

CIVIL



RIGHTS



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Cape Town

News Letter

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Human Rights Day

December 10 will soon be with us again. It is interesting to note that the Declaration of Human Rights was adopted by the United Nations General Assembly less than two months after our own League had its origin in the great City Hall meeting called because of the threat to the Cape Coloured vote. Both organisations will be twenty years old in 1968. Both have made considerable progress in spite of almost crippling difficulties. In previous years we have on several occasions held meetings to commemorate Human Rights Day. This year we are adopting a method which should reach a wider public. See the "Cape Times" on December 9!

An International Covenant

On December 16 last year the General Assembly of the United Nations adopted an International Covenant on Civil and Political Rights, which included the following provisions:

Article 9: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention... Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of all charges against him... Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that such court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful ...

Article 15: No one shall be held guilty of any criminal offence on account of any act or commission which did not constitute a criminal offence ... at the time when it was committed.

Provision was also made (Article 28 ff.) for the setting up of a Human Rights Committee of eighteen members, to which individuals "claiming that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies" may make representations in writing. This, however, is only for members of states which are a party, both to the Covenant and to the Optional Protocol (articles 1 and 2).

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Can it be justified?

Professor J. F. Brock, in a statement to the "Cape Times" following on the Minister's rejection of the University's representations about the banning of Dr Hoffenberg, summed up the position as follows:

"This, then, is the real issue. Is the banning a justifiable attempt to defend the security of the Republic? Or is the banning part of a determined effort to suppress the liberty of the individual to express opinions which the Government does not like? ... With respect to the Minister of Justice I must say that nothing he has said has given me any reason to believe that it is justifiable in this sense."

Professor Brock pointed out that Dr Hoffenberg had been "under repeated surveillance by the security department" for at least two years. "Surely", he says, "if he was acting illegally or even improperly there must be sufficient evidence to convict him in the courts?"

"If there is still doubt on this score why could not a panel of judges be allowed to hear in camera the grounds upon which the banning order is supported by the Minister and the validity of the Minister's evidence?"

Professor Brock added: "... I believe that those of us who do not support the Government's policy must be insistent against actions which, even if only in appearance, suppress freedom of thought and expression."

One encouraging feature of an otherwise depressing business is the number of citizens who have protested in the press - something like a thousand, including the full-page advertisement, in the "Cape Times" alone. As a result of a letter sent out to those whose addresses we could obtain, about thirty have become members of the League. We appeal to our readers to approach any such signatories known to them and urge them to do likewise. * Personal recommendation is stronger than any letter.

A panel of judges?

Professor Brock's suggestion has been supported by a number of others through the Press, and we hope that the Government will take it seriously. But as the "Cape Times" has pointed out, the stronger the protest, "the less the Government can afford to give way". It must be kragdadig at all costs. Nevertheless, we must continue to protest.

* Minimum annual subscription, 50c per calendar year.

Tolerance ...

Mr P. A. Moore, M.P., commenting on Dr Albert Hertzog's last attack on the American Field Service, described it (quite accurately) as "preposterous nonsense", and added:

"We in this country must learn to be tolerant of the intolerant - we must be patient with people who believe these things in the hope that they will one day grow up."

We are sure Mr Moore would agree with us that while tolerance of the intolerant may be a virtue, we must in South Africa be constantly on our guard against tolerance of the intolerable!

"Crippling adult African education"

After twenty-two years, the Cape Non-European Night Schools Association has been ordered to close down the two remaining schools which have been teaching adult Africans to read and write. The Chairman of the Association has pointed out that the Government has stopped it from providing facilities which the Government itself has apparently no intention of replacing. No wonder the accusation is made that it "appears to wish to maintain illiteracy among adult urban Africans". The most charitable view one can take is that, here as in other spheres, the Government's passion for separate development is securing separation at the expense of development. (The only bodies now to be allowed to run such schools are the school boards in African townships, which have neither the personnel nor the funds to do so.)

We hope that some way may yet be found of satisfying the ambitions of those urban Africans who crave for education, and that the Government may yet think better of a most ill-judged decision.

A gleam of sanity

One can at least be thankful that our Prime Minister has put his foot down on the suggestions put forward in certain Transvaal Nationalist circles about shop apartheid. Said he: "There are certain limits to which legislation can go, but one cannot set impossible limits and hope that they can be attained by legislation - I would mislead you if I said that such legislation was possible or probable."

By way perhaps of softening the blow, he pointed out that if such a law was passed, "any White who was not able to go to a shop would not then be able to send his non-White servant. You can imagine what chaos would be created....!"

Here at least is one aspect of apartheid that cuts both ways.

What is practicable

There have been two interesting gatherings lately of people concerned with government policy as it affects the African. One was the SABRA conference at Stellenbosch, at which a number of speakers pointed out that unless the Bantustan idea was implemented much more vigorously than it had so far been, it would never succeed. Coming from a body which came into existence to find a moral justification for separate development, this is illuminating. The second gathering was the congress of the Institute of Administrators of Non-European Affairs, which among other things listened to suggestions that Soweto should be declared an urban Bantustan and that White capital should be used to develop the "homelands"; and such suggestions were supported even by a government Deputy Secretary (Urban Areas), Mr van Onselen.

Another valuable suggestion came from the Institute's retiring President, Mr Koller, who urged that the Minister of Bantu Administration should consider appointing a small advisory committee, drawn from senior members of the Institute, which could be consulted when legislation regarding Africans in urban areas was drafted. This suggestion was supported by Mr D.P. de Villiers, S.C., who seems to be helping to give the Government's policy something of a "new look".

More power to their elbows - it would be an improvement.

Rights of the arrested and detainees

The International Commission of Jurists, at the request of the Division of Human Rights of the United Nations, has submitted a Report on this Right in various countries. Among the documents it considered was the League's publication, "The Power of Arrest and the Rights of Arrested Persons in South Africa", which is obtainable from the Institute of Race Relations as one of its series of roneoed pamphlets.

A detailed summary of the Report appeared in the Journal of the I.C.J. for Summer, 1964, and we commend it to any who have access to it as a most interesting document.

Lawful change (from Dean Griswold, Harvard Law Faculty)

"In order to bring about such change effectively we must educate our white middle class society. We must through education, moral suasion, and political leadership help the white middle class to see where their own interest lies ... if they want to contribute effectively to a world where better understanding ... will contribute to the fundamental peace we all desire