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MEETING**

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*Chairman:* Mr. Erik NETTEL (Austria).

AGENDA ITEM 59

Capital punishment (continued) (A/7203, chap. XI,  
sect. B; A/7243, A/C.3/L.1557)

1. Mr. SQUIRE (United States of America), speaking in explanation of his vote on the resolution adopted at the previous meeting, said that in his delegation's view the reference in the preamble to articles 3 and 5 of the Universal Declaration of Human Rights did not mean that respect for the Universal Declaration necessarily implied approval for the abolition of capital punishment.

2. Mr. SANON (Upper Volta) introduced draft resolution A/C.3/L.1557 on behalf of the sponsors, making a few oral amendments.<sup>1/</sup> The draft resolution was more directly concerned with specifically African problems than the resolution which had been adopted at the previous meeting. The first two preambular paragraphs referred to articles 3 and 5 of the Universal Declaration of Human Rights, just as the resolution already adopted had done; the third preambular paragraph referred to Security Council resolution 253 (1968) of 29 May 1968, in which the Council had condemned the executions carried out by the illegal régime in Southern Rhodesia; the fourth preambular paragraph noted with concern the resort to capital punishment in Namibia, Southern Rhodesia and South Africa. He reminded the Committee of the recent trial in Pretoria of freedom fighters, who, although they had not been put to death, had had to undergo and were still undergoing degrading treatment.

3. Operative paragraph 1 condemned the barbarous suppression of the natural aspirations of the peoples of southern Africa to justice and freedom. In paragraph 2, the Commission on Human Rights and the Economic and Social Council were requested to keep the matter under constant review.

4. He felt that the Committee should have no difficulty in adopting the draft.

5. Mr. AL-BABTIN (Kuwait) said that his delegation wished to become one of the sponsors of the draft.

6. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) said that the problem of racial discrimination

in southern Africa had already occupied the attention of the Commission on Human Rights and the Security Council on several occasions. There had been growing protest from all parts of the world and the Third Committee could not remain indifferent. He supported the text under discussion, expressing the hope that the Committee would abide by the resolutions it had adopted in the past and adopt the new proposal.

7. Lady GAITSKELL (United Kingdom) pointed out that the text had only been circulated that morning and asked for twenty-four hours to study it before the Committee proceeded to vote.

8. Mr. SQUIRE (United States of America) said he was very eager to vote for a draft resolution of the kind introduced by the representative of Upper Volta, but that he was not satisfied with some of the wording, which was rather imprecise. He therefore joined the United Kingdom representative in asking that the voting should be postponed so that consultations could take place and amendments could be submitted.

9. Mrs. ROQUET (Canada) also asked that the Committee should not vote until the next meeting. While her delegation supported the spirit and aims of the draft resolution, it wanted to consult its Government. It did not feel, moreover, that the words "such barbaric acts" were appropriate when the death penalty had not in fact been applied.

10. Mr. SANON (Upper Volta) said he understood that it was in a constructive spirit that the representatives of the United Kingdom, the United States and Canada had asked for the vote to be postponed, but felt nevertheless that the discussion could be continued.

11. Mr. BAROODY (Saudi Arabia) said he had no objection to postponing the vote on the draft resolution until a later date, but proposed that delegations which wished to make amendments to the draft should do so at the present meeting, and that in any case the debate should continue either on item 59 or on the next item on the Committee's agenda.

12. Mr. AFOLABI (Nigeria) said that his delegation supported the draft resolution in its original form and did not think that the oral amendments to that text introduced by the representative of Upper Volta were justified.

13. Mr. MEHIRI (Tunisia) remarked that the draft resolution (A/C.3/L.1557), of which his delegation was a sponsor, followed on from the resolution adopted by the Committee at the previous meeting. The situation in southern Africa was particularly alarming and the Committee should take a clear stand on it. He felt, therefore, that the Committee should start to debate the draft resolution forthwith, even if it voted upon it later.

<sup>1/</sup> A revised version was subsequently circulated as document A/C.3/L.1557/Rev.1.

14. Mr. RIOS (Panama) said that the draft resolution before the Committee was very important but that since his delegation had not had time to study it, it was not prepared to take a decision upon it at the present meeting.

15. Mr. KITI (Kenya) said that his delegation fully supported the draft resolution. He asked the delegations of the United States, the United Kingdom and Canada if they would reconsider their position: in view of the fact that apartheid and the atrocities committed in southern Africa had already been condemned on several occasions by various United Nations bodies, including the Security Council, it did not seem necessary for delegations to consult their Governments on the draft resolution.

16. Mrs. HLAASS (Jordan) agreed with the remarks made by the representative of Kenya. The Jordanian delegation fully supported the terms of the draft resolution, which complemented the resolution adopted by the Committee at the previous meeting. Although there had been some delay in distributing the text, most delegations had been familiar with it before its circulation and had had time to reflect on the subject.

17. Mrs. WARZAZI (Morocco) favoured the draft resolution, which gave members of the Committee an opportunity to express their disapproval of all crimes perpetrated by illegal régimes. She considered that there was a justification for postponing the discussion and vote on the draft resolution.

18. Mr. BAROODY (Saudi Arabia) said that his delegation was prepared to vote immediately for a draft resolution, as clear and explicit as the one before the Committee. He had no doubt that the delegations of the Afro-Asian group were prepared to do likewise and he was almost certain that the socialist countries were also ready to vote. On the other hand, some other countries were hesitating and requesting a postponement. If the vote were taken at the present meeting, they would abstain on the pretext that they had not had time to examine the draft. They should not be given such an opportunity to conceal their true reasons, which were economic and political, and they should be given time to submit amendments and to justify their hesitation.

19. Mrs. AGBOTON (Dahomey) fully supported the draft resolution and asked the delegations which had sought a postponement of the vote to submit amendments forthwith as a token of their desire for co-operation.

20. Mr. MOUSSA (United Arab Republic) also supported the draft resolution and said that he was ready to vote immediately. If it were only a question of form, the Committee could suspend the meeting in order to produce a more satisfactory text, but if it was a question of substance, the debate should be continued. He also noted that the delegations had known of the draft resolution at the previous meeting and thus had already had time to consider it.

21. Miss MARTINEZ (Jamaica) likewise supported the draft resolution and was prepared to vote in its favour. Resolutions adopted by the United Nations were of two kinds: resolutions of a general nature

which asked all Member States to take certain steps and resolutions pertaining to particular events, which concerned certain countries only. It was therefore quite in order to adopt two resolutions on the subject of capital punishment: one dealing with the question in general—the resolution adopted by the Committee at the previous meeting—and one dealing with a particular problem raised by the application of the death penalty in certain countries—the draft resolution which the Committee was considering at the present time. She pointed out that her delegation had joined with the Afro-Asian delegations in asking the Security Council to condemn the executions carried out by the illegal régime in Southern Rhodesia and that in the Commission on Human Rights it had supported the sending of a cable protesting against those executions. It was therefore wholly in sympathy with the spirit of the draft resolution. As for the wording, she proposed that the words "arising out of resistance" in the fourth paragraph of the preamble should be replaced by the words "as a means of suppressing resistance".

22. Mr. SQUIRE (United States of America) felt that the Committee would be doing a disservice to the cause of the United Nations and of Africa if it voted on a badly worded text, for it was on words, not intentions that it had to take a position. Paragraph 1 of the draft resolution gave the impression that the thirty-seven Namibian prisoners tried at Pretoria had been executed, whereas in fact they had been sentenced to life imprisonment or other penalties. The United States delegation would not be able to vote on an inaccurate text and it also wished to have time to consult its Government. It would thus not be able to participate if a vote were held immediately.

23. Mr. SANON (Upper Volta) remarked that, according to United Nations statistics, there had been ninety death sentences for resistance to apartheid since 1965, in Namibia as well as South Africa. Furthermore, a sentence of life imprisonment was often equivalent to a death sentence, for life in South African prisons was sometimes worse than death itself, as had been proved by the reports of the Red Cross and the testimony of petitioners heard by the competent bodies of the United Nations.

24. Mr. MACKONGO (Cameroon) failed to understand why certain delegations were having difficulty in condemning in a resolution facts which were already the subject of general condemnation. The members of the Committee should heed their consciences and vote unanimously for the draft resolution.

25. Miss MARTINEZ (Jamaica) said that she had obtained confirmation, following the United States representative's statement that there had in fact been no cases of capital punishment in Namibia. She therefore proposed that the words "such barbaric acts" in operative paragraph 1 should be replaced by the words "the application of the death sentence and to sentences of life imprisonment".

26. The CHAIRMAN proposed that consideration of item 59 should be temporarily suspended and that, in order not to waste time, discussion should begin on item 55 (Question of the punishment of war criminals and of persons who have committed crimes against humanity).

27. Mr. NASINOVSKY (Union of Soviet Socialist Republics) felt that the item presently under discussion should be completed before starting on the next. He for his part was prepared to vote immediately, but he could agree to a postponement of the vote.

28. The CHAIRMAN proposed that the debate should accordingly be adjourned and that 10 a.m. on 7 October

1968 should be fixed as the time-limit for the submission of amendments to the draft resolution contained in document A/C.3/L.1557.

*It was so decided.*

*The meeting rose at 5 p.m.*