

PC16/2/21/11

ANNUAL REPORT OF THE CIVIL RIGHTS LEAGUE FOR THE YEAR 1976-77
(presented at the Annual General Meeting, October 17, 1977)



Ladies and Gentlemen:

Your presence here this evening shows that, after 29 years, you still regard the activity of the Civil Rights League in South Africa as necessary. A brief survey of the situation as it has developed over the past year will, I regret to say, amply confirm that belief.

During the year your Committee has continued to work on the "portfolio" system, which has enabled it to watch developments in various spheres of civil rights. I wish to express my appreciation of the work of individual committee members who have taken responsibility in these different fields.

Press statements

The League continues to awaken public opinion to important issues through the Press. During the year it has dealt with such issues as apartheid, banning, censorship (2), consultation, deportation, detention (3), education, group areas and squatters (3). The League appreciates the co-operation particularly of the local Press in this regard.

Legislation

This year's session of Parliament was unfortunately remarkable for the passing of a number of measures which further limited civil rights in various fields. These included

* The Indemnity Act, which gave the Police indemnity for any actions during riots in the African townships, and prohibited proceedings in Court between June 16 and the commencement of the Act. The Act made it practically impossible for complainants to obtain compensation. It not only provided for powers ordinarily granted during a state of emergency, but was retrospective beyond the point of declaration, and placed the onus of proving mala fides on the complainant instead of (as ordinarily) on the State.

* The Publications Amendment Act, which extended the powers possessed by the Minister in time of war to deal with internal disorder and terrorism and included an extension of censorship powers. Perhaps the most disquieting feature of this Act was an apparently harmless provision repealing a section of the amended Act and thus bringing professional and scientific publications and religious journals within its ambit. The League was concerned both at this further limitation of the public's right to know and at the retrospective clauses of the original Act.

While the Act provides that the Publications Board may only act when a complaint is made about a particular publication, the result of some complaints on which the Board has in fact acted since the Act became law does not inspire confidence for the future. For example, the banning of the statement of the Nyanga Ministers' Fraternal and that of the Christian Institute pamphlet "Torture in South Africa?".

* Newspaper Bill: The eventual withdrawal of this measure, while satisfactory in itself, still leaves a sword of Damocles hanging over our newspapers which must cause serious concern.

* Prevention of Illegal Squatting Act: As a result of cases successfully brought by squatters against the demolition of their shacks, an Act was passed which removed all their legal safeguards and grounds of appeal. As a result thousands of squatters in the Cape Peninsula have now been deprived of their homes in spite of public concern and appeals to the authorities. The League is gravely concerned not only at the suffering caused by such action in mid-winter, but at the feelings of bitterness and resentment such action must have caused. The packed City Hall meeting on August 14 was an evidence of public concern which we hope will grow and bear fruit.

* Lower Courts Amendment Act: The Bar Council has expressed its concern over this Act, which has already led to people facing charges under the Terrorism Act being brought to trial before a country magistrate (at Malmesbury) instead of in the Supreme Court.

* Internal Security Act: This Act lays down that the State President (in effect, the Minister of Justice) need no longer claim that a person is a communist or terrorist in order to detain him; he need only assert that that person engages in activities which in his opinion may endanger the security of the state or the maintenance of public order. Detainees may be held for 12 months at a time, renewable annually, without ever being charged in a court of law. There is no appeal to the Courts.

Inadequately considered legislation

The insistence of the Government on pushing through Parliament (often in the closing days of the session) such far-reaching and important measures must inevitably lead to Bills being passed whose full implications are not realised even by the Government itself. With its enormous majority, the Government must always be tempted to ignore criticism and to make of Parliament, in effect, not much more than a rubber stamp: ignoring opposition both inside and outside it.

Instances of public concern which the Government ignores are to be found, for example, in its rejection of the recommendations of the Theron Commission on the Group Areas Act, the Immorality Act, the question of coloured representation, the opening of universities to all qualified students; the squatter problem, the innumerable facets of apartheid and racial discrimination ...

Bannings and detentions

It is noteworthy that an increasing number of people have been banned during the year, including several students of our own and other Universities who have taken an interest in African trade unions. The Youth Organiser of the Institute of Race Relations for the Western Cape has been detained more than once. The League has on several occasions protested at the continued use of detention without trial and the instances of apparent ill-treatment during the interrogation of detainees. The increasing number of deaths (?suicides) in detention strengthens the case, urged by the League and, increasingly, by other concerned bodies, not only for a judicial inquiry into all such cases, but for the repeal of the relevant section (6) of the Terrorism Act. The Minister has so far refused even to consider either course of action.

As at June 30, 151 persons were under banning orders and 579 being held under security legislation. Since December 1976, seventeen deaths were, at the time of writing, known to have occurred in detention.

Interrogation and evidence

In this connection it is worth noting that there have recently been a number of instances of comment by judges who have been reluctant to accept evidence obtained in detention and have cast doubts on its value: one even going so far as to say that the court would not accept evidence unless convinced that it was valid in spite of the "coaching" that some state witnesses had received. They have stressed the necessity of clearing up cases of alleged torture during interrogation, especially leading to suicide.

Activities of other organisations

Besides long-established bodies like the Institute of Race Relations and the Black Sash, a number of newer organisations have come into being, concerned with different aspects of human relations. These include SHELTER, which has collected over R250,000 towards rehousing for squatter families; the Cape Flats

Committee for Interim Accommodation; the Urban Foundation, the Mowbray Inter-race Group and the Women's Movement (both multi-racial). It is encouraging that these newer bodies are all non-political and have come into existence through a real concern for inter-racial relationships and racial peace. The League maintains contact with their activities through individual members of its own Committee, and we appreciate their services in this regard.

Cillié Commission

The Chairman and other committee members attended some of the sittings of this Commission, and it was a source of satisfaction to the League that the Commission held a second sitting in Cape Town to hear evidence on the Christmas disturbances in the Peninsula's African townships. The Commission's report is awaited with interest.

While the League did not itself submit evidence to the Commission, Professor Dean's address to the last Annual General Meeting ("The Riots and the Constitution in 1976") was submitted by some other agency and was included in the Commission's papers as Exhibit 200!

Publications

Professor Dean's pamphlet aroused considerable press interest and had a fairly good circulation. Copies are still available, and we urge our members to use this valuable material to interest their friends, and thereby, we hope, to strengthen our membership.

The League's news letter has made its usual ten appearances during the year.

Proposed new Constitution

While the League welcomes the proposed changes to the Constitution as showing signs of flexibility, we remain apprehensive about their ultimate effect on civil rights.

In particular, it appears that the new system will further dilute the principle of parliamentary accountability and will lead to further departures from the rule of law. We intend to take up this matter when the details of the new plan are released and, in the mean time, urge our members to remain vigilant!

KENNETH R. HUGHES
Chairman