

THE VICTIMS IN COURT

SINCE November, members of the Transvaal Region have been visiting the local Native Commissioners' Courts, to find out for themselves how "criminals" under the Pass Laws are brought to book. It is impossible to describe the shattering impact of even a single visit on heart, mind and conscience.

There are four Courts in the Johannesburg area — two in the city, one at Wynberg, and one in Fordsburg. Most of our visits have been paid to the Fordsburg court. Criminal Court "C" is a small dreary room, furnished with a Bench, a desk for the Clerk of the Court immediately below it, a row of chairs for the Prosecutor and other court officials, a dock and a witness box. There is a wooden form along one wall, where members of the public may sit.

Case in Two Minutes

As one enters, an open window on the right gives one a view of the yard, a smallish enclosure fenced in with very high wire netting, and there the prisoners awaiting trial may be seen, scores of dejected men — and some women — standing about in aimless groups, a scene strongly reminiscent of film shots of prisoner-of-war camps. Most of them have spent several days in jail awaiting trial.

The Magistrate enters the Bench, the Court rises, and the business of the day begins. One by one the prisoners, neatly clad urban workers, ragged rural immigrants or roughly dressed mineworkers, are brought in. The charge is read out, interpreted to the accused; he replies, again through the Court interpreter, the Magistrate may ask a question or two, or the prisoner may elect to enter the witness box to give evidence on his own behalf, and then sentence is passed — £3 or three weeks, £8 or eight weeks, £5 or five weeks, with monotonous regularity. A case occupies, on an average, about two minutes of the Court's time!

Gradually a pattern emerges: failure to produce a reference book, £5 or five weeks; possession of forged permit, £8 or eight weeks; mine employee, book left in compound, £1 or seven days. But sometimes sentences vary inexplicably — why is one man fined £8 or eight weeks for failure to produce his reference book, when he has lost it, according to his

THE SOUTHERN TRANSVAAL Region of the Black Sash has prosecuted its campaign against the pass laws with great vigour. The campaign was conducted on three fronts: within the Sash itself, in co-operation with other organisations, and among the general public. Pamphlets, memoranda and tape-recordings were used to demonstrate the folly and viciousness of the system. The telling article published here formed part of a report by the Region issued before the Emergency.

evidence, and been arrested on his way to report its loss?

Sometimes the accused has been arrested for failure to produce his book, and produces it in Court, completely in order. Sometimes a man claims that the policeman arresting him did not give him time to fetch his book. If he elects to have the policeman in question summoned to give evidence, his case is remanded for a day or two, and he is returned to the cells, to spend a further period in jail. Too often, a prisoner has been re-arrested soon after his discharge from jail, before he has had time to collect the reference book for non-production of which he has just served a sentence!

Pathetic People

Most of these are facts we have known or suspected for some time — they are not new to us; they shock, but do not really hurt. What does hurt almost unbearably, so that it is difficult to restrain one's tears, is the actual sight of these sufferers under the pass laws, these patient, pathetic people, dully and hopelessly accepting their bitter lot. A few of them may be rogues, and all, of course, are law-breakers; but mostly they are simple, inoffensive human beings caught up in troubles not of their own making, and against which they have no defence.

Take one case only, the case of a youth of 20 who is on a visit to his mother from the country during the school holidays, and is arrested for non-production of a reference book. He seems young for his age, and is humble and fearful in what is

probably his first brush with the law. He has never had a reference book, he says — he has applied for one but not yet received it. The Magistrate warns him, quite kindly, that he must get his book as soon as possible — but he is still fined £1 or seven days. One wonders as he leaves the Court, as one wonders about so many, whether he has the money to pay his fine, or whether this is to be his first introduction to jail — on a criminal charge — a poor, simple, frightened boy!

We have come away from these visits torn with pity, and oppressed by a sense of guilt after our brief insight into the shocking severity and utter callousness of the pass law system.

THE LESSON OF THE CONGO

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would create a sense of responsibility and assist the development of the country.

Education, if not given adequate opportunity for expression, turns sour and is liable to lead to so-called "agitation". Even the comparatively small number of educated Africans in the Congo suffered from the frustration of being allowed too little say in their own government. It is time we granted to our qualified non-Whites opportunities for shouldering responsibility in all fields. Black nationalisms are making demands in the rest of Africa, and the Congo is an object-lesson in the necessity for laying a solid foundation before these demands are met. South Africa, unlike the Congo, already has a score of Africans capable of accepting and benefiting from responsibility. We must co-operate now with those who have been trained: not only with those selected by the White authorities, but also with those whom the Africans themselves elect as their leaders. And we must do this as soon as possible — frustration and resentment make co-operation increasingly difficult to achieve.

A SPECIAL issue of the *Black Sash* magazine on education in South Africa will appear soon. Order extra copies now through your local branch, or the Treasurer, The Black Sash, Estella House, 47a Main Road, Claremont, Cape Town.

WANTED:

A CHANGE OF EMPHASIS

SINCE I believe in the rule of Law, I must believe in the enforcement of Law. I expect magistrates to be uncompromising; they would fail to do their duty if they were not. But after spending a few hours in the Commissioner's Court in Johannesburg, where many "foreign Natives" were on trial for pass offences, I realised that there is something gravely amiss with our laws.

"£10 or two months," intoned the magistrate. "We do not want you here; we do not need your sort. When we are in a foreign country we must carry passports — or else we are punished."

What a brilliant analogy! Is there any democratic country in which a foreigner may be be jailed for a fortnight before being sentenced to a term of imprisonment? Are there no Consulates to assist him? If the African is indeed a foreigner he deserves better treatment.

As the scared defendants filed into and out of the dock, the bored interpreter gazed vacantly into space. "He has nothing to say . . . He does not have a permit . . . He pleads guilty . . . He says he worked for a little time so that he could eat . . . He says he left the train to collect money owed to him by his friend there . . . He pleads guilty, Sir . . . He does not have the permit . . ."

A boy of sixteen, the son of a respected clergyman, was arrested for not carrying a pass when he went shopping for his mother. His frantic father rushed to the police station to explain and to present the pass. Nevertheless, he had to wait until the morning for the Public Prosecutor to appeal on behalf of the boy, who was then released.

One merry fellow well on the way to complete contempt for the law heard his sentence with a jaunty air. He was a relief from the rest of the interminable queue with their strained faces, the hard dry swallow of their throats and their pathetic searches through their rags for the dirty bits of paper which always turned out NOT to be there.

I think that the country would be happier if there were no such restrictive documents. But even if this is not possible, much could be done by a change of emphasis; the pass would then lose some of its terror.

If our laws were made to free rather than restrain, to prevent rather than to punish, to assist rather than to obstruct, then would we not all benefit from the prosperity and peace that would follow?

—D. R.