

# CIVIL



# RIGHTS



Box 3807

Cape Town 8000

News Letter

Vol. XXVIII No. 5

June 30, 1981

## "The responsibility of judges"

The second printing of our pamphlet is now ready and will be sent to those waiting for it as soon as possible. It has had a good reception in academic legal circles and will now enjoy a wider circulation.

## Deserved honour

We congratulate our Patron, former Chairman and present Committee member, Dr Oscar Wollheim, on the honorary doctorate of Social Science recently conferred on him by his Alma Mater, the University of Cape Town. Few men have done so much for the underprivileged of the Cape Peninsula, as well as in the wider fields of Race Relations and Civil Rights. Long may he continue to adorn these fields.

## A loss to South Africa (Cape Times, 24-25-30/6/81)

It was with great regret that we learnt recently of the sudden death in South Africa of one of our most distinguished legal members, Professor Barond van Niekerk of Natal University. He was a dauntless fighter for human rights, especially those of people who could not afford to pay for highly skilled legal defence. He established a society to campaign for the abolition of the death penalty, and fought the Terrorism Act, the system of detention without trial, and unsatisfactory prison conditions. Although far away in Natal, he was a member of the League for many years. Our sympathy goes to his family and the University of Natal.

## More resettlement? (Sunday Times, 21/6/81)

We were happy to report in our last issue that a plan to move 700 tribesmen from their ancestral homes in Kwazulu had been dropped. Now, however, comes news of another planned "resettlement" of 92 000 people in the Ladysmith district. Apparently the Government is negotiating with the authorities in Kwazulu, but the demolition of homes has already begun. The residents protested against this move, but have been officially informed that

they will be moved "if and when finances are available".

We hope that mercy will once again rejoice against judgment and that wiser counsels will prevail. We cannot think of any justifiable reason for such action.

Don't blame the police (Cape Times, 3/7/81)

In Durban recently a lawyer, called in by an Indian who had been warned by the police that by living together he and his white girl friend were infringing the Immorality Act, told the police what various Cabinet ministers had said about "co-operation with coloureds" and the fact that "a softer line" was being taken on enforcement of the Immorality Act.

A police officer replied that the police were not particularly interested in what was being said at ministerial level, but in what laws were on the statute book. They were "law enforcement officers and would enforce the law".

It is definitely up to the Minister of Internal Affairs to introduce legislation on this controversial subject. What about it, Mr Heunis?

Churches and human rights (Cape Times, 30/5/81)

We applaud the action of the Western Province Council of Churches in seeking an interview with Dr Koornhof, Minister of Co-Operation and Development, on the question of the women who returned to the Peninsula after recently being deported to the Transkei, and incidentally that of the officials of the Peninsula Administration Board who agreed to suspend raids while this interview was being sought.

Once again, it is up to Dr Koornhof.

Equal education and opportunity (Cape Times, 3/7/81)

It is understandable and right that coloured teachers should call for equal education for all as the gateway to equal opportunities. But they are also right in calling for "a just, equal and democratic political dispensation".

For schools to be open to all races it is necessary, for instance, to abolish the Group Areas Act. This would, of course, also remedy other injustices and causes of grievance. Is the Government prepared to take this step?

Where it should start (Cape Times, 7,11/6/81)

The police are reported to have raided a crèche in the white suburb of Claremont because the presence of six black children out of a total of about 90 violates the Group Areas Act and has produced complaints from some white residents in the area.

The complaints vary. One neighbour complains of "noise" all

day. Another, who stated that he was "born a Nationalist and would die a Nationalist", objected to "black kids getting a foot in the door" of an officially white (in his own phrase, "decent") area.

The parents of the children concerned have brought them to the crèche because they want them to "know how to mix with all people".

Again, one cannot blame the police who have to carry out the law. It is another case for the responsible Minister.

Economic sense and civil rights (Cape Times, 11/6/81)

At a recent conference in Port Elizabeth a past president of the Midlands Chamber of Industries called for "a new deal in education and home ownership" for blacks.

He said industry believed that the black worker would never commit himself to the free enterprise system while he considered himself prejudiced because he was denied the basic right of owning his own home. "The near total absence of the concept of private home ownership in the (black) townships", he said, "means that it is almost impossible for the black worker who has advanced in industry to improve his domestic standard of living..." Inadequate housing in the cities was a big problem among blacks in particular and a major cause of dissatisfaction that expressed itself in labour unrest... There must be a full use of labour and housing must be a priority in the economic development plan.

It is something that the realisation is spreading that human rights have an economic value.

"Unacceptable in a democracy" (Cape Times, 22/6/81)

The "Cape Times" reports that "two leading Afrikaans newspapers" have criticized arbitrary bannings and detentions.

"Rapport", in an editorial, has referred to a particular banning as "oil on the fires" of South Africa's enemies (!); drastic administrative actions which do not have to be submitted to the judgment of an independent court. It did not know to what extent the banned individual had "offended" that justified his being banned for five years ... "We must work on a dispensation which does not have to depend on bannings and detentions without trial."

"Die Vaderland", also emphasising editorially that the acts of detained and banned people are unknown, said the action was "arbitrary and must be objected to". "Arbitrary action by the State against individuals", said the editorial, "is unacceptable in a democracy". Such action was "a serious deviation from democratic norms".

We hope the Minister of Justice will take note of these sentiments from his own supporters.

Conditions of banning and detention (Cape Times, 12/6/81)

It is perhaps timely to remind ourselves of the conditions under which banned and detained people live.

"Most detainees", says the Cape Times, "are held in terms of Section 22 of the General Laws Amendment Act, which provides for renewable 14-day periods of detention.

"However it is common practice for detainees under this Act to be re-detained in terms of the Terrorism Act or the Internal Security Act, both of which provide for indefinite detention without trial.

"Under section six of the Terrorism Act detainees are held incommunicado and without access to any reading matter except the Bible .....

"The most common restrictions imposed by banning orders are:

\* Written or spoken statements of a banned person may not be quoted;

\* The banned person is required to resign from any public organisation;

\* He or she is restricted to a magisterial district."

As at 12/6/81, the Institute of Race Relations knew of 161 people banned and 152 others detained without trial, but others have been added since that date.

Republic Festival and civil rights (Cape Times, 29/5/81)

In a statement before Republic Day our Chairman, Mr Brian Bishop, said, inter alia:

"If a new path is outlined now, if justice is proclaimed as the paramount aim of government actions, if education is normalized, and if an end is put to unnecessary suffering, 1981 will be celebrated in future as a great year in our history - a year in which the introduction of justice turned us back from the brink of a terrible calamity.

"The League dedicates itself to the cause of peace and justice, and to a South Africa free of hatred and discrimination. These are achievements worth celebrating, but we must first work together to achieve them."

"Do you know?" (Cape Times, 1/6/81)

Since 1960, 1 420 people have been banned and 162 banished to outlying areas.