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COMMISSION ON HUMAN RIGHTS
Thirty-seventh session
Agenda items 9 and 13

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD,
WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER
DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

- (a) QUESTION OF HUMAN RIGHTS IN CYPRUS
- (b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL
A CONSISTENT PATTERN OF GROSS VIOLATIONS OF
HUMAN RIGHTS AS PROVIDED IN COMMISSION
RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL
COUNCIL RESOLUTIONS 1235 (XLII) and 1503 (XLVIII):
REPORT OF THE WORKING GROUP ESTABLISHED BY THE
COMMISSION AT ITS THIRTY-FIFTH SESSION

Letter received on 2 February 1981 from the Chargé d'Affaires ad interim of the Permanent Mission of the Socialist Republic of Viet Nam addressed to the Director of the Division of Human Rights.

"I have the honour to transmit to you herewith for your information, the following documents:

- (1) A/C.3/34/1, the indictment of Pol Pot-Ieng Sary for genocide; */
- (2) A/34/491, the judgement of the Revolutionary People's Tribunal of the People's Republic of Kampuchea held in Phnom Penh from 15 to 19 August 1979 to judge the crime of genocide committed by the Pol Pot-Ieng Sary clique; */
- (3) Memorandum from the Ministry of Foreign Affairs of Viet Nam concerning hostile activities carried out by Beijing in 1980;
- (4) Acts of provocation by China against Viet Nam.

I should be grateful if you would arrange for these texts to be circulated as official documents of the Commission on Human Rights, under items 9 and 13 of the agenda for its forthcoming thirty-seventh session."

(Signed) TRUONG QUAN PHAN
Chargé d'Affaires a.i.

*/ These documents are available separately.

ACTS OF PROVOCATION BY CHINA AGAINST VIET NAM

The Commission of Inquiry into the crimes committed in the war of aggression by the Chinese expansionists and hegemonists has just issued the following communiqué:

In December 1980, the Chinese expansionists and hegemonists continued to commit many crimes against the Socialist Republic of Viet Nam.

In the frontier regions, they engaged in 42 acts of armed provocation, causing several deaths among the civilian population, destroying a large number of houses and orchards, carrying off draught animals and supplies and preventing the population from carrying out its day-to-day activities. The fact that the Chinese have continued to swell the ranks of the "special forces", have established "training camps" for them and have afterwards infiltrated them inside Vietnamese territory to conduct activities and make contact with miscreants in the frontier provinces in order to foment trouble and engage in subversive activities against Viet Nam is a matter for particular concern. They have also stepped up psychological warfare and the espionage war with a view to undermining the national unity of the Vietnamese people and the militant solidarity among Viet Nam, Laos and Kampuchea.

A number of serious cases are described below:

(1) On land:

On 1 December, at 2.30 p.m., the Chinese launched an infantry regiment with artillery support in an attack against the commune of Thai Duc, Quang Hoa district, Cao Bang province, wounding three women, taking away two civilians and seizing several draught animals. They also occupied five points in this commune, between 700 and 800 metres from the frontier.

On the same day, at 3 p.m., Chinese troops fired 50 rounds of mortar fire on the Ho Chai sector, commune of Ta Chu Phung, and on the town of Muong Khuang, Hoang Lien Son province, and also fired several bursts of 12.7-mm projectiles on the Bat Sat sector, Hoang Lien Son province.

On 2 December 1980, a group of Chinese soldiers crossed the boundary at mark 51 in the Loc Binh district, Lang Son province, entered the commune of Tinh Gia and fired on the local people working in the fields.

On 4 December, at 10 a.m., Chinese troops using automatic weapons directed heavy fire on hamlets in the Thai Duc commune, Quang Hoa district, Cao Bang province, wounding two persons and destroying several orchards.

On 6 December, Chinese soldiers fired several 12.7-mm machine-gun bursts from Chinese territory at the San Chai sector of the Si Lo Lau commune, Phong Tho district, Lai Chau province, killing one person and wounding two others.

On 7 December, Chinese soldiers fired 14 rounds of mortar and machine-gun fire at the Xin Man sector, Ha Tuyên province, causing considerable damage.

Every day from 1 to 9 December, Chinese troops fired submachine-gun bursts at the Ma Li Chai sector, Lai Chau province, jeopardizing the day-to-day activities of the population.

On 11 December, a group of Chinese commandos which had infiltrated Bi Ha commune, Quang Hoa district, Cao Bang province, committed crimes against the population.

On 12 December, Chinese troops fired more than 30 cannon shells and several rounds of automatic fire at the Thai Duc commune, Quang Hoa district, Cao Bang province, demolishing a large number of houses, killing several domestic animals and destroying crops.

On the same day, a group of Chinese soldiers which had infiltrated Co Ngan commune, Quang Hoa district, Cao Bang province, laid an ambush and fired on civilians returning from the fields.

On 13 December, at 3 p.m., six Chinese soldiers crossed the boundary at mark 104 and burst into the hamlet of Lung Nam, Cai Vien commune, Cao Bang province. After their discovery by the local militia, they fled to the other side of the frontier.

On 26 December, Chinese soldiers fired several bursts from Bren guns of various calibres at the commune of Dinh Chin, Hoang Lien Son province.

On the same day, they fired several bursts from 12.7-mm submachine guns at the sector surrounding hill 404, Dong Van commune, Binh Lieu district, Quang Ninh province.

(2) In the air:

On several hundred occasions, Chinese jet fighter formations have flown over the regions adjoining the Vietnamese-Chinese frontier and have violated Viet Nam's air space.

Between 2 and 9 December 1980, 194 Chinese air force formations violated the air space of Quang Ninh province and flights were reported five kilometres inside Vietnamese territory.

On 15 December 1980, 17 formations flew over Quang Ninh province.

(3) At sea:

Chinese naval forces have carried out manoeuvres very close to Viet Nam's territorial waters and several Chinese armed vessels and craft entered them and jeopardized the day-to-day activities of Vietnamese fishermen.

From 2 to 9 December, 229 Chinese warships and vessels carried out operations in the Bac Bo gulf.

On 7 December, a Chinese warship violated the territorial waters of Quang Ninh province.

On 22 December, a large vessel with 10 Chinese commandos on board entered the territorial waters of Quang Ninh province. Two of the commandos landed on Trân island, which forms part of this province, and committed crimes.

The above-mentioned crimes reveal the aggressive and warmongering nature and the cruelty of the Chinese authorities, who are seeking to weaken Viet Nam with a view to attacking and annexing it.

The Commission of Inquiry into the crimes committed in the war of aggression by the Chinese expansionists and hegemonists strongly condemns the plots and criminal acts perpetrated in the northern frontier provinces by the reactionaries in Chinese ruling circles and demands that they desist forthwith from these hostile acts against the Vietnamese people.

Hanoi, January 1981.

MEMORANDUM FROM THE MINISTRY OF FOREIGN AFFAIRS OF VIET NAM CONCERNING
THE HOSTILE ACTIVITIES CARRIED OUT BY BEIJING IN 1980

We reproduce below the full text of the memorandum from the Vietnamese Ministry of Foreign Affairs concerning the hostile activities carried out by the Chinese authorities against the Socialist Republic of Viet Nam in 1980:

In 1979, the Chinese authorities suffered lamentable defeats in their wars of aggression against Viet Nam in the south-west and north of the country, as well as in a series of hostile acts against Viet Nam. In 1980, despite their serious defeats, they intensified their collusion with the American imperialists, stepping up their hostile activities against Viet Nam and taking various measures in a number of fields.

1. The Chinese authorities are continuing to intensify their acts of armed provocation on land, at sea and in the air, to encroach on the territory of Viet Nam and to step up their preparations for war, and are threatening to trigger a further war of aggression against Viet Nam.

Since the start of the year, the Chinese authorities have engaged in over 2,500 acts of armed provocation along the Vietnamese border. Many Chinese units - groups and companies - have made forays and laid ambushes deep within Viet Nam, killing and kidnapping the inhabitants, destroying and pillaging property. Densely populated regions, plantations, hospitals, shops and schools along the border have frequently been shelled by artillery from across the border. Some regions have received thousands of rounds of mortar fire; in other regions, up to 10 kilometres inside Vietnamese territory, hundreds of Vietnamese inhabitants and soldiers have been killed or wounded, many houses destroyed, together with hundreds of hectares of rice paddies, and large quantities of goods and animals belonging to the population seized by Chinese soldiers.

The fact that the Chinese troops are occupying numerous hilltops along the border and encroaching on dozens of places deep within Vietnamese territory - particularly in the provinces of Lang Son, Cao Bang, Ha Tuyen and Hoang Lien Son - with a view to dominating vast regions of Viet Nam and using them as spring-boards for their attacks is a matter for concern. In a variety of ways, the Chinese have expanded the areas they had occupied, and they are constantly occupying new areas of Vietnamese territory. On 15 October, under cover of artillery fire, one regimental unit occupied areas of Xin Man commune, Xin Man district, in Ha Tuyen province.

In addition, there have been hundreds of incidents of violations of Vietnamese airspace by Chinese fighter planes, sometimes up to 10 kilometres inside Vietnamese territory. Chinese warships have entered Vietnamese territorial waters 6,000 times, engaging in provocation and intelligence activities, thus interfering with the peaceful work of Vietnamese fishermen.

For several months the Chinese have been maintaining, on a permanent basis, five corps in the border regions and 15 divisions in the neighbourhood of Viet Nam. They have been sending weapons and war matériel to the border regions round the clock, supported by mortar and artillery units. They have widened and built several road systems leading to the border and to the hilltops which they are occupying along the border between the two countries and in Vietnamese territory. They have enlarged the

airports near the frontier and have sent further fighter and bomber units to those airports together with equipment and weapons. They have stepped up military construction on Hai Nan island and in the Hoang Sa (Paracel) archipelago - occupied by China though belonging to Viet Nam - and are seeking to use these places as spring-boards for their aggression. They have organized manoeuvres lasting several days for various sections of the army, and have organized demonstrations of various weapons and techniques, involving regiments and army corps in the border regions and at sea. Many members of the Chinese leadership have repeatedly uttered threats of war against Viet Nam. This proves that the Chinese authorities are preparing to wage war against Viet Nam and that, by casting the shadow of war and exerting military pressure along the border, they are seeking to undermine Viet Nam's peaceful work. As a result of these actions, the situation in the border regions between the two countries remains tense and explosive.

2. The Chinese authorities are intensifying their psychological warfare, divisive methods and subversive activities against Viet Nam.

As part of their policy of false propaganda and psychological warfare against Viet Nam, the Chinese authorities have grossly distorted the situation in Viet Nam, have run down the policy of the Party and State of Viet Nam and have engaged in acts of incitement designed to divide and sabotage the national unity of Viet Nam. They are constantly sending reactionary elements trained in China, including many Hoa, to the mountainous regions in the northern frontier provinces of Viet Nam to engage in intelligence and subversive activities. Recently, they have been organizing special troops, which they then send into the communes in the frontier regions, ostensibly to "protect the crops". In fact, these troops are commandos whom China is trying to send secretly into the frontier regions of Viet Nam to engage in sabotage of all kinds. Even more shamelessly, using the traitor Hoang Van Hoan, China is now seeking to round up other Vietnamese reactionaries to oppose Viet Nam.

3. The Chinese authorities are not averse to any treacherous move to sow discord between Viet Nam, Laos and Kampuchea and to set the ASEAN countries against Viet Nam.

Through the usual means, i.e., by misrepresenting the facts and engaging in slander, the Chinese authorities are seeking to separate Viet Nam from Laos and Kampuchea and to undermine the militant solidarity existing between the peoples of the three fraternal countries of Indo-China; at the same time, each day they are further intensifying their collusion with the United States of America, interfering in the internal affairs of Kampuchea and furthering their intended sabotage and subversion against the Lao people.

They are using every possible means to try to set Thailand and the ASEAN countries against Viet Nam and the countries of Indo-China, with a view to weakening both groups and making good their attempts at expansion and hegemonism in South-East Asia. They are hampering moves towards the initiation of talks between the ASEAN and the Indo-Chinese countries, contrary to the aspirations of the peoples and countries of South-East Asia for peace and stability in the region and in the world. Clearly, the expansionist, hegemonistic and warmongering policies of the Chinese authorities account for the absence of peace and the instability in South-East Asia.

4. The Beijing authorities are sabotaging the negotiations between Viet Nam and China directed towards the solution of problems in relations between the two countries.

Because of the arrogant stance and lack of goodwill on the Chinese side, negotiations between Viet Nam and China are making no progress. After refusing to negotiate, under various pretexts, since the end of 1979, the Chinese side unilaterally broke off the second round of the negotiations on 6 March 1980 and announced that talks would be resumed at Hanoi during the second half of 1980.

The policy of the Government and people of Viet Nam is still to seek a negotiated solution to the problems in relations between the two countries, to continue the negotiations and to move them forward. Accordingly, in the notes sent on 8 March and 12 September 1980 by the Vietnamese Ministry of Foreign Affairs to its Chinese counterpart, the former stressed the need to continue negotiations between the two countries and put forward specific proposals concerning the date of the negotiations (third round) during the second half of 1980. However, the Chinese side categorically rejected these constructive proposals and, making gross allegations, blamed the Vietnamese side for the situation. Clearly, it is the Chinese side that has obstructed the negotiations between Viet Nam and China.

These facts prove that in 1980 the Chinese authorities have continued to step up their policy of hostility towards Viet Nam and to aggravate tension in relations between Viet Nam and China, threatening peace and stability of South-East Asia. Despite their aims and their foul designs on Viet Nam, they have suffered defeat after defeat in every area - military, political, economic and diplomatic.

Bearing aloft the banner of peace, national independence and socialism and united as one under the leadership of the Communist Party of Viet Nam and its Central Committee headed by Secretary-General Le Duan, the army and people are moving ahead in their task of building up the socialist structure and defending the homeland.

The Government and people of Viet Nam vehemently denounce and strongly condemn the plots and acts of hostility perpetrated against Viet Nam by the Chinese authorities. They resolutely demand that the Chinese authorities halt such activities and, above all, end their acts of armed provocation and their encroachment on the territory along the Vietnamese border, as well as their preparations for and threats of a war of aggression and their acts of subversion against Viet Nam.

In the interest of the peoples of South-East Asia and in the interest of peace and stability in the region, the Government and people of Viet Nam are persisting in their policy of settling the problems between Viet Nam and China through negotiations, with a view to normalizing relations between the two countries and reviving and building on the long-standing friendship between the Vietnamese and Chinese peoples.

Hanoi, 29 December 1980