

CIVIL



RIGHTS



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News Letter

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Make this known - it concerns us all

The League is happy to be associated with the National Council of Women of South Africa (Cape Town Branch) in sponsoring a public meeting to inform the public of the implications of the Government's proposed new constitution. The meeting is non-party-political and the speaker will be Professor Marius Wiechers, of UNISA, a distinguished authority on constitutional matters. Come and bring your friends to Mowbray Town Hall on Monday, Nov. 21 at 8.15 p.m.

NGK and urban blacks (Argus 20/10/77; Cape Times 25/10/77)

It is interesting to note that the Ned. Geref. Kerk's commission for liaison with the government has accepted an invitation to make recommendations to the cabinet committee appointed in connection with the position of black people in "white" areas.

Such liaison can do nothing but good if it means that the NGK is urging on the government action in accordance with Christian principles, and requests that proposed bodies like community councils and other forms of management organisations for the black man in "white" areas should be "the product of negotiated and by them accepted agreements in so far as this is possible"

We hope the Minister will adhere to his assurance that the government is to "proceed with positive steps in the interests of the blacks", though we cannot feel that the security measures of October 19 were the best preliminary to such proceedings. The application of the Community Councils Act will be a test of the government's sincerity and, as such, should be watched by whites as well as blacks, especially in its application to Soweto. But the detention of people like Dr Motlana is not exactly an encouragement to optimism.

The credibility of Mr Kruger (Cape Times, 9/11/77)

One of the most extraordinary features of the death of Steve Biko has been the succession of possible explanations for it. First it was said that Mr Biko died as a result of a hunger

strike. The official autopsy report said that he was, in fact, "obese". Then he was suspected of "pretending" and two doctors who checked his pulse and heart rate found "nothing wrong". Subsequently a lumbar puncture was said to have excluded the idea of brain damage, but this decision was later reversed. Now Mr Kruger believes that the police "had acted in all innocence throughout", and suggests that the brain injuries may have been self-inflicted. Like Mr Kruger, we do not wish to anticipate the findings of the official inquest, but we cannot but remember the number of other deaths in detention and the cases of alleged suicide. If Mr Biko did really "bang his head against a wall", why did he do so? All concerned South Africans would like an explanation of this. The fact that evidence other than medical will come inevitably from the policemen concerned is sufficient reason for us to reiterate the oft-repeated call for the repeal of Section 6 of the Terrorism Act and the reverting to the charge and trial of "detained" people in open court. Justice must be seen to be done.

Press freedom (Cape Times 20/10/77, Argus 20/10/77, 22/10/77)

Mr Kruger's view that the banning of World "had nothing to do with the freedom of the press" is obviously not shared by the Press itself. Twenty-two editors of South Africa's main newspapers have recorded their profound condemnation both of this action and of the banning of Donald Woods, editor of the East London Dispatch. They say: "We see these steps as a direct threat to the press, to the cause of free expression and to the right of every citizen to know the facts about his country.

"If the steps are intended to intimidate other editors, we record that we have no intention of altering our way of conducting newspapers. We wish our readers and the government to take note of this."

"Even the ranks of Tuscany..." (Cape Times, 24/10/77)

There have been concerned comments from other newspaper editors, including those of Afrikaans newspapers which very rarely criticise any government action. We quote excerpts from these:

Argus: Press freedom is in real danger today and therefore so is the freedom of all South Africans.

(Mr Kruger's action has been compared with that of Lord Charles Somerset 150 years earlier.)

Burger: The government's action will not be popular with its own supporters.

D.P. de Villiers, Managing Director of Nasionale Pers:

The banning is a regrettable feature of governmental action.

It must be accepted that the government had weighed the advantages and disadvantages against each other and come to the conclusion that it had no other choice but to use certain security powers (for) the maintenance of law and order ... It remains a painful task if press freedom is assailed...

The Citizen: I am shocked by the bannings of the newspapers. Nothing they have done, or accused of doing, can justify or excuse such drastic action, which destroys the very foundation of the freedom of the press.

Die Vaderland: a very drastic step which would have worldwide repercussions. It will be said that this is the beginning of the end of press freedom. The reaction will be: The World is the first; who is going to be the second?

Rapport: ... Most Nationalists would accept the word of the Prime Minister and the Minister of Justice that the actions were unavoidable. But there are serious doubts as to why the government refuses to inform the public about the reasons for such actions.

It is this aspect of the relevant legislation that disturbs many Nationalists: the fact that there are enough reasons to lock a man up or close a newspaper, but the fact that these reasons do not have to be made public.

One would have thought that in a case such as this (banning of the World and Weekend World) it would have been easy to point out where the law was broken.

But until now, to our knowledge, not even the owners of the newspapers have been informed of the exact charges against them...

One can imagine how much less damage would have been done to South Africa if the newspapers and detained people were charged in a court.

We would like to accept that the actions of the Minister of Justice and the security police were in the best interests of the country. Nevertheless, we call on them to inform the public speedily as to what it is all about. This way democracy is best served.

Dependent on whom? (Argus 23/10/77)

Mr Kruger has made two extraordinary statements. He has said that he will not allow Mr Qoboza to leave prison, or the World to resume publication, "until the unrest in South Africa subsides". Just what he thinks a detained Mr Qoboza can do towards this, under his present restrictions, Mr Kruger does not explain. He has also said there is a "distinct possibility" that the ban on Mr Donald Woods might be lifted within a year, "but

that will depend on Mr Woods - not on me". Again, what can Mr Woods do?

The slave of duty? (Argus 22/10/77; Cape Times 22/10/77)

Mr Kruger says he "hates the damned banning orders" and that he is "not there to ban people". It depends, he says, on the person subject to the banning. We would like to have this amplified - preferably in a court of law - as regards Beyers Naudé, Theo Kotze, David Russell and others as well as Percy Qoboza and Donald Woods ...

Who knows best? (Cape Times 20/10/77, 24/10/77)

It is significant that the Churches to which the banned clergy belong have no doubts as to their integrity or that of the Christian Institute.

Incorrect information used for banning? (Cape Times, 4/11/77)

The Cape Times recently published a revealing and courageous article by a former Special Branch policeman in which he gave various possible weaknesses in the information on which people were banned. These included

* untested reports; words added or left out; language barriers; distortion through hearing only part of a conversation; uncorroborated reports. In the processing of security police information, says the writer, the necessary checking process often does not take place. The effect of this system is that it is possible for decisions to be made by the security police on the basis of faulty information.

"If people are going to be banned on opinions, then where are we heading for? Bannings and detentions without trial are frightening. Through opinions people are banned and their wives and children have to suffer... It does not make sense to prevent a banned person from being in the company of more than one other person... It only gives the authorities ways and means of prosecuting banned people, and if this is not the case," says the writer, "I would like to know what the intention of this clause is..."

"In the event of the laws being inadequate then I suggest that new laws be formulated, but whatever happens let us place people on trial instead of punishing them on certain people's opinions."

We commend this writer's courage. He has given the government and its unquestioning supporters something to think about.