

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL  
E/CN.4/1358  
1 February 1980  
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE  
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Report of the Group of Three established under the Convention

Chairman/Rapporteur: Mr. Frank Ortiz-Rodríguez (Cuba)

I. INTRODUCTION

1. The International Convention on the Suppression and Punishment of the Crime of Apartheid, which was adopted by the General Assembly in resolution 3068 (XXVIII) of 30 November 1973, entered into force on 18 July 1976, on the thirtieth day after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. As at 1 February 1980, there were 54 States parties to the Convention. 1/
2. Under article VII of the Convention, the States parties undertake to submit periodic reports to the Group established under article IX on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.
3. In accordance with article IX, paragraphs 1 and 3, of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII. The group may meet for a period of not more than five days, either before the opening or after the closing date of the session of the Commission, to consider the reports submitted in accordance with article VII.
4. In accordance with article IX of the Convention and General Assembly resolution 31/80, the Chairman of the Commission, at the thirty-fifth session, appointed the representatives of Bulgaria, Cuba and Senegal as members of the Group.
5. By its resolution 10 (XXXV) of 5 March 1979, the Commission decided, inter alia, that the Group of Three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-sixth session of the Commission to study the reports submitted by States parties in accordance with article VII; and urged the States parties which had not yet done so to submit their reports as soon as possible, bearing in mind the general guidelines proposed by the Group at its 1978 session. 2/

---

1/ See E/CN.4/1353, annex

2/ See E/CN.4/1286, annex

## II. ORGANIZATION OF THE 1980 SESSION

A. Attendance

6. The Group held its third (1980) session at the United Nations Office at Geneva from 23 January to 1 February 1980. The session was opened by the Assistant Director of the Division of Human Rights, representing the Secretary-General. The Group membership at the session was as follows:

Bulgaria	Mrs. Irina Kolarova
Cuba	Mr. Luis Solá Vila Mr. Frank Ortiz-Rodríguez Mr. Julio Heredia
Senegal	Mr. Alioune Sène Mr. Samba Mbadj Mr. Parsine Crespín Mr. Moussa Sané

B. Election of officers

7. At its meeting held on 23 January 1980, the Group elected Mr. Frank Ortiz-Rodríguez (Cuba) as Chairman/Rapporteur.

C. Agenda

8. At its meeting held on 23 January 1980, the Group adopted the following items, listed in the provisional agenda (E/CN.4/AC.33/L.4) submitted by the Secretary-General, as the agenda of its 1980 session:

1. Opening of the session by the representative of the Secretary-General
2. Election of officers
3. Adoption of the agenda
4. Consideration of reports submitted by States parties under article VII of the Convention
5. Report of the Group to the Commission on Human Rights.

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE VII OF THE CONVENTION

9. The Group had before it a note by the Secretary-General (E/CN.4/1353) concerning the reports submitted by States parties under article VII of the Convention, as well as reports submitted since the 1979 session of the Group by the United Arab Emirates (E/CN.4/1353/Add.1), the Syrian Arab Republic (E/CN.4/1353/Add.2), Iraq (E/CN.4/1353/Add.3), the German Democratic Republic (E/CN.4/1353/Add.4), India (E/CN.4/1353/Add.5) and Hungary (E/CN.4/1353/Add.6). The Group was also informed that the reports of Cuba and Yugoslavia, received during its 1980 session (to be reproduced respectively in documents E/CN.4/1353/Add.7 and Add.8) would be made available to the Commission on Human Rights at its thirty-sixth session in connexion with the consideration of the relevant item of its agenda.

10. The Group undertook a preliminary consideration of the six reports received by the opening date of its session. It expressed its appreciation to the States parties which had submitted their reports, in particular to those States parties which had submitted their second reports.

11. The Group also expressed satisfaction for the valuable information provided by the reporting States. It was, however, the general view that more detailed information should be included in future reports concerning concrete measures adopted by States parties, at the national and international levels, to implement the various provisions of the Convention, and that States parties should follow more closely in the presentation of their future reports the general guidelines regarding the form and contents of reports, prepared by the Group at its 1978 session.

12. After the preliminary discussion of the reports, the Group undertook the examination of each report in the presence of the representatives of the States parties concerned who had been invited to attend the meetings of the Group in accordance with the recommendation made by the Group at its 1979 session.

13. The Group commended the Government of the United Arab Emirates for having submitted its second report and expressed the hope that in future reports more detailed information would be provided on legislative measures existing in that country relevant to the implementation of the provisions of the Convention as well as on the activities undertaken, at the international level, to contribute to the struggle against the crime of apartheid.

14. The Group noted with satisfaction the comprehensive information provided in the second report of the Syrian Arab Republic and expressed the hope that in future reports further information would be made available to the Group on the action taken by the Syrian Arab Republic, at the international level, to combat the practices of apartheid of the racist régimes of southern Africa in accordance with the provisions of the Convention and the relevant resolutions adopted by the competent organs of the United Nations. In this connexion, it was asked whether economic measures had been taken by the Government of the Syrian Arab Republic against the racist régimes and, in particular, whether trade between companies extracting oil from the territory of the Syrian Arab Republic and the racist régimes of southern Africa was prohibited. The Group also wished to have more information on the kind of assistance given by the Syrian Arab Republic to the liberation movements in southern Africa and on the modalities suggested in the report regarding the establishment of the international penal tribunal referred to in article V of the Convention. The representative of the Syrian Arab Republic, in reply to the observations and questions of the Group, supplemented the information contained in the report of his Government, especially with regard to the proposals for the implementation of article V of the Convention; referred to different forms of assistance given to liberation movements in southern Africa and assured the Group that no economic relations or exchange whatsoever existed between the Syrian Arab Republic, or the companies operating on its territory, and the racist régimes of southern Africa.

15. The report of Iraq was introduced by the representative of the reporting State. The Group took note with appreciation of the information provided to it and expressed the hope that the general guidelines drawn up by the Group concerning the form and

contents of reports would be taken into account by the Government of Iraq in the preparation of future reports. Questions were raised with regard to the publicity given in Iraq to the provisions of the Convention and to the action taken by that State party, at the international level, in particular to assist the liberation movements of southern Africa in their struggle against apartheid. In reply to the observations and questions of the Group, the representative of Iraq referred to the information provided in the report of his Government concerning the participation of Iraq in international activities aimed at combating apartheid and racial discrimination and referred to the wide publicity given in his country to different forms of action to combat those crimes. He also stated that more detailed information concerning assistance given by Iraq to the liberation movements in southern Africa could be provided, if the Group so wished, and assured the Group that the next report of Iraq would be prepared in conformity with the general guidelines.

16. In examining the second report of the German Democratic Republic, the Group took note with appreciation of the comprehensive information contained therein, in particular, the assistance given by the German Democratic Republic to the liberation movements in southern Africa, and considered the report an example to be followed by other States parties in the presentation of their reports. The question was raised concerning the publicity given in the German Democratic Republic to the provisions of the Convention and their implementation by the Government. The representative of the reporting State took note of the comments expressed by the Group on the report of his Government and assured the Group that wide publicity is given in the German Democratic Republic, as reflected in the report, to the national and international measures taken to combat apartheid and racial discrimination.

17. The report of India was highly commended by the Group for the exhaustive information provided therein. Recalling that India was the first country to raise the issue of apartheid in the United Nations, the Group expressed the opinion that the report of India also constituted an example to be followed by other States parties in the preparation of their reports.

18. The second report of Hungary was introduced by the representative of the reporting State. He stated, in particular, that in compliance with the wish expressed by the Group at the time of its consideration of the first report of Hungary, information on the provisions of the new Hungarian Penal Code concerning the punishment of the practices of racial discrimination had been included in the second report. The Group expressed satisfaction for the information provided by Hungary and its presentation in conformity with the general guidelines concerning the form and contents of reports, prepared by the Group at its 1978 session.

19. In concluding its consideration of reports submitted by States parties under article VII of the Convention, the Group expressed its appreciation to the representatives of the States parties which had submitted reports for their presence and participation in its work and agreed that the useful and constructive practice of inviting representatives of States parties to be present at the meetings of the Group, in connexion with its consideration of reports submitted by them, should be continued at future sessions.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

20. The Group expresses concern at the fact that only 54 States have so far become parties to the Convention and recommends that the Commission on Human Rights should appeal to all States which have not yet done so to ratify or accede to the Convention without delay.

21. The Group commends those States parties that have submitted their reports, in particular those which submitted their second reports, and recommends to States parties which have not yet done so to submit their reports as required under article VII of the Convention as soon as possible. In this connexion, the Group calls upon States parties to provide in their reports more comprehensive information on the national and international measures they have taken to implement fully article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article; and reiterates its recommendation that the general guidelines regarding the form and contents of reports should be fully taken into account by all States parties in submitting their reports under article VII of the Convention.

22. The Group wishes to draw the attention of States parties, through the Commission on Human Rights, to the desirability of taking measures on the dissemination of information relating to the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention. It also recommends that the list of individuals, organizations, institutions and representatives of States responsible for the crimes of apartheid, which will be drawn up by the Commission in accordance with article X of the Convention, be brought to the attention of all States members of the United Nations and be given the widest publicity.

23. The Group wishes once again to draw the attention of States parties, through the Commission on Human Rights, to the desirability of suggesting ideas in relation to the modalities for the establishment of the international penal tribunal referred to in article V of the Convention and, in this connexion, recommends to the Commission on Human Rights to request the Secretary-General to study the possibility of convening a Diplomatic Conference of States parties for the purpose of considering the modalities of the establishment of such a tribunal as well as measures of implementation of the Convention.

24. The Group also wishes to appeal to States parties, through the Commission on Human Rights, to strengthen their co-operation at the international level to implement fully the decisions taken by the Security Council and other competent organs of the United Nations aimed at the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention. In this connexion, the Group wishes to draw attention to the importance of strengthening assistance given to the liberation movements in southern Africa.

#### V. ADOPTION OF THE REPORT

25. At its meeting held on 1 February 1980, the Group considered the draft report on the work of its 1980 session. The draft report, as amended during the discussion, was adopted unanimously.