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COMMISSION ON HUMAN RIGHTS  
Thirty-eighth session

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

Reports submitted by States parties under  
article VII of the Convention

Addendum

GERMAN DEMOCRATIC REPUBLIC 1/

[ 7 December 1981 ]

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1/ The initial and second reports submitted by the Government of the German Democratic Republic (E/CN.4/1277/Add.4 and E/CN.4/1353/Add.4) were considered by the Group of Three at its 1978 and 1980 sessions respectively.

The German Democratic Republic resolutely condemns the policy of the South African apartheid régime, which blatantly contradicts the principles of international law. That policy constitutes a negation of the purposes and principles of the Charter of the United Nations and seriously threatens international peace; it is a manifestation of open and brutal disregard for human rights.

Apartheid is considered in the German Democratic Republic as a crime against humanity, which is what article I of the International Convention on the Suppression and Punishment of the Crime of Apartheid declares it to be. Article 91 of the German Democratic Republic Constitution provides that the generally accepted norms of international law relating to the punishment of crimes against peace and humanity and of war crimes are directly valid law and that crimes of this kind do not fall under the statute of limitations. On the basis of this article of the Constitution, the punishment of crimes against humanity is dealt with more specifically by article 91 of the Penal Code of the German Democratic Republic, which reads:

- "(1) Any person who acts with the intent to persecute, expel or destroy, in whole or in part, a national, ethnical, racial or religious group or to commit other inhuman acts against such a group shall be liable to not less than five years imprisonment.
- (2) Any person who thereby deliberately causes particularly serious consequences shall be liable to life imprisonment or the death penalty."

Thus, and in accordance with the provisions of article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, to which the German Democratic Republic acceded as of 25 June 1973, article 91 of the Penal Code covers the following acts committed for the purpose of persecuting, expelling or destroying, in whole or in part, a national, ethnical, racial or religious group or of committing other inhuman acts:

- killing or causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- preventing births within the group;
- forcibly transferring children of the group to another group.

The protection thus provided by article 91 of the Penal Code shows that the German Democratic Republic, by declaring such criminal acts punishable by law, also complies fully with the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Under the provisions of article 91, also preparations for and attempts at committing such crimes are punishable. Where such crimes are committed by an organization, criminal responsibility applies to each of its members, regardless of the form of his or her participation. Moreover, in accordance with the provisions of article IV of the Convention, persons responsible for such crimes are proceeded against without distinction as to their nationality or the place in which the crimes are committed.

Corresponding with the socialist character of the German Democratic Republic's society, constitution and legal system, this country leaves no room for racism or apartheid in whatever form. It is, therefore, the primary purpose of the above-mentioned legal provisions to ensure, in conformity with accepted international law, the punishment of persons having committed such crimes outside the territory of the German Democratic Republic. Should any person accused of a crime of apartheid in another country be found to stay or reside in German Democratic Republic territory, he or she may be extradited. In accordance with article VI of the Convention, the German Democratic Republic carries out all the decisions taken by the Security Council, which are aimed at the prevention, suppression and punishment of the crime of apartheid.

The German Democratic Republic maintains no relations of any kind with the South African apartheid régime, and complies strictly with the arms embargo imposed against the latter. As a member of the United Nations Security Council, the German Democratic Republic has done its part to help suppress the crime of apartheid. Thus, in the spring of 1981, it voted for the resolutions which several non-aligned countries had prepared with a view to imposing tightened sanctions against South Africa. As will be recalled, the adoption of these resolutions was blocked by a veto of the Western permanent Council members.

Also in its capacity of member of the Special Committee Against Apartheid, the German Democratic Republic has exposed the economic, military and nuclear collaboration of imperialist countries with the South African racist régime and laid bare the reasons why that inhuman system can continue its racist policies in spite of all United Nations resolutions. At the eighth emergency special session of the United Nations General Assembly, which reviewed the question of Namibia, and at the International Conference on Sanctions against South Africa, the German Democratic Republic's representatives came out in support of comprehensive sanctions against South Africa. The German Democratic Republic fully endorses the documents adopted on those occasions.

At the Seminar on Publicity and Role of Mass Media in International Mobilization against Apartheid, held in the capital of the German Democratic Republic, Berlin, in September 1981, the participants from the German Democratic Republic strongly argued in favour of increased efforts by governments, non-governmental organizations, national civic organizations and the mass media to make world public opinion aware of Pretoria's crimes and to eliminate the apartheid régime. The German Democratic Republic delegation played a major part in working out the pertinent recommendations embodied in the Berlin Declaration.

The policy of the socialist German State is aimed at preserving and strengthening peace. This includes support of the peoples' fight for national and social liberation and of the struggle to eradicate colonialism, racism and apartheid. Especially against the background of stepped-up competitive armament and confrontation politics by aggressive imperialist forces, the battle for the complete elimination of apartheid has acquired special significance. The attempts by imperialist quarters to perpetuate the rule of the South African apartheid régime and even to enlist it in their military alliance, notwithstanding that régime's intrinsic tendency towards aggressions against its sovereign neighbours, acts of terrorism and massive human rights violations, are particularly alarming and amount to flagrantly defying international law. The fact that the Reagan Administration has declared the apartheid State a "friendly power" can only be interpreted as downright encouragement for South Africa to continue and escalate its policy of terror, which is a threat to peace.

In view of this situation, the Government and the people of the German Democratic Republic regard it as their natural duty to continue to side firmly with the peoples fighting against imperialism, colonialism, neocolonialism, racism and apartheid. The peoples of Southern Africa, which, under the leadership of their national liberation organizations, ANC and SWAPO, are battling against colonial and racist oppression and for their legitimate right to freedom, independence and self-determination, have the German Democratic Republic's special backing. In its 1981 Solidarity Appeal, the 10th Congress of the Socialist Unity Party of Germany declared, inter alia: "We greet all fighters for national and social liberation who are exposed to repression, persecution and discrimination and who in deep clandestinity are waging, often at the risk of their lives, a selfless struggle for peace, democracy, national independence and social progress, against war, fascism, colonialism and neocolonialism, against imperialism and hegemonism. The Socialist Unity Party of Germany and the people of the German Democratic Republic will continue to fulfil consistently their internationalist commitments and exercise fraternal solidarity with all fighters for peace, democracy, national independence and social progress!" The cause of rendering the peoples in Southern Africa political, diplomatic and material assistance is wholeheartedly supported by the people of the German Democratic Republic. Through wide-ranging solidarity activities, German Democratic Republic citizens have been providing material aid as well as spiritual and moral encouragement to those fighting against colonialism, racism and apartheid. The forms of such aid and encouragement are many. Important dates in the solidarity work of German Democratic Republic civic organizations for the benefit of the peoples in the south of the African continent are, in particular, the Week of Solidarity with the Anti-Imperialist Struggle of the Peoples of Africa, observed in May; the ANC Founding Day (8 January); the International Day for the Elimination of Racial Discrimination (21 March); the South African Freedom Day (26 June), and the Day of Solidarity with South African Political Prisoners (11 October).

Also the annual radio solidarity concerts, and the big solidarity bazaar held in Berlin's Alexander Square on the eve of World Peace Day each year are expressions of the German Democratic Republic's active solidarity. At a meeting held on 25 May 1981, on the occasion of the Week of Solidarity with the Anti-Imperialist Struggle of the Peoples of Southern Africa, the Head of the ANC Office in the capital of the German Democratic Republic, Berlin, Anthony Le Clerk Mongalo, expressly acknowledged the increased tokens of solidarity from the German Democratic Republic people for his organization and the South African people.

Between May 1976 and April 1981, thanks to the contributions generously made by all sections of the people, the German Democratic Republic Solidarity Committee provided a total of about 1,000 million marks in solidarity aid. Over the same period, more than 800 young people from Africa, Asia and the Middle East were admitted to higher or collegiate-level studies or job training in the German Democratic Republic under Solidarity Committee scholarship programmes, and some 1,300 wounded or sick freedom fighters received medical treatment. In 1980 alone, the German Democratic Republic people's international solidarity grants totalled well over 200 million marks.

Recipients of solidarity aid included SWAPO refugee camps in Southern Angola and the ANC instruction centre at Morogoro, Tanzania. Furthermore, the German Democratic Republic assisted the ANC and SWAPO in their publishing activities by taking care of the printing of their German and English-language documentary reports. Likewise prominent in the German Democratic Republic's solidarity activities have been relief supplies to the peoples which became victims of aggression by South Africa.

As in the past, the German Democratic Republic will continue to co-operate in giving effect to the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid. At the same time, it takes the view that it is imperative for all States which have not yet become parties to this Convention to accede to it and thereby to strengthen its effectiveness. Especially this particular convention must become universal in character without delay. At the current thirty-sixth session of the United Nations General Assembly, therefore, the German Democratic Republic sponsored, just as it did at the preceding sessions, a resolution entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid", which was adopted by an overwhelming majority.