



# Umbutho Wamalungelo Obuntu CIVIL RIGHTS LEAGUE Burgerregtevereniging

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NEWSLETTER

OCTOBER 1987

## 300 AT DETENTION MEETING

Almost three hundred people crowded into the Anglican Cathedral Hall and foyer for the League's most successful meeting in recent decades.

For the first time, the League's new banner was on display.

Dennis Davis, a UCT Law professor; Andrina Forbes, the mother of detainee Ashley Forbes; and Chris Lund, the brother of detainee Sue Lund, spoke.

Sir Richard Luyt, chairing the meeting, recalled his use of detention without trial in Guyana when he was its colonial governor. He emphasised that the British House of Commons correctly asserted its right to scrutinize detention in principle, and the fate of individual detainees.

"The South African system of justice has come under extremely critical inquiry" said Prof. Davis, "- and deservedly so."

"The State of Emergency is not a temporary phenomenon. It is a permanent component of the state's reform policy.

"To reform in the way that they want, the State warehouses its extra-parliamentary opponents, so it can pursue this reform without effective opposition.

"The courts can still afford a limited relief to detainees, but in my view have been too timid" he said, referring to the Omar and Tsenoli test cases.

"The judges have not always upheld the legal principle that detainees have all rights not expressly taken away from them by law.

"The recent Human Sciences Research Council report, hardly from a radical body, concluded how the majority's confidence in the impartiality of the judiciary is eroded by such verdicts.

"Now, a leading legal scholar and advocate, Edwin Cameron, has published a major article challenging three top judges to reconsider their remaining on the Bench."

(see DETENTION on P. 2)

### 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SUBSEQUENTLY THIS PART OF THE DECREE WAS WITHDRAWN.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.

(continued from DETENTION Pg. 1)

"Whites needed to come to care about the torture of detainees. The Government has brought a proud legal system into disrepute."

When Mrs Forbes won a Court order forcing the Special Branch to let her see her detained son, they put her behind one-way glass to prevent him getting a morale-booster from seeing her.

The application was granted by the court after her son had attempted suicide.

At her second visit Mrs Forbes said "He could see me through a mesh fence. He saw me and smiled faintly at me. I felt pleased he saw me.

"I am proud of the cause my son has taken up and call for the immediate release of all detainees."

Chris Lund told the meeting of his sister's strength in detention for month after month. Sue Lund had bravely born up to the stress.

The End Conscription Campaign, Free the Children Alliance and individuals gave their full support to the meeting.

## FREEDOM FROM WANT

In some parts of the countryside, Blacks have to pay 67 times more for clean water than whites in Cape Town suburbs, according to a report by the SA Institute of Race Relations.

The average water consumption per black person in the countryside is 15 litres daily. The World Health Organization estimates that individuals need 50 litres per day for consumption, cooking and cleaning.

Over 20 million people, two-thirds of all South Africans, have no access to domestic electricity. Even in the towns, 86% of black houses do not have electricity. In Cape Town, families without electricity could pay up to three times as much as electrified households.

Plan Act, an organization formed by radical professionals concerned with development issues, including housing and living conditions, note these statistics reflect the inequality of allocation of resources into the infrastructure.

"Quite often, technical explanations are given for this inequality, but they do not acknowledge the political and social reasons" said Simon Ratcliffe, Plan Act coordinator. (THE NEW NATION, 16-22 July 1987)

# A.G.M.: 20 OCTOBER

The League's 1987 AGM will be on TUESDAY 20 OCTOBER at 8 pm in the RONDEBOSCH CONGREGATIONAL CHURCH HALL in Belmont Road, Rondebosch.

Notice of any motions and nominations for the committee should reach the Secretary in writing ten days before the meeting.

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## EDITORIAL:

# TREAT CAPTURED REBELS AS P.O.W.s

The Namibian Bar Association felt cause to draw the attention of a Government Commission to one disturbing fact. While the South African army boasted of killing over 10 000 SWAPO insurgents, barely a handful of captured insurgents had ever appeared before the courts to be charged with "terrorism", "treason" or cognate offences.

The Bar Association asked if the policy of the SADF, the police "Koevoet" infantry platoons, and Bantustan militia was to finish off wounded insurgents with automatic fire, rather than suffer the inconvenience of political trials.

The Commission did not probe the armed forces on this point.

Next, the recent trial of two policemen for murder has revealed, besides police perjury, that police HQ telexed the order "eliminate people who throw petrol bombs" to all its local forces. (CAPE TIMES, 15 & 29 AUGUST 1987)

The policemen concerned took it for granted that "eliminate" was the command "kill".

This is not the first time that this official terminology has surfaced. Nothing is heard of the watchword of policing in democratic countries: "disperse / arrest rioters with the minimum of force possible".

Third, trial evidence revealed policemen shot dead in cold blood several of the seven insurgents after they surrendered in the Gugulethu ambush. (Sunday Tribune 9 August 1987)

So far, the state shows no inclination to prosecute the policemen concerned. Its only prosecution has been of the journalists for the crime of having exposed this.

Fourth, Caiphus Myoka, a Transvaal Student Congress (TRASCO) leader, was allegedly shot dead by the police in his bedroom. The family in the house could hear no shot, and allege he must have been killed with a silenced gun. The family was not allowed to see the body until after the police had carted it off to a funeral parlour. CAPE TIMES 25 AUGUST 1987

Each one of these allegations

(turn to POW on Pg. 4)

## FEATURE:

# DISINFORMATION

## — THE INVISIBLE GOVERNMENT

Disinformation projects currently run at an all-time post-Rhodie high.

First, the Special Branch spy and agent-provocateur Daniel Pretorius confessed. To him, the last straw was the anti-NUSAS smear leaflets he knew Pretoria was printing for the SRC election campaign at UCT and elsewhere.

Second, a disinformation leaflet, crudely pretending to be a New Unity Movement leaflet attacking the UDF, was dumped all over Belville South and Belhar during the heavily dewing night of the 20-21st August.

Third, the state SATV screened a propaganda programme attacking the Soviet Union for claiming the Machel plane crash was due to South African state sabotage.

The propaganda programme purported to come from the "Conservative Digest" of the USA.

The Argus TV critic, Garth Verdal, tracked down two interesting facts: -

\* the Conservative Digest changed hands during 1986 after the original owner experienced financial difficulties.

\* the programme purporting to be made by USA right-wingers was in fact made by a certain Neels van Wyk, who worked for the SADF.

This was camouflaged by using an American voice-over for the sound-track. (Garth Verdal: "Lost: The Little Objectivity there was", ARGUS 28 July 1987)

Concealing the South African, not to say prima facie secret service origins of the propaganda programme would enhance its sellability abroad, and its veracity with more credulous South African viewers.

Fourth, the SADF distributed partisan propaganda leaflets purporting to come from a non-existent organization, the "Alliance for the Promotion of People's Rights".

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*(continued from P.O.W. Pg. 3)*

is deeply disturbing.

The Civil Rights League calls on the Government to adhere to the recognised rules of war.

First, that unresisting persons, and people who surrender, are not killed in cold blood.

Second, that all insurgents are treated as POWs, just as the Government expects the armies of Angola, Mozambique and Zimbabwe to treat captured SADF members as POWs.

The hanging of Cape rebels in the Second Anglo-Boer War only increased political bitterness after that war. Let us ease the time when post-apartheid South Africa will enter an era of conciliation by both sides treating captives as POWs now.

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One observer has queried if other organizations, such as the "Anglicans for Truth and Spirituality", and "Anti-Liberal Alliance", are similar front or fictitious names used by the SADF to give its propaganda more credibility. (Letter to the Editor from M.F. Blatchford, CAPE TIMES, 7 July 1987.)

Fifth is the report alleging that the Military use soldiers in mufti to stage mob killings and assassinations.

A bus driver's affidavit revealed this new strategy for the first time in public during the inquest on the late 58 year-old Immanuel Shifidi. Mr Shifidi was an ex-Robben Island veteran and SWAPO member, who was stabbed to death by an attacking "mob" which rioted at a SWAPO rally.

The affidavit from the bus driver revealed how he was hired, and paid in banknotes by whites in mufti inside a SWATF base in Ovamboland. His job was to drive 50 members of SWATF 101 Battalion in civilian clothes sent in his civilian bus down from the Obamboland base to military bases around Windhoek. They boarded his bus armed with knives, bows and arrows.

He heard them talk about how they attended the SWAPO meeting, and would have been killed without police protection.

The part of this saga especially important for human rights organizations is that the Administration's press release tried to camouflage this by alleging that the "warlike faction" of SWAPO had attacked members of the "peaceful faction" of SWAPO. (THE NAMIBIAN 17 July 1987)

This is, of course, identical to press leaks by South African "military observers" or "western security sources" alleging that the assassinations of Ruth First, Ric Turner, Jenny Schoon and other anti-apartheid activists were perpetrated by other factions of the ANC or SA Communist Party.

The courage of the bus driver and The Namibian's expose of military abuse of power mean it is the duty of South Africans to ask how many other "disappearances" and disinformation operations are currently going on, rationalized by the state ideology of "a revolutionary total onslaught".

## SOLIDARITY

The Civil Rights League sent messages of solidarity to the National Medical and Dental Association, NAMDA, and Black Sash conferences earlier in the year.

On International Childrens' Day, Saturday, 6th June, Molo Songololo, ("Hello Millipede") arranged a big celebration of all Free the Children Alliance organizations.

The Anti-Censorship Action Group, ACAG, was formed in September 1986 to monitor the effects and implementation of censorship, and embark on joint action to end censorship.

# MEDIA:

\* The League protested against the disparity of sentences: black schoolchildren in Wynberg were sentenced to up to four years jail for stone-throwing.

By contrast when soldiers threw stones at civilians without provocation the sentence was R200. (1985 RACE RELATIONS SURVEY, p 426)

\* The League got two letters published over Times Media Ltd (formerly SAAN)'s dismissal of Tony Heard, the Cape Times editor.

Sir Richard Luyt sent the opening letter. (CAPE TIMES 14 August 1987) Douglas Bax and 32 others including Richard Luyt, Keith Gottschalk and Dot Cleminshaw co-signed the subsequent letter. (CAPE TIMES 18 AUGUST).

All the three editors that SAAN / TML fired, Tony Heard, Lawrence Gandar and Alistair Sparks, won prestigious international awards for defending academic freedom.

\* Week of the Innocent - Dot Cleminshaw published a letter over detainees in the CAPE TIMES, 26 May 1987. She also sent a letter admiring the courage of the 32 Conscientious Objectors, who issued a statement explaining why they could not obey any further call-ups.

\* Keith Gottschalk published a letter in SOUTH, 11 June 1987, against fratricide weakening both the UDF & AZAPO in Mbe'weni, Paarl. We condemned inter-party killings and attacks in general.

\* We published an objection (WEEKLY MAIL, 12 June 1987) against the new Conscientious Objection retroactive statute, which makes the maximum sentence also the minimum sentence, and forbids judges to sentence COs to only double the time in jail of the most probable length of conscription refused.

The CO must now be sentenced to double the time in jail of the longest military conscription he could be called up for.

\* Dot sent another letter against the detention without trial of an estimated 3 000 detainees.

\* In July we, noting Police Briagdier Ronnie van der Westhuizen's role as Joint Management Centre head for Cape Town, questioned his political manoeuvring for the witdoeke group against the others.

\* The League sent a letter to the Government and Oscar Mpetha's family, calling for his release on his 78th birthday on 3rd August.

\* We protested against the Department of Education and Culture (formerly Coloured Education Department) for their witchhunt against the 72 teachers who refused to administer exams in 1985 when there had been no schooling for seven months.

# U.S. BILL OF HUMAN RIGHTS

On Friday 21 August, the U.S. Information Centre in Cape Town bravely attempted an "electronic dialog", that is a phone-in conference, with a US Judge and Law professor specialising in human rights in the USA, a local panel of Professors Dennis Davis (UCT), Izak Fredericks (UWC) and Gerhard Erasmus (U. Stell.) to an invited audience, mostly law academics and a few social scientists and several judges.

The guests included Keith Gottschalk, League chairperson, invited in his capacity as UWC Political Science lecturer.

The afternoon had both its humorous and poignant dimensions.

To the bewilderment of the USIS ("we phone Washington five times daily with no hassle"), but not the locals, the various phone connections (relayed through speakers) to the USA, Cape Town, Pretoria (US Embassy) and Grahamstown (Journalism Department at Rhodes University) kept getting cut off.

To the BBC, whose phone inquiries to dissident Soviet historian Roy Medvedev in Moscow and to Winnie Mandela during her Brandfort days, kept getting summarily cut off, the reason would be obvious.

The poignant dimension was the assumption, so natural to the US participants, that law was a mechanism of protection of human rights.

To South Africans, for the last quarter of a century, the law is an instrument empowering the Government to detain you without trial; for over half a century, to banish any African, or even an entire village; and to govern without the consent of the governed for three centuries.

Even for an academic, it requires a conscious effort of mind to conceptualize law as an instrument for the defence of human rights against government power.

Dennis Davis' intellect and articulateness clearly dominated the debate in the Cape Town auditorium.

He noted that the Freedom Charter was obviously the historic South African bill of rights, and commented we would be extremely fortunate if we ever got a South Africa with such a justiciable bill of rights.

The consensus at the meeting was that should the Nationalist Government start mouthing the rhetoric of human rights as a mere renaming of apartheid or repression, it would de-legitimize the very concept of a check on state power in a post-apartheid South Africa.

## LOBBYING

Dot Cleminshaw wrote on behalf of the League to Adrian Vlok, Minister of Law and Order, urging the release from detention without trial of Janet Cherry. She was released a month later.

# FINANCIAL CRISIS HITS LEAGUE

Just under one hundred out of 350 League members have not yet paid their 1987 membership.

The 1986 ordinary membership fee, R7, covered merely the costs of their 1986 newsletters. The League accordingly has no option but to terminate their membership. We cannot continue subsidizing newsletters to members who care so little for human rights as not to spend on it even less than the cost of one meal eating out.

Already, budget restrictions require a reduction in our Newsletter's length for the rest of this year. It would be unfair to paid-up members to expect them to carry the burden for those who do not pay up. Our concession rate membership for pensioners and others on limited means accommodates all cases of financial hardship, as opposed to political apathy.

The League's public "Free the Children" meeting cost R160, of which only R72 was covered by the collection at the door. Printers and postage bills on our previous newsletter reached over R600.

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.

## 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

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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:

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