

DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Resolution 1514

Adopted by the General Assembly

December 14, 1960

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.
2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.
4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
5. Immediate steps shall be taken, in trust and non-self-governing territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction

as to race, creed or color, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the charter of the United Nations.

7. All states shall observe... the present Declaration on the basis of equality, non-interference in the internal affairs of all states and respect for the sovereign rights of all peoples and their territorial integrity.

**PROTECTION OF PERSONS
DETAINED OR IMPRISONED
AS A RESULT OF THEIR
STRUGGLE AGAINST
APARTHEID, RACISM AND
RACIAL DISCRIMINATION,
COLONIALISM, AGGRESSION
AND FOREIGN OCCUPATION
AND FOR SELFDETERMINATION,
INDEPENDENCE AND SOCIAL
PROGRESS· FOR THEIR PEOPLE**

Resolution 321122

Adopted by the General Assembly
105th plenary meeting
16 December 1977

The General Assembly,
Recalling its resolutions... reaffirmed the legitimacy of the struggle of peoples for liberation from colonial and foreign domination by all available means, including armed struggle, and demanded full respect for the basic human rights of all individuals detained or imprisoned as a result of their struggle for self-determination and independence, and their immediate release,
Noting with appreciation the progress achieved in the elimination of colonialism and the realization of the right of peoples to self-determination,
Expressing its serious concern regarding the continuing denial of the right to self-determination of the peoples of Namibia, Zimbabwe and Palestine and other peoples fighting for the realization of their right to self-determination and their liberation from colonialism and racism,
Recalling that the Security Council, in its resolution of...1976, once again strongly condemned the policy of apartheid as a crime against the conscience and dignity of mankind and a serious breach of international peace and security and emphasized the legitimacy of the struggle of the people of South Africa for the elimination of apartheid and racial discrimination,
Emphasizing the necessity of respect

for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,
Recalling its resolution of... 1973, in which it solemnly proclaimed the basic principles of the legal status of the combatants struggling against colonial and alien domination and racist regimes,

1. Expresses its solidarity with the fighters for national independence and social progress of their people, against colonialism, apartheid, racism and foreign occupation;
2. Emphasizes again that any attempts to suppress the struggle against colonial domination and racist regimes are incompatible with the Charter of the United Nations and the Universal Declaration of Human Rights;
3. Demands the release of all individuals detained or imprisoned as a result of their struggle against apartheid, racism and racial discrimination, colonialism, aggression and foreign occupation and for self-determination...
4. Insists that Israel and the racist minority regimes in southern Africa should immediately and unconditionally release all individuals detained or imprisoned because of their struggle for self-determination and national independence against apartheid, all forms of racism and racial discrimination, colonialism and foreign occupation...
6. Requests the Commission on Human Rights to continue to give particular attention to the question of the release of individuals detained or imprisoned as a result of their participation in the struggle against apartheid, racism and racial discrimination, colonialism, aggression and foreign occupation and for self-determination...

Universal Declaration of Human Rights, 1948

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Universal Declaration of Human Rights, 1948

Article 1

All human beings are born free and equal in dignity and rights...

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense...

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation...

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution...

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives...
3. The will of the people shall be the basis of the authority of government...

Verdict of the Special International Tribunal on the Violation of Human Rights of Political Prisoners and Prisoners of War in United States Prisons and Jails

December 7-10, 1990

Hunter College

New York, New York

I. CONSTITUTION OF THE TRIBUNAL

The Special Tribunal...was convened by 88 sponsoring and endorsing organizations from all parts of the United States. The members of the Special Tribunal assumed jurisdiction pursuant to accepted principles of international law approved and adopted by the world community under the United Nations Charter...

The Tribunal received extensive written and oral evidence from political activists and experts testifying in support of a detailed indictment of the United States government, alleging... the denial of the right of peoples in the United States and Puerto Rico to self-determination; the criminalization of the legitimate struggle against illegal acts committed by the government of the United States; the denial of the rule of law to those engaged in such struggles and the use against them of torture, inhuman and degrading treatment.

Although customary principles of law require Petitioners to exhaust their domestic remedies before having recourse to international fora, the overwhelming weight of testimony presented to the Tribunal showed that the courts and judicial officers of the United States routinely refuse to allow Petitioners to raise defenses based on international law and that relief under the law is routinely denied. Therefore we find that Petitioners have in fact exhausted all domestic remedies and that the Special Tribunal is entitled to review all of the cases presented for its consideration...

II. OVERVIEW

1990 has been a landmark year in the world-wide campaign for the recognition and freedom of political prisoners. The release of Nelson Mandela, Walter Sisulu and other anti-apartheid fighters, and the negotiations for the release of all South African political prisoners, have shown that even the most repressive and intransigent regimes must at some point acknowledge the existence of political prisoners and account for their treatment and continuing imprisonment...

Ironically, the U.S. government has expressed strong support, albeit selective, for the freeing of political prisoners throughout the world. At the same time, however, the U.S. government vociferously denies the existence of political prisoners at home and resolutely echoes a familiar refrain that those who claim to be political prisoners and prisoners of war are simply terrorists and criminals...

Numerous supporting documents...also submitted. Of particular interest were documents of the Counter-intelligence Program (COINTELPRO) of the US Federal Bureau of Investigation (FBI) showing its program to disrupt and neutralize leaders and organizations of the Black, Puerto Rican, Mexicano-Chicano and Native American self-determination struggles...

...the Tribunal finds that the U.S. judicial system (state and federal) has been used in a harsh and discriminatory manner against people struggling for self-determination within its borders and Puerto Rico, as well as against other political opponents of the U.S. government. Some have been falsely accused and had evidence favorable to their defense destroyed or suppressed, others have been tried on overbroad conspiracy charges which rely on associations and beliefs as an essential element, and many have been tried in an armed camp atmosphere saturated with prejudicial publicity designed to intimidate and prejudice the juries

before whom they were tried. Most of the Petitioners have also received draconian disproportionate sentences and have been subjected to torture, cruel, discriminatory and degrading punishment.

We also find that the Black and Mexican people living within the borders of the United States, and Native American and Puerto Rican people have the fundamental right to exercise self-determination and to seek and receive support from other opponents of repression, and that the U.S. government has carried out a consistent pattern and policy of repression against these peoples, their leaders and supporters.

We further find that captured combatants in a legitimate national liberation movement are entitled to the special protected status of Prisoner of War and should not be tried and imprisoned by the U.S. government as criminals. Rather, these captured national liberation fighters must be held separately under conditions in accordance with the Geneva Convention and immediate steps taken to transfer these combatants to neutral countries until all hostilities cease between their movements and the U.S. government.

We are mindful that the U.S. judicial system is promoted by many here and throughout the world as one of the most progressive and protective of individual rights. The claim that the U.S. does not have political prisoners has gone generally unchallenged. We believe that the evidence presented at the Tribunal overwhelmingly established the opposite case. The U.S. government uses its judicial system to repress the legitimate political movements opposing the government...

THE GENEVA CONVENTIONS OF 12 AUGUST 1949

THIRD GENEVA CONVENTION (PRISONERS OF WAR)

The Third Convention contains one hundred and forty-three Articles, besides the Annexes... This extension is no doubt due, in part, to the fact that, in modern warfare, prisoners are held in very large numbers, but it also interprets the desire of the 1949 Conference, representing all nations, to submit all aspects of captivity to humane regulation by International Law...

Wherever it was applied, the 1929 Prisoners of War Convention effectively helped to protect the millions of men who relied upon it during the last conflict. Nevertheless, it was quite evident, both to those who benefited and to those by whom it was applied, that the Convention required revision on many points; there have been changes in the methods and the consequences of war, and even in the living conditions of peoples. It was necessary to broaden the categories of persons entitled to prisoner of war status, so that such status is in fact granted to members of forces which capitulate, and that prisoners may not be arbitrarily deprived of it, at any time. A more precise definition of the conditions of captivity was also required which would take into account the importance assumed by prisoner of war labor, the relief they receive, and the judicial proceedings instituted against them. The principle of the immediate liberation of prisoners on the close of hostilities had to be reaffirmed. Finally, it was essential that the agencies appointed to look after prisoners' interests and ensure that regulations concerning them are applied in full, should be as independent as possible of the political relations existing between the belligerents. These were the most urgent only of the problems that the War revealed...

PART II General Protection of Prisoners of War

Article 13 Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited.

Article 14 Prisoners of war are entitled in all circumstances to respect for their persons and their honor. Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favorable as that granted to men. Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires...

**POLITICAL PRISONERS AND PRISONERS OF WAR IN THE UNITED STATES:
PETITIONERS [93 named PP/POWs],**

—against—

**THE GOVERNMENT OF THE UNITED STATES OF AMERICA, GEORGE BUSH,
PRESIDENT, RICHARD THORNBURGH, ATTORNEY GENERAL, WILLIAM
SESSIONS, DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, WILLIAM
WEBSTER, DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, MICHAEL
QUINLAN, DIRECTOR OF THE BUREAU OF PRISONS, THE DIRECTOR OF THE
FEDERAL PAROLE BOARD, THE GOVERNORS, DIRECTORS OF THE PRISONS
AND DIRECTORS OF THE PAROLE BOARDS OF EACH STATE WHEREIN
POLITICAL PRISONERS OR PRISONERS OF WAR ARE INCARCERATED:
Defendants.**

New York, NY; November 28, 1990

PETITIONERS DO HEREBY CHARGE THE ABOVE-NAMED DEFENDANTS AS
FOLLOWS:
SUMMARY OF CHARGES

1. The above named defendants and their predecessors are charged with the denial of self-determination, failure to comply with fundamental laws and principles of international law and human rights, and using their criminal justice system to imprison and repress those who seek national liberation and/or oppose U.S. foreign and domestic policies. The indictment also charges the defendants with illegal and arbitrary arrests and detentions, denial of fair trials, cruel, inhuman and degrading treatment of prisoners and conspiracy to commit the above acts.

JURISDICTION

2. Jurisdiction is conferred on this Tribunal pursuant to accepted principles of international law approved and adopted by the world community in the charter of the United Nations and utilized by the world community in convening such extraordinary tribunals as that convened in Nuremberg in 1949...

Jurisdiction to hear the crimes alleged herein is also inherent in those provisions of international law...

3. Petitioners are presently incarcerated because they oppose the colonial, imperialist, racist, repressive, authoritarian, militaristic, sexist or homophobic conduct of the United States government or are involved in a national liberation struggle.

4. Petitioners have been denied or deprived of all available remedies within the US judicial system and therefore appeal to the International Community pursuant to accepted principles of international law and fundamental human rights...

**International Convention on the Elimination of All Forms of Racial Discrimination
Adopted and opened for signature and ratification by General Assembly resolution 2106
(XX) of 21 December 1965, entry into force 4 January 1969...**

PART I

Article 1

1. ...the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life...

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms...

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights...

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law...

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination...