

i. STATEMENTS BY LEGAL ORGANISATIONS ON THE PUBLIC SAFETY BILL
AND THE INTERNAL SECURITY BILL

1. Centre for Applied Legal Studies
2. Lawyers for Human Rights National Council
3. Legal Resources Centre. Johannesburg

CENTRE FOR APPLIED LEGAL STUDIES

The Public Safety Amendment Bill simply aims to provide for states of emergency without going through the procedures laid down by the Public Safety Act. It is particularly disturbing that a state of unrest declared by the Minister of Law and Order will remain valid until it has been disapproved of by all three houses of Parliament. This gives the National Party controlled House of Assembly a veto power which it will no doubt exercise to ensure that not state of unrest is set aside.

The Internal Security Bill is simply an attempt to by-pass or over-rule an important decision of the Appellant Division. It reveals a gross lack of confidence in the courts and will seriously undermine the stature of the courts. It shows that the police are determined to have their way and are not prepared to tolerate judicial monitoring of their conduct.

The Centre for Applied Legal Studies condemns these two Amendment Bills. Until the Government is prepared to bring its security laws into line with civilized standards of criminal justice one cannot take the Government's reforms seriously. We call upon the House of Representatives and the House of Delegates to oppose both these measures and to ensure that they do not find a place on the statute books.

LAWYERS FOR HUMAN RIGHTS NATIONAL COUNCIL

(Resolution passed at the Annual General Meeting of Lawyers for Human Rights on Saturday 24 May 1986)

Lawyers for Human Rights notes with grave disquiet the proposed introduction of two drastic security measures, the Public Safety Amendment Bill and the Internal Security Amendment Bill. The former Bill confers powers on the Minister of Law and Order, usually reserved for times of war. Effective political and legal safeguards are specifically excluded.

The latter Bill proposes the introduction of a 180-day preventive detention measure, the effect of which will be to nullify a recent landmark decision of the Appellate Division of the Supreme Court (*Ntondo v Minister of Law and Order*).

Both measures are likely to be conducive to the abuse of power, and both display a contemptuous disregard for the judiciary and the due process of law. Such laws have no place in a system which purports to uphold civilised values.

Lawyers for Human Rights therefore unequivocally condemns the proposed introduction of these two Bills and calls for their immediate withdrawal.

LEGAL RESOURCES CENTRE, JOHANNESBURG

When a government states that the police should have powers which are beyond effective legal control, it displays disrespect for ordinary legal process.

These Bills amount to a statement by government that the legal process can and should be dispensed with.

That is a bad lesson for any government of any country to be teaching at any time, and all the more so in our country at this time.