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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Report of the Secretary-General

Addendum

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Summaries of replies received from Governments under
Commission resolutions 1986/24 and 1986/26

BYELORUSSIAN SSR

[23 December 1986]

[Original: Russian]

1. One of the distinguishing features of the age we live in, as was stressed at the Twenty-seventh Congress of the Communist Party of the Soviet Union, is the achievement of independence by formerly enslaved nations, together with the emergence of dozens of new States and their increasing importance in world politics and economics.
2. However, experience has shown that the progress of these countries towards the consolidation of their political independence and towards economic and social renewal is seriously hampered by the legacy of the colonial or semi-colonial past and by the activities of imperialism.
3. In pursuing a policy of neo-colonialism, imperialism is striving to neutralize the sovereignty achieved by the new States and to preserve and even strengthen its control over them. It is seeking to draw these States into its militaristic orbit and to use them as bridgeheads for its aggressive global strategy. To this end, the imperialists are using the methods of military pressure and economic diktat and are supporting reactionary forces inside such States.
4. The policy and practice of the imperialist forces, aimed ultimately at controlling the destinies of sovereign States and imposing their own will on all and sundry, is one of the main causes of mass and gross violations of human rights and one of the major obstacles to the exercise of the inalienable right of peoples to self-determination.
5. In the vain attempts of imperialism and reaction to arrest the historical process of the national liberation of peoples and the consolidation of new sovereign States, mercenaries are assigned the role of a strike force.
6. Mercenaries are widely used by imperialism to undermine the political and social structure of sovereign States, to overthrow lawful Governments and either bring reactionary régimes to power or prop them up, to impose neo-colonialist systems by force and to suppress the national liberation struggle of peoples.
7. Such actions are a manifestation of the imperialist policy of diktat and interference in the internal affairs of sovereign States. The formation, equipment and training of mercenary bands and their incitement to criminal acts, mass murder and terrorism may be counted among the most dangerous of the unlawful and illegal methods by which imperialism carries out its policies.
8. Mercenaries were much used in the past, particularly against peoples struggling for their liberation and independence, and today they are still the obedient servants of the imperialists' plans and acts of provocation.
9. The United Nations has condemned the criminal practice of mercenarism in a large number of decisions. That practice, however, continues. Indeed, undeclared wars are being waged against States and peoples which have embarked

on a path of development that is not to the liking of the imperialist forces, with wide use being made not only of mercenaries recruited in the Western countries but also of hired killers and other riff-raff who were formerly in the service of dictators now overthrown by the people. Individuals who have been misled by imperialist propaganda or who for one reason or another have fallen on hard times are also recruited as mercenaries.

10. What this represents is a complete rejection of the international rule of law; it is a manifestation of the State terrorism condemned by the United Nations General Assembly, of systematic and mass violation of human rights and freedoms, and it poses a serious threat to international peace and security.

11. Mercenaries are actively used by the racist régime of South Africa both in its persistent acts of aggression against the front-line States, particularly Angola, and in its attempts to suppress the struggle of the Namibian people for self-determination and independence. In Namibia the Pretoria racists are pursuing a policy of "Namibianization" of the war against the Namibian people. In southern Angola mercenary bands of the counter-revolutionary splinter group UNITA are perpetrating crimes against their own people, and the same is true in Mozambique of mercenaries of the so-called "Mozambican National Resistance", who are supported by the South African racists. The racist mercenaries are killing civilians, mainly old people, women and children, wrecking economic installations, sabotaging power lines and communications, blowing up bridges, and destroying crops and food supplies. These mercenary bands are supported by the racist régime and the United States, and are trained by their instructors, using weapons obtained from these and other Western countries to carry out their crimes.

12. Imperialism, and above all United States imperialism, is employing mercenaries to wage undeclared wars against Afghanistan and Nicaragua.

13. In Afghanistan hired bands of killers, hailed in some Western countries as the "forces of freedom", are using terror and violence in an attempt to intimidate the independent people of Afghanistan and force them to abandon their chosen path.

14. During the years of undeclared war against Afghanistan, thousands of Afghan civilians, including hundreds of clergymen, have already perished at the hands of the bandits, and the total damage caused to the economy amounts to more than a billion dollars. The terrorists and bandits have, for example, destroyed more than 2,700 schools, 250 mosques, 130 hospitals and health centres, over 900 co-operatives and 14,000 kilometres of power and telephone lines.

15. The aggressive actions against Afghanistan are being carried out mainly from the territory of Pakistan, where more than 120 camps have been set up to train subversive and terrorist groups, using local and foreign instructors, before they are sent into the Democratic Republic of Afghanistan. Each year the bandits are being provided with around a billion dollars' worth of weapons and other supplies.

16. Responsibility for the crimes of the mercenaries lies with those who organize and inspire the undeclared war against Afghanistan, namely, the imperialist circles which finance, arm and train mercenaries and send them into that country.

17. The United States alone has provided over 2 billion dollars since 1980 to support the criminal war against the Democratic Republic of Afghanistan. Some other Western countries are also making available more than 1 billion dollars a year for the "freedom fighters". The hired killers are generously equipped with various types of modern weapons manufactured in the West, and it is also intended to supply the bandits with hundreds of American "Stinger" surface-to-air missiles.

18. Bands of "contras" made up not only of former Somoza supporters but also of mercenaries from other countries, including veterans of the Viet Nam war and Cuban emigrés, are being used in an attempt to halt the revolutionary process in Nicaragua.

19. Imperialist circles in the United States have not reconciled themselves to the fact that the people of a small country in Central America, which they are used to thinking of as their own back yard, have opted for independence and social justice. These circles are blatantly interfering in the internal affairs of Nicaragua, arming and financing the counter-revolutionary bands, and in effect waging an undeclared war against the country.

20. More than 14,000 Nicaraguan civilians, mostly peasants, but also large numbers of young children, have already fallen victim to the terror and violence of the "contras", hundreds of thousands of civilians have been left homeless, thousands of people have been abducted, farm land is being destroyed and industrial installations, schools, hospitals and infrastructure are being wrecked. Material losses already amount to more than 3.5 billion dollars. The "contras" do not stop at killing foreign citizens who have come to assist the Nicaraguan people in rebuilding the country's economy.

21. The actions of the United States against Nicaragua are a most flagrant violation of international law, the Charter of the United Nations and the rules of civilized behaviour among States. The International Court of Justice has declared the United States' interference in the affairs of Nicaragua to be illegal and condemned its use of mercenaries.

22. Nevertheless, the United States Administration has secured the approval of the Congress for a direct grant of 100 million dollars to the bands of counter-revolutionaries and mercenaries, which will give them a broader basis for escalating military action against Nicaragua and will lead to further death and destruction in that country. The United States not only finances and arms the bands of "contras" but also trains them, using bases in Honduras and some other Central American countries for that purpose, as well as its own territory. The Pentagon intends to train special commando units of Somozista bandits at bases in the United States and Puerto Rico.

23. In other parts of the world, mercenaries are also being used to conduct undeclared wars financed by the imperialists against sovereign States. This is the case, in particular, in Kampuchea, Angola, Mozambique and Ethiopia. An entire mercenary army is operating in southern Lebanon.

24. The continuing imperialist policy and practice of using mercenaries makes it urgently necessary for the international community to prepare, adopt and unconditionally abide by an effective instrument of international law in this regard. The Byelorussian SSR is in favour of preparing an effective international convention against mercenarism as quickly as possible. It also

actively supports the relevant decisions of the General Assembly and its subsidiary bodies, including the resolutions adopted on this question by the Commission on Human Rights and the Economic and Social Council.

25. The Byelorussian SSR consistently follows the Leninist policy of peace and international security, peaceful co-existence among States, respect for their sovereignty and non-interference in their internal affairs. All of this makes it impossible that any conditions should arise under which the crime of mercenarism could be committed in the Byelorussian SSR.

26. Mercenarism is organically alien to the Soviet system and is, in particular, contrary to the Constitution of the Byelorussian SSR.

27. There have not been any cases of mercenarism in the Byelorussian SSR. Consequently, there has never been any need to adopt a special instrument against such criminal acts. Nevertheless, the legislation in force in the Byelorussian SSR provides for stringent penal measures to be applied in any cases of this kind, should they arise.

28. In the Byelorussian SSR, war propaqanda is prohibited under the Constitution (art. 28) and persons guilty of such propaqanda are, in accordance with the existing legislation, brought before the courts and tried as serious criminal offenders.

29. The Penal Code of the Byelorussian SSR establishes criminal liability, inter alia, for:

- war propaqanda (art. 68);
- especially dangerous State crimes committed against another State (art. 70);
- violation of national or racial equality of rights (art. 71);
- banditry (art. 74);
- smuqqing of weapons, ammunition, military equipment, explosives or toxic substances (art. 75);
- any terrorist act, including a terrorist act against a representative of a foreign State (arts. 63 and 64);
- organization of mass disorders involving pogroms, destruction, arson or other such actions (art. 76);
- illegal exit from or entry into the USSR (art. 80);
- illegal possession, storage, acquisition, manufacture or supply of weapons or explosives (art. 213).

30. Under Soviet law there is no provision for foreign citizens to serve in the armed forces of the USSR.

31. Thus the legislation of the Byelorussian SSR provides secure protection against any possibility of the occurrence of such criminal activities as mercenarism, which are alien to the socialist system.

JAMAICA

[25 November 1986]
[Original: English]

32. The matter is under consideration by the relevant authorities in Jamaica but the Government of Jamaica would prefer that the enactment of domestic legislation on the subject await the adoption of the proposed International Convention Against Recruitment, Use, Financing and Training of Mercenaries in order to ensure uniformity between such legislation and the provisions of the Convention.