

GIVING LEGAL AID IN THE CRISIS OF UITENHAGE

A lawyer reports

Even before the 21st March 1985, the police had detained numerous residents of townships in Uitenhage. Among those arrested were a number of children who could not be located by their families. The families of these children approached the Black Sash for help.

I had gone to Port Elizabeth on 20 March to look into this problem when the shooting incident occurred the following day. Another Johannesburg attorney, Mr Halton Cheadle, went to Uitenhage on 22 March. When he arrived there, the Black Sash had already established a crisis centre where people could come for assistance. There were many people who did not know whether their relatives were in police custody, in hospital, or whether they were dead. Many of the missing people were minors under the age of 18.

Mr Cheadle organised a team of between five to seven advocates and attorneys to go to Uitenhage. He himself and an advocate attended the hearings of the Kannemeyer Commission of Inquiry, which started the following day. They were acting on behalf of the families of those killed and injured on the 21st March. The rest of the team, including myself, assisted at the crisis centre, organised bail, and found witnesses for the Commission.

I was mainly involved with helping in the crisis legal centre, which also included administrative work. Every day, people came to the centre with various problems. I worked at the centre for six and a half weeks until the 10th May. Our tasks involved the following:

Tracing missing people

When I arrived at Uitenhage, there must have been at least 50 people still missing, and many of these were children. As attorneys we faced considerable antagonism

from the police and court officials. Sometimes, the police denied that they had someone when they did. Or they told us that a child was being held at a certain police station; but when the attorney got there, the child had been moved to other cells. Sometimes we were told that the person we were looking for was out with the investigating officer who was not in radio contact with the police station. Both the police and the court challenged our status as attorneys. Our search for an awaiting-trial prisoner usually started at the local police cells and hospital. The next step would be to enquire at Port Elizabeth hospitals, police cells, and jails. On one occasion, we were preparing to make an application to the Supreme Court in connection with a child whom we could not locate but believed to be in police custody. In the meantime, he had been released; he bore large marks on his back from having been beaten with a sjambok.

Bail applications

Once we had located a person and obtained all the relevant court details, we requisitioned that person to court for a bail application. We were not simply permitted to make applications on the remand date. The court officials presented us with new rules every day. At first, we were told that no bail would be granted. This was changed when we replied that we would then fight all bail applications.

Secondly, the amounts set for bail were ridiculously high considering the financial position of most of the people concerned. Many of the bail applicants were children, and most of the families concerned were affected by unemployment. So applications had to be made to have the amounts reduced.

We were told to liaise with the investigating officers before bail would be granted. This is traditionally done by the prosecutors. The court officials saved themselves a lot of time by making that our task.

The CID were most unco-operative and always difficult to contact. This improved after we complained. Bail was refused in certain cases and appeals are being made to the Supreme Court.

It was interesting to find out that the magistrates were relying on certain unreported cases that appear to differ substantially from elsewhere in the country. No opposed applications were heard on Thursdays and Fridays. The courts seldom sat after 3 p.m., and certainly made no effort to deal with the increase in cases. As a result, the urgent nature of bail applications was ignored. In one case, it took us a week to get a twelve year-old before the court to be released into his parents' custody.

Bail funds

Money was donated to us for the purpose of bailing people out. Without it, many people would not have been able to afford their bail. Most families contributed something to their bail. Money was donated by NAAWU, the Uitenhage Catholic sisters, and the SACC.



Aid Office in Uitenhage

Case referrals

Each case was referred to a local attorney for representation once we had obtained bail for the person concerned. On the day before I left Uitenhage, 66 cases were withdrawn.

Problems with the court and other officials

Many of the people arrested alleged that they had been assaulted by the police while in custody. Others were not brought to court within the stipulated 48 hours. Sometimes I managed to trace people before their first court appearance, and to have an attorney at court to ask for bail, only to be told at court that they would not be appearing. Some cases, however, would be brought to court later during the same morning, once we had left.

Parents were not advised of their minor children's court appearances despite the provisions of the Criminal Procedure Act. A few parents complained that they were not allowed into the court. Certain court orderlies and magistrates were extremely rude to blacks in their courts. Many people complained of the way they were treated at police stations. At every police station that we dealt with, police officials tried to deny awaiting-trial prisoners their visiting rights.

Assistance to neighbouring towns

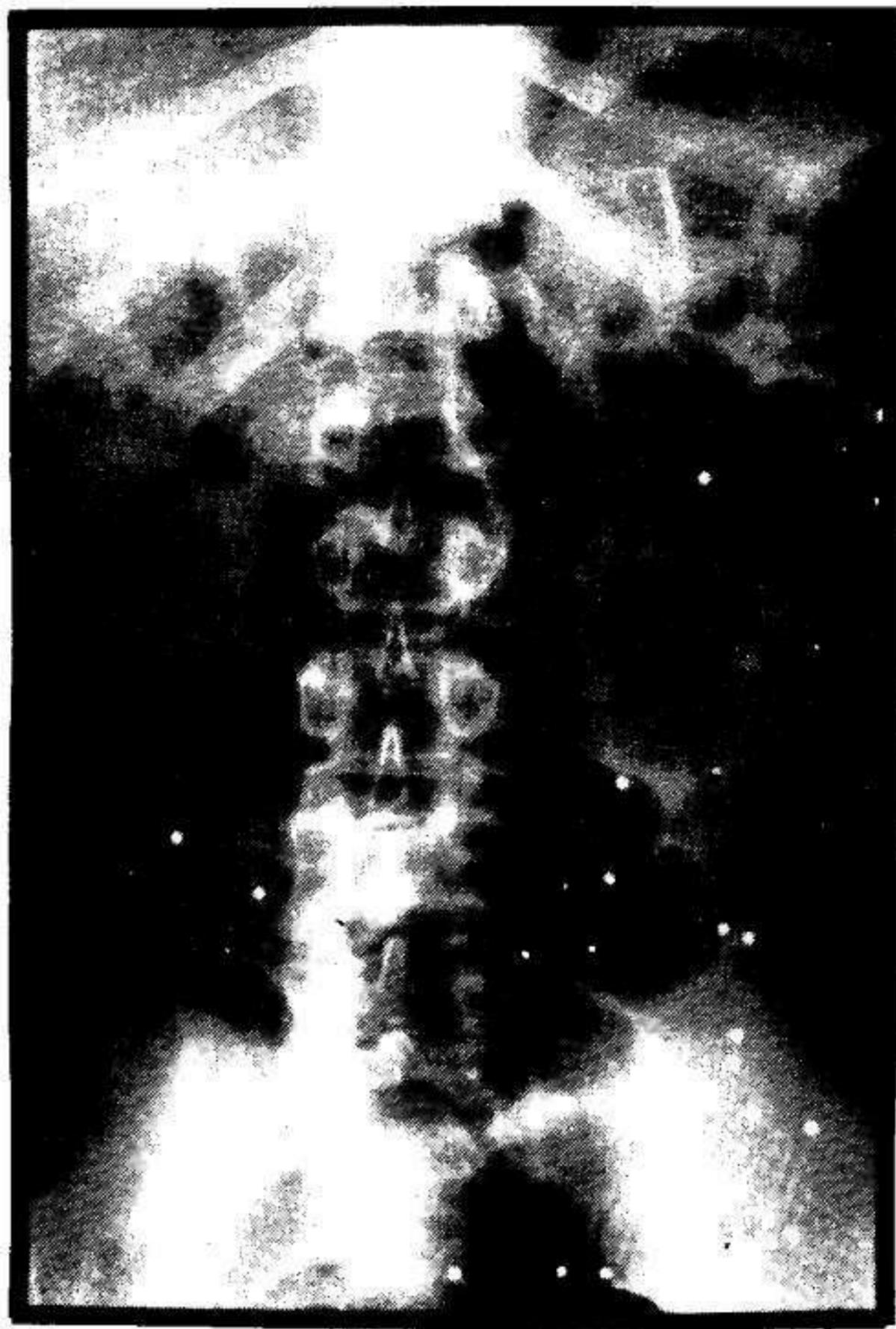
We were approached by people from all over the Eastern Cape: Kirkwood, Port Alfred, Somerset East, Grahamstown, Pearston, Adelaide, Jansenville, and several other towns. We arranged representation for them in those areas.

Post-mortems

Second post-mortems were arranged for all those people killed on the 21st March, as well as for a few others shot subsequently.

Medical assistance

Those people who were shot on the 21st, or at any other time, and who were not arrested by the police, usually had to receive medical attention. Many came to us for help. They were terrified of going to private doctors and the hospitals; they said they would be handed to the police. Some alleged that the police waited outside the casualty doors in their hippos. One boy apparently died of gunshot wounds as he refused to go to hospital. Others tried to remove the pellets themselves. Two boys came to us from Kirkwood. They had been shot a day or two previously and had sustained abdominal wounds.



X-Ray of abdomen showing birdshot under skin

We arranged for doctors to come to the crisis centre in the evenings. Later, we were assisted by a few sympathetic doctors in Uitenhage's coloured townships. Those people who needed surgery, we tried to get admitted to a private hospital in Port Elizabeth, or to another hospital in the Eastern Cape.

Many of the people whom we bailed out of detention needed medication. Some families even brought in their relatives who had been shot in the townships, before they took them to the mortuaries.

Miscellaneous problems

We dealt with numerous other problems, such as teargassing of people and their homes. People were harassed by the police in their homes; the police just kicked in their doors. Several deaths from teargas exposure were reported. People were being arrested all the time, and so the reports of assaults and court appearances continued.

We tried to deal with each problem as best we could.