

CIVIL



RIGHTS



Box 3807

Cape Town 8000

PC16/2/21/6

News Letter

Vol. XXIV No. 6
August 1, 1977

Annual General Meeting

Formal notice is hereby given that it is hoped to hold our annual general meeting on Monday, September 12, 1977. Any notices of motion should reach the Secretary by Monday, August 29. Nominations to the committee, duly proposed and seconded and carrying the nominee's consent in writing, will be welcome and should also be received by August 29.

Justice, humanity and the law (Cape Times, 9/7/77, 25/7/77)

Recently the president of the National African Chamber of Commerce, Mr Sam Motsuenyane, stated in an interview that blacks were being harder hit by the recession than whites, and that the country faced renewed rioting unless there was "a more equitable distribution of wealth". "You can't teach a hungry man morality," he said. He said black unemployment was said to be growing by 15 000 a month, and urged business men to make really significant increases in black wages to narrow the wage gap. Productivity should not be the sole criterion for elevating people, he said.

In view of this reasonable attitude, the recent discouragement by the Department of Labour in the Western Cape of the employment of Africans seems particularly shortsighted. The region, says the Divisional Inspector of Labour, is "a white and coloured preferential worker area", and, while not actually dismissing Africans, the Department has instructed employers to replace any who leave, or are dismissed, by coloured and white workers.

Several points are significant here.

* The Department of Labour, owing to government policy, has no responsibility for African workers. As the spokesman pointed out, they are the responsibility of the Bantu Affairs Administration Board. This of course makes it easier for the Department of Labour to issue such instructions: the results are not its affair.

* Mr Botha, the Chief Bantu Commissioner in the Western Cape, while admitting his "concern" about African men who have families and houses in the area, says that "all African people should be aware of policy". It has been clear for many years that such

"awareness" does not - and cannot be expected to - keep African men from seeking employment that will enable them to support their families - or the families from following them to urban areas.

* Mr Botha's comment that "attempts to house squatters permanently in the area could only make matters worse" displays deplorable official insensitivity to the facts of human nature.

* Mr Botha has said that those Africans who leave their jobs will not be replaced by other legal residents. What, then, happens to the legal residents? Presumably if they lose their jobs they will also be "endorsed out".

* The Department of Labour says that employers are being "asked" (apparently, with no option in the matter) to replace Africans who leave with coloured or white workers. In the past, coloured workers have been found not only, often, physically unable for the work done by Africans, but unwilling to accept it. This probably applies even more to whites - unless, of course, economic stringency makes them (in Mr Botha's phrase) less "choosy"!

But even if it does, it is time our Government and its departments got away from the idea that black unemployment can be ignored. On the scale on which it is happening and likely to happen, such an attitude becomes increasingly dangerous.

Whose responsibility are the squatters? (Cape Times, 23-27-28-29/7/77)

The natural tendency of those who are concerned about the present deplorable state of affairs in the Peninsula is to blame those locally responsible and to try to bring pressure to bear on them. This is not only unfair, but useless. Local officials have to carry out their instructions, whatever they may think of them. (We have no means of knowing what representations they make to the higher authorities.) But it is a healthy sign when concerned public opinion actually persuades a Deputy Minister (Mr Cruywagen) to come down from Pretoria to look into the situation of the Peninsula's squatter population. We hope that he and his colleagues will not continue to hide behind "the law". A law that produces such results is a bad law and should be changed. Until this can be done, drastic action should at least be postponed. If considerations of humanity do not prevail, surely those of prudence should do so. Hitherto the squatters have been amazingly law-abiding: but how long will continue to be so if deprived of their rudimentary homes, forced to break up their families or to leave their jobs?

In the words of Mr Justice Steyn, "No society or people can

survive without doing reasonable justice to others..."

The squatters' committee of Modderdam/Unibell, an area containing something like 30 000 squatters, mostly Africans, has proposed the setting up of a liaison committee for "effective communication" between the squatters and State officials and a meeting with the Deputy Minister of Bantu Affairs. Neither proposal has so far been accepted.

The committee is anxious to avoid "a situation of confrontation and possible violence", and adds: "We are God-fearing people and wish to obey the laws of the land and the moral laws of God. The destruction of our homes and the repatriation of our wives and children will separate families whom God has joined together.

"We claim no legal right to live as families. We appeal to the conscience of a Christian society. Surely such a society cannot allow families to be forcibly separated."

Detention and evidence (Cape Times, 15-16-19-22-26/7/77; Argus, 16/7/77)

There have been a number of significant comments recently by judges in cases on deaths in detention, and the reliability of evidence obtained by police interrogation.

* In a judgment on the death while in detention of Mr Joseph Mdluli on March 19, 1976, Mr Justice Howard (Maritzburg) referred to injuries sustained by Mr Mdluli, saying, inter alia:

"We are satisfied that Mr Mdluli sustained the injuries while he was in the custody of security police ... There is no evidence of how he suffered the injuries or in what circumstances .. Having regard to the nature of the injuries, we are satisfied that they were not self-inflicted and that not more than a small percentage of them could have been caused accidentally... The possibility that the police inflicted the injuries during interrogation cannot be excluded ..." (Cape Times, 26/7/77)

Said the "Cape Times": "As the authorities refuse to abolish detention without trial and decline to order a commission of inquiry into the spate of deaths in detention, there is only one course to follow. From now on, every single allegation that is made of maltreatment or of physical or mental torture by the security police should be investigated immediately by a judge of the Supreme Court ..." (19/7/77)

In another case in Maritzburg the same judge, after hearing allegations of torture made by a state witness, instructed the state prosecutor, "Please see that these allegations of assault

are thoroughly investigated and the necessary steps towards justice taken." (Cape Times, 16/7/77)

In a case in Johannesburg Mr Justice Steyn remarked: "I have found the investigational systems used in this case very suspect and I have kept this in mind throughout my judgment." (Cape Times, 16/7/77)

At a terrorism trial in 1971 in Maritzburg the judge said of affidavits signed by 12 accused alleging torture, "I don't know if these allegations of torture are being investigated or not, but it seems clear to me that something should be investigated." (Cape Times, 16/7/77)

Mr Justice Howard, at a trial in Maritzburg, warned that it was necessary for the court to exercise caution before accepting the evidence of witnesses who had been kept in solitary confinement and subjected to long periods of interrogation. One witness, he said, had been in detention for more than a year and his statement had been read to him once a month since then ... "it is clearly against the interests of justice for him to be coached in this fashion ... We are not prepared to accept the evidence of any witness unless we are satisfied he is telling the truth in spite of the coaching." (In this particular instance, however, "the man had been a good witness and the court was inclined to accept his evidence in spite of the fact that he was coached," said the judge. (Cape Times, 15/7/77))

Why not? (Cape Times, 19-20/7/77)

The Deputy Minister of the Interior, Mr Louis Le Grange, says it is proposed to "revise and consolidate" South Africa's security legislation, which he thinks will render it more acceptable abroad.

Professor Tony Matthews of Natal University has commented that this would not "take in" the outside world. "The only thing that will have any effect is a limitation of the power that has been granted to the state under these laws."

Says the "Cape Times": "A system of unfettered judicial review of the executive's actions, if written into the revised legislation, would help a great deal ... Mr Le Grange recognises that this country's security legislation is damaging its standing abroad. So why not do something about it?"

BOOK THE DATE FOR THE A.G.M. NOW - and tell your friends!