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COMMISSION ON HUMAN RIGHTS
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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES
Thirty-third session

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

Note by the Secretary-General

At the request of the Chairmen of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Secretary-General has the honour to bring to the attention of members of the Commission on Human Rights and the Sub-Commission the following cable addressed by the Chairman of the Commission on Human Rights to the Minister for Foreign Affairs of the Republic of South Africa, dated 25 August 1980, pertaining to urgent reports of serious violations of human rights in South Africa and Namibia.

1. I AM ADDRESSING MYSELF TO YOU PURSUANT TO PARAGRAPH 6 OF COMMISSION ON HUMAN RIGHTS RESOLUTION 9 (XXXVI) OF 26 FEBRUARY 1980, WHICH REQUESTED THE AD HOC WORKING GROUP OF EXPERTS ON SOUTHERN AFRICA TO CONTINUE TO STUDY THE POLICIES AND PRACTICES WHICH VIOLATE HUMAN RIGHTS IN SOUTH AFRICA AND NAMIBIA, AND IMMEDIATELY TO BRING TO THE ATTENTION OF THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS PARTICULARLY SERIOUS VIOLATIONS OF RIGHTS OF WHICH IT LEARNS DURING THAT STUDY, SO THAT HE MAY TAKE WHATEVER ACTION HE DEEMS APPROPRIATE.

2. THE AD HOC WORKING GROUP OF EXPERTS IS NOW CONDUCTING HEARINGS TO GATHER INFORMATION IN ACCORDANCE WITH ITS MANDATE AND AFTER HAVING RECEIVED TESTIMONY AT LONDON AND LUANDA, THE AD HOC WORKING GROUP COMMUNICATED TO ME BY CABLE THE FOLLOWING THREE MATTERS OF URGENT CONCERN REPORTED TO THE GROUP AND WHICH FALL WITHIN THE TERMS OF PARAGRAPH 6 OF RESOLUTION 9 (XXXVI):

(a) THAT THE SOUTH AFRICAN AUTHORITIES ARE NOW CARRYING OUT WITH PARTICULAR RELENTLESSNESS ACTS OF REPRESSION OF EXTREME SERIOUSNESS AGAINST THE PEOPLE OF SOUTH AFRICA AND NAMIBIA SPARING NEITHER THE AGED, WOMEN NOR CHILDREN, AND IT IS FEARED THAT THIS WILL CONTINUE.

(b) THAT CHILDREN, OFTEN OF A VERY YOUNG AGE - 3 TO 10 YEARS OLD - ARE BEING IMPRISONED AT ROBBEN ISLAND AFTER TRIALS WHICH ARE SUBJECT TO PARTICULAR CRITICISM DUE TO LACK OF RESPECT FOR THE RIGHTS OF THE DEFENDANTS. THE CONVICTION AND SENTENCING OF MINORS VIOLATES THE MOST ELEMENTARY PRINCIPLES OF PENAL RESPONSIBILITY WHICH HAVE THEIR BASES IN INTERNATIONAL HUMAN RIGHTS INSTRUMENTS.

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(c) THAT A LARGE NUMBER OF NAMIBIAN PRISONERS, WHICH MAY BE AS HIGH AS 120, ARE BEING HELD IN INHUMANE CONDITIONS AT THE DETENTION CAMP AT HARDAP DAM, NEAR MARIENTALN, SOUTH OF WINDHOEK, NAMIBIA. THESE PERSONS WERE TAKEN PRISONERS BY THE SOUTH AFRICAN ARMY AT CASSINGA DURING RAIDS INTO ANGOLA CARRIED OUT IN MAY 1978. THEY HAVE BEEN ILL-TREATED AND TORTURED AND SOME HAVE BEEN MUTILATED. MANY ARE IN A CRITICAL PHYSICAL AND MORAL STATE.

3. IN THE LIGHT OF THESE VERY DISTURBING REPORTS BASED ON THE EVIDENCE JUST RECEIVED BY THE AD HOC WORKING GROUP OF EXPERTS, I RESPECTFULLY REQUEST, IN MY CAPACITY AS CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS, THAT THE GOVERNMENT OF SOUTH AFRICA:

(a) HALT IMMEDIATELY POLICE BRUTALITY AND ALL ACTS OF REPRESSION AGAINST THE PEOPLE OF SOUTH AFRICA AND NAMIBIA

(b) RELEASE IMMEDIATELY THE CHILDREN DETAINED IN SOUTH AFRICAN AND NAMIBIAN PRISONS

(c) RELEASE THE NAMIBIAN PRISONERS DETAINED AT HARDAP DAM CAMP AND, PENDING THEIR RELEASE, TO APPLY THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF 12 AUGUST 1949.

4. BECAUSE OF THE URGENCY OF THESE MATTERS, I AM ALSO BRINGING THEM TO THE ATTENTION OF THE SECRETARY-GENERAL AND OTHER APPROPRIATE ORGANS OF THE UNITED NATIONS.