

# CIVIL



# RIGHTS



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News Letter

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## Thanks and reminders

In wishing all our readers a happy and peaceful 1976, we would also send special thanks to all who have already paid their 1976 subs. To them, we are of course not sending the usual reminder. We would greatly appreciate prompt attention to this by those who do receive it. Please let us know if you disagree with our records, and if we are using your correct address.

## Human Rights Day

We were pleased to see four forceful letters in the Cape Times on Human Rights Day (December 10), two of them from our own members. These drew attention to various ways in which South Africa falls short of the standard set by the Declaration of Human Rights (which, in company with several other countries including Soviet Russia, she has never signed), including the plight of squatters and the system of detention without trial. One of our members in her letter paid a deserved tribute to the part played by our press in keeping before the public the danger to South Africa itself of the erosion of such rights.

More power to your pens in the New Year!

## Education for Africans (Cape Times, 28/11/75, 1/12/75, 6/12/75)

Two more of our members have been reminding their fellow citizens, through the press, of the urgent need for bursary help to African scholars. The figures given in these two letters show how impossible it is for most African parents to send their children to school on the wages they earn, and how deserving many of the applicants are.

Once again we would wholeheartedly support this appeal. This, as the Cape Times points out, is not charity: it is an investment which will earn enormous dividends for South Africa's future. Contributions may be sent to the Bantu Scholars' Fund, Box 294, Rondebosch 7700. Such contributions are exempt from income tax.

## "Detentions: Lessons of the Breytenbach case"

Under this heading the Cape Times published on December 4 a

letter from the Civil Rights League which should be of interest especially to our non-local readers. It read as follows:

"The Civil Rights League extends its hearty congratulations to the Cape Times on its editorial (November 28), and wholeheartedly identifies itself with the sentiments expressed.

"The League has repeatedly drawn public attention to the deplorable provisions of the Terrorism Act, under which persons may be held, incommunicado, without access to legal advice, for an indefinite period at the will of the Minister and the Security Police.

"The recently-concluded Breytenbach case provides a particularly blatant example of the possibilities under the Act. Of the people so detained, all for over two months, some for over three (Rand Daily Mail, November 27) only two were apparently called to give evidence. The others were not called.

"The public prosecutor of the Transvaal, Dr Yutar, took credit for this. "We mercifully did not call the other detainees," he said, "and saved them the embarrassment of revealing under oath their part in this conspiracy." One may be forgiven for wondering whether it would not have been the state that was embarrassed by the lack of justification for their prolonged detention. (Even if their evidence was required, could they not have been allowed out on bail?) They might well have preferred to have the opportunity of stating their position in court. Then, at least, justice could have been seen to be done. As it is, they are left with the smear of an unspecified "part" and a warning not to take advantage of, or abuse, the "mercy" shown them.

"The one mitigating feature is the evidence of Miss Jenny Curtis that her treatment in detention was 'fair'. But her comment is revealing: 'There is really nothing so awful as having nothing to do, read or write or have no knowledge of the outside world'.

"If a man is detained without sufficient cause under any other law, he can, upon release, take legal action against the police. This resource is not open to the detainees in the present case because their detention in terms of the Act was lawful. This is an additional reason for repeating the call for the repeal of those clauses in the Act that so directly contravene the rule of law. If the Breytenbach case helps to bring this home to the general public, some good will have come out of it."

Arrests (Cape Times, 2-3-4/12/75)

Meanwhile, a number of people have been arrested under the Suppression of Communism Act, including two (Karel Tip and Glenn Moss) who were detained, but not charged, in connection with the Breytenbach case under the Terrorism Act. The police say these arrests (not detentions) are in connection with activity between mid 1973 and late 1974. The arrested people will appear in court in Johannesburg, where the warrant for their arrest was issued. They are allowed legal representation, and their attorneys are understood to be trying to get details of the charges they will face.

Hats off to NICRO (Argus, 6/12/75)

The National Institute for Crime Prevention and Rehabilitation has opened a night shelter for vagrants in historic District Six, with space for 30-50 people. This is intended for the "totally inadequate", and if they really want help, the shelter will try to rehabilitate them. The organisers hope to give their guests an opportunity of mixing with other people, and they appeal to members of the public, and university students, to help with this in the evenings. Funds are also needed. Donations may be given through the Community Chest.

Passports (Argus 6/12/75; Cape Times 3/12/75)

The Government's policy of refusing passports and issuing deportation orders without giving reasons to the persons concerned or to the public does not altogether strengthen its position in the détente exercise. On December 3 the Cape Times reported that a woman lay worker in the Anglican church in Damaraland (S.W.A.) had been summarily ordered to leave the country immediately (although a week's respite was granted on the plea of her superiors). No reasons have been given.

On December 6 the Argus reported that Dr Beyers Naudé of the Christian Institute had been refused a passport to attend and address a meeting of the Royal Institute of International Affairs in London. (His passport was withdrawn a few days after his return from an overseas trip in 1974 and its return has been refused.)

To quote a recent Cape Times cartoon quip: "Justice must not only be seen to be done: it must be seen to be believed."

The right to secrecy (Cape Times, 14-15-20/11/75; Argus 15/11/75)

It is an unusual pleasure to be able to agree wholeheartedly with Dr Koot Vorster, Moderator of the Nederduits Gereformeerde

Kerk, who has defended the right of clergymen not to divulge confidences made to them under pledge of secrecy. It was, he said, a clergyman's duty not to discuss or disclose such confidences and he should not be forced to. This attitude was supported by leading clergymen of the Roman Catholic and Anglican churches, who said that priests who disclose information told them during confession can be suspended from acting as ministers of religion.

The Supreme Court in Grahamstown has ruled to the contrary, a judge stating that in English law, applicable in this case, there was "overwhelming authority" against the granting of such a privilege to the clergy. The Anglican Dean of Johannesburg, however, says that in European countries the present law allows priests professional secrecy.

The matter is to be taken to appeal.

We commend this question to the attention of the Viljoen Commission of inquiry into South Africa's penal system.

An inhuman classification (Sunday Times, 16/11/75)

Among the laws crying out for revision or abolition the Race Classification Act stands high on the list. Few of our laws can have caused more misery, or more bitterness in race relations. The recent case of a mother of three, who blamed the Act for "destroying my family and driving my two elder sons to crime", needs little comment. "Ever since they were born," says the mother, "my children have lived in a sort of racial no-man's land - rejected by Coloured people, who say they are White, and by Whites, who say they are Coloured." At present one of the two elder sons is held in a Black prison on charges of murder. The other is in a White prison on charges of assault. Their father was an Australian. The one is classified as Coloured and the other as White.

The mother says she is going to write to the Minister of the Interior to "have my children's race classification settled once and for all".

We hope the Minister will seriously consider the desirability of repealing the Act altogether. He could make no better contribution to détente.

Membership: We need more members. Please use the slip sent to you to enrol family and friends!

MOYA