

PC16/21/6/1



A N N U A L R E P O R T
OF THE CIVIL RIGHTS LEAGUE, CAPE TOWN FOR THE YEAR 1964-1965
(Presented at the Annual General Meeting, September 1, 1965)

Ladies and Gentlemen:

I know that you will wish me this evening to pay tribute to our late President, Bishop Sidney Lavis, who was one of our founder members, our first Chairman, and our President from October, 1949 to the date of his death. It is not necessary in Cape Town to go into details about all that he meant to our public life. We in the League knew him as a warm-hearted crusader for justice who gave generously of both leadership and support, and we are grateful for all he meant to us.

Legislation

Early this year there was widespread relief when the Minister of Justice suspended the operation of the "90-day clause" which allowed for indefinite detention without trial of persons from whom the police wished to obtain information. Unfortunately, however, this apparent leniency was more than countered by two Acts passed - as usual, at the end of the session with little time for debate or outside protest - to amend the Criminal Procedure Act and the Suppression of Communism Act, in the former case empowering the Attorney-General to refuse bail, and to arrest and detain, for up to six months, persons "likely" to be State witnesses; such people to be held incommunicado and with no recourse to the courts. While some of the more obnoxious clauses under both Bills were held over, it was indicated that they would probably be brought forward next year, and even without them the Acts are a grave subversion of the Rule of Law.

Administrative Authoritarianism

There was considerable public concern over the announcement by the Minister of the Interior that "audience apartheid" must be enforced in Cape Town. The City Council refused to comply with this Proclamation until its legality had been definitely established. Subsequently the area was proclaimed a "white" group area under the Group Areas Act, and the point apparently relied upon by the City Council fell away. The Council then agreed to comply with the proclamation. In order to do so it must comply

with strictly enforced apartheid conditions. Unhappily the area of the City Hall which the Council has decided to reserve for non-whites is not a very good one, and it is unfortunate indeed that there should have to be discrimination at cultural events, because of course culture knows no limitations of race or colour.

One unfortunate result of this Proclamation 26 is that many organisations, playing for safety, have applied for permits for functions where these are in fact not legally required, and much confusion was caused in the earlier stages by the fact that the officials who had to administer the proclamation were themselves not certain when such permits were in fact necessary. In particular, it should be pointed out that the prohibition on functions where members of different racial groups eat together sitting down applies only where such functions are held in licensed premises.

Considerable publicity was given to investigations regarding "beach apartheid" and to the probable deprivation of non-white citizens of these facilities in almost every part of the Cape Peninsula. So far, no decisions have been announced.

Banning and other restrictions

The Minister of Justice has carried out his threat to ban from university teaching anyone whom he deems to be "furthering the aims of communism", and as a result the Universities of Cape Town and the Witwatersrand have lost two of their outstanding staff members, Professor Simons and Dr E. Roux. Professor Danziger, an outspoken critic of solitary confinement from the U.C.T. Department of Psychology, has left the country because he was refused an ordinary visa for study leave. These are grave losses not only to the Universities concerned but to all South Africa.

In another field, the Minister has taken action to cripple the South African Defence and Aid Fund, not by banning the organisation but by banning its Johannesburg chairman, secretary and office assistant (an elderly African) and serving a deportation order on its Cape Town chairman (not a South African citizen). In view of the valuable work done by the Fund in providing legal defence - an essential part of any trial - for people who could not afford it themselves, and a considerable number of whom have been acquitted, this action of the Minister is particularly deplorable.

Police and Prisons

During the parliamentary session a Bill was passed to amend the Official Secrets Act, widening the restrictions on publishing information about "any military or police matter" and imposing heavy penalties for contravention. Despite this fact, the "Rand Daily Mail", after carefully checking its material, has published a series of articles on alleged ill-treatment of prisoners which created a sensation both here and overseas. The Minister of Justice has not acceded to the demand from many quarters for the appointment of a judicial commission to go into the whole question, and so far the only result has been the conviction of a 22-year-old policeman, who had made affidavits in this connection, of perjury. The "Rand Daily Mail" has stressed certain unsatisfactory features of this trial, and the matter is not likely to be allowed to rest there. We hope that the Minister will in fact have second thoughts and appoint the suggested judicial commission, if only to clear the reputation of the majority of our police and prison staffs.

Group Areas

In addition to the proclamation of central Cape Town as a "white" group area, there have been sittings of the Board in other traditionally "coloured" areas, especially Kalk Bay and Simonstown, with no decisions announced as yet. In addition, the African community of Luyolo, most of whom are dock workers at Simonstown, have been told they must move to Langa or Nyanga and the process has already begun. Not only have they no choice in the matter, but the move involves them in hours of daily travelling to get to their work.

In areas outside the Cape Peninsula the Community Development Board is going ahead rapidly with very little publicity, and the coloured inhabitants of such areas as Strand, Caledon, Paarl and other rural towns are having to move to new and, in many cases, undeveloped and unsuitable areas, with considerable dislocation of their lives.

Activity and Prospects

While it often seems as though little or nothing can be accomplished in the field of civil rights, there are certain encouraging features which are worth noting.

Rights of arrested persons: The legal opinion sought by the League on this matter has now been obtained and copies are available. It is hoped to produce a smaller and more popular pamph-

let for the information of the man and woman in the street. The difficulty, however, is to find the right author. The proposed pamphlet on the Bantu Laws Amendment Act is facing the same difficulty, and there are other topics on which pamphlets would be of value. We hope, however, that these difficulties will be overcome.

Port Elizabeth

We are glad to report that a Civil Rights Committee has been formed in Port Elizabeth by a number of prominent citizens there. This Committee has already been active in making representations on the recent controversial legislation and is very keen. We look forward to more news from it.

Accent on Youth

Another encouraging development during recent months has been the stirring of interest in civil rights among students. The NUSAS Local Branch at Cape Town University has initiated a campaign to interest students in civil rights, and the recent NUSAS Conference has encouraged similar moves in other centres. The Students' Representative Council of the University of Cape Town has decided to affiliate to the League, and we hope other kindred bodies will do likewise. We hope that through this the whole question of civil liberties will be brought more effectively to the public attention and the public conscience.

Present and Future

These are days when it is difficult for anyone who cares for civil liberties not to be depressed, difficult to see what can effectively be done to forward their cause. And yet there is a value in refusing to be daunted, to compromise - even in our own minds - on what we believe. As long as we believe in it, liberty cannot be killed. But to believe, and to affirm our beliefs, is all-important. In the words of President Johnson recently, "Individual liberties may die all too quietly, unless individual citizens keep a vigilant patrol."

There is no cause for defeatism as long as we do this.

L. R. DISON,
Chairman

August, 1965

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