achieved in the field of information which was extremely important and would undoubtedly prove to be an effective instrument in the struggle against all forms of discrimination. It was essential for world public opinion to be kept constantly aware of the situation in South Africa, and it was to be hoped that the majority of the white population of the country would be unable to remain indifferent to the voice of the international community.

2. His delegation had noted with particular interest the recommendation of the Special Committee (see A/8422 and Corr.1, para. 252) regarding the adoption by the General Assembly of a declaration on the elimination of *apartheid*. The suggestion merited close consideration by the Special Political Committee. In that connexion, the Special Committee had also drawn attention to the deliberations of the Security Council in 1963 and 1964, when it had recognized "the need to eliminate discrimination in regard to basic human rights and fundamental freedoms of all individuals within the territory of the Republic of South Africa" (see Security Council resolution 182 (1963), tenth preambular paragraph), had recommended that "all the people of South Africa should be brought into consultation and should thus be enabled to decide the future of their country at the national level" (resolution 191 (1964), para. 5), and had requested the Secretary-General "to consider what assistance the United Nations may offer to facilitate such consultations" (*ibid.*, para. 6). Whatever the

terms of such a declaration, it should be given the widest possible support by States Members of the Organization.

3. It was absolutely necessary that all States should cease all shipments of arms to South Africa in accordance with the Security Council resolutions, which his country had consistently complied with. As to the issue of economic measures, his Government's position was well known. However, humanitarian assistance was a necessary supplement to political action. He recalled that his country had contributed about \$66,800 to the United Nations Trust Fund for South Africa, \$100,000 to the United Nations Educational and Training Programme for Southern Africa, \$200,000 to the victims of suppression of the African peoples in southern Africa, \$100,000 to the International University Exchange Fund and \$90,000 to the World University Service. He hoped that a larger number of Member States would contribute to those programmes, so that their solidarity with the people of South Africa might be translated into action.

4. Such contributions would not, of course, wipe out the misery that was inherent in any *apartheid* system, nor would they relieve Member States of their duty to make every effort to eliminate racial discrimination in the world. His Government believed that a solution could be achieved by peaceful means and was prepared to consider any realistic proposal concerning steps the United Nations could take, within the framework of the Charter, to persuade the South African Government to establish a democratic, non-racial society with equal rights for every citizen.

*At the invitation of the Chairman, Mr. Yusef Saloojee (African National Congress of South Africa) took a seat at the Committee table.*

5. Mr. SALOOJEE<sup>1</sup> said that, since it had assumed power in 1948, the South African Government had fought any opposition to *apartheid* with increasingly repressive legislation. In 1963 the 90-day Detention Law<sup>2</sup> had authorized the South African police to conduct massive raids and arrests. Many prisoners had been held incommunicado, with all forms of legal representation denied to them, and prisoners were frequently tortured. The first deaths in detention dated from that period, and Mr. Looksmark Solwandle Ngudle, Mr. Alpheus Modiba, Mr. Suliman Saloojee and several other members of the African National Congress of South Africa were alleged to have committed

<sup>1</sup> Mr. Saloojee took the floor in accordance with the decision taken by the Committee at its 763rd meeting to authorize him, as a representative of the South African Indian Congress, as well as of the African National Congress of South Africa, to address the Committee.

<sup>2</sup> Section 17 of the General Law Amendment Act, No. 37 of 1963.

suicide. South Africa had a long record of indiscriminate killing of those who opposed its racist laws. Examples were the massacres at Bullhoek and Port Elizabeth in 1920, the Bendelswort massacre in 1921, the killing of Johannes Nkogi in 1930, the Sharpeville massacre in 1960, and more recently the death of the Imam Abdullah Haron, Mr. Mayeni Cushela and Mr. Ahmed Timol. Then Imam Haron had died under interrogation by the police in September 1969. Although the post-mortem had shown innumerable bruises, the court had accepted the evidence that he had fallen down the stairs and the Government had refused to permit any judicial inquiry in spite of numerous protests.

6. The Terrorism Act had given rise to a new wave of terror. The death of Ahmed Timol in mysterious circumstances had once again been attributed to suicide. Mr. Abdullah Iassaf, in an interview with *The Times* of London, had expressed doubt about the evidence. He had been detained in March 1963, under the 90-day Detention Law, and cruelly tortured. He had managed to escape and now lived in London in a very bad state of health as a result of his mistreatment. Prime Minister Vorster had also refused to permit any judicial inquiry into Mr. Timol's case in spite of protests from many sectors of the South African public and had attacked the press, accusing it of overplaying "the incident". He (Mr. Saloojee) had known Mr. Timol personally, the latter having been a colleague in the teaching profession; he paid homage to a man who had been loved and respected by everyone and whose funeral procession had been joined by many of his students.

7. He also cited the case of Mr. Mohamed Essop Seedat, a brilliant medical student, who had been detained incommunicado and was now in hospital with an "unspecified" illness. After hearing evidence on the numerous wounds found on Mr. Essop Seedat's body, Judge Margo had had the courage to order an investigation into the case and had forbidden the police to assault the prisoner. The parents of other detainees were planning similar action, particularly the family of the young girl Fatima Wadee, who had been detained at the same time as Mr. Timol and Mr. Essop Seedat and severely tortured. The racist régime had not hesitated to sentence the Anglican Dean of Johannesburg to five years' imprisonment under the Terrorism Act and the Suppression of Communism Act, which would hardly seem to be applicable to a Church man.

8. Before he had been sentenced, Mr. Nelson Mandela had stated that he realized that the rebellion would offer the Government limitless opportunities for the indiscriminate slaughter of Africans and that they would in the end have to use force in order to defend themselves against force. That was still the position of the African National Congress and its allies, who were committed to destroying the *apartheid* régime and replacing it with a true democratic state where all sections of the population would enjoy the freedoms laid down by the United Nations Charter and the Universal Declaration of Human Rights. All the resolutions and efforts of the United Nations had failed to mitigate the severity of *apartheid*, and the statistics issued by the South African Government showed that the position of the non-whites had in no way improved since the founding of the United Nations more than a quarter of a century ago.

9. Since 1960 repression had increased in South Africa. Under the 90-day Detention Law, the Suppression of Communism Act, the 180-day Law,<sup>3</sup> the Terrorism Act and the "Boss Law",<sup>4</sup> hundreds of Africans had been sent to gaol and to their deaths; the Unit on *Apartheid* had many examples. The recent tragic events in that regard would not be the last unless positive steps were taken by the international community. On behalf of the people of South Africa and his organization, he appealed to the Committee to take steps to put an end to the barbaric acts of the South African Government.

10. He went on to read a press release in which Mr. Alfred Nzo, Secretary-General of the African National Congress of South Africa, denounced the death of Mr. Ahmed Timol and the tortures inflicted on Mr. Mohamed Essop Seedat and condemned those brutal acts committed against opponents of *apartheid*. He called upon all nations to join in that condemnation, demanded an inquiry into the murders and the methods used during the interrogation of political detainees and called for the release of all such prisoners since that was the only way to save them from torture and death.

*Mr. Saloojee withdrew.*

11. Mr. GALLAGHER (Ireland) expressed his delegation's concern at the deterioration of the situation in South Africa, which was illustrated by the recent events drawn to the attention of the Committee by the representative of India. His delegation condemned all the laws of South Africa relating to *apartheid*, particularly the Terrorism Act. As it had already observed, it was dangerous to push a people to the point where it might, in despair, be tempted to take the law into its own hands and resort to violence.

12. Mr. FARAH (Somalia) said that the sentencing of the Anglican Dean of Johannesburg following a series of raids and arrests, and the death some days before of a person detained by the South African police, did not surprise him. As he had already stated in the Special Committee on *Apartheid*, the repressive measures taken against men of religion and peace were merely further proof of the South African régime's hypocrisy. For years there had been overwhelming evidence that the policy of *apartheid* was indefensible, unjust, cruel and dangerous—a crime against the conscience and dignity of mankind which was maintained only by means of laws contrary to the principles of the United Nations Charter and the Universal Declaration of Human Rights. He hoped that the sentencing of the Dean of Johannesburg would encourage other religious leaders to take up the torch, since the intensification of persecution in recent months clearly indicated that the population was becoming increasingly unwilling to tolerate the *apartheid* system. Moreover, if the South African Government had nothing to hide, why did it categorically refuse to authorize independent judicial inquiries?

13. On behalf of the sponsors, he introduced draft resolution A/SPC/L.205, which reflected the concern and indignation aroused by recent events in South Africa. The

<sup>3</sup> Section 215 of the Criminal Procedure Amendment Act of 1965.

<sup>4</sup> General Law Amendment Act, No. 101 of 1970.

first two preambular paragraphs recalled resolutions previously adopted by the General Assembly condemning the policy of *apartheid*, and the last two referred to recent events. Operative paragraph 1 summarized the view of delegations on the question of *apartheid*; operative paragraph 2 drew attention to the South African legislation which had been condemned by many international associations of jurists and by the United Nations, in particular the Suppression of Communism Act and the Terrorism Act; operative paragraph 3 indicated the measures which might be taken by associations of jurists wishing to maintain their professional standards; operative paragraph 5 requested the preparation of a report by the Special Committee on *Apartheid*, so that the General Assembly would be kept up to date on everything happening in South Africa, and, for that purpose, operative paragraph 6 invited general co-operation; operative paragraph 7 specified in detail the measures which the Secretary-General should take in implementation of the draft resolution.

14. In the interest of consistency, the following changes should be made in the draft: in the fifth preambular paragraph, the words "priests and other churchmen" should be replaced by "religious leaders"; in operative paragraph 3, the word "organizations" should be replaced by "associations"; in operative paragraph 4, the words "churches and" should be deleted; in operative paragraph 7(a), the words "organizations of jurists and churches" should be replaced by "religious organizations and associations of jurists"; in operative paragraph 7(b), the words "priests and churchmen" should be replaced by "religious leaders". The sponsors would welcome any suggestions for improving the substance of the draft resolution enabling it to reflect the unanimous opinion of the General Assembly. They hoped that the draft could be adopted the following day.

15. He read out a communication addressed to the Secretary-General by Mr. Yusuf Dadoo, President of the South African Indian Congress, which described the murder of Ahmed Timol; that brought to 17 the total number of persons who had died while being held by the South African police. Mr. Dadoo urged that the United Nations should take immediate measures and that South Africa should permit an independent judicial inquiry.

16. Mr. PEJIC (Yugoslavia) condemned the measures taken recently by the South African Government to strengthen the implementation of its policy of *apartheid*, which showed that no section of the population was immune from its action. While police brutality against the African population had increased, it was, as Mr. Saloojee had shown, also being applied to persons of Asian origin. The sentencing of the Anglican Dean of Johannesburg to five years' imprisonment under the Terrorism Act and the Suppression of Communism Act showed *apartheid* in its true light.

17. The Committee could have no doubt as to the measures to be taken. It should do everything possible to intensify the international struggle against *apartheid* and particularly to ensure the implementation of the resolutions adopted by United Nations bodies. The latest actions by the Pretoria régime showed that the position of countries which maintained relations with South Africa or provided it with military assistance was indefensible.

18. His country was a sponsor of draft resolution A/SPC/L.205. As it was not possible to mention in the text of the draft all the cases of brutality and torture by the South African authorities, he believed that the Committee should, through its Chairman, make a statement relating the resolution to the measures recently taken by the South African Government in which it would express its indignation at the sentencing of the Anglican Dean of Johannesburg and the death of Mr. Timol.

19. Mr. AHMAD (India) pointed out that the draft resolution was strictly humanitarian and aimed at removing the threat of torture and death which hung over detainees in South Africa. It was admittedly difficult to prove by normal methods that detainees were tortured, since lawyers could neither see them nor consult the files on them. Nevertheless, there was indirect proof that torture was practised in South Africa. If the South African Government had nothing to hide, it would not oppose a judicial inquiry, and before Mr. Timol's case there had been 16 others. If some delegations doubted that torture was practised in South Africa, they should persuade the South African Government to permit an inquiry. India was a sponsor of draft resolution A/SPC/L.205 and would support it.

20. Mr. OGBU (Nigeria) said that his country had joined in sponsoring the draft resolution before the Committee because it believed that the least the Committee could do in the existing circumstances was to adopt the draft. He hoped that the Committee would have no difficulty in adopting the draft resolution unanimously in order to express the serious concern felt by the Committee and the General Assembly at the inhuman policies of the South African Government. To remain silent would mean becoming an accomplice of that Government, which, having based its policy in part on religious considerations, had prosecuted and sentenced the Anglican Dean of Johannesburg for having dared to draw attention to the injustices of that policy. He read out the text of the resolution adopted by the Anglican Synod, which had been published in the weekly issue of the Johannesburg *Star*, dated 23 October 1971. Lastly, he supported the suggestion made by the representative of Yugoslavia that a statement should be made to accompany the draft resolution.

21. Mr. ABDULAH (Trinidad and Tobago) shared the concern felt by a number of delegations on learning of the evidence that the South African police tortured detainees. The inhuman treatment to which persons arrested for opposing *apartheid* were subjected could arouse only horror and indignation. An effort must be made to take measures which would put an end to violence and restore respect for human rights. The sentencing of the Anglican Dean of Johannesburg showed the extremes to which the South African Government was prepared to go to crush any opposition. It was essential to combat the savage application of an inhuman policy which denied everything the United Nations stood for. As his country was one of the sponsors of draft resolution A/SPC/L.205, his delegation recommended it to other delegations and hoped that it would be adopted unanimously.

22. Mr. TEYMOUR (Egypt) felt that Mr. Timol's death was an example of the atrocities committed by the South African Government and shared the concern felt by other

delegations at the fate of the African inhabitants of South Africa. His delegation was indignant at the acts of police brutality committed against a defenceless population and the ferocity of the measures taken by the South African Government. It was a sacred duty to draw the attention of the international community to the crimes committed by the racist minority in the war it was waging against the South African population. It was the duty of the United Nations to take the necessary measures, which could serve as a warning to all racist régimes. His delegation would support the draft resolution.

23. Mr. NUSEIBEH (Jordan) said that his delegation found all the provisions of draft resolution A/SPC/L.205 satisfactory and would support it. He wondered whether the Committee might not also request the International Committee of the Red Cross to undertake an immediate inquiry in South Africa. The work of the Red Cross was normally connected with war, natural disaster or foreign occupation, but the current situation would appear to justify its intervention since the problem was to alleviate suffering and save human life. If it refused to admit the Red Cross, the South African Government would merely be offering further proof of its inhumanity.

24. Mr. KUSUMASMORO (Indonesia) said that his delegation whole-heartedly supported the draft resolution and that Indonesia wished to join the sponsors.

25. Mrs. MARTINEZ (Chile) said that in joining the sponsors of the draft resolution her country had wished to express its vigorous condemnation of recent events in South Africa and its indignation at the repressive practices of the racist minority whose aim was to cloak in silence the inhuman treatment inflicted on the masses. She reserved the right to speak later on the substance of the draft.

26. Mr. ACOSTA (Cuba) said that he also condemned the recent events in South Africa, which had shocked world public opinion. The arrests, the mistreatment of prisoners and the so-called "suicides" as well as the absence of South Africa from the Committee showed the true face of *apartheid*. His delegation therefore supported draft resolution A/SPC/L.205 without reservation and would vote for it.

27. Mr. GANDA (Sierra Leone) recalled the suggestion which had been made by the representative of Yugoslavia and supported by the representative of Nigeria. For maximum effect there should be, if not a formal declaration, at least a consensus statement. He also supported the

suggestion of the representative of Jordan that the Red Cross should be requested to conduct an inquiry in South Africa.

28. Mr. BANGO BANGO (Zaire), noting that his delegation had always supported all measures taken against *apartheid*, said that he reserved the right to speak the following day, before the vote on the draft resolution.

29. Mr. PAMBOU (People's Republic of the Congo) said that although his delegation had to some extent lost faith in United Nations resolutions relating to the tragedies occurring in certain parts of the world, it was nevertheless faithful to the struggle against all forms of oppression, and his country was a sponsor of the draft resolution which it supported without reservation and hoped would be adopted unanimously.

30. Mr. IPSARIDES (Cyprus) said he hoped that the draft resolution would be adopted unanimously, since the cause of those who were now suffering in South Africa was the cause of all mankind.

31. Mr. AHMAD (India) proposed, with the consent of the sponsors of the draft resolution, that the phrase "together with particulars on all officials responsible for such inhuman practices" in operative paragraph 5 should be replaced by "together with any other information pertinent to those cases".

32. The CHAIRMAN said that Barbados, Egypt, Indonesia, Malaysia, Morocco, the Philippines and Senegal wished to become sponsors of draft resolution A/SPC/L.205. The members of the Committee appeared to agree that the draft should be voted on on the following day, and he wished to draw their attention to the fact that the sponsors were open to any suggestion which would improve the text.

33. The numbers of speakers listed for future meetings of the Committee were very unbalanced, and it would be useful if some delegations would agree to speak sooner than they had specified.

34. Mr. BLANC (France), speaking on a point of order, said that it would be desirable, when a draft resolution was before the Committee, for it to be submitted in all the languages so as to place all delegations on an equal footing.

*The meeting rose at 5.10 p.m.*