



Security Council

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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
SIX HUNDRED AND THIRTY-EIGHTH MEETING

Held at Headquarters, New York,
on Monday, 30 December 1985, at 12.15 p.m.

President: Mr. BASSOLE

(Burkina Faso)

Members: Australia
China
Denmark
Egypt
France
India
Madagascar
Peru
Thailand
Trinidad and Tobago
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Kingdom of Great Britain and
Northern Ireland
United States of America

Mr. WOOLCOTT
Mr. LI Luye
Mr. BIERRING
Mr. KHALIL
Mr. LOUET
Mr. KRISHNAN
Mr. RABETAFIKA
Mr. ALZAMORA
Mr. KASEMSRI
Mr. ALLEYNE
Mr. SKOFENKO
Mr. TROYANOVSKY

Sir John THOMSON
Mr. OKUN

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The meeting was called to order at 12.50 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

COMPLAINT BY LESOTHO AGAINST SOUTH AFRICA

LETTER DATED 23 DECEMBER 1985 FROM THE PERMANENT REPRESENTATIVE OF LESOTHO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/17692)

The PRESIDENT (interpretation from French): I should like to inform members of the Council that I have received letters from the representatives of Burundi, Lesotho, Senegal and South Africa in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Makhele (Lesotho) took a place at the Council table; Mr. Bwakira (Burundi), Mr. Sarré (Senegal) and Mr. Aldrich (South Africa) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT (interpretation from French): I should like to inform members of the Council that I have received a letter dated 30 December 1985 from the representatives of Burkina Faso, Egypt and Madagascar to the United Nations, which reads as follows:

"We, the undersigned members of the Security Council, have the honour to request the Security Council to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Neo Mnumzana, principal representative of the African National Congress of South Africa (ANC) to the United Nations, to participate in the consideration by the Council of the item entitled "Complaint by Lesotho against South Africa."

(The President)

That letter will be distributed as Security Council document S/17700.

If I hear no objection, I shall take it that the Council decides to grant the request made to it to extend an invitation under rule 39 of the provisional rules of procedure to Mr. Neo Mnumzana.

There being no objection, it is so decided.

I shall in due course invite Mr. Mnumzana to take a place at the Council table and to make his statement.

The Security Council will now begin consideration of the item on its agenda. The Council is meeting today pursuant to a request by the Permanent Representative of Lesotho to the United Nations in a letter dated 23 December 1985 addressed to the President of the Security Council, document S/17692.

I should like to draw the attention of members of the Council to the following documents: S/16789, a letter dated 19 December 1985 from the Permanent Representative of Lesotho to the United Nations addressed to the Secretary-General, and S/17696, a letter dated 24 December 1985 from the Permanent Representative of China to the United Nations addressed to the Secretary-General.

The first speaker is the Minister for Foreign Affairs of Lesotho, His Excellency Mr. Vincent Montsi Makhele. I welcome him, and I invite him to make his statement.

Mr. MAKHELE (Lesotho): Permit me to express our profound appreciation to you, Mr. President, and, through you, to the other members of the Security Council, for convening this meeting to hear our case resulting from an attack by South Africa in Maseru, the capital city of Lesotho, in the early hours of 20 December 1985, in gross violation of the sovereignty and territorial integrity of Lesotho.

Please allow me also to express our happiness at seeing you, Ambassador M.L. Bassole, Permanent Representative of Burkina Faso, presiding over

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the deliberations of the Council as it considers this matter. We have witnessed with deep admiration your diplomatic skills in conducting the work of the Council, not only during this month that is drawing to a close, but also on a previous occasion when you served as its President. In your person we recognize one of the illustrious sons of Africa, and we are confident that you will lead the deliberations of the Council to a successful and meaningful conclusion. We should also like to extend our congratulations to your predecessor, Ambassador R.A. Woolcott, Permanent Representative of Australia, who successfully conducted the work of the Council during the month of November.

This is not the first time that Lesotho has appeared before this body to bring a complaint against the Government of the Republic of South Africa. In December 1982, after the South African Army had invaded Maseru and brutally murdered 42 people, of whom 12 were citizens of Lesotho and 30 were South African refugees, Lesotho brought that matter before the Security Council. Today, we are here about another attack by the assassination squad of the same South African Army.

I should like to recall that Security Council resolution 527 (1982) of 15 December 1982 condemned South Africa's action and called upon South Africa, among other things, to bind itself not to repeat a similar attack on Lesotho and to pay full and adequate compensation for loss of lives and the damage caused to property in Lesotho in the 1982 attack. South Africa's response to that resolution has been arrogant refusal to heed and implement all of its provisions. South Africa has set itself above and beyond the provisions of international law as pronounced by the Security Council regarding that wanton and murderous attack on the innocent citizens of Lesotho and South African refugees living in Lesotho.

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As if the murders of December 1982 were not enough, South Africa has not only defied Security Council resolution 527 (1982), but has also continued its systematic campaign of destabilization of Lesotho through the agency of the so-called Lesotho Liberation Army, which is based, trained and armed in South Africa to commit acts of murder and sabotage in Lesotho. The voracious appetite of apartheid for the blood of innocents, whether South Africans or citizens of Lesotho, seems to be insatiable when we look at the long list of innocent Basotho killed directly by South Africa and through the agency of its proxies. This is why we are again here to ask this body once more to pronounce itself on the unacceptability of South Africa's conduct and to urge it to return to the normal observance of international law and good-neighbourly relations.

In the early hours of 20 December 1985, commandos of the South African Army murdered six South Africans, four of whom were formally registered in Lesotho as refugees, and three citizens of Lesotho in a manner which has become typical of South Africa's behaviour towards its neighbours, particularly Lesotho. The victims were shot in cold blood between midnight and 0100 hours by the South African Army commandos at a house where they had been invited, ostensibly, to a Christmas party. The house is situated in the suburb of Hoohlos in the capital city of Maseru, close to the Caledon River, which serves as a border between Lesotho and South Africa.

An independent witness who had been alerted by the screams of the victims rushed to the house, only to be shot at by a white man in South African military fatigues standing guard outside the house. Fortunately, the shot missed, but as the witness ran round the house seeking a place to hide he saw several other white soldiers who had cordoned off the house while the assassins were going about their callous business inside. After the cruel operation, which was later found to have

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left seven people dead, the assassins left the house. The witness remarked that the murderers were using guns fitted with silencers, judging from their muted sound. A couple of hours later, two officers of the Lesotho Mounted Police received telephone calls in which callers speaking English with a heavy Afrikaans accent told them that troublesome members of the African National Congress had been shot in Maseru and that, if the Lesotho police were interested in saving them, they should rush them to hospital. The telephone calls followed the same pattern as the ones made to police officers during the 1982 attack.

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In the same early hours of 20 December 1985 a couple who had been at the party at Hoohlo's, but had left early because of their eight-months-old baby despite urgings to stay longer, were also shot at the house where they lived in another part of Maseru, about two kilometres away. They had been followed to their house by their assassins, who shot them in cold blood, sparing only their eight-months-old child. In his dying declaration as he collapsed and fell through the glass door of a neighbour's flat, the murdered man was heard to cry out that he and his wife were being "killed by Boers".

Other witnesses have testified that subsequently they saw two cars burning at the polo ground next to the Caledon River. A group of white soldiers were seen standing near the burning cars, after which they left towards the river with some of them firing their guns, probably to frighten away any curious witnesses. Footprints of military-style boots were clearly visible leading from the cars into the river and crossing to the South African side of the river. I have sworn statements of the witnesses with me, as well as photographs of these gruesome acts. These are available to those who may want to have a look at them.

Prior to this attack there had been exchanges of telex messages between South Africa and Lesotho, and these messages were transmitted by the Lesotho Permanent Representative to the Secretary-General for circulation as a document of the Council, now contained in document A/17689, dated 20 December 1985. The exchanges show clearly that South Africa had taken a decision to launch its attack long before 20 December 1985 on the basis of unsubstantiated allegations that members of the African National Congress of South Africa (ANC) were planning attacks against South Africa from Lesotho during the Christmas period. The last paragraph of Annex V of Security Council document S/17689, which reads

"If such armed actions were to take place despite South Africa's repeated appeals to the Lesotho Government, the South African Government

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reserves the right to take whatever action may be necessary to defend its territory and to secure the safety of its citizens" (S/17689, p. 8)

clearly shows that the threat contained therein was carried out on the night of 20 December 1985. On the other hand, the telexes from Lesotho show that Lesotho genuinely wanted to resolve any differences with South Africa over these allegations through discussion and negotiation.

It is a well-known fact that Lesotho has received refugees from South Africa belonging to various organizations on condition that they not use Lesotho territory as a springboard for attacks against South Africa. The Office of the United Nations High Commissioner for Refugees (UNHCR) always makes the necessary arrangements for moving these people to second countries of asylum. This has been the practice in particular since the 1982 South African Army attack on refugees in Lesotho, when South Africa alleged that some refugees in Lesotho were a threat to its security. Lesotho does not go out of its way to recruit South African refugees. The refugees come to Lesotho of their own accord and are afforded refuge on humanitarian grounds and on the basis of international conventions.

As the telex messages show, South Africa has failed to produce any tangible evidence that the refugees in Lesotho constitute a threat to its security. It is remarkable that, when efforts have been made to fly refugees out of Lesotho to other countries, South Africa should turn around and say that Lesotho aids and abets the recruitment and training abroad of its opponents. Lesotho's policies towards the refugees have been stated repeatedly and clearly to the South African Government; yet South Africa has chosen for purposes best known to itself to continue on its murderous course with regard to the refugees and innocent citizens of Lesotho regardless of the provisions of international law and the basic principles of good neighbourliness.

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Since the primary objective of the refugees is to get out of the reach of South Africa, the international community may well ponder whether it is not time for it to make arrangements for the safe conduct of the refugees from Lesotho for resettlement in countries that are prepared to offer them a safe and secure haven.

We should like to draw the attention of the Council to the fact that South Africa, in a recent formal communication, is threatening to impose restrictions on normal traffic in and out of Lesotho. This is in addition to the fact that South Africa is already making it difficult for Lesotho to receive consignments of essential security equipment from other countries. For example, some security equipment for Lesotho has been in Mozambique for nearly two years. We should like to place on record that South Africa is creating special transit problems for Lesotho which are placing Lesotho's security and economic development in jeopardy. The Lesotho Government intends to put the question of the transit problems that we are experiencing before the next session of the General Assembly.

In both the 1982 and 1985 South African Army attacks on refugees, there have also been victims who are citizens of Lesotho and who had nothing to do with South Africa and its policies. This is to say nothing of over 40 citizens of Lesotho who have been killed by the assassination squads of the so-called Lesotho Liberation Army, which is sponsored by South Africa to destabilize Lesotho. It is common knowledge that operatives of these nefarious bandits live in South Africa and have mounted attacks on villagers in Lesotho from South Africa and fled there afterwards. They have used official South African media, especially the South African radio, to make threats against citizens of Lesotho and to boast about their murderous exploits.

The world community has seen how apartheid has now spread its murderous wings over the entire southern African region with cross-border incursions, invasions, murders and other acts of destabilization in Lesotho, Angola, Botswana, Mozambique,

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Swaziland, Zambia and Zimbabwe. Indeed, in a press release dated 20 December 1985, the South African State Security Council issued a threat directed against all these countries, accusing them of harbouring alleged terrorists. As far as Lesotho is concerned, the record shows that South Africa has not backed up these allegations with any concrete information.

Once again we wish to draw the attention of this body to the inescapable fact that the primary source of conflict in the southern African region is the policy of apartheid pursued by the Government of South Africa. Our Governments are willing to talk, to negotiate, to seek peaceful solutions to common problems; but apartheid talks only the language of oppression, violence and destabilization because it has no respect for human life. We have evidence that, while seeming to urge us to talk, South Africa has planted spies in our country to prepare for future attacks. It is incumbent upon this body, which is charged with the primary responsibility of maintaining peace and security, to condemn in the strongest terms the murderous escapades of apartheid. We ask that the Security Council pronounce itself once again that apartheid is incompatible with peace and security because it feeds on the blood of innocent citizens of both South Africa and neighbouring countries. It is incomprehensible to us how any of the Basotho victims of this callous attack could have constituted a threat to South African security, if that is the reason that they were murdered. Even if the intention was merely to intimidate and frighten the Basotho people, it hardly justifies this wanton taking of human lives.

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I want to end my statement with the observation that it is clear to the Government of Lesotho that, despite its denials, South Africa is responsible for the nine murders committed in Maseru in the early hours of 20 December 1985. We believe that South Africa's action should be condemned. But above all our people yearn for peace, and the Lesotho Government is always ready to talk peace. The people of Lesotho, a sovereign Member State of the United Nations, deserve to survive even in the midst of apartheid, and in spite of apartheid's murderous attributes. If any presence, in whatever form, of the United Nations Security Council might contribute even a modicum of peace for our people and help to preserve the sovereignty and territorial integrity of our country, even that would be welcome. We are concerned that the situation within South Africa is such that there are likely to be more refugees coming into neighbouring countries in the foreseeable future, and unless South Africa is checked there is a risk that the South African Government will behave with increasing lawlessness towards the refugees and the neighbouring countries.

The PRESIDENT (interpretation from French): I thank the Foreign Minister of Lesotho for his kind words addressed to me.

In view of the lateness of the hour, I intend to adjourn the meeting now. The next meeting of the Security Council to continue the consideration of this item will take place today at 4 p.m.

The meeting rose at 1.15 p.m.