

CIVIL

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RIGHTS

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News Letter

Worth reading

One of the more cheerful features of life in South Africa today is the wealth of material on important issues (including various aspects of civil rights) that is being produced. We have received a number of such publications recently for recommendation to our readers. This we do wholeheartedly. Whether or not one agrees with everything in them, they are worth study and valuable for reference. We regret that lack of space makes impossible to do more than mention them here:

1. CONTACT 3: a survey of individuals, groups and organisations working for change in South Africa - their resources, their activities, their publications. It also includes a list of banned people as at 30th June 1974. Publication of the Program for Social Change, Box 31134, Braamfontein, Johannesburg.
2. Details of recently arrested and detained persons belonging to Black organisations (SASO, BPC, Black Allied Workers' Union, Theatre Council of Natal). Also from the Program for Social Change.
3. Health, Healing and Society, by Dr L.G. Wells: a study of the injustice in health services resulting from legislation, and the steps needing to be taken to ensure that all the inhabitants of the country "have an equal basic access to health care, in an environment compatible with health". Publishers, Ravan Press, Box 31134, Braamfontein 2017.
4. South Africa's Transkei - a very detailed survey edited by Glenn Moss (19 Parktown Court, Empire Rd, Parktown, JHB). Other related publications to follow. Studies and analyses of Bantustans. Also offers participation in a regular discussion group to those living in or around Johannesburg.
5. White immigration to South Africa - the Christian Institute viewpoint. From Box 31134, Braamfontein 2017 or other C.I. offices.
6. U.C.T. Summer School prospectus (25th anniversary). Wide variety of courses including one on migrant labour in the Western Cape. Obtainable on request from the Centre for Extra-Mural Studies, Rondebosch 7700.

Man's inhumanity to woman ... (Argus, 16/11/74)

Mrs Eleanor Msolo, a 39-year-old African woman who cares for her own six children and two grandchildren, has been ordered to leave Paarl after living there for 22 years, and to return to the Transkei, which she left at the age of 17. Her family are all entitled to live in Paarl, but she is not because the authorities have no record of her entry into the area.

Apparently the authorities allotted a corrugated-iron shack to her and her husband on the understanding that they would later be given a family home. But the municipality has not built enough houses to be able to fulfil this promise.

In view of the fact that Mrs Msolo has in fact had a home of sorts in Paarl, it would surely be possible to let her continue living there. Moreover, if her husband works in a Paarl factory, it is surely incumbent upon the municipal authorities to build houses to accommodate him and others in the same position.

This is a glaring example of the need to make family living possible for Africans in urban areas. We hope that Mr Punt Janson will take urgent steps to rectify the legal position.

Werkgenot and Philippi

Coloured squatters in the Peninsula area are also being told to move and their shacks being destroyed: but in this case some steps at any rate have been taken to alleviate the position, and temporary accommodation is being provided for them. Here again the problem of housing such people is one of magnitude and difficulty, and depends for its solution not only on the willingness of the municipal authorities to act (to do them justice, they are doing their best to cope with an almost impossible task) but on the provision of more funds by the Government. It would also help if the Government withdrew its insistence that half of any houses built by the Council must be reserved for people moved (often unnecessarily) under the Group Areas Act. Says the Cape Times (6/11/74) "A drastic change of attitude is needed by all those in authority who have the power to destroy a man's home, however wretched, with the stroke of a pen. Every squatter's shack should be inviolable, as much so as a suburban villa, until its occupants have alternative shelter. Any other approach is simply inhumane."

Churches and justice (Cape Times, 11/11/74)

A large body of church leaders have appealed to the Prime Minister and the Minister of Police and Justice to bring to trial those arrested over six weeks ago in connection with the "pro-Frelimo" rally it was proposed to hold in Durban. Referring to rumours circulating concerning the treatment of people held in detention, the statement said:

"While it is not within the competence of the churches and organisations to pronounce on this, we wish to note that rumours such as this would not be given any credence if the normal processes of law were followed in that persons would be brought to trial speedily ... We are making no prior judgment as to the guilt or innocence of the people, but are formally requesting that the normal processes of law be observed and that these persons be brought to trial as speedily as possible. This was urged "particularly in the light of the Honourable the Prime Minister's declared policies towards change".

Our Chairman, Dr. Oscar Wollheim, in a statement to the Argus (11/11/74) said:

"The frequent protests of the Civil Rights League against detention without trial have now been backed by a large and representative body of churchmen. The Prime Minister should heed this call if he is seriously seeking a detente with Black Africa. The Government has at its disposal a massive array of legislation under which persons who threaten the security of the State may be charged with offences.

"The League has full confidence in our judicial system, and again calls on the Minister of Justice to release the detainees, and to prosecute them if they have done wrong,"

Practical thinking

In connection with the perennial issue of conscientious objection to military service, we commend the initiative of a group connected with the Department of Sociology at the University of Cape Town who have approached the Department of Defence with a proposal that a special service corps be established on the lines of those operated by the United Nations in Cyprus, the Middle

East, the Congo and elsewhere. Such an organisation would be under government control but independent of the army and would be trained in first aid, use of relief equipment, fire fighting, services in times of civil conflicts, para-medical skills, work in mental hospitals, prisons, etc. It would also be trained in

non-violent response to direct physical violence. Period of service, to years or longer if deemed desirable to compensate for the additional hardships of military service. The corps would be used to supplement existing organisations at times of natural disasters, and to supplement existing staff in prisons, mental hospitals and homes for delinquent children.

We congratulate those responsible for these proposals and hope that the Government will take them seriously.

Reasons for banning (Cape Times, 15/11/74)

In a television interview some months ago the Prime Minister said: "A man is entitled to ask for reasons why he is banned, and these reasons are given to him, and "if he can prove that he is not a communist and therefore that the Minister has acted against him mala fide, then naturally the Supreme Court has the right to set aside ..." (Cape Times, 3/10/74).

Dr Neville Alexander, imprisoned on Robben Island for five years and given a banning order the day before he was released, has now applied to the Supreme Court for instructions to the Minister of Justice to disclose his reasons for the order. While not granting this, the Judges have required the Minister to disclose within 21 days in an affidavit information as to the documents in his possession or under his control, to state that he saw the contents of the documents himself and, if he has any objections to the disclosure of the documents, to describe as fully as possible their nature or the category into which they fall. The Minister must further state on which grounds and in which ways he expected public policy to be prejudiced by the disclosure of the documents or in camera access by members of the court. The Court would then decide whether it had the power to reject the Minister's objections.

This is the first judgment of its kind and has been described by Professor Barend van Niekerk, of Natal University, as "a tremendous break-through". "One wonders", he said, whether it may perhaps be a precursor of a further dilution of the authoritarian powers of the Minister to ban people practically at will."

Prison obscurity (Sunday Times 27/10/74)

The Minister of Justice and Prisons has refused to order a judicial inquiry into the administration of our prisons in spite of the judge's comments on the Leeuwkop prison case, when Mr Justice Hiemstra spoke of "serious evils in the Department" that had emerged at the trial. We hope he changes his mind. MOYA