

CIVIL

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RIGHTS

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News Letter

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U.C.T. Summer School

It is, no doubt, painting the lily to commend to our readers the annual Summer School at the University of Cape Town; but this year's programme is quite remarkably varied and interesting. It is, of course, available on request from the University's Department of Extra-Mural Studies. Among the many courses on offer we notice two which might be regarded as having some bearing on civil rights: "Race and Politics" and "Women and Society". But those interested will doubtless find many others and have a hard task deciding which courses not to attend. Long may the Summer School continue to add lusture to the name of U.C.T.!

SPRO-CAS 2

This courageous and active body has recently issued two more "Background Papers" entitled "Rule by Police or Rule by Law?" and "Conscientious objection", which give a maximum of information on their subjects in a minimum of space. These are obtainable at 5c each (big discount on bulk orders) from The Director, Spro-cas 2, P.O. Box 31134, Braamfontein, Transvaal. Previous titles in the series are:

1. House of Lords Debate: Violence in Southern Africa
2. Student Protest: The Conflicting Polarities
3. Migratory Labour: The Canker in South African Society
4. The Spro-cas Education Report: One Year Later.

Legal aid - where's it at?

An article by Felicia Kentridge in the September issue of New Nation throws some light on the hitherto somewhat obscure workings of the Legal Aid Scheme which functions under the Legal Aid Act of 1969. The author points out that, because few people who appear in court have the knowledge and ability to put their own case, legal aid in criminal cases is necessary to ensure a just verdict. "Justice is not done by relying upon a presiding officer's sense of equity. Quite apart from formal niceties, facts are neither obvious nor straightforward and need

investigation and prodding under cross-examination."

The author gives examples of areas of civil life where "the great need which the weaker section of society has in general for protection against the stronger" is only now becoming appreciated in South Africa, such as workmen's compensation, hire purchase, unemployment insurance - "not necessarily contentious matters but simply cases where people need to have their rights explained to them" - and of course the problems of influx control for Africans in urban areas. She quotes with approval the increase of funds for this work from R50,000 in 1969-70 to R210,000 for 1972-3. But she points out that only 96 criminal cases were taken up to March 31, 1972 as against 5305 civil cases. There is, she says, no suggestion that the number of cases taken has had to be restricted by reason of lack of money in the Scheme or lack of practitioners willing or able to take the cases. But the public need to be alerted to the fact that legal aid does exist. She suggests that policemen should at the time of laying a charge inform the person that he has a right to be defended if he wishes to exercise it, that if he does not know directly of an attorney he can be put in touch with a Legal Aid Officer, and furthermore that the fact that he has no money is not necessarily a bar to his receiving legal assistance. She further stresses that "it is essential in any event that the person undertaking legal aid work should patently do as well for it as in a fully fee'd situation and that the person receiving aid should have confidence that this is the case".

Mrs Kentridge also mentions the need for preliminary legal advice such as is provided by the student bodies working at the student clinics of U.C.T. and the Witwatersrand University, and concludes: "South Africa has the beginnings of a viable legal aid scheme: it must be pushed into adequate operation."

This is a healthy development and we wish it all success.

Torture and Detention

We are pleased to inform our readers that a memorandum entitled "Torture - does it happen in South Africa?", written for the League by Mrs D. Cleminshaw, is to appear as an article in the December issue of "Pro Veritate", the magazine of the Christian Institute. Those who do not already subscribe to this courageous and thoughtful periodical can obtain copies of this issue through Christian Institute offices or from Box 31135, Braamfontein, Johannesburg (price per single copy, 10c).

The League's attitude to the whole question of detention

without trial is of course well known. But we would once again point out to any who disagree with us that the answer to such allegations of torture as have been made is a simple one: let each detainee be seen regularly once a week by a judge of the Supreme Court until such time as he can be brought to trial; and that the judges' reports on such cases be made public as may be found desirable.

"Rethinking" on fluoride?

The announcement, some months ago, of the Minister of Health to the Dental Association that he intended to re-examine the question of wholesale fluoridation of water supplies (i.e. the legalising of such treatment of water by municipal authorities) is causing serious concern among those who oppose such a scheme.

To the man in the street there is considerable conflict of evidence from the opposing camps regarding the dangers of such a procedure, and the non-scientist cannot presume to judge between them lightly. But there are several arguments against it which should, we feel, be given weight.

* There is not yet sufficient evidence available as to the cumulative effect of fluoridated water on soil, food and human health generally. The matter can only be weighed over a period of, say, twenty to thirty years.

* The benefits claimed to the teeth are apparently for the young only. Why, then, inflict fluoride on all consumers of water?

* Individual consumption of water varies enormously. If the substance is to be used it should be in strictly controlled doses (through pills or toothpaste) provided these are proved harmless.

* If the benefit is confined to children up to the age of 12, a large proportion of the fluoride put in water would be wasted.

* Mass medication is an infringement of the right of the individual to decide for himself. (In South Africa, so far, even vaccination can be refused by conscientious objectors).

We hope the Minister of Health will take all these factors into very serious consideration, and that the Department of Water Affairs will weigh the question of pollution of our water and soil.

Opponents of the idea point out that the best way, in fact, to improve the teeth of the young is to inculcate sound food habits - a responsibility that rests on all parents.

Violations of freedom

In a recent article in the Sunday Times (September 10), Mr Victor Norton, former Editor of the Cape Times, referring to

inroads into civil liberty in South Africa, said: "The error in South Africa is to believe that suppressing freedom is the same as suppressing communism. The history of the modern world has shown that precisely the contrary is true."

Could anything be more attractive, he asks, to "a competent communist who is looking for a country to subvert", than one where

* a small, rich racial minority dominates a proletariat of 15 million poor people? Where this huge majority is excluded from any say in where they should live and at what they should work and what taxes they should pay?

* Where Black wages are one-twentieth of White? Where there are no trade unions to channel and negotiate grievances?

* Where an average of R25 is spent on the education of each Black child and an average of R258 on each White (and the Black parents have to pay for the school books)?

* Where justice and the rule of law are defined to include mandatory sentences, imprisonment in solitary confinement without access to legal advice, and arrest without warrant?

* Where more people are hanged than anywhere else in the world and 2500 people are arrested daily for pass offences?

* Where major Christian churches are out of step with world Christianity? And where four million people own 87 per cent of the land and 16 million people own the other 13 per cent?

Mr Norton is commenting on the fact that "no Nationalist voice (Government, academic or journalistic) has been heard in defence of the massive and systematic violation of civil liberties to which students draw attention". The English-speaking section, he says, has perhaps been "battered into insensitivity".

It is a depressing picture. But there are two hopeful features: one is the increasing number of Afrikaans thinkers who speak out in favour of remedying many of these injustices; the other is the growing realisation of the need to pay better wages to the lower-paid groups. We would sooner see these developments than a defence of things which, in fact, cannot be defended by any honest and thinking person.

(Comment in this issue by Maggie Rodger, 527 C.T.C Building, Plein Street, Cape Town)