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POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

United Nations Trust Fund for South Africa

Report of the Secretary-General

Addendum

1. In resolution 3151 F (XXVIII), adopted on 14 December 1973, the General Assembly requested the Secretary-General, in consultation with the Committee of Trustees of the United Nations Trust Fund for South Africa, to submit a report to the General Assembly at its twenty-ninth session on the present needs relating to humanitarian assistance within the terms of reference of the Trust Fund.
2. It may be recalled that the Trust Fund was established, in pursuance of General Assembly resolution 2054 B (XX) of 15 December 1965, to be used for grants to voluntary organizations, Governments of host countries of refugees from South Africa and other appropriate bodies towards: legal assistance to persons charged under discriminatory and repressive legislation in South Africa; relief for dependants of persons persecuted by the South African Government for acts arising from opposition to the policies of apartheid; education of prisoners, their children and other dependants; and relief for refugees from South Africa. The terms of reference of the Trust Fund were revised by the General Assembly in resolution 2397 (XXIII) of 2 December 1968 to cover legal assistance to persons "persecuted" under the repressive and discriminatory legislation, rather than merely those "charged" under the legislation.
3. Subsequently, by resolution 2671 E (XXV) of 8 December 1970, the General Assembly authorized grants from the Trust Fund for relief and assistance to persons persecuted under repressive and discriminatory legislation in Namibia and Southern Rhodesia and to their families, to the extent that additional voluntary contributions were received for that purpose.
4. Responses to inquiries made in consultation with the Committee of Trustees to the recipients of grants from the Trust Fund as well as other information

indicate that the needs for humanitarian assistance within the terms of reference of the Trust Fund have greatly increased since 1965, not only because of the expansion of the mandate of the Trust Fund but also because of the increase in the number of persons persecuted under repressive and discriminatory legislation in South Africa, Namibia and Southern Rhodesia.

5. It is difficult, however, to make a precise estimate of needs. Hundreds of thousands of persons are charged annually under relevant legislation - and the assistance by voluntary agencies has been largely limited, for practical reasons, to those persecuted under security laws or laws denying trade-union rights. The exact number of prisoners, detainees, restrictees and banned persons is not known, since some of the legislation in each territory authorizes the authorities to withhold such information and to conduct trials in camera. The voluntary agencies concerned are not able to locate all those in need because of the hostility of the authorities and of other practical difficulties.

6. This report, therefore, is limited to drawing attention to some of the main developments which have resulted in a rapid increase in the needs, as described by the Committee of Trustees in its annual reports.

7. In South Africa, a number of repressive and discriminatory laws have been enacted since the establishment of the Trust Fund (see A/9781).

8. Under the Terrorism Act of 1967, 1/ in particular, a large number of persons have been detained and a series of trials have been held. This Act provides for indefinite detention of persons for interrogation, without access to family or counsel; the number of detainees is not disclosed. The substantive and procedural provisions of the Act make legal defence extremely difficult. Senior counsel have had to be employed in cases under this Act at great expense.

9. The Riotous Assemblies Amendment Act of 1974 2/ has already led to a large number of arrests and prosecutions.

10. While a number of persons who were imprisoned under repressive and discriminatory laws before the Trust Fund was established in 1965 have been freed after completion of sentences; many others have been sentenced to imprisonment since that time. Many churchmen, students and workers are among those recently persecuted. Hundreds of families have been deprived of the bread-winner for over a decade. Many of those released after imprisonment have been subjected to restrictions or sent to areas where there is little possibility of earning a livelihood.

11. In Namibia, there has been a great increase in the persecution of persons under repressive and discriminatory legislation in the past few years. The repressive legislation which had been in force in South Africa has been extended to this Territory since 1966. A number of persons have been charged and sentenced

1/ Act No. 83 of 1967.

2/ Act No. 30 of 1974.

to long terms of imprisonment under the Terrorism Act of 1967. Hundreds of persons have been detained, sentenced to imprisonment, flogged, or subjected to stringent restrictions since the beginning of 1972 following the strikes by contract labour, opposition to the establishment of "Bantustans" and demands for the withdrawal of the South African Administration. Legal assistance to the persons concerned has been particularly difficult because of the arbitrary nature of the legislation. Many of those sentenced to imprisonment have been confined in prisons far from their homes so that their families have required assistance to visit the prisoners.

12. In Southern Rhodesia, hundreds of prisoners, detainees and restrictees have been confined for many years. The illegal régime has resorted to widespread repression and removal of communities to counter continued and increasing resistance. According to the annual report of its police, 1,262 persons were arrested in 1973/74 under security legislation. The number of detainees has greatly increased.

13. While the arrests, detentions and trials in the three Territories have continued and increased, some of the voluntary agencies and individuals engaged in assistance have themselves been persecuted.

14. It is not possible, of course, to estimate the number of trials which may be initiated from year to year in which the accused need assistance to employ counsel, or the cost of such legal assistance. Experience in the past few years, however, shows a steady increase in the needs. The fees for attorneys and advocates have risen, partly because of the difficulty of providing effective defence under ever more arbitrary legislation. The cost of living has substantially increased and with it the requirements for assistance to needy families for maintenance and medical and educational expenses. The needs for assistance to refugees have also increased as a result of the rise in living costs.

15. The Committee of Trustees has been satisfied, however, that the agencies concerned have been able to administer assistance efficiently, despite the difficulties, and strictly within the terms of reference of the Trust Fund. The Secretary-General shares with the Committee of Trustees the hope that the Trust Fund will receive more generous contributions in order to enable it to meet the increasing needs more adequately.
