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MEASURES TO BE TAKEN AGAINST NAZISM AND RACIAL INTOLERANCE

Report of the Secretary-General

Addendum

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BOTSWANA

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The Government of Botswana transmitted the following provisions of the Penal Code:

"Expressions of hatred etc. of persons because of race etc.

"89B.(1) Any person who utters any words or publishes any writing expressing or showing hatred, ridicule or contempt for any person or group of persons wholly or mainly because of his or their race, tribe, place of origin, colour or creed is guilty of an offence and liable to a fine of R500.

"(2) No prosecution for an offence under this section shall be instituted without the written consent of the Attorney General.

"Discrimination

"89D.(1) Any person who discriminates against any other person shall be guilty of an offence and liable on conviction to a fine not exceeding R500 and to imprisonment for a term not exceeding six months.

"(2) For the purpose of this section a person discriminates against another if on the grounds of colour, race, nationality or creed he treats such person less favourably or in a manner different to that in which he treats or would treat any other person.

"(3) No prosecution for an offence under this section shall be instituted without the written consent of the Attorney General."

CZECHOSLOVAKIA

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1. The very existence and activities of organizations and groups of Nazi, racist or other similar ideologies have been eliminated in the Czechoslovak Socialist Republic by the Czechoslovak legal order.
2. Already the Constitution of the Czechoslovak Socialist Republic has stipulated, in paragraph 1 of the Introductory Declaration, that the working people of Czechoslovakia desire to live in peace and friendship with all nations of the world and contribute to peaceful coexistence and to good relations among countries with different social systems. This principle has been embodied into the Constitution

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on the basis of the experience of the nations of the Czechoslovak Socialist Republic who experienced the monstrosity of the Nazi ideology in the course of the Second World War and the cruelty of the Nazi occupation. In its article 5 the Constitution ensures the citizens of the Czechoslovak Socialist Republic the right to form social organizations. This provision embodies in itself also the purport and purpose of the right to association and to forming social organizations. According to this provision, people associate in social organizations with the purpose to develop joint activities, to take a full and active part in the life of society and the State and to ensure the exercise of their rights.

3. Similarly, the purport of forming social organizations is characterized in section 1 of Act No. 68/1951 of the Collection of Laws on Voluntary Organizations and Rallies. According to section 2 of the said Act, the inception of any social organization is conditioned by approving the statute of the respective organization by the competent state authorities.

4. It follows from these provisions that the Czechoslovak legal order makes impossible that any organization of Nazi, racist or similar ideologies comes into existence. Its origin would be in contradiction with the purport of a social organization, and it would not receive the necessary approval from the state authorities.

5. Provided there is an attempt to found an organization that is in contradiction with the above said principles, the organizers themselves would be prosecuted under Act No. 60/1961 of the Collection of Laws on the tasks of the National Committees in ensuring public order if their activities did not constitute a criminal offence. In case a criminal offence has been accomplished, the ensuing penal consequences would take place pursuant to Penal Code.

6. Act No. 126/1968 of the Collection of Laws on some temporary measures taken for the consolidation of public order enables the dissolution or suspension of activities of those social organizations which have been established in accordance with the requirements ensuing from the legal order, but which would in spite of that disseminate or encourage Nazi, racist or similar ideologies.

7. Propagation, encouragement and dissemination of Nazi, racist and similar ideologies is punishable under the Penal Code. This includes its following provisions: under section 198, defaming a nation, its language, or a race is

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punishable; under section 196, paragraph 2, anyone who applies violence against a group of inhabitants or an individual or threatens them with death, injury to health or material damage of great extent because of their race shall be punished; under section 221, subparagraph (b), injury to a person's health if the act was committed inter alia because of such person's nationality, race, religious belief or because he is without confession, is punishable; under section 259, genocide is punishable; section 260 makes punishable fascism or other similar movements which are aimed at suppressing the rights and freedoms of the working people or which preach national, racial or religious hatred; a higher punishment is set in case this crime has been committed by the press, film, radio, television or other means of similar effect; under section 261, whoever publicly expresses sympathies with fascism or other similar movements described in the above section 260 shall be punished. The instigation to war by any means, the propagation of war and war propaganda are punishable under section 165/1950 of the Collection of Laws.

8. In harmony with the obligations adopted by the Convention on the Statutory Limitation of War Crimes and Crimes against Humanity, Act No. 148/1969 of the Collection of Laws, as amended, has stipulated that the punishability of the **crime** does not become extinct by the passage of the period of prosecution provided the crimes had been committed under such circumstances that they constitute war crimes or crimes against humanity under the provisions of international law. Neither the penalties for the said crimes can be affected by statutory limitations. Criminal acts applying to these provisions are enumerated in the act as amended.

9. In Czechoslovakia which, as it has been already stated, fell a victim to the Nazi occupation and Nazi crimes in the recent past, activities to commemorate the struggle against nazism and fascism are organized several times a year in memory of those who had sacrificed their lives in the fight against that evil.

10. In the first half of May, a rally to commemorate the victims of nazism and fascism is organized in the place of the former concentration camp at Terezín. In the period from 11 April to 9 May, the International Commemorative Days of Resistance are being held. Among the most important activities belong the commemorative celebrations to honour the victims of the Nazi terror which are held at the villages of Lidice and Ležáky on the anniversary days of their extermination. In September a Week of Struggle against Fascism and War is organized.

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