

PC16/221/39



TO ALL:

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| Religious Leaders | Members of the Legal Profession |
| Members of Parliament | Provincial, City & Divisional Councillors |
| Newspaper and Magazine Editors | Business Executives |
| Members of the Public | Trade Unionists |
| Committee members of cultural, political and other groups | |

BANNING & DETENTION WITHOUT DUE PROCESS OF LAW

The Civil Rights League is deeply perturbed at the continuing administrative punishments of detention and banning of individuals without due process of law, and the subsequent situation in which the courts must punish certain contraventions.

COURTS ARE EXCLUDED

The courts are, in effect, compelled to reinforce this administrative punishment without having any knowledge of the grounds on which this type of restriction has already been imposed.

The League protests that the courts are specifically excluded from hearing and judging the evidence on which people have been banned or detained under "security" legislation. Thus, when accused people finally appear before the courts, for example on charges of having broken banning orders, or of terrorism under a wide-ranging definition and sometimes based on evidence secured under pressure of incommunicado detention, a vital area of justice has already been excluded from the jurisdiction of magistrates and judges.

Using banning for political or other reasons undisclosed by the Government or officials, when the victims have not committed any criminal act, and then having them convicted and sentenced in court for a consequent contravention of the law, creates confusion between the administrative and judicial processes that may lead to weakening of respect for the courts.

INNOCENT UNTIL PROVEN GUILTY

The fundamental principle of law is that people are innocent until PROVEN guilty. There must be no departure from that fundamental principle in any form - yet that is what happens when people are banned without trial. The Civil Rights League calls on the Government to repeal all laws that allow punishment without judicial process.

SMOKESCREEN

There are those who persuade themselves that because people are banned, they must have merited their punishment and are fortunate to be banned rather than imprisoned. This is the way people think in a police state.

The belief that there can be no smoke without fire should give way to the realisation that permanent smoke more probably denotes a smokescreen.

Those who believe that officials cannot make mistakes should consider for example: the interference with parliamentary mail, the Information exposures, and Mr. Biko's death.

Far from bannings being merited, these restrictions very often silence people of goodwill who have the influence to bring our people together in peace - when there is a desperate need for voices of reconciliation to be heard.

WEEK OF THE INNOCENT - FROM 26TH MAY

The Civil Rights League appeals to all South Africans to unite in a week of solidarity with those who are detained or banned. We must show that we have not forgotten them and are conscious of the injustice they suffer.

The League suggests that the week commencing 26th May 1980 be regarded as the "WEEK OF THE INNOCENT", and asks sympathisers to arrange meetings, editorials, articles, sermons and prayers to highlight the suffering of the innocent.

A group has decided to lead the life of a banned person for a full week, as an act of solidarity. If you wish to participate, please comply with the following: -

- * You may not leave your magisterial district (e.g. a Claremont resident may not visit the city).
- * You must not be with more than 1 person at a time.
- * You may not leave your home between 6 p.m. and 6 a.m.
- * You may not enter any educational establishment, printing or publishing house, court of law, library, the residential area of another race group, or any premises where state policy is being discussed.
- * You may not teach any group or individual.
- * You may not prepare any document for publication.
- * You may not belong to any organisation or attend its meetings.
- * From 6 p.m. on Friday 30th May to 6 a.m. on Monday 2nd June you are under house arrest and may not leave your home.

BEAR IN MIND THAT YOU HAVE BROKEN NO LAW ...

Please remember that the Banned live under these conditions year in and year out. Many of them are people who used to play a full and valuable role in their communities, which they are now prevented from doing.

Remember too the families of the innocent Banned and Detained who share their suffering.

NO PUNISHMENT EXCEPT THROUGH THE COURTS - JUST LAWS JUSTLY APPLIED

Issued on behalf of the Civil Rights League, 527 CTC Building, Plein St., Cape Town 8001 by Dr. K. Hughes (Chairman).