



Umbutho Wamalungelo Obuntu CIVIL RIGHTS LEAGUE Burgerregtevereniging

VOL. 34 No. 1

NEWSLETTER

MAY 1987

CENSORSHIP

THE STATE OF EMERGENCY DECREE OF 21 JUNE 1986 BANNED THE LEAGUE AND 118 OTHER ORGANISATIONS FROM PUBLISHING ANY STATEMENT.

SUBSEQUENTLY THIS PART OF THE DECREE WAS WITHDRAWN. THE REMAINING SECTIONS OF THE DECREE STILL REMAIN. ANYTHING WHICH IN EFFECT THE MINISTER OR POLICE COMMISSIONER DEEMS "SUBVERSIVE", IS A CRIME IN TERMS OF THE NATIONALIST GOVERNMENT'S THIRD STATE OF EMERGENCY

ONLY MATERIAL CHECKED BY OUR ADVOCATE CAN BE PUBLISHED IN THIS NEWSLETTER.

EDITORIAL:

ELECTION AND AFTER

THE LEAGUE fully endorses the "Votes for All in a united South Africa" campaign. It joins the alliance of human rights and other political organizations to renew the call for universal suffrage.

The Black Sash in Cape Town, the Five Freedoms Forum on the Witwatersrand, the One People one Country alliance in Natal, are amongst those helping us popularize the concept of the universal right to vote amongst the minority, the one out of six people living in South Africa, who are enfranchised for the House of Assembly election.

Some League members are also members of the PFP. They, and other League members are working and voting to the strengthen the opposition in Parliament against repression. The League urges them to press the parties and MPs over their stand on human rights.

Were candidates' election campaign rhetoric and leaflets more unspecific and vague than usual?

Will they call, from Parliament and platform, to terminate the State of Emergency? Will they demand the repeal of other detention without trial laws, conscription statutes, and the unbanning of all political parties?

Other League members are also members of the UDF. They, and other Extra-Parliamentary political movements, such as the New Unity Movement and Azapo, have dismissed this election as not one of the significant pressures making for change. The League urges them to flexibility in building coalitions and alliances that help pressure for democracy.

The previous leader of the PFP, Dr Frederick van Zyl

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Slabbert, (now running IDASA, the Institute for Democratic Alternatives for South Africa), commented: the real contest for power is between an extra-parliamentary government and extra-parliamentary opposition movements.

And some League members are not members of any political party. They are committed to welfare work through advice offices, religious or charitable activities.

The Civil Rights League itself urges all members to take up five points:

FIRST: MERELY VOTING ONCE EVERY FIVE YEARS WILL NOT BE ENOUGH TO ACHIEVE DEMOCRACY IN SOUTH AFRICA.

Play an active role in the political party or human rights organization of your choice. Help its campaigns: clerical work, canvassing, petitions, writing letters to the press, and attending meetings.

SECOND: ONE NATION ONE COUNTRY, ONE PERSON ONE VOTE.

No minority-dominated constitution can win support from the unfranchised majority, and political parties representing the majority. The attitude of the extra-Parliamentary organizations is unlikely to change until the political system is broadened to permit them a share commensurate with their numbers.

This is the tenth election in thirty-nine years the governing party will "win". The False Bay constituency, for example, includes one million people living in Crossroads, Gugulethu, Khayalitsha, Mitchell's Plain, and Nyanga.

The National Party candidate who wins the seat needs votes of only 1% of the people in his constituency.

The majority have no real vote. Votes for Bantustans, votes for Coloured management committees, or Houses of Representatives and Delegates, emasculated of control over the Executive and allocating the budget, are no substitute.

Even worse, the Nationalist Government annulled the citizenship of nine million South Africans. This is the largest denationalization on racial grounds since the Nazis' Nurenburg Blood Laws.

THIRD, A GENUINE VOTE MEANS: RESTORE THE POWERS OF PARLIAMENT.

It is no use extending the franchise, while simultaneously neutralizing it by transferring power from Parliament, Provincial Councils and Municipalities to unelected bodies meeting in secret.

The Government took the decision to enter World War Two only after a major Parliamentary debate - held in public.

By contrast, the Mr Vorster's Government secretly decided to invade Angola in 1975. Then, and in thirteen subsequent attacks and invasions, Parliament was only told about it after the event.

A Parliamentary Committee needs to establish watchdog powers over Military Intelligence and its anti-press paranoia, the secret services and all their Rhodie-style secret projects and smear campaigns.

A major prerequisite for re-establishing the usurped supremacy of Parliament is:

FOURTH: ABOLISH THE "NATIONAL SECURITY MANAGEMENT SYSTEM".

Democracy requires reversing the Nationalist Government's trend towards replacing elected

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institutions of government by the nominated clients of political patronage.

The League calls for the abolition of the State Security Council and its tentacles of unelected, Joint Management Centres and Mini-JMCs, meeting in secret, headed by army or police officers; and the system's Inter-Departmental Committees headed by army brigadiers.

Coronelismo characterizes military dictatorships.

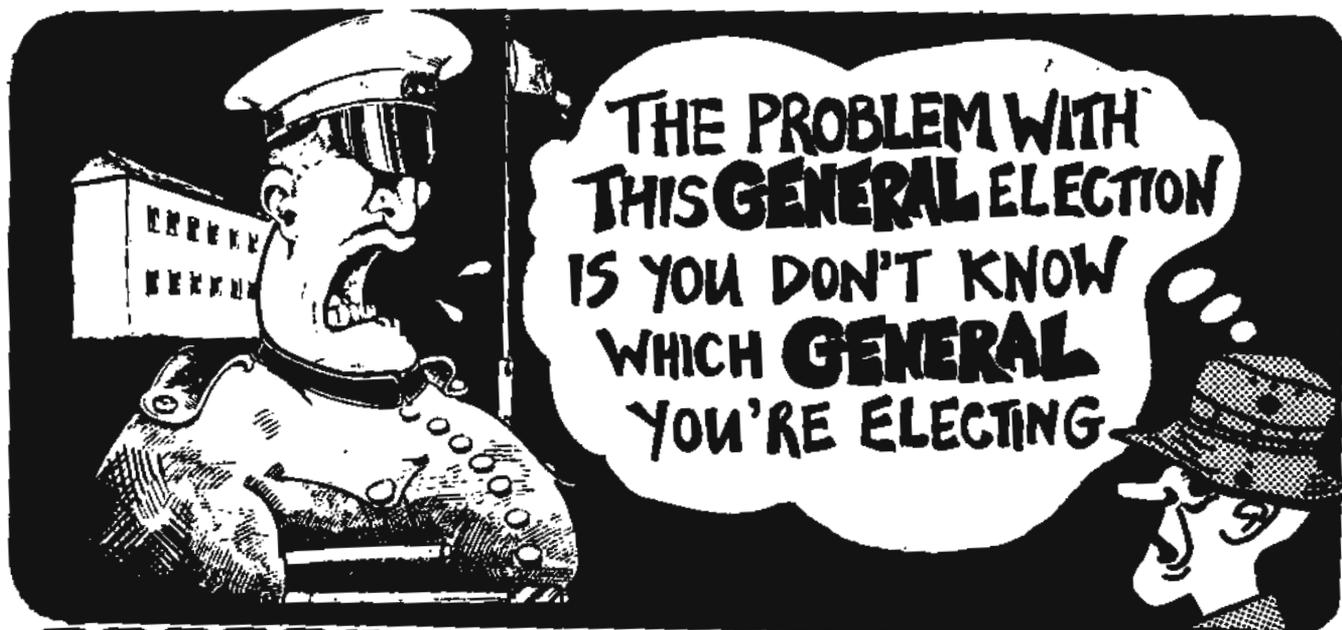
FIFTH: ENTRENCH A JUSTICIABLE BILL OF HUMAN RIGHTS. This Government has inflicted on us a quarter-century of press censorship laws and decrees,

including one last year casually banning the League from publishing any statement for several months.

We call for the scrapping of the dragnet of repressive laws and regulations, whether in delegated legislation, or in successive states of emergency.

The election speech by the Minister of Defence, Magnus Malan, spells out that the Government and its State Security Council has decided to prolong permanently the present State of Emergency.

After May 6, the Government will remain in power. That is why we need the Civil Rights League and other organizations to intensify the campaign for human rights.



The End Conscription Campaign, of which the League is an affiliate, published this cartoon sticker.

The cartoon highlights the extent to which Parliament's power has been usurped by the "Emergency Management System".

This links the President's Office with the State Security Council and its "National Security Management System" hierarchy of 12 Joint Management Centres, 60 Sub-JMCs and 448 Mini-JMCs.

Starting with Military Intelligence's General P W van der Westhuizen of the State Security Council's secretariate, all these institutions are headed by army or police officers. The same applies to the equally secret 15 permanent Inter-Departmental Committees.

PRESS RELEASE: VOTES FOR ALL

THIRTEEN organizations in Cape Town have agreed to the following joint statement. The movements, and branches of movements, are:

Black Sash
Civil Rights League
Education for Awareness in South Africa (EDASA)
End Conscription Campaign (ECC)
Institution for a Democratic Alternative in South Africa (IDASA)
Jews for Justice
Mowbray Inter-Race Group (MIRGE)
National Medical and Dental Association (NAMDA)
National Union of South African Students (NUSAS)
Organization for Appropriate Social in South Africa (OASSA)
Pupils' Awareness and Action Group (PAAG)
United Democratic Front (UDF), Claremont and Observatory Areas
United Women's Congress (UWCO)
Women's Movement for Peace

We call on the people of South Africa to listen:

We, members of a wide range of organizations working for change in South Africa, believe an increasing number of whites share our desire for a prosperous and free country, ruled in the spirit of justice and equality, by a government elected by all South Africans.

We believe that more and more whites, given the choice, would vote as we would - for a fair and lasting peace among all the citizens of southern Africa.

Yet the election on May 6 - an all white election in the tricameral parliamentary system - gives us no way to express these choices. The best of the meagre options we might vote for are notions of accelerated "reform", and other schemes which divide the nation.

Such plans offer no guarantee of peace. Indeed, they may well lead to a worsening of the conflict that already grips our

nation. We need to put our most urgent efforts into creating a climate in which genuine democracy can be exercised.

We ask you to listen, because we believe there is still hope.

As the civil conflict in our country deepens, the rest of the world will hasten to end its last ties with us - economic, political and cultural. Increasingly we are sinking into ignorance. Our last rights of protest are being eroded. The young and the skilled continue to abandon the country. It may seem that our isolation is becoming complete.

Yet we believe that there is still hope.

We see impetus for real and meaningful change coming from the mass-based organizations outside parliament. Indeed, our own choice has been to work for and in support of such organizations.

In the process we have found ourselves sharing the vision of millions of South Africans. We now know what it is to take part directly in the making of decisions. We have found out what it is to have leaders who are dedicated, courageous and directly accountable to the majority.

We have accepted each other as equals, who cherish the belief that South Africa belongs to all who live in it, black and white.

We call on you to join us, and to join the majority in putting forward these demands:

- * the immediate dismantling of apartheid;
- * the unconditional release of all political prisoners;
- * the unbanning of all organizations;

Cont. on Page 5

* the ending of the State of Emergency;

* the removal of troops from the townships of our country.

Similar alliances have been formed in Durban and Johannesburg.

PRESS STATEMENT

Keith Gottschalk, chairperson,

(1) noted in the ARGUS and WEEKLY MAIL that South African newspapers recently published syndicated British features debating how far Michael Gorbachev desired to, and far he could, extend his reform policies in the Soviet Union.

The press all cited Amnesty International's latest estimate: that there are still between 3 000 - 6 000 political prisoners and detainees out of 284 million people in the USSR.

The latest estimates of the Parliamentary, other press reporters and Detainees Parents' Support Committees are that South Africa, including the Bantustans, at any one time has

between 8 000 to 13 000 political prisoners and detainees out of 33 million people.

These appear to be the limits of P W Botha's reform policy.

(2) A letter endorsing the CAPE TIMES editorial criticising the unjustified shooting of a father in his kitchen in Salt River, for which the court awarded damages to the dependents. (not published)

(3) A letter noting disparity of sentences between Gregory Arthur, originally sentenced to four years jail for stone-throwing, compared to fines on SADF soldiers for stone-throwing at, and torture of, civilians. (unpublished)

CHILDREN AND OPPRESSION

ONE THOUSAND, four hundred and twenty-four children detained without trial. Fifty-eight thousand, nine hundred and sixty-two children held in police cells awaiting trial. Two thousand eight hundred and fifteen children serving prison sentences.

These are the Government's most recent statistics on child detainees and child prisoners between the ages of twelve to eighteen years old in South Africa.

No responsible citizen can believe South African Government statistics. You must ask their statistics a question: what is the Nationalist definition of South Africa?

Obviously, we must ADD onto these statistics all children detained and jailed in the satellite psuedostates: BophutaTswana, Ciskei, Transkei

and Venda.

Over 100 people attended the League's public meeting on "Oppression and Children" held in Rondebosch on Tuesday 26 May.

Dennis Davis, UCT Law professor, said the best estimates are that 40% of detainees are under 18 years old; 30% of detainees are under 17 years old.

Our Child Care Act provided that when children allegedly commit crimes there should not

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DEATHS IN

2413 South Africans have died in the populist insurrection since 13 February 1984. There remains, however, special poignancy when detainees, defenceless as P.O.W.s, die.

Di Bishop, National Vice-President of the Black Sash, read out every known name or instance of a person who died unnaturally or in detention, or from injuries received during detention, or police custody with a political background, at the opening of the 1987 Black Sash Annual Conference. Sash members filed past the stage, laying one carnation for each dead detainee or prisoner.

The list of the dead, with names of further deceased detainees added by Dot Cleminshaw, follows.

Neil Hudson AGGETT
Yan AH
Robert BARBER
Steve Bantu BIKO
George BOTHA
Mthayeni CUTHSELA
Ernest Moabi DIPALE
Negeni GAGA
Eric Diliza GANGALA
Themalakhe GEORGE
Hoosen HAFJEJEE
Jona HAMUKWAYA
James HAMAKWAYO
Abdullah HAROON
Pongoloshe HOYE
Xoliso JACOBS
Mbulelo Rocky JAMES
Twalimfene JOYI
Nicodimus KGOATHE
Aaron KHOZA
Tahleho KOROTSOANE
Makompo KUTUMELA
James LENCOE
Pin LEONG
Elijah LOZA
Matthews MABELANE
Phakamile MABIJA
Alpheus MADIBA
Molefe Paris MALATJI
Sipho MALAZA
Elmon MALELE
Samuel MALINGA
Ernest MAMASHILA
Bellington MAMPE
Simon Matanzima MARULE
Samson MASEKO

Jacob MASHABANE
Johannes MASHEGO
Benedict MASHOKE
Anthony MASUNYANE
Sifundile MATALAZI
Caleb MAYEKISO
Luke MAZWEMBE
Dumisani MBATHA
Mbuyiselo MBOTYA
Joseph MDLULI
Manana MGQWETO
Tembuyise Simon MNDawe
Solomon MODIPANE
Fenuel MOGATUSI
Mapetla MOHAPI
Sonnyboy MOKOENA
Jacob MOLELEKE
Jacob MONNAKGOTLA
Thalo MOSALA
Ephraim MTHETHWA
Mzwandile MUGGELS
Tshifiwa Isaac MUOFHE
Sipho MUTSI
Bheki MVULANE
Bayempini MZIZI
Edward MZOLO
Peter NCHABELENG
Batandwa NDONDO
Loyiso NDZANDZE
Lawrence NDZANGA
Saul NDZUMO
Johannes Bonakele NGALO
Eric NGOMANE
Solwandle 'Looksmart' NGUDLE
Abel NGWENYA
Mzukisi NOBHADULA

DETENTION

Naboath NTSHUNTSHA
Benji OLIFANT
Joel PHOSOKO
Andries RADITSELA
Ngoake RAMALEPE
Suliman SALOOJEE
Rose SEGWALE
Michael SHIVUTE
Hangula SHONYEKA
Mxolisi SIPELE
Mbuyiseli SONGELWA

Johannes SPOGTER
Lungile TABALAZA
Ahmed TIMOL
Wellington Mlungisi TSHAZIBANE
Samuel TSHIKUDO
William TSHWANE
Jundea Bolowa TUBAKWA
James TYITA
UNKNOWN MAN
UNKNOWN PERSON
A YOUTH (17 years old)

GENERAL AFFAIRS 10/1/86



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While every care has been taken in the correct transcription of names of the deceased, the League apologises to the bereaved should there be any mistakes.

"Any death in custody should be regarded as *prima facie* a summary or arbitrary execution, and investigated immediately. The results of these investigations should be made public."

Mr. Amos Wako's report, E/C.N.4/1986/21, to 42nd session of UN Commission on Human Rights.

The League's list has ninety-four names. If you know of any further deaths in detention or other police custody with a political background, in South Africa (including its satellites BophutaTswana, Ciskei, Transkei and Venda), or its colony Namibia, please let us know.

DENNIS DAVIS' COLUMN:

THE JUDICIARY DILEMMA

SOME YEARS AGO the League issued a pamphlet in which it raised in the clearest possible terms the issue of whether judges should resign their office rather than adding legitimacy to the Apartheid system of government.

It was a courageous initiative, given the reputation enjoyed by the judiciary, particularly amongst White South Africans, for it placed onto the agenda, perhaps, the crucial issue concerning law and the legal power in this country. Not surprisingly, the League's pamphlet drew sharp criticism from many quarters, including members of the judiciary.

Some years later Professor Raymond Wacks, then professor of public law at the University of Natal, Durban, argued that the basis of South African Law was so racist in its character and so repressive in nature that judges could never have recourse to the liberal principles of Roman Dutch Law in attempting to curb the ambit of repressive legislation.

In short he suggested that as judges had no legal scope for permitting civil liberties, resignation was the only option to the judge who was concerned to be a custodian of a liberal legal heritage, now destroyed by the Nationalist government.

The role of the judiciary has again come under the analytical microscope as a consequence of the two recent Emergencies; the Delmas treason trial and the dispute involving Prof. W. Joubert being forced to resign as an assessor; and the appointment of a judicial commission to investigate what has become known as the Ball Affair. A delegation of the Inter-

national Commission of Jurists has been particularly critical of judicial performance, while a Dutch legal observer to Helene Passtour's case has contended that it is impossible to have a fair trial in South Africa, given the structure of the Apartheid Legal system. Clearly there are those inside and outside the country who would share Prof. Wacks sentiments.

What exacerbates the position for the opponents of judicial resignation is the increasing shift to rule not by duly passed statutes but emergency regulations passed by policemen, which leave the courts with extremely restricted room for judicial review — which, it should be said in fairness, is not always exercised by the courts to curb executive excesses. It is also clear that this government will continue to rule largely by means of extra-parliamentary measures.

In this climate to what extent can it be said that the advantages offered by the legal spaces protected by the courts outweigh the disadvantage created by the legitimacy gained by the State through the existence of an independent judiciary?

The League (and Brian Bishop in particular) initiated the debate. In the present climate it needs to be restarted by the League.

Children (Cont. from Pg. 5)

be criminal prosecution, but an enquiry by a childrens' court as to whether the child should be sent to place of safety.

Even where a child was prosecuted, the Child Act urged judges to use their discretion to halt the proceedings and refer the child to an investigation by a childrens' court.

The Internal Security Act and Emergency regulations overrode this perfectly good law.

Nyami Goniwe, a social worker based in Craddock's township, and widow of the assassinated CRADORA leader Matthew Goniwe,

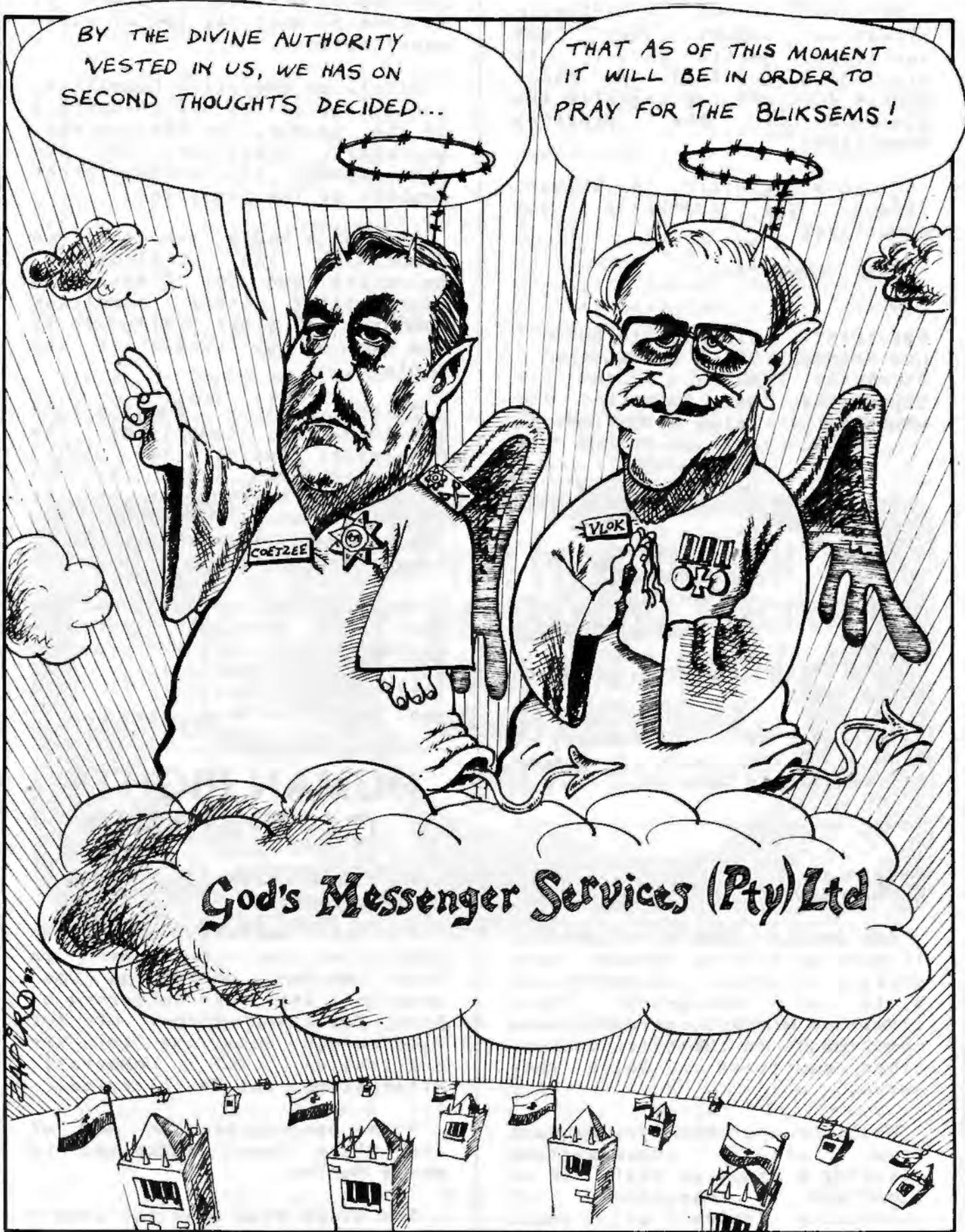
spoke of a country at war with itself.

"What does a parent do when your door is kicked in in the night and your child is assaulted in front of you?"

"What does a parent do when your child then asks for help, and you know any answer will result in severe punishment?"

"A part of you is gone. You are less than a person."

**ASK A FRIEND
TO JOIN THE LEAGUE**



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NEW SECRETARY

Personal and academic pressures compel our new secretary, Debbie Levitt, to step down for 1987. We thank Debbie for helping organize the dispatch of the previous Newsletter.

Our new secretary is Barbara Sudano. The committee now comprises:

1987 COMMITTEE

PRESIDENT: Sir Richard LUYT
CHAIRPERSON: Keith GOTTSCHALK
SECRETARY: Barbara SUDANO
TREASURER: Doug CORNELL
MEMBERS: Ralph AITCHISON
Michael BRIGGS *
Mary BURTON
Dot CLEMINSHAW
Noelle COX
Dennis DAVIS
Andy DURBACH
Jack HEEGER
Janine RAUCH *
(Alternative)

NEWSLETTER EDITOR: Keith GOTTSCHALK

* Elected by the University of Cape Town Students' Representative Council.

EXCO

The League committee decided it must be able to respond more swiftly to crises caused by the State of Emergency. Many committee members currently have commitments to the Black Sash or other committees on which they serve.

Whenever a crisis or request from other organizations planning a campaign calls for an immediate response, it invariably takes at least another month to reconvene the committee on an evening when all, or almost all, can attend.

Consequently, the League committee established three sub-committees, small enough to be able to meet at two or three days' notice:

First, an Executive Committee, consisting of the office-bearers of the League, the Chairperson, Secretary, Treasurer, and one other member to represent other members of the committee.

Second, a Media sub-committee comprising the Chairperson, Secretary and Dot Cleminshaw, representing other committee members, to clear statements in the name of the League to the media.

Third, a Publications sub-committee, comprising the Newsletter editor, the Chair, (currently the same person) Secretary, one member of the committee who is a lawyer, and Doug Cornell, representing other committee members.

The Publications sub-committee will meet whenever Government decrees cause further problems for the Newsletter, or intimidate printers from publishing the Newsletter.

HUMAN RIGHTS CAMPAIGNS

The League accepted invitations to sit on the platform at:

* the meeting of EDASA (Education for Awareness in South Africa) on "Beyond Open Schools". This was addressed by Alex Borrairie, former MP for Pinelands, and now in the Institution for Democratic Alternatives for South Africa.

* the opening of the AGM of the Black Sash, addressed by Maria Burton.

The Black Sash asks the League to invite all persons wishing to

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sign the petition against further Group Areas removals from Lansdowne, Cape Peninsula, to contact its offices.

The League is participating in the

- * Votes For All campaign;
- * Free The Children alliance;
- * End Conscription Campaign.

The ECC suffered detentions without trial of its leaders in Cape Town, Johannesburg and Port Elizabeth, and harassment in Pretoria. Notwithstanding, it survives and launches imaginative campaigns such as "War is not compulsory".

The ECC has raised its Parents' Group to the status of a Sub-Committee, following the call-up for white men up to 55 years of age.

Its PAAG, (Pupils Awareness Action Group), gives support to those opposed to compulsory school cadets. It has also opposed the State distribution of the Aida Parker smear Newsletter against the ECC in schools. PAAG seeks to give pupils the other side.

* The Black Sash has asked the Chair, in his personal capacity, to make a regular contribution to their magazine.

* The League agreed to participate with the Progressive Federal Party in a public meeting to protest against the State of Emergency in December 1986. Mr Herbert Hirsch, organizing it, cancelled it as it fell too close to the holidays.

* The League was asked to say a few words about freedom of assembly at a UDF meeting in the Cape Town City hall in April 1987. The Supreme Court, ninety minutes before the meeting was due to begin, overruled a police edict banning the meeting.

* The Chairperson attended a goodwill morning of the Union of Jewish Women.

PUBLIC STATEMENT

Some League press releases are wholly or partly unpublished. They are accepted by some newspapers, but not others, around the country. CRL News briefly summarises these, to inform members on what your League attempted.

Dot Cleminshaw, committee member, published a letter in the CAPE TIMES

(1) noting that at the Paarl tercentenary celebrations, the farm workers whose labour contributed to the locality's economy and wealth are still deprived of the benefits of industrial relations laws such as the Unemployment Insurance Act (dole), Basic Conditions of Employment Act (working hours, leave, dismissal), Wages Act, and the Labour Relations Act.

(2) The urgent enquiry of the National Manpower Commission into the situation of farm-workers, completed in 1984, has been kept secret by the Government ever since.

Mrs Cleminshaw's letter recalls the historian J S Marais's comment, that South African laws of masters and servants, are laws passed by a Parliament of Masters.

Paarl's farm workers are predominantly descended from the indigenous owners of Paarl's farmlands: the pastoral Cochoqua.

**HAVE YOU REMEMBERED
THE LEAGUE
IN YOUR WILL?**

MEMBERSHIP FEES NOW FIVE MONTHS OVERDUE!

THE LEAGUE now provides you with a vamped-up Newsletter, briefing you on the League's activities, and covering ongoing human rights campaigns around the country.

The 1986 ordinary membership fee, R7, today covers merely the costs of this newsletter.

In the two years since membership fees were raised, the League, like its members, suffered over 33% inflation in its costs.

The League still cannot afford office rent. This imposes on the secretary the burden of keeping at her home all the League records and materials. This situation is inherently unsatisfactory. It means the League's address and post box must change every time the secretary changes.

The League raised the Secretary's honorarium for 1987 from R 100 to R 125 per month, the same as the Black Sash. To keep pace with inflation, we will obviously have to raise this again, to R150 per month, from the start of 1988.

The League plans on a basis of anticipating the present rate of inflation will continue. We might be more realistic in planning for a higher rate of inflation.

The AGM approved the Chair's motion for a rise in membership fees. Keith Gottschalk urged that this should be on the principle that pensioner and student rates should be subsidised, with salaried members shouldering the burden of increase.

**ASK A FRIEND
TO JOIN THE LEAGUE**

MEMBERSHIP FEES MINIMA:

Pensioners, unemployed, on fixed income or limited means:	at least R2
Students:	at least R4
Salaried persons:	at least R10
Donor members:	at least R20
Overseas subscription to newsletter:	UK £12 or USA \$20

PLEASE HELP THE STRUGGLE FOR HUMAN RIGHTS IN SOUTH AFRICA BY SENDING THE LEAGUE YOUR RENEWAL TODAY!

Prompt payment enables the League to benefit from the interest, and plan publications and meetings with confidence. Please post your membership renewal fees now to:

The Treasurer
Civil Rights League
P.O. Box 394
CLAREMONT
7735

Ph.: (021) 693-510 (afternoons)

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To: THE TREASURER
CIVIL RIGHTS LEAGUE
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ADDRESS:.....
.....
.....

POSTAL CODE:.....

PHONE: H:.....

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 SEND ME ONE YEAR'S SUBSCRIPTION TO THE NEWSLETTER