

Legalized Lawlessness

THE PUBLIC SAFETY AMENDMENT BILL

It is ironic that on the same day that the government instituted one of its 'reform initiatives' - the abolition of Pass Laws - in an attempt to find a peaceful solution to our country's problems, the P.S.A.B. was tabled. Reform and increased State repression in one sitting. The bill means more powers for the security forces to enforce 'change' on those uncomplaining about that change.

When lifting the State of Emergency the State President announced that the security forces would have to be given special powers to control "the isolated and sporadic" unrest which still continued. If passed, the P.S.A.B. will institute Emergency-type powers without the necessity of a formal declaration. The State needs the powers of a State of Emergency but without the consequential outcry by the people of South Africa and the International community. A legitimate outcry against legalized lawlessness.

Effectively this Amendment empowers the Minister of Law and Order, Louis Le Grange, to designate "Unrest areas", and to make any regulations which "appear to him to be necessary or expedient". He, or anyone appointed by him, will have unlimited powers, unchecked by anyone; to enforce emergency regulations; impose penalties on anyone not obeying his regulations; and detain people for up to 180 days. No court or court may question or pass judgement on his actions.

The nature of these regulations is not specified, but they are likely to include powers of arrest, search, confiscation; restriction of movement, media reporting, assembly, funerals; control over boycotts and stayaways. All the repressive measures of the State of Emergency, including indemnification of the security forces from prosecution.

The government has once again ignored the legitimate demands of the people, and has declared a virtually permanent State of Emergency in response. The State has clearly shown by its raids into neighbouring states and its refusal to release political prisoners, that it does not want to negotiate for peace. Despite the State of Emergency, the democratic organizations representing the people of South Africa have grown from strength to strength. The P.S.A.B. is a desperate attempt to crush the legitimate voice of the people. A massive State machinery of oppression has been launched to silence who seek a democratic, non-racial South Africa.

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"The declaration of a State of Emergency is a drastic measure and has far-reaching consequences for the re-public There is therefore a clear need for a mechanism by which the necessary additional powers could be granted to the Security Forces in areas where public disturbance, disorder, rioting or public violence occurs, to enable them to cope with the situation without the declaration of a State of Emergency and the concomitant consequences."

The Bill provides that:

1. The Minister of Law and Order may by notice in the Government Gazette declare any area to be an unrest area if he is of the opinion that public disturbance, disorder, riot, or public violence is occurring or threatening in the area.

This declaration will remain in force for three months but can be extended by the Minister with the approval of the State President.

2. The Minister can make any regulations for an unrest area which "appear to him to be necessary or expedient". He can do this by simply publishing a notice in the Gazette.

He can declare any regulation he has made applicable outside the unrest area.

3. He can by regulation specify any penalties for contravention of his regulations.

He can, by regulation, empower any person or body to make orders, rules and by-laws and to prescribe penalties for contravention of the orders, rules and by-laws.

He can make different regulations for different unrest areas "and for different classes of persons ..."

4. The regulations can include provision for the detention of people. If a person is detained for more than 30 days, the Minister must within 14 days after the 30 days has elapsed table the name of the person in all three Houses of Parliament. If Parliament is not sitting (and our Parliament is not sitting for half of the year) he must table the names within 14 days after the next session begins.

5. "No interdict or other process shall issue for the staying or setting aside for any notice issued by the Minister or any regulation and no court shall be competent to inquire into or give judgement on the validity of any such notice or regulation".