

MEASURES FOR SECURITY AND THE CONTROL OF PERSONS

DEFENCE

Defence Amendment Act, No. 26 of 1973

In terms of the Defence Act, No. 44 of 1957 as amended, "service in defence of the Republic" means military service in time of war, or in connection with the discharge of the obligations of the Republic arising from any agreement between the Republic and any other nation.

The Amendment Act extends this definition to include service by a member of the Defence Force expressly designated by the Minister or by a person acting on the express authority of the Minister to perform any function relating to the combating of terrorism within the meaning of that term under the Terrorism Act of 1967, while such member is engaged in any activity connected with the performance of such function.

Under the Moratorium Act, No. 25 of 1963, "service" means continuous service in the Citizenship Force. The 1973 Act extends this definition to include continuous service in a commando.

When introducing the Bill, the Minister of Defence said¹ it was only fair that all members of the Defence Force who were disabled or killed on duty should be treated alike as far as pensions and other benefits were concerned.

Proposed expenditure on Defence

According to the official Estimates of Expenditure from Revenue Account for 1973-4,² a sum of R447 022 000 was allocated to Defence, which is R111 686 000 more than in the previous year, and almost 14 per cent of the total sum voted for all departments of State. A further R25 000 000 was voted in the Supplementary Estimates.³ More than half of the total sum is required for the procurement of armaments and contributions to the Defence Special Equipment Account.

The Departments of Public Works and of Community Development expect to spend more than R30-million from Loan Account⁴ on works for the Defence Department.

¹ Assembly, 19 March, Hansard 7 cols. 2931-2.

² R.P. 2/1973 page 57.

³ R.P. 6/1973.

⁴ R.P. 3/1973.

Notes on Defence equipment

The Minister of Defence announced in January⁵ that, after extensive research, the Armaments Development and Production Corporation had developed and built a vehicle able to trace and destroy landmines planted by guerrillas.

During March the Prime Minister officially opened the recently completed subterranean maritime communications headquarters at Silvermine, sunk into the slopes of Constantia Mountain. The centre is stated⁶ to be able to remain operational even in the event of a nuclear or bacteriological attack. It contains computers which collate and process a continually up-to-date picture of air and sea traffic round the coasts of Africa. In time of war, they could predict the movement of enemy ships and aircraft and plan counter-action.

On 14 September *The Star* quoted two international magazines, *Air Enthusiast* and *Flight International*, in reporting that early in 1974 South Africa was to take delivery of the first of 48 Mirage F1 fighters (successors to the Mirage III). The initial batch would be constructed in France, but later the South African Atlas Aircraft Corporation would contribute some components, undertake final assembly, and, by 1977, produce the aircraft itself under licence. The F1 is stated⁷ to be able to land and take off in half a kilometre, and to attain a speed of Mach 2,2.

The overseas magazines stated that Italy was to supply South Africa with 20 Aermacchi MB 326 K single-seat close support and operational trainers. These are improved versions of the Impala being made under licence by the Atlas Aircraft Corporation. As the S.A. Air Force had ordered more than 100 of them, preparations were being made to phase the new model on to the Impala assembly line at Atlas. The S.A. Army Air Corps was to obtain 40 Aermacchi AM 3 C reconnaissance aircraft, it was stated.

VOTE FOR SECURITY SERVICES

Included in the Prime Minister's Vote from Revenue Account for 1973-4⁸ is an amount of R9 043 000 as a contribution to the Security Services Special Account created in terms of Act 81/1969. This is R3 543 000 more than the sum voted the previous year.

GATHERINGS AND DEMONSTRATIONS ACT, NO. 52 OF 1973

Terms of the Act

The Gatherings and Demonstrations Bill was introduced in Parliament early in May on the unanimous recommendation of the

⁵ *Star*, 17 January.

⁶ *Star*, 8 March; *Rand Daily Mail*, 9 March.

⁷ *Rand Daily Mail*, 16 April.

⁸ R.P. 2/1973, page 15.

ings of people who come together to view a funeral or an official function or procession, nor to any gathering or procession for which the Chief Magistrate of Cape Town has granted permission in writing.

Parliamentary debate

At the second reading debate in the Assembly, Mrs. Suzman moved that the Bill be read that day six months.

During the committee stage she opposed the measure clause by clause, moving various amendments,¹¹ and continued her opposition during the third reading. She received no support from the United Party, which had agreed with the National Party on the introduction of the Bill.

Interim proclamation

Various protests, described below, were held against this Bill while it was before Parliament.

On 16 May the Minister of Justice gazetted a Government Notice, under the Riotous Assemblies Act, which was effective up to and including 30 May (on which date the new Act was gazetted). It applied to the area defined in the Act, and, therein, prohibited the assembly in any public place in the open air of any public gathering of a political nature, or which was held in protest against anything. The magistrate of Cape Town was authorized to grant exceptions.

Protests against the measure

On the morning of 15 May, members of the Black Sash, carrying placards, stood in silent protest in Government Avenue, near an entrance to Parliament.

A citizens' protest committee organized a silent demonstration at lunch-time that day on the steps of St. George's Anglican Cathedral, nearby in Wale Street. A number of people representing various organizations or coming in their private capacities joined in this demonstration, watched by a large crowd. According to various reports¹² uniformed members of the police ordered the crowd to disperse, took the names and addresses of 47 protesters, and confiscated a poster reading "We protest". Questioned in the Assembly by Mrs. Suzman,¹³ the Deputy Minister of Police said that the persons concerned were required to furnish their names for the purposes of summoning should the public prosecutor decide to do so, in terms of an Administrator's Notice of 1946. The poster was confiscated in case it was required as an exhibit. The

¹¹ e.g. Hansard 14 cols. 6463-9.

¹² e.g. *Cape Times*, 16 May.

¹³ Hansard 14 col. 890.

47 persons were, subsequently, summoned to appear in the magistrate's court.

On the following day, a number of university students carrying placards staged a protest on the steps of the Cathedral. The Divisional Inspector of Police read out a notice signed by the Chief Magistrate, temporarily banning all gatherings at this venue in terms of the Riotous Assemblies Act. The police then arrested 42 students and one juvenile who did not disperse. The 42 persons appeared next day in the magistrate's court, and were released on bail of R10 each.¹⁴

On 17 May a large number of students staged a picket protest on the Orange Street campus of the university. Members of the public watched from outside. The police came several times to warn the students to disperse, and eventually arrested 21 of them. They were released on bail of R50.¹⁵

Shortly before the trial of the first group of 42 students was due, it was announced that the Attorney General had withdrawn the charges against them, and also against the remaining 21 students and the 47 members of the public.¹⁶

FOURTEEN-DAY BAN ON CERTAIN GATHERINGS IN PARTS OF THE TRANSVAAL

The death of Mr. A. E. Timol while under detention was described on page 98 of last year's *Survey*. The police alleged that he had jumped through a tenth-floor window at police headquarters in Johannesburg, where he had been taken for interrogation. At the inquest, the magistrate found that he had committed suicide, and that no-one was to blame for his death.

A multi-racial rally to commemorate his death and the deaths of 21 others while under detention was planned by certain members of the public, to be held on grounds open to the public in Vrededorp, Johannesburg, on Sunday, 21 October.

On 19 October Government Notice No. R1976 of 1973 was gazetted in terms of the Riotous Assemblies Act, prohibiting for a 14-day period the assembly in any public place in the magisterial districts of the Witwatersrand, Pretoria, the Vaal Triangle, Heidelberg, and Kempton Park, of any public gathering at which any form of state or any principle or policy of the government of a state "is propagated, defended, attacked, criticised, or discussed, or which is held in protest against or in support of or in commemoration of anything".

In a statement released to the Press on the same day, the Minister of Justice said, "I deem this action expedient for the maintenance of the public peace as a result of political activities by certain individuals and organizations". He added that, in terms

¹⁴ *Rand Daily Mail*, 18 May.

¹⁵ Various newspapers of 18 May.

¹⁶ *Cape Times*, 17 August.

of the definition of a public place contained in the Riotous Assemblies Act, public gatherings which took place within the walls of a building would not be affected. Magistrates had been authorized to grant exemptions.

Students of the University of the Witwatersrand obtained permission from the university authorities for the memorial meeting to be held in the University Great Hall instead. The authorities took no action to prevent this, and the meeting was held without incident.

BANNING ORDERS ON PERSONS

The latest official list of banned persons was gazetted on 20 July, in terms of Government Notice 1229: it contained the names of 29 white and 171 black persons. Comparing this with the previous official list, published on 28 July 1972, the Press concluded that 86 names had been removed and about 50 added.

During the year under review several people have had orders renewed for third terms of five years. They include Mrs. Mary Moodley of Benoni, Mrs. Jacqueline Arenstein of Durban, and Mr. Joseph Morolong. Mr. Morolong was originally banned in 1963 after serving two years' imprisonment on Robben Island for a political offence. Since then he has been confined to his father's isolated farm in the Vryburg district. From 6 am to 6 pm he may not move more than 2½ km from his hut on the farm. During the hours of night this distance is reduced to 50 metres. He is precluded from visiting even the nearest small store.

Again, a number of ex-prisoners have been served with banning orders on their release from jail. Such orders are usually for two-year periods; but five-year orders including house arrest were issued during May to Messrs. Indris Naidoo, Reggie Vandeyar, and Shirish Nanabhai of Johannesburg after they had served ten-year sentences for sabotage.

The banning of eight white leaders of Nusas and eight black leaders of Saso is described in the chapter of this *Survey* dealing with student organizations, while the subsequent banning of further blacks connected with the Black People's Convention and the Black Community Programme has been mentioned earlier. As Saso leaders were banned, others were appointed to take over their duties: some of these substitute officials were, in turn, shortly thereafter placed under restriction orders. At the time of writing seven of the substitute leaders had been banned, including the newly-appointed Saso president, Mr. Henry Isaacs. In terms of the orders, all except one of these leaders were, *inter alia*, prohibited from taking part in the activities of Saso or the BPC.

Three of the banned Saso leaders, Jerome Modisane, Bokwe Mafuna, and Nyameko Barney Pityana, were convicted of a contravention of their banning orders. Mr. Modisane's sentence was suspended, Mr. Mafuna's sentence was partly suspended (he was

jailed for three months), and Mr. Pityana was imprisoned for 18 weeks. Mr. Mafuna disappeared soon after his release: it was reported that he had left the country illegally. Philippe le Roux of Nusas was arrested for having left Cape Town, to which area he was then restricted, and attempting to escape from South Africa without a valid passport. He was found guilty, all but six months of his sentence being conditionally suspended. The Rev. Father Cosmas Desmond was found guilty of having attended a social gathering by meeting two friends. Sentence was postponed until the end of 1974. Harry Nengwekhulu and Miss Joyce Sikakane, who were under banning orders, are reported to have escaped from the country without detection.

When Julius Mkumbuzi contravened his order for a third time, previously-suspended sentences were brought into operation and he was jailed for 18 months. Henry C. Holland and Godfrey K. Beck received short sentences for minor infringements. Mrs. Winnie Mandela and Peter Magubane, both banned persons with previous convictions, were each sentenced to 12 months for having met one another, but were released on bail pending an appeal.

The orders previously served on Mrs. Amina Cachalia and Father Cosmas Desmond were temporarily relaxed on compassionate grounds. When Sabelo S. Ntwasa qualified at the Federal Theological Seminary at Alice he was granted permission to attend church services on Sundays: he could then assist in Anglican services as a sub-deacon although he could not preach sermons.

In terms of the Suppression of Communism Act, it is illegal to print and/or publish and/or disseminate the utterances or statements of a person subject to a banning order. According to various Press reports,¹⁷ on 3 January Mr. Patrick Laurence, a reporter on *The Star*, posted to a colleague in London, from a Johannesburg street letter box, an article quoting the banned former-P.A.C. leader, Mr. Robert Sobukwe, with a covering letter stating that this was intended for possible publication in *The Observer*. The documents are stated never to have reached Mr. Laurence's colleague. The envelope was, apparently, opened by an unknown person in Britain, and the documents were then sealed in another envelope and sent to the Commissioner of the S.A. Police in South Africa. On 3 August, Mr. Laurence was found guilty of attempting to publish the utterances of a banned person, and given a sentence of 18 months, conditionally suspended for three years.

BANISHMENT OF AFRICANS

The banishment of Africans in terms of Section 5(1)(b) of the Bantu Administration Act of 1927 has been described in previous issues of this *Survey*. Between 1948 and 1966 some 156 men

¹⁷ e.g. *Star*, 3 and 6 August.

and women were banished, often to remote farms for indefinite periods. It appears that, following extensive publicity, the Government has taken no action under this Section since then. From information given by the Deputy Minister of Bantu Administration in reply to a question in the Assembly on 27 March,¹⁸ it would seem that the last eight of the banishment orders that were still in force were withdrawn during 1972.

REMOVAL ORDERS IN THE TRANSKEI

Under the 1960 emergency regulations for the Transkei, which are still in force, authorized chiefs there may order any African to move with his household from one place to another in the district concerned, temporarily or permanently. Mrs. Suzman asked the Deputy Minister of Police how many persons were subject to such removal orders at the end of 1972, but was told¹⁹ that chiefs were not accountable to his department.

LEGISLATION DEALING WITH CITIZENSHIP AND RESIDENCE IN THE REPUBLIC

South African Citizenship Amendment Act, No. 41 of 1973

This Act amends section 19 *bis* of the principal Act of 1949. It provides for the deprivation of South African citizenship in the case of South African citizens who have also the citizenship or nationality of another country, where it appears not to be in the public interest that such a citizen should continue to be a South African citizen.

The decision of the Minister of the Interior with regard to the deprivation of citizenship is not subject to appeal to or review by any court of law, and no person is entitled to be furnished with any reasons for such decision.

During the second reading debate, the Minister stated¹ that these provisions were aimed at drug pedlars, but conceded that their application was not limited to such persons. Both the United Party and the Progressive Party opposed the measure on the ground that the powers to be assumed by the Minister were far too wide.

Aliens Control Act, No. 40 of 1973

The Aliens Control Act rendered it illegal for anyone to employ, have business dealings with, or harbour any alien who is not in possession of a valid temporary residence permit, and other than in accordance with any conditions specified in the permit. The

¹⁸ Hansard 8 col. 534.

¹⁹ Hansard 9 col. 615.

¹ Assembly Hansard 2 cols. 711-5, 729.

conditions may include the period during which the holder may remain, the area of the Republic in which he may be, and the type of work (if any) that he is entitled to perform. Specified categories of persons may be exempted by the Minister.

These provisions withdrew the concession in regard to work permits that had previously applied in the case of white citizens of Britain, Eire, Canada, Australia, New Zealand, Rhodesia, and certain other African states. Like other foreigners, those wishing to take up employment or to study at South African educational institutions must obtain permission before they enter the Republic.

The Act did not affect existing laws and regulations governing the admission of workers from southern African states who enter the country in accordance with special inter-state labour agreements.

TRAVEL DOCUMENTS

Statistics

Questioned in the Assembly on 15 February,² the Minister of the Interior said that statistics for 1972 relating to passports were not yet available. In 1971, 154 907 applications had been granted and 191 refused.

On 2 March, he stated³ that during 1972, three Whites, one Asian, and one African were granted and allowed to make use of permanent departure permits.

Some people who were refused travel documents

The withdrawal of the passports of members of the Christian Institute who refused to testify before the Schlebusch Commission is described on page 38.

Among other church workers who were affected during 1973 was pastor (Miss) R. Becher of the Methodist Church, who since 1967 had worked among the Coloured community in Cape Town. Her applications for a renewal of her temporary residence permit and for permanent residence were refused.

Two Dominican priests who had worked among Africans were refused re-entry permits after they had taken leave overseas: they were Father Peter Sanders and Father Edmund Hill. A leading Dutch theologian, Professor Hendrikus Berkhof, was invited to attend a workshop run by churchmen, most of whom were members of the three Dutch Reformed Churches, but when the authorities discovered that he was a member of the central commission of the World Council of Churches he was denied a visa. An American, Professor W. B. Keeney, was to have been seconded for two

² Hansard 2 col. 99.

³ Hansard 4 col. 268.

years to the S.A. Council of Churches, but his application for a temporary residence permit was unsuccessful. A visa granted to Miss Ann Lowell, an American church worker, was cancelled and she was deported. She had been secretary to the Rt. Rev. Colin Winter after the latter's expulsion from South West Africa in 1972. According to the Minister of the Interior,⁴ she had misrepresented the purpose of her visit, stating that it was for sightseeing, whereas in fact she wanted to involve herself in Bishop Winter's church affairs. Visas were refused, also, to two Lutheran ministers, the Rev. C. Krause and the Rev. J. Hasselhorn, who had been invited to attend a church conference in Johannesburg in October.⁵

Among members of the laity whose passports were withdrawn were Mr. Christopher Mokoditsoa and other Saso student leaders, and at least eight leaders of Nusas. Certain of these students were among those who were subsequently banned.

The leader of the Labour Party, Mr. Sonny Leon, applied for a renewal of his passport, and for passports for his wife, daughter, and son. All were refused. The circumstances and repercussions are mentioned on page 18. A few months after his banning order had been lifted Dr. G. M. Naicker requested passports for his wife and himself. His application, too, was rejected.

Two people who had been invited to a workshop of the Abe Bailey Institute of Inter-Racial Studies were denied visas: they were Mrs. Karin Himmelstrand of the Swedish International Development Agency and Mr. Phenius Sithole, a Rhodesian African trade union leader. (His co-delegate was admitted.) Miss Yuko Gijima from Japan, who was engaged to marry a white Natal farmer, was refused admission, as was an Australian student leader, Mr. Neil McLean.

Several medical men from overseas have been debarred from coming to or remaining in South Africa: this matter is described in the chapter of this *Survey* dealing with Health.

⁴ *Star*, 16 August.

⁵ *Sunday Express*, 30 September.