

# CIVIL



# RIGHTS

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News Letter

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## Subscriptions - a "Thank you" and a reminder

With this issue we enclose a statement of the position of each member's subscription according to our records. Our sincere thanks to those who have already paid for 1968. To the others we say, DO IT NOW! We know how easily - and <sup>un</sup>intentionally - these small matters are overlooked. And if you disagree with our figures - please let us know so that we may go into it.

## Human Rights Year - and a look at South Africa

1968 has been declared Human Rights Year, including as it does the twentieth anniversary (December 10) of the adoption of the Declaration of Human Rights by the United Nations Assembly. Perhaps it may not come amiss to survey the situation in our own country.

## Intimidation, tolerance and the Rule of Law

Mr Fouché (reported to be next in line as President of South Africa) was no doubt expressing the view of the Government when as Minister of Defence he told a meeting at Odendaalsrus in 1965 that he was prepared "to overstep the rule of law now and again" if necessary to "save South Africa". It is, of course, "not in the public interest" for his colleagues, the Minister of Justice and his predecessor, the present Prime Minister, to tell us why, on so many occasions, they "overstep the rule of law", and from what they are "saving" South Africa by banning Dr Hoffenberg, or rebanning Mrs Helen Joseph after a period of twelve years' drastic restrictions. If these people have in fact been guilty of action of so serious a nature, there should then be no difficulty about bringing them to trial. Failing such action, South Africans and others may well be pardoned for suspecting that either the Government is grossly misinformed about the activities of these people, or it takes such drastic steps in order to immobilise outspoken critics of its policies, and to intimidate others into acquiescing in them.

Mr P.A. Moore told us recently in another context that "we

in this country must learn to be tolerant of the intolerant". It might well be that future historians will regard it as one of the outstanding features of South Africa's recent history that we, who should have known better, displayed such a consistent tolerance - or apathy - towards the legislative and administrative measures with which our Government has been silencing its opponents for nearly twenty years.

Banning

True, there has been surprisingly sustained indignation over the banning of Dr Hoffenberg. It has shocked nearly a thousand people into protesting in one daily newspaper, and rightly so. But how many of us realise that 683 people (the latest published figure) are subject to equally crippling limitations which prevent them, if not from earning their living, at least from normal social intercourse - from movement outside a prescribed area - from publishing anything or being quoted by anyone - from living anything like a normal life? We are apt to forget this because so many banning orders have appeared only in the columns of the "Government Gazette".

We hear little nowadays of the Africans banished to remote areas, often without their families - to places where there is no work and no human intercourse; of the families left behind, deprived of their breadwinners. How many of the banished, like Dr Hoffenberg, have never been brought to trial or given any opportunity to defend themselves?

House arrest

Take the case of Helen Joseph, under close police surveillance for twelve years, and now condemned to another five - restricted to her own home from 6 p.m. to 6 a.m. and from Saturday noon till Monday morning. (Recently it was reported that the Minister has now consented to her attending divine service.) On the one occasion when she was brought to trial, she was acquitted. The reasons given for this treatment (e.g. by Mr Vorster) are quite unconvincing. But how many of us are really concerned about this and other similar cases?

"By any other name..."

Recently a government official objected to the use of the term "banning" by the press. The correct term, he said, was "restricted". The restrictions applied to individuals are, in all conscience, bad enough. But the weapon of banning has been

used to cripple organisations against which no charge has been brought, by the simple method of preventing their active members from working for them. Take, for example, the case of the newspaper "Contact", a former vigorous critic of the Government. Out of seven editors, five were banned. Two who were interrogated by the police, though no charge was brought against them, decided to leave South Africa. Five of them are now permanently overseas, a loss not only to "Contact" but to South Africa.

Take, again, the Liberal Party. In Natal, in Grahamstown, in Cape Town, in Johannesburg and Pretoria its active leaders have been so harassed by the police that many of them, too, have left South Africa, not because of charges brought against them, but because the restrictions of their banning orders made life intolerable for them and for their families. Thus, although the Liberal Party is still completely legal, almost insuperable difficulties have been placed in its way.

Take the Defence and Aid Fund. Here, again, active individuals were banned. But other dedicated people stepped in to replace them, and the Fund was later declared an unlawful organisation. The threat to bring the Fund or its officials to trial - which would have been welcomed by those concerned - has not been carried out. But the same restrictions as those applied to "listed" communists can be applied to its former officials and members whenever the Government feels so disposed.

### "Warnings"

There is the technique of "warnings" given by the police, or by a magistrate, to individuals to refrain from (unspecified) activities "furthering the objects of communism". There is the refusal or withdrawal of passports, of which we had several glaring examples during 1967, and the deportation of individuals against whom, again, no charge has been brought.

### Intimidation

All this has an effect far beyond the mere restriction of the individuals concerned. It causes many others to avoid "politics" (by which they mean, as the Government does, criticism of government policy) lest similar restrictions be applied to them. For years now it has been an accepted fact that many business men will not criticise the Government lest they or their businesses be in some way victimised. The general public are cautious about joining organisations or attending meetings

of which the Government may disapprove. Lawyers are careful lest any of their activities - or even the cases they agree to defend - bring them within the purview of the "Red Act".

In matters like these, no one can presume to judge his brother. But it is important that we should recognise what is happening - how our freedom of judgment is being impaired, our moral sense weakened, until we accept as "normal" a state of affairs that is certainly far removed from the Rule of Law, and that would have been quite unthinkable not so many years ago.

### Human Rights

On the eve of Human Rights Day (December 9), the League inserted an advertisement in the "Cape Times" which said:

"Tomorrow is HUMAN RIGHTS DAY.

REMEMBER that all South Africans have lost

- \* the right to trial before the curtailment of liberty;
- \* the right to free association.

Most South Africans have also lost

- \* the right to family life;
  - \* the right to seek employment in all fields;
  - \* the right to move freely in the land of their birth",
- and ended with the appeal:

"JOIN US in working to restore these rights to all."

It is a sad commentary on the punch-drunk state of our public opinion that, so far, we have gained only one new member as a result of this advertisement.

At the beginning of Human Rights Year, we call upon our members to resolve to keep these issues before themselves and before their friends, and to enlist their support so that the League may be more effective and may reach a wider public.

### "Influx control ..."

It was reported in the "Cape Times" of December 29 that during 1967 21,435 men and women have appeared, at the rate of more than 100 a day, in the Bantu Commissioner's Court at Observatory. Over four thousand more have paid admission of guilt fines for failing to produce reference books, for illegal entry into Cape Town, for harbouring illegal residents, for breaking contracts or for not paying their taxes.

### Tailpiece

South African policy made it "impossible for any one group to thwart the aspirations of other groups" (R.F. Botha in New York)