

# CIVIL



# RIGHTS



Box 3807

Cape Town 8000

News Letter

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## Thanks and membership

Our warm thanks to all those members who have responded so promptly and generously to our sub. reminders. Also to those who have suggested names of possible new members. To date we have sent out about 70 letters to such people and have gained about 10 new members. Percentagewise this is a fairly good result, but we hope there will be more.

We would remind members that any sub. from R1 upwards can, if desired, cover two or more people. If your husband/wife is not yet a member we would be glad to enroll him/her on this basis. Just let us know!

## Squatters

We heartily commend to our members the fund which has been started to provide housing for squatter families. Donations, large or small, are being handled by CAFDA (address, Prince George Drive, Retreat).

## Coloured influx control (Cape Times, 12/2/77)

Influx control applied to African migrant workers has for many years been one of the most serious dangers to African family life and, consequently, to the peace of our urban areas. The latest development, of applying to Cape Town the Prevention of Illegal Squatting Act passed last year, now brings Coloured people within the orbit of this measure. It has become a heavily punishable offence for employers to take on any worker who cannot produce a certificate of having obtained "suitable" housing. At a time when unemployment is continually rising, it seems particularly ill-advised to prevent people from getting such work as is available. Nor apparently is it the concern of the authorities what will happen to them or their families if they cannot get work. The pulling down of squatters' shacks when it is known that there is no housing (and perhaps therefore no work) for them is barbarous.

We appeal to the authorities to embark on a crash programme of housing as the only satisfactory answer to this problem, and

in the meantime to take emergency measures which will allow the squatters to stay where they are until more permanent quarters can be provided for them.

Bitterness (Cape Times, 11-12/2/77)

While the authorities are understandably mainly concerned with the letter of the law, and to some extent with the health hazards arising from the crowded and insanitary conditions in squatter camps, they do not seem to be at all concerned about the bitterness that must be mounting among the people concerned - harassed and insecure even in the pitiful shelters they have managed to erect. They might well take to heart a recent warning from the Roman Catholic Bishops of Southern Africa, who said, inter alia, referring to disturbances in the townships:

"It is clear that the Black people of the Republic have passed the point of no return, and no temporary suppression of violence, only a just sharing of citizenship, can give hope of any safety for the children, Black or White, now growing up in the Republic, and prevent the horrors of civil war in the future."

The Cape Times comments:

"Any society which in practice denies thousands of its subjects the right to work and the right to family life - the fundamental rights of even the humblest human existence - any such society is heading for bloody revolution."

The rising public concern over the squatters is perhaps the one gleam of light in a tragic situation. One can only hope that it will influence the authorities to more humane action.

The big stick (Cape Times, 12/2/77, 18/2/77)

General Prinsloo has said that if the Roman Catholic Bishops are not prepared to disclose the sources of their evidence of alleged police brutality, "there is a remedy in law".

This apparently refers to the provisions of the Criminal Procedure Act, which provides for committal to prison until the person has answered questions to the satisfaction of a magistrate.

The same provision has already been applied to Rev. David Russell, Anglican chaplain to the squatter community, by a Cape Town magistrate who said he could find "no just excuse in law" for Mr Russell's refusal to divulge the names of witnesses to alleged police acts. Mr Russell has appealed against this sentence.

The charge arose out of the publication of the document (since banned) by the Ministers' Fraternal of Langa, Guguletu and Nyanga, of which Mr Russell is a member, entitled "The Rôle of Riot Police

in the burnings and killings at Nyanga, Christmas 1976".

It is not the first time that a minister of religion has been threatened with this penalty. Surely a law that would force a man to act against his conscience is a bad law.

Incidentally, one cannot but recall the indignation of our present Prime Minister when asked to reveal the names of police informers in court cases. The anonymity of such people, he said in Parliament, was one of the cornerstones of our legal system (or words to that effect!).

An indefensible society (Cape Times, 17/2/77)

Archbishop Bill Burnett of Cape Town has said, in reference to the banning of the ministers' pamphlet:

"If ministers of some of the churches in the African townships are conveying the truth to us about the deeply-felt grievances of their people, we should be prepared to pay attention to what they say and try to put right what is wrong. The urgently needed changes in our society cannot come about in a healthy and orderly way if we will not even allow those most affected to speak frankly to us about what seems to them to be oppressive. Because this is the situation in our country, many Black people have concluded that the only language White people will hear is that of burning, rioting and killing and being killed ..."

The Archbishop referred to such evils as the migrant labour system, pass arrests and the economic disadvantages of Blacks, and the reported deaths in detention. "Imprisoning and interrogating people until they die, banning people and what they say," he said, "cannot produce a society which is worth living in .... I believe the society we have created for ourselves is morally indefensible. This is very serious at a time when we are being asked to defend it."

The only remedy (Sunday Times, 20/2/77)

Commenting on the deaths of 18 people in detention in less than a year, the Sunday Times says that it "strains credulity in a fashion that damages the very concept of the administration of justice in this country ... The system is at fault. Prisoners are utterly vulnerable, and it is a sad fact of human nature that their vulnerability invites abuse ...

"The only remedy is to repair the system. We know of no other way than the restoration of full habeas corpus rights, to give a prisoner's family and friends the right to demand his production in court, and restoration of the prisoner's right to see legal

counsel. In 2000 years, no other remedy has been found .....  
(italics are ours)

"As matters stand now, the Government has put its credibility in the hands of police interrogators. As long as people in police custody keep falling from windows, or down stairs, or hanging themselves, public in the administration of justice will continue to decline."

The Indemnity Bill (Cape Times, 25/1/77, 1-2-4/2/77)

Another disturbing result of the 1976 riots is the introduction into Parliament this session of a Bill which will in fact render it impossible for any official of the State to be prosecuted in either the criminal or the civil courts for any action done during the period following on the outbreak of riots on June 16, 1976.

The Bill also makes it, in effect, impossible for innocent victims to claim compensation in a court of law. The proposed standing committee to deal with such claims cannot inspire the same public confidence as a court in which evidence is led.

The placing of the onus of proving mala fides on the complainant, not for the first time in our legislation, is thoroughly unsatisfactory and in direct conflict with the Rule of Law, under which this onus is always on the State.

Such legislation does not strengthen public confidence in our courts, and this at a time when such confidence is particularly necessary.

"Open" schools - Are we a democracy? (Cape Times, 2-3-6-10/2/77)

We congratulate the Roman Catholic, Anglican and, more recently, Methodist churches on their decision, in principle, that the schools they control should be open to all races, and cannot commend the hardline authoritarian reaction of the respective Administrators of the Transvaal and the Cape. We are glad that the question is to be frankly discussed between the Churches and the authorities concerned.

In a democratic society, if the public wants a change in the system, surely it is the authorities' responsibility not to stand implacably on the letter of the law, but to make such changes in it as will enable the public's wishes to be carried out?

And these are private schools ...