

# CIVIL



# RIGHTS



Box 3807

Cape Town 8000  
Vol. XXVII No. 8  
Issued 27/10/80

News Letter

## "A very significant step" (Cape Times, 9/9/80)

Like Cape Town City Council's housing chairman, Mrs Eulalie Stott, we welcome wholeheartedly the establishment of a non-profit project to develop new housing for blacks in the Western Cape, and we respectfully congratulate both the Urban Foundation and Dr Piet Koornhof, the Minister concerned. It is good news, too, that government approval has been given for a self-help element in the venture, enabling prospective home owners to use their own labour and so reduce costs. But we also agree with Mrs Stott that this is only a first step towards "straightforward" home ownership for blacks.

## Women's Key Campaign (Cape Times, 9/10/80; 23/10/80)

For some months now, government spokesmen have been making threatening noises about the lack of "control" over servants' quarters in the affluent suburb of Sea Point. Recently Mr Herbert Hirsch, M.P.C. and City Councillor, made a strong appeal to landlords and employers of domestic labour to improve the living conditions of servants in the area. Some owners of blocks of flats, he said, were "almost criminal in their neglect".

Mr Hirsch listed as causes of the problem the Group Areas Act (which ejected a respectable coloured community from Sea Point), unequal education, many years of neglect of housing, and poor police pay and working conditions, together with certain "anti-quoted" municipal town-planning and building regulations. However, he appealed to tenant-employers to improve the condition of domestic quarters and to put pressure on landlords to do likewise.

Meanwhile, the Government is to introduce into the Provincial Council legislation giving the police the right to keys of domestic workers' rooms, which the Chairman of the Institute of Race Relations has denounced as "an appalling invasion of personal privacy". As a result of a meeting of protest sponsored by the Institute, the Black Sash, the League and a number of women's organisations a deputation is being sent to the Provincial Council when it meets this week. Cape Town City Council has unanimously passed a strongly worded motion asking the provincial

administration not to proceed with the proposed legislation.

Control of the courts (Sunday Times, 5/10/80; Cape Times, 14/15/80)

Recently the Government appointed the Hoexter Commission to inquire into the Structure and functioning of the Courts. The most important item on which the Commission is known to have heard evidence so far is the appointment of judges. Appointments (with one recent exception) have hitherto been made from the ranks of advocates only. It is understood that proposals to the Commission include widening this field to include both qualified and experienced attorneys and public servants.

Two judges of the Natal Supreme Court have presented memoranda strongly opposing this proposal.

Mr. Justice Didcott describes the proposals as "nothing less than constitutionally subversive" and as part of a "deliberate and determined strategy" to harness and control the Supreme Court. The judge specifies this strategy as aiming at less power for the Supreme Court (through the setting up of an intermediate court); the threat of infiltration by civil servants; growing control by the Department of Justice.

The foundations of the Supreme Court, says the judge, are crumbling and judicial discontent is seething. The bureaucrats and politicians, while paying lip service to the independence of the Supreme Court, really worship the State and see a strong, independent Supreme Court as an obstacle to this.

Mr Justice Milne has said that the introduction of an intermediate court would make "serious inroads" into South Africa's judiciary. It could, he said, blur the independent status of Supreme Court judges in the public; obscure the difference in training between magistrates and judges; lead to all courts ending up in the hands of the Department of Justice.

The judge said drastic change was needed in enhancing the status of magistrates, but "not the creation of a new court, but a fundamental alteration in the training, appointment and conditions of employment of magistrates". The first necessity is for magistrates to be seen to be as independent as possible."

Both judges have warned against "bringing all courts entirely in the hands of the Department of Justice". More than ten other judges have supported Mr Justice Didcott.

Professor Johan van der Vyver of Wits University, professor of Law and vice-president of Lawyers for Human Rights, has said that "the tendency for the Supreme Court to be undermined by the executive is a matter for grave concern".

The Minister of Justice, Mr H.J. Coetzee, has dismissed these

criticisms as "outrageous". The government, he says, is "committed to rule of law". But the Government's interpretation of that concept over the last thirty years has repeatedly been shown to be very different from that of the civilised world - including, as it does, banning and detention without trial, drastic limitations on the sphere of the courts - anything, in fact, made legal by legislation. It is not surprising that these learned judges have found it necessary to speak strongly to the Hoexter Commission, and we hope their views will be given due weight. The "Cape Times" comments that the independent judiciary, like the free press, is "fighting for survival in the fact of a determined assertion of Nationalist power", and that only "public opinion, if it is sufficiently sensitive and is firmly and forcefully expressed", will restrain the Government.

We make no apology for emphasising what seems to us the most important threat to law, justice and civil rights in the history of the present Government.

Conscientious objection and the Churches (Cape Times, 12/10/80, 24/10/80)

The Anglican Synod and the Methodist Assembly are reported as having called on the Government to amend the Defence Act to allow of alternative forms of service for genuine conscientious objectors. Though we have seen no press report, we understand that the Presbyterian General Assembly has taken a similar stand.

The Civil Rights League, which brought the question of conscientious objection to public notice through a Conference ten years ago, has always supported such a policy.

Treatment of detainees (Cape Times, 14/10/80)

Arising out of the death in detention of Mr Steve Biko, the S.A. Medical and Dental Council has decided to ask the Minister of Health to investigate laws which give senior police officers the power to override professional judgments of doctors who treat prisoners and detainees, and to convey to the Minister the Council's concern about apparent deficiencies in these services.

The Chairman of the Council said that the Council could not "abrogate its responsibility" to protect the interests of "incarcerated people".

A Black Prime Minister by 1990? (Cape Times, 24/10/80)

All too seldom do we get a real glimpse of what our black and coloured fellow citizens are thinking. It is therefore

salutary to note the prediction of Bishop Desmond Tuto that South Africa will have a black prime minister within the next five to ten years.

Nothing, said the Bishop, would stop the black people of South Africa from gaining their freedom. It was coming "as surely as day follows night", and he appealed for a peaceful transition to the "non-racial, free, caring, compassionate society which he saw coming.

Bishop Tutu said that in Zimbabwe God had given South Africa a good example of how not to solve its problems. There was still "an outside chance" of achieving change in South Africa peacefully but young blacks were impatient.

"We don't want forced segregation, and we don't want forced integration. People must be free. We want a genuinely open, free society where you choose what you want to do."

Mixed schools for racial peace (Cape Times, 24/10/80)

Mr Franklin Sonn, rector of the Peninsula Technikon, said at a prizegiving ceremony at Camps Bay that young people would meet each other as enemies in the streets and trenches unless South Africans convinced reactionary whites that the "separate schools" insistence was totally untenable.

"Unless we make every effort now to persuade and convince these people that this kind of insistence is totally untenable, and that it is incumbent on us to get young people to learn to know each other well as equals and friends at school, they will meet each other as enemies in the streets and trenches," he said.

Open areas? (Cape Times, 27/9/80)

A Government commission has recently been sitting on the question of opening for trading by people of all races in Woodstock, Salt River and District Six, and the Cape Town City Council has come out strongly in favour of this move being extended to the Central Business District and the area to the West of it (towards Signal Hill). It has also been urged that the area concerned should also be open for residence by members of all races.

The League, through its Chairman, who has been serving on the Save District Six Committee, has made verbal representations to the Commission. We hope that the Government will agree to this. Though it could not undo all the damage done by the implementation of the Group Areas Act in Cape Town, it would be a step in the right direction.

DON'T FORGET OUR ANNUAL MEETING (separate notice enclosed together with Annual Report).

MOYA