

CIVIL



RIGHTS



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News Letter

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The Biko Verdict (The Cape Times, 3/-9/-10/12/77; Sunday Times, 4/12/77)

The Chief Magistrate of Pretoria, Mr M.J. Prins, has given his finding on the death of Mr Steve Biko - in three minutes at the end of a three-week inquest. The cause or likely cause of death, he said, was head injury followed by extensive brain injury and other complications. "The available evidence", said the Magistrate, "does not prove that death was brought about by an act or omission involving an offence by any person."

This verdict falls strictly within the magistrate's terms of reference, and there is no reason to question the correctness of the findings in this context. Understandably and justifiably, however, it has reinforced the demand both here and overseas for a full judicial inquiry not only into this case, but into the whole system of detention without trial. The report by Sir David Napley, a former president of the Law Society of England, requires (says the Cape Times) a convincing answer.

Professor John Dugard of Witwatersrand University, in summing up the matter, said: "The treatment of Mr Biko was inhuman. In terms of the inquest law Mr Prins may be justified in submitting so terse a verdict. But where the reputation of South African justice is at stake, more is required. If no reasons are forthcoming and public opinion here and abroad finally rejects the standards of justice applied in South Africa, the absence of reasons in the Biko inquest will inevitably be a major contributing factor."

Professor Marinus Wiechers of UNISA said the inquest showed the necessity for a full judicial inquiry. "Nobody can be satisfied with this verdict."

We would pay respectful tribute to the handling of the whole matter by the Press, which has placed the onus of responsibility on society as a whole. As the Sunday Times says, "Nobody can now say 'I didn't know'."

Black attitudes

As we go to press we have received from Ravan Press a col-

lection of essays, "Mashangu's Reverie", by Professor N. Chabani Manganyi of the University of Transkei. The first essay, which gives the collection its title, was written when the author was a student at Yale and gives interesting glimpses of the life and attitudes of black South African students in the U.S.A.

Part II deals with the attitudes of black South Africans after the Mozambique coup and the African point of view on South African universities. While not directly concerned with civil rights issues, this book will interest those who want to know more about educated black thinking. Price R4.50 (soft cover), R5.90 (hard cover) from Ravan Press, 60 Juta St, Braamfontein 2017.

"Plus ça change ..." (Cape Times, 17/11/77)

During the past year it has been officially announced that the reference books issued to Africans were to be replaced by travel documents which, it was implied, would be more or less equivalent to the identity cards issued to whites, and would be free from the irksome disabilities attached to the old documents. We are indebted to Mrs Barbara Versfeld of the Athlone Advice Office who, in a letter to the Cape Times, went into detail on this matter. From her letter it appears that the improvements, though some exist, are far outweighed by the disabilities that remain. Practical gains are:

* The documents allow two weeks instead of only 72 hours in an area outside Transkei.

* Employers need no longer sign men's books every month.

But:

* An African child born in Cape Town to parents both lawfully and permanently domiciled here is automatically a "Transkeian" if one parent, or even grandparent, originally came from Transkei, and when registered at the age of 16 is given a Transkei travel document, including an identity card, and the necessary stamp authorising the holder to be in the area.

* The rubber stamps apparently allow only six months at a time, even to people with rights of permanent residence who have lived all their lives in Cape Town (although the authorities have assured those concerned that their rights of permanent residence will not be altered or undermined). Contract workers presumably still have twelve months.

* Contract workers must still have a year's contract signed in the homeland, and if the new books are "out of order", holders are arrested as readily as before. Fines are now much higher.

* The reported announcement that workers from the homelands may bring their families with them if accommodation is available is,

Mrs Versfeld says, quite meaningless in Cape Town because there is what is officially referred to as "a shortage of housing". Even men born in Cape Town, with Cape Town wives, have to "lodge" for this reason.

Says Mrs Versfeld (and we agree wholeheartedly), "What is needed for a peaceful solution to the problems of South Africa is a real change in the administration of influx control, not just a change in name." We hope that the moves said to be in prospect to give greater local autonomy to urban blacks will include improvement in this essential respect.

Day of prayer for African family life

The Board of Social Responsibility of the Anglican Diocese of Cape Town has called on all Churches to observe Sunday, December 18, 1977 as a Day of Prayer for African family life. We are asked to remember especially families who are separated; young men and women who live in 'bachelor quarters' or servants' rooms; those detained, imprisoned, banned or house arrested under security legislation; priests, ministers, community workers and all who try to help those separated from their families. Also, the government and those who makes the laws of this land; and those who administer the laws.

Basic facts

The leaflet sent out by the Board gives some basic facts about the African population of Cape Town's townships. The official figures are 51 665 men, 18 605 women and 33 415 children - a total of 103 685. Official estimate of the 'illegal' number of Africans is approximately double this figure.

In Langa, where the majority of migrant workers live, there is one woman to every eleven men. Approximately 44 000 men live in single quarters and it is estimated that 36 000 are in Cape Town illegally. There must be about 400 000 Africans altogether in Cape Town. A total of 80 000 migrant workers form the base of Cape Town's economy. Of the squatters whose homes have been demolished (e.g. at Modderdam and Werkgenot) it is estimated that the majority have remained in Cape Town, either in the townships or in other squatter areas.

Charter for Family life

Although this was drawn up some time ago it is worth recalling. It runs as follows:

- * We recognise that the South African economy will always need large numbers of Africans to work in the established urban areas.
- * We believe that man must not separate those whom God has joined together.

* We know that the present system of migrant labour does violence not only to the families concerned but also to the moral principles without which no just and responsible society can exist.

* We are conscious that the consequences of building our future upon a system which uses men as labour units whilst denying them the freedom to live a truly human life are both evil and explosive.

* We acknowledge our common responsibility for this abuse of power.

* Therefore we dedicate ourselves to work with our fellow South Africans, for a society in which the rights of all people to live a secure family life, in the place where they contribute to society by their work, are firmly established by law.

Let us make this the basis of at least one of our New Year resolutions.

Christmas cards for suspected communists? (Cape Times, 10,12/12/7)

Another sphere in which the security police have, apparently, unquestioned authority is the interception of mail and the tapping of telephones. In the former case, Mr Donald Woods has gone to the trouble and expense of employing a private detective to prove it; most of us do not go as far as that. But if we did, we, like Mr Woods, would have no redress. Nor have we any check on telephone tapping.

True, the relative section of the Act says the request to the Post Office to inspect the mail of certain people may only be made "if it is believed that the interception in question is necessary for the maintenance of the security of the Republic". But the security police are by law entitled to use their judgment in such matters as well as (to judge by the evidence in the Biko case) on permissible methods of interrogation.

As the Cape Times says, this interference with communication represents one of the serious inroads made by the government on the rights of the individual.

* A BLESSED CHRISTMAS AND A PEACEFUL NEW YEAR TO ALL OUR *
* READERS AND TO OUR COUNTRY. *
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