

the strengthening of confidence and the development of co-operation between peoples and the safeguarding of international peace and security,

"1. *Draws attention* to the fact that many war criminals and persons who have committed crimes against humanity are continuing to take refuge in the territories of certain States and are enjoying protection;

"2. *Calls upon* all States Members of the United Nations and members of the specialized agencies to take measures, in accordance with recognized principles of international law, to arrest such persons and extradite them to the countries where they have committed war crimes and crimes against humanity, so that they can be brought to trial and punished in accordance with the laws of those countries;

"3. *Condemns* the war crimes and crimes against humanity at present being committed as a result of aggressive wars and the policies of racism, *apartheid* and colonialism and calls upon the States concerned to bring to trial persons guilty of such crimes;

"4. *Also calls upon* all the States concerned to intensify their co-operation in the collection and exchange of information which will contribute to the detection, arrest, extradition, trial and punishment of persons guilty of war crimes and crimes against humanity;

"5. *Once again requests* the States concerned, if they have not already done so, to take the necessary measures for the thorough investigation of war crimes and crimes against humanity, as defined in article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,<sup>18</sup> and for the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought to trial or punishment;

"6. *Requests* the Secretary-General to continue, in the light of the comments and observations submitted by Governments, the study of the question of the punishment of war crimes and crimes against humanity, and also of the criteria for determining compensation to the victims of such crimes in order to submit a report on this question to the General Assembly at its twenty-sixth session."

1693rd plenary meeting,  
27 May 1970.

**1501 (XLVIII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid*, in all countries, with particular reference to colonial and other dependent countries and Territories**

*The Economic and Social Council,*

*Recalling* resolution 8 (XXVI) of the Commission on Human Rights<sup>19</sup> on the report of the *Ad Hoc Working Group of Experts*,<sup>20</sup>

<sup>18</sup> See General Assembly resolution 2391 (XXIII).

<sup>19</sup> See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 5 (E/4816)*, chap. XXIII.

<sup>20</sup> E/CN.4/1020 and Add.1-3.

*Requests* the General Assembly to adopt the following draft resolution:

*The General Assembly,*

"*Recalling* its resolution 2440 (XXIII) of 19 December 1968 in which, *inter alia*, it condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African police custody and prisons during interrogation and detention,

"*Recalling* its resolutions 2505 (XXIV) of 20 November 1969 in which it expressed the firm intention of the United Nations, acting in co-operation with the Organization of African Unity, to intensify its efforts to find a solution to the present grave situation in southern Africa,

"*Also recalling* Security Council resolutions 264 (1969) of 20 March 1969 and 269 (1969) of 12 August 1969 on Namibia,

"*Further recalling* General Assembly resolution 2547 A (XXIV) of 11 December 1969 on, *inter alia*, the degrading and inhuman treatment and torture of political prisoners, detainees and captured freedom fighters in the Territories ruled by Governments and régimes wedded to the policies of *apartheid*, racial discrimination and colonialism, in southern Africa,

"*Determined* to promote immediate and urgent action with a view to restoring the human rights and fundamental freedoms of the oppressed peoples of southern Africa,

"1. *Commends* the *Ad Hoc Working Group of Experts* for the valuable report it has submitted;<sup>21</sup>

"2. *Reaffirms* the legitimacy of the struggles of the peoples of southern Africa to oppose the policies of *apartheid*, racial discrimination and colonialism and to assert their right to self-determination;

"3. *Condemns* any and every practice of torture and ill-treatment of prisoners, detainees and captured freedom fighters in Namibia, Southern Rhodesia and the African Territories under Portuguese domination, as well as of persons in police custody in these Territories;

"4. *Again condemns* any and every practice of torture and ill-treatment of prisoners and detainees in prisons and in police custody in South Africa;

"5. *Reaffirms* that the Standard Minimum Rules for the Treatment of Prisoners, of 30 August 1955,<sup>22</sup> apply to all political prisoners or detainees, in prison or in police custody throughout South Africa, Namibia—a Territory under direct United Nations responsibility and presently under illegal South African occupation—the rebel United Kingdom colony of Southern Rhodesia and the African Territories under Portuguese domination;

"6. *Condemns* the trial of the twenty-two Africans held under the Suppression of Communism Act and further condemns their subsequent re-arrest under the notorious Terrorism Act;

"7. *Reaffirms* that:

"(a) The condition of political prisoners in South Africa continues to cause alarm;

<sup>21</sup> E/CN.4/984 and Add.1-19.

<sup>22</sup> See *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat* (United Nations publication, Sales No.: 1956.IV.4), annex I, A.

“(b) The increasing co-operation between the Government of South Africa and the illegal racist régime in Southern Rhodesia poses a further and continuing threat to the opponents of the two régimes and to captured freedom fighters;

“(c) Sections 10 and 29 of the General Law Amendment Act, 1969, concerning the Bureau of State Security not only constitute one of the most sinister pieces of legislation in recent years but also contribute decisively towards making South Africa a complete police State; the working of that law is also contrary to article 11, paragraph 1, of the Universal Declaration of Human Rights, since it prevents the accused from proving his innocence;

“(d) Many political prisoners and detainees have died in South African prisons during 1969, in conditions which warrant a full inquiry;

“(e) Mr. James Lenkoe, a political prisoner in South Africa, did not commit suicide as reported, but died as a result of electric shocks administered to various parts of his body;

“(f) The practice of compelling prisoners to testify against their erstwhile comrades is reprehensible;

“(g) In the Caprivi Strip, Namibian villages have been shelled by the occupying South African security forces and indiscriminate firing has been resorted to in villages that are suspected of harbouring freedom fighters;

“(h) The system of ‘Bantustans’ established in South Africa is being gradually extended to the occupied Territory of Namibia;

“(i) In the absence of intervention by the United Nations, occupation of Namibia by South Africa is resulting in ever-increasing hardship to the non-white population as well as a total suppression of human rights there;

“(j) The so-called ‘Constitution of Rhodesia’ of 1969 is an illegal as well as a pernicious document and the ‘Declaration of Rights’ embodied in the above ‘Constitution’ confers few, if any, rights on non-Whites;

“(k) Section 84 of the 1969 ‘Constitution of Rhodesia’ providing that ‘no court shall inquire into or pronounce upon the validity of any law on the ground that it is inconsistent with the ‘Declaration of Rights’’, establishes a clear inconsistency in the illegal ‘legislation’ itself and, further, brings out the authoritarian and racist character of the illegal régime in Southern Rhodesia;

“(l) The reserves in Southern Rhodesia consist of poor and infertile lands into which Africans are herded like cattle;

“(m) The condition of Africans in the reserves is appalling and nothing is being done to improve their conditions of hygiene, diet, nutrition, sanitation, health and their educational standards;

“(n) In the Portuguese Territories mass killing of suspected opponents of the régime continues unabated;

“(o) The most inhuman form of forced labour prevails in the African Territories under Portuguese domination;

“8. *Calls upon* the Government of South Africa to implement the recommendations contained in the

earlier reports of the *Ad Hoc* Working Group of Experts and also:

“(a) Immediately to disband the Bureau of State Security;

“(b) To discontinue the practice by which political detainees are compelled to testify against their former colleagues;

“(c) To release immediately and unconditionally the twenty-two Africans re-arrested under the Terrorism Act, on 16 February 1970;

“(d) To grant full access at all trials of political opponents of the régime to independent outside observers;

“(e) To permit a full and impartial investigation into the deaths of political prisoners and detainees in its gaols as well as to indemnify fully the families of the deceased;

“9. *Condemns* the trial of the eight Namibians under the Terrorism Act, which took place in Windhoek between July 1969 and November 1969, and further calls upon the Government of South Africa:

“(a) To release immediately and unconditionally those tried under the above-mentioned Terrorism Act;

“(b) To desist forthwith from the extension of the ‘Bantustans’ system into Namibia;

“10. *Once again calls upon* the Government of South Africa to terminate its illegal occupation of the Territory of Namibia in accordance with relevant United Nations resolutions on the subject;

“11. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland to intervene in its rebellious colony of Southern Rhodesia with a view to:

“(a) Implementing the action proposed by the Group of Experts in paragraphs 82 to 94 of its report;<sup>23</sup>

“(b) Liberating the Africans from the reserves in which they are concentrated in conditions of near captivity and bondage;

“(c) Repealing the entire so-called ‘Constitution of Rhodesia’ of 1969;

“12. *Calls upon* the Government of Portugal:

“(a) To observe immediately the provisions of the Geneva Conventions of 12 August 1949;<sup>24</sup>

“(b) To eradicate the practice of *xibalo* or forced labour in its African colonies;

“(c) To introduce a system in which the products of the African farmers can be freely bought and sold in normal market conditions;

“13. *Condemns once again* the actions of those Governments which continue to maintain diplomatic, economic, cultural and other relations with the Government of South Africa and with the illegal régime in Southern Rhodesia in violation of United Nations resolutions;

“14. *Calls upon* those Governments to break off such relations;

“15. *Requests* the Secretary-General to report to the General Assembly at its twenty-sixth session on the implementation of the present resolution and also

<sup>23</sup> See E/CN.4/984/Add.8.

<sup>24</sup> United Nations, *Treaty Series*, vol. 75 (1950), Nos. 970-973.

to report to the Commission on Human Rights at its twenty-seventh session on the measures taken to publicize the report of the *Ad Hoc* Working Group of Experts.”

1693rd plenary meeting,  
27 May 1970.

**1502 (XLVIII). Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and the study of special problems relating to human rights in developing countries**

*The Economic and Social Council,*

Recalling its resolution 1421 (XLVI) of 6 June 1969,

Noting resolution 11 (XXVI) of the Commission on Human Rights,<sup>25</sup>

1. *Requests* the Special Rapporteur to complete his study as soon as possible, taking into account the views expressed at the twenty-sixth session of the Commission on Human Rights, and to submit his final report to the Commission if possible at the twenty-seventh session, but in any case no later than the twenty-eighth session in 1972;

2. *Requests* the Secretary-General to continue providing to the Special Rapporteur all assistance necessary for the early completion of the report and, in particular, to urge once again those Governments and specialized agencies which have not yet done so to submit information on the effectiveness of the methods and means used by them in the realization of economic, social and cultural rights.

1693rd plenary meeting,  
27 May 1970.

**1503 (XLVIII). Procedure for dealing with communications relating to violations of human rights and fundamental freedoms**

*The Economic and Social Council,*

Noting resolutions 7 (XXVI)<sup>26</sup> and 17 (XXV)<sup>27</sup> of the Commission on Human Rights and resolution 2 (XXI)<sup>28</sup> of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. *Authorizes* the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a working group consisting of not more than five of its members, with due regard to geographical distribution, to meet once a year in private meetings for a period not exceeding ten days immediately before the sessions of the Sub-Commission to consider all communications, including replies of Governments thereon, received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies

<sup>25</sup> See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 5 (E/4816)*, chap. XXIII.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*, *Forty-sixth Session*, document E/4621, chap. XVIII.

<sup>28</sup> E/CN.4/976, chap. VI.

of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms within the terms of reference of the Sub-Commission;

2. *Decides* that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should, as the first stage in the implementation of the present resolution, devise at its twenty-third session appropriate procedures for dealing with the question of admissibility of communications received by the Secretary-General under Council resolution 728 F (XXVIII) and in accordance with Council resolution 1235 (XLII) of 6 June 1967;

3. *Requests* the Secretary-General to prepare a document on the question of admissibility of communications for the Sub-Commission's consideration at its twenty-third session;

4. *Further requests* the Secretary-General:

(a) To furnish to the members of the Sub-Commission every month a list of communications prepared by him in accordance with Council resolution 728 F (XXVIII) and a brief description of them, together with the text of any replies received from Governments;

(b) To make available to the members of the working group at their meetings the originals of such communications listed as they may request, having due regard to the provisions of paragraph 2 (b) of Council resolution 728 F (XXVIII) concerning the divulging of the identity of the authors of communications;

(c) To circulate to the members of the Sub-Commission, in the working languages, the originals of such communications as are referred to the Sub-Commission by the working group;

5. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider in private meetings, in accordance with paragraph 1 above, the communications brought before it in accordance with the decision of a majority of the members of the working group and any replies of Governments relating thereto and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission;

6. *Requests* the Commission on Human Rights after it has examined any situation referred to it by the Sub-Commission to determine:

(a) Whether it requires a thorough study by the Commission and a report and recommendations thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII);

(b) Whether it may be a subject of an investigation by an *ad hoc* committee to be appointed by the Commission which shall be undertaken only with the express consent of the State concerned and shall be conducted in constant co-operation with that State and under conditions determined by agreement with it. In any event, the investigation may be undertaken only if:

(i) All available means at the national level have been resorted to and exhausted;

(ii) The situation does not relate to a matter which is being dealt with under other procedures prescribed in the constituent instruments of, or conventions adopted by, the United Nations and the specialized agencies, or in regional con-