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QUESTION OF SOUTH WEST AFRICA
Report of the Secretary-General

Addendum

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REPLIES RECEIVED FROM GOVERNMENTS

PERU

[Original: Spanish]
27 January 1968

My Government shares the general concern over the segregationist policies of the Government of the Republic of South Africa and firmly supports resolution 2324 (XXII). It regrets that circumstances beyond its control prevented it from being present during the voting.

This policy is in keeping with the Peruvian Ministry of Foreign Affairs' traditional attitude, which is to reject all forms of colonialism and to defend the principles embodied in the Universal Declaration of Human Rights.

Since my Government does not maintain diplomatic relations with South Africa, it cannot exert any influence on the South African Government, but it has instructed the Representative of Peru in the Organization of American States to support strongly the adoption by that Organization of a position in keeping with operative paragraph 3 of resolution 2324 (XXII).

UNITED STATES OF AMERICA

/Original: English/
26 January 1968

The Government of the United States has sought, through the United Nations and bilaterally, to make clear to the Government of South Africa its position with respect to the trial and the related questions of the international status of South West Africa and the rights of the inhabitants. On 12 September 1967, the day after the trial opened at Pretoria, the United States voted of favour of a resolution in the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples which condemned the trial and called for the release and repatriation of the accused. The United States representative said, in description of the trial and the enabling legislation:

"The legislation (the Terrorism Act) has retroactive effect, permits the police and prosecution to strip the accused of rights which are essential to proper defense and fair trial, and thus violates the essence of due process and the rule of law. Moreover, by its wide and loose definition of offences, the Act shuts off avenues of peaceful dissent in South West Africa and thereby generates the very behavior it seeks to punish.

"... In the view of the United States Government, the nature of the Terrorism Act and the obligations which this Organization has towards the inhabitants of the Territory require that we call upon the Government of South Africa to halt these prosecutions and cease application of the Terrorism Act in South West Africa. South Africa must respect the international status of South West Africa.

"... the Terrorism Act - for reasons I have already given - is so contrary to the principles of fairness and justice which are the foundations of the rule of law that its application to South West Africa is inadmissible."

The position of the United States was reaffirmed at the twenty-second session of the General Assembly, at which time the United States became a co-sponsor of resolution 2324 (XXII). In emphasizing the interest of the Government of the United States in obtaining the full facts, including the number and identity of any other persons held in connexion with the Terrorism Act and the conditions of their detention, the United States representative said:

/...

"As a member of this international community, however, we have a right and a responsibility... to call upon the South African Government to provide us with complete and straightforward answers. We have a right and a responsibility to call upon the South African Government to halt these prosecutions, to release and repatriate these South West Africans and to cease the application of this Act. This we do with all the vigour at our command."

In addition to the categorical position taken by the United States at the United Nations, representatives of the United States at the highest level have spoken out against the trial. While on an official visit to Addis Ababa, Ethiopia, on 6 January 1968, the Vice President of the United States said:

"... That trial is a farce. It is based on a law that provided for the retroactive political persecution of wards of the international community. It raises fundamental questions regarding international norms of behaviour."

The Government of the United States conveyed its concern directly to the Government of South Africa even before the passage of General Assembly resolution 2324 (XXII). In addition, consistent with the deep concern of this Government, representatives of our Embassy at Pretoria have been in frequent attendance at the trial and have closely followed the entire proceeding.

Official concern for the rights and welfare of the accused is shared by many private American citizens and organizations. For example, the Association of the Bar of the City of New York protested the trial on 3 January 1968.

The Government of the United States is prepared to consider other appropriate courses of action at the United Nations and bilaterally to bring relief to those South West Africans now accused or who may in the future be held in connexion with the Terrorism Act. Every appropriate means is being employed by the Government of the United States to impress upon the Government of South Africa the need to respect the international status of South West Africa and the rights of the inhabitants, and to recognize the responsibility of the international community for the Territory.

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VENEZUELA

[Original: Spanish]
26 January 1968

Since my Government has no diplomatic, consular or trade relations with South Africa, it has been unable to adopt measures for the implementation of resolution 2324 (XXII).

I wish to convey to you my Government's serious concern about the trial of the thirty-five persons from the Territory of South West Africa, a Territory which is the direct responsibility of the United Nations. The trial is a violation of the fundamental principles of law and moreover is in open defiance of decisions adopted by the General Assembly. The Security Council yesterday adopted resolution 245 (1968) and Venezuela firmly supports the aims of that resolution. Since Venezuela was one of the sponsors of General Assembly resolution 2324 (XXII), it will be clear to you that my Government is profoundly concerned to see these decisions of the United Nations complied with.

REPLIES RECEIVED FROM OTHER ORGANIZATIONS

COUNCIL OF EUROPE

[Original: French]
26 January 1968

The text of resolution 2324 (XXII) has been transmitted for their information to the permanent representatives of member States of the Council of Europe and to the President of the Consultative Assembly.

LEAGUE OF ARAB STATES

[Original: English]
28 January 1968

I cabled to the Government of South Africa, calling it to adhere to the provisions of resolution 2324 (XXII), to discontinue the trial and to release the detainees. The resolution considered has been circulated to the members of the League of Arab States to take possible measures.

ORGANIZATION OF AMERICAN STATES

[Original: English]
26 January 1968

Your note of 21 December 1967 and resolution 2324 (XXII) were distributed to the members of the OAS Council who are consulting their Governments. I will promptly communicate to you any action that might be taken on this matter.
