

Telephone 28-8562

Advocates' Chambers,
922, Innes Chambers,
Pritchard Street,
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2001



8th December, 1987.

Dear Peter,

I am enclosing herewith the address which I mentioned on the telephone.

However, I am worried about its being published. Proclamation R97, published on the 11th June 1987, in the Government Gazette, provides in Regulation 3(1) that no person shall publish or cause to be published any publication containing comment in connection with the circumstances of, or treatment in, detention of a person who is or was detained under Regulation 3 of the Security Regulations, or who was detained under Regulation 3 of the previous Security Regulations. I submitted the article to my colleague, Ismail Mahomed, and he is of the view that because of this the publication is prohibited. In the -

United Democratic Front and Others vs. State
President and Others, 1987(3) S.A.L.R., 296,

the Natal Provincial Division held, at page 334 A-C, that the relevant regulation is valid. The matter has gone on appeal to the Appellate Division, but I am not at all confident that the decision will be reversed in Bloemfontein.

I have re-read the article, and I have marked in red certain passages that bear upon the regulation. The passages are comments in connection with the circumstances of, or treatment in detention of a person who is or was detained, and unless the article can be so radically edited as to make sure that the regulation is not contravened, I do not think it should be published.

However, perhaps you may have a different view, and may wish to submit it to an attorney or counsel in Pietermaritzburg.

Please let me know.

Love to Phoebe.

Janet