

CIVIL



RIGHTS



Box 3807

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News Letter

Did you observe the Week of the Innocent?

This Week has again come and gone, and has no doubt given those who observed it a more practical realisation of what it meant to be banned. In a letter to the Cape Times our Chairman detailed the practical effect of the restrictions of a banning order as follows:

- * You may not be with more than one person at a time.
- * You may not leave your magisterial district (except, in this case, to go to your place of employment).
- * You may not leave your home or receive visitors between 6 p.m. and 6 a.m. from Monday, May 23 to Friday, May 27, nor from 6 p.m. on Friday, May 27 to 6 a.m. on Monday, May 30, except for one Sunday visit to your nearest church.

Mr Bishop pointed out that these rules are far fewer than the restrictions placed on the banned. He comments further:

"The fact that the banned and detained must be punished administratively proves that they are innocent."

The aim of the Week (as of the Civil Rights League) is "No punishment except through the courts".

Justice ...? Cape Times, 30/5/83)

We quote from the Cape Times:

"More than 9000 black people were dealt with by the Langa courts last year. The courts took an average of five minutes to deal with each case. Five minutes in which people were fined, jailed, remanded or acquitted. Five minutes in which families were separated, jobs were lost and breadwinners imprisoned. This procession is repeated daily throughout the country. These people are accused of being in a white area for more than 72 hours without a permit. They are without the pass on which Dr Piet Koornhof declared war so many promises ago.

"The pass laws ... make criminals of thousands of decent Africans every year ..."

No wonder the paper comments: "Every five minutes they are in operation does irreparable harm to race relations in South Africa ..."

How much further? (Cape Times, 26,27/5/83)

Dr Koornhof has now announced that "eventually" the settled communities of Langa, Guguletu and Nyanga will be moved to Khayalitsha, forty kilometres from the city. In 1901, Ndabeni was considered to be far enough away.

"There is already", says the Cape Times, "an official shortage of 5882 houses for blacks in the Western Cape, with demand increasing by about 1000 houses a year ..."

And Mr Heunis says he "believes it possible to create a dispensation for urban blacks, within the parameters of government policy, that would satisfy their political aspirations ... in collaboration with the black leaders (including, apparently, the black community leaders of urban and rural areas).

The black leaders, like ourselves, must be awaiting the further details from the cabinet committee on the constitutional future of urban blacks with almost breathless interest.

What use are the courts? (Cape Times, 23/4/83)

The Cape Times reports that more than 10 000 City contract workers can hope to obtain permanent residence in the Peninsula following a recent decision granting it to a Transkeian born man.

But, says the paper, the government has already drawn up legislation (the proposed Orderly Movement and Settlement of Black Persons Bill) which can override such Supreme Court judgments ... Under this legislation, if passed, contract workers, even if they spend their whole working lives in the cities, will never acquire rights to live there permanently...

Delicate negotiations? (Cape Times, 9,25,28/5/83)

The Administrator of the Cape, Mr Gene Louw, has stated in the Provincial Council that CAPAB no longer needs a permit to perform with mixed casts before mixed audiences. This is a welcome return to the more civilised standards obtaining before 1948, and we respectfully congratulate Mr Louw on the decision.

But, says the Administrator, local authorities are "autonomous", and he therefore will not force them to allow mixed audiences; so, if the accommodation for separate performances is for blacks only, CAPAB cannot give such performances at such places. CAPAB, he said, would take performances only where they were welcome, and not to places where there are objections to groups of dancers which included blacks.

Their loss, isn't it?

Blacks have been able to see a CAPAB production of Die On-

paar Paar in only five of the 15 Cape towns recently visited. The other ten refused CAPAB's request for open performances.

Balance of power and "reasonable expectations" (Cape Times, 9, 17, 18/5/83)

The Minister of Health and Welfare, Dr Nak van der Merwe, can hardly be called convincing in his recent statement during the debate on the Constitution Bill. He said that

(i) the issue was not the sharing of power but the sharing of responsibility. (He did not explain how one could share responsibility without sharing power.)

(ii) The problem was to create a constitution which made provision for the aspirations of coloureds and Indians, and the proposals made provision for the "reasonable expectations" of people of colour.

(iii) "Own affairs" included health and welfare matters.

The Minister said it was essential that the balance of power (whatever that meant) should remain in the hands of whites. One suspects that he meant simply "power"!

He said the proposed new constitution "could put South Africa on the road to devolution of power". How this was compatible with the "balance of power" remaining in white hands he did not explain.

Dr André du Toit has pointed out that the Bill "will confirm that blacks are to be excluded from participation in the new dispensation" (in fact, the Bill apparently does not even mention them).

Our Chairman has summed up the new proposals by saying that anything less than fully participative democracy is "merely a diversion that intrudes into the short time we have left for peaceful change". A constitution, says Mr Bishop, "should reflect the highest aspirations of all citizens, and not the unjust ambitions of one group."

The Cape Times says that in the USA the executive president "must uphold the provisions of the constitution and, in particular, of a bill of the citizens' rights, or else ... the Supreme Court or judiciary may be invoked to curb its powers".

There is apparently no such provision in the Bill. Without such a safeguard, the powers proposed in the Bill are both undemocratic and dangerous.

As the Cape Times pointed out earlier, the Bill in its present form "excludes blacks, retains discriminatory laws

and provides for an autocratic executive president".

Something to the good, but ... (Cape Times, 27, 31/5/83)

The Minister of Health and Welfare has accepted all but two of the recommendations of the Medical Association of South Africa for safeguards against abuse in the medical care of detainees. These are:

- * Detainees should not be isolated for longer than seven days and at no time without regular physical and psychiatric treatment.
- * Two people should be present during interrogation, which should be monitored by closed-circuit television.
- * Detainees should not be tortured. (!)
- * Detainees should be medically and psychiatrically examined immediately after their detention or within 24 hours.
- * Detainees should be monitored closely for suicidal tendencies during interrogation or periods of isolation.

The Minister has refused to accept "the rights of a detainee to have his own private doctor" (for "security reasons") and a peer review of other doctors to assess the treatment detainees received.

If the Minister had accepted these last two recommendations, would the others have been necessary?

In its report MASA said that as long as the government believed it necessary to protect the status quo by holding political opponents in indefinite detention, strict legislation should be introduced to protect detainees, and that free access of district surgeons to detainees should be the necessary minimum.

MASA has stated in the report of its seven-member committee that serious mental breakdown which may have permanent effects on detainees is likely to result from the conditions of detention and interrogation described in evidence. Evidence obtained under such conditions would, says the committee, be unreliable.

The committee says detainees should be entitled to a second medical opinion.

How about it, Mr Legrange?

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