hem will make us more sensitive than we were, more ready to help and to heal. We are to know that this country, this world, this universe is indeed in the hand of God. It is further apparent that if we fail to apprehend the laws that govern all life, we may pay a price for our narrowness which includes our destruction. It is increasingly apparent that a man is fully, totally and completely interdependent upon all others, and that failure to realise this and act upon it will destroy all hope of peace within the wall and outside.

Sacred cows

We do not underestimate the difficulties. Even if we overcome our diffidence, our shyness over even *trying* to show compassion, we find ourselves up against the redoubtable dragons of Official Attitudes, National-ways-of-life, the sacred cows of commerce. Whatever can we do, faced with these foes? I believe we can act — as I have already said we must act — within the daily path of our life. If those paths are exalted, then we may indeed pass through the searing vapours of the largest and most formidable dragons. But for most of us it will be George Herbert all over again:

> Who sweeps a room, as for thy laws,
> Makes that and the action fine.

Thus it seems that we are called upon to act intelligently and compassionately within the normal framework of our lives. I have tried, through a quarter of a century, to express just this within the framework of an agriculturally bankrupt reserve, by being the best doctor I know how to be, and by teaching young women how to be good nurses, too. This has so clearly been to the benefit and support of the whole people that I am filled with wonder at being used, in a cynical age, half so effectively. But you're a professional do-gooder, you say; It's easy for you! I do indeed count it a piece of good fortune to have been able to be the doctor to a whole district, but I'm sure it does not have to be thus, balanced on the edge of eccentricity, that we can show compassion. Rather it is the lot of every Christian, of every true and intelligent man and woman, to show these qualities; it may be in our wages policy up at the factory; it may be in our needlework — sewing garments for cold, needy bodies; it may be in our professional skills; or in our prayers; or in our giving; or in our willingness to be humiliated along with those whose lot it is to be humiliated.

Here and now, and through all the days of our lives, we can show compassion. Here and now, put our compassion into effective action.

A House Divided

JOEL CARLSON

Mr. Carlson is a well-known Johannesburg attorney. This article is taken from the fifth Edgar Brookes Academic Freedom lecture which he delivered at Natal University at Pietermaritzburg.

ACADEMIC FREEDOM is the right to seek knowledge and to pursue the truth for its own sake. It is the right to critically examine truth, and to consider what ends society should pursue to achieve the common good. It must involve the right of free association with all persons, of free expression without restriction of any kind. It must involve the right to join with others in an effort to persuade the people and the government to accept the truth and act in accordance with it.

Our society is an unfree society. We have never known true academic freedom.

We have known the illusion of academic freedom and this has served to bolster the status quo and to isolate us from the truth of unfreedom and injustice.

The cause of those who are unfree, of those who suffer discrimination and injustice, is the cause of academic freedom too.

You have greatly honoured me by inviting me to deliver the 1970 Edgar Brookes lecture. I intend to tell you about the injustice of our society. I believe that while this injustice exists neither you, nor I, nor any of us, will ever be free.

I have taken as criteria of a free and just society the Articles of the Declaration of Human Rights signed on December 19th, 1948, by member states of the United Nations Assembly without a dissenting vote. (South Africa, the Soviet bloc and Saudi Arabia abstained from voting).

Article 21

(1) Everyone has the right to take part in the government of his country, directly or though freely chosen representatives.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine election which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Our Republican Constitution (Act 32 of 1961, Sec. 59) provides that:—

"Parliament shall be the sovereign legislative authority in and over the Republic, and shall have full power to make laws for the peace, order and good government of the Republic."

Parliament is elected by an all White electorate. Only Whites may be elected to Parliament and Parliament makes laws the validity of which cannot be enquired into or pronounced upon by any Court. The Black people of our country exercise no control whatsoever. Their consent to legislation is not required and is not sought.

In fact, the law is that Africans are ruled by decree. The State President in African areas is Parliament. It is competent for him to repeal the Common Law or any Statute Law. (This was said by our Appellate Division in 1950 (Rex vs. Maharaj 1950 (3) S.A.L.R. 187, at 194)).

In terms of the provisions of the Act, the State President may, in his sole discretion and without prior notice to any person concerned, order, as he sees fit, that any tribe or any Bantu shall withdraw from any place and be removed to any other place. The Court cannot interfere. (Mabee vs. Minister of Native Affairs 1958 (2) S.A.L.R. 506).

To stop interdicts against authority by people affected by such orders, the State went further and passed the Bantu (Prohibition of Interdicts) Act No. 64 of 1956. Section 2 provides:—

"Wherever any Bantu is or has . . . been required by any order —

(a) to vacate, to depart, to be affected or removed from, not to return to, not to be in or not to enter any place or area,

(b) to be removed from any place to any other place,

(c) to be arrested or detained for the purpose of his removal . . .

no interdict shall issue for the stay or suspension of the execution of such order or or the removal . . ."

There is no appeal or review by the Court of such orders. In fact, no case has ever been brought to Court since the law was passed.

Rule by proclamation is complete. The Courts are excluded. The White Parliament has appointed officials to make, change and enforce the law over the lives of Africans.

To demonstrate the complete power which delegated officials have in exercising rights conferred by law, the Appellate Division held in 1958 (1) S.A. 546, that the official in exercising his discretion is free to exercise it absolutely. The official is under no obligation whatsoever to acquaint an applicant with any information or reason upon which his decision is based.

It is clear, therefore, that in African areas the rule by official decree is absolute and unchallengeable. Those affected have no say whatsoever in the orders affecting them.

Article 13 (1)

"Everyone has the right to freedom of of movement and residence within the borders of each State."

But in South Africa in our Urban Areas extraordinary powers are again granted to officialdom to control the lives of Africans by this official decree and by their decisions.

The Bantu (Urban Areas) Consolidation Act No. 25 of 1945 provides for such regulation and control of Africans in Urban Areas. There are far too many restrictions to enumerate, but among them are these:—

1. The right to acquire any land in an Urban Area is restricted.
2. The right to attend any Church service or function, any school, or hospital or club is restricted.
3. The right to attend any place of entertainment in an Urban Area, outside a Bantu Area, is restricted.
4. The right to hold any meeting or gathering attended by Africans, is restricted, as is the organising of such meetings.
5. No African has the right to be or remain in any Urban Area for more than 72 hours without permission. The refusal of permission cannot be challenged in Court, but an administrative appeal is possible.
6. The right to be, remain, reside and work in an Urban Area is restricted. Redundant Africans, also referred to as superfluous appendages, such as the elderly, the sick minor children, may be endorsed out of an Urban Area by these officials.

These are dry legal phrases, parliamentary jargon — but how the words spring alive, and acquire meaning for those affected by them.

Article 7

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to *equal protection against any discrimination* in violation of this Declaration and against any incitement to such discrimination".

Group Areas

The Physical Separation of the races is provided for by the Group Areas Act. Here again it is government by decree and proclamation. The State President, after hearing from his Group Areas Board, proclaims group areas. The Courts have not been excluded from enquiry into actions taken under this Act, but have in effect excluded themselves from enquiring into the justice and fairness of the treatment meted out by authority.

In 1961 the Appeal Court was asked to set aside a Group Area proclamation in favour of Whites in Durban and discriminating unfairly against Indians. The Indians complained of the striking disparity between the accommodation, housing and amenities available in the White and non-White group areas. They said there was no reasonable prospect in the foreseeable future of suitable accommodation or amenities being made available in the non-White Group Areas. They complained further that this showed a partial and unequal treatment to a substantial degree between members of the White and the Indian group. They said that the Act did not authorise such a degree of discrimination.

The learned Appeal Court ruled (1961 (2) S.A. 602):—

"The most important question raised is whether the Act empowers the Governor-General-in-Court (now the State President) to discriminate to the extent of partial and unequal treatment to a substantial degree between members of the different groups as defined . . . The Group Areas represents a colossal social experiment and a long-term policy. Parliament must have envisaged that compulsory population shifts of persons occupying certain areas would inevitably cause disruption or, within the foreseeable future, substantial irregularities. Whether this will ultimately prove to be for the common weal of all the inhabitants, is not for the Court to decide."

The Court therefore, held that the foreseeable discriminatory results complained of in this case were authorised by the Act and the complaints were therefore in effect dismissed.

The number of people uprooted by the Act is not readily and fully ascertainable. But in Parliament the Minister said:—

1,318 White families were disqualified and 1,196 resettled. 68,897 Coloured families were disqualified, and 32,240 resettled. 37,653 Indians were disqualified and 21,939 resettled. 899 Chinese were disqualified and 64 resettled. Over 108,000 *families* have been moved. Only about 5,000 Whites are affected.

Significantly enough, neither the Minister, nor anyone else, has accurate figures for the number of Africans moved. But a number of organisations have reported on resettlement camps or villages such as Limehill, Morsgat, Stinkwater, Sada and many others. The conditions permitted by authority and existing there are described as some of the most tragic and horrible that exist anywhere in the world today. To argue that there are some places and people in the world in fouler and more cruel conditions is an argument that disgusts in this richly endowed society.

Article 23

"(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without discrimination, has *the right* to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and join

> Without free speech no search for truth is possible; without free speech no discovery of truth is useful; without free speech progress is checked and the nations *no longer march forward toward the nobler* life which the future holds for man. Better a thousandfold abuse of free speech than denial of free speech. The abuse dies in a day, but the denial slays the life of the people, and entombs the hope of the race.
>
> *Charles Bradlaugh*

trade unions for the protection of his interests."

How do we measure up to Article 23?

The case of Joseph

Joseph and his friend Ben were born in a rural area some 150 miles from Johannesburg. Many years ago they came to Johannesburg and worked for one employer. They returned home as migrant labourers, paid the rentals for the houses occupied by their wives. sent their children to school, paid their taxes. They were law abiding citizens. After working in Johannesburg for about five years for the same employer the Location Superintendent talked to them one Christmas. He said it was not good for the women to live in his location while the men worked in Johannesburg. He said they must come back and work in the area. If they did not do this he would eject them from their houses. Well Joseph had ten children and Ben six children and if they were ejected where else in the world would they get permission to be and remain to work in. So they reported to their employer. The employer did not want to lose them. They were "good boys" so he personally spoke to the local Superintendent "very nicely", and it was agreed that they could stay another year or two.

Then it was enough and they were compelled to leave and go "home". By this time they had improved their houses, one of them spending R550 on improvement and the other R350.

At "home" they took out licences to trade and both carried on their own trade quite separately. There were once again successfully earning a living.

At the beginning of the next year he told the Magistrate not to grant them new licenses. This was improper and after a dispute the Magistrate granted licenses.

The Superintendent called Joseph and Ben. He said he was the sole lawgiver and what he said was law and he would not allow them to carry on their present occupation. He said no "Kaffir" should have any business and they must give it up. They must find work for a "White Baas" where they would work from 7 a.m. to 5 p.m. If not he would eject them from the location.

They continued with their lawful business. The Superintendent refused to accept their rentals and then gave them notice to quit the location for failing to pay rent.

Urgent applications were brought. As a result the notices were withdrawn and the Municipality paid the costs. They are still in the location.

The right to work and wages

The Secretary of the Chamber of Commerce reported that for the year 1968/69 the average earnings for White employees was R260.00 per month. For Africans it was R47.00 per month. During the same period, in the mining industry, the richest and most profitable industry in our country, White miners earned R297.00 per month on average, and Africans R18.00 per month. The minimum rate for an African miner is R10.80 per month. and fringe benefits amounting to R7.60 per month. This is what is paid for one of the world's most dangerous forms of employment. The Government Mining Engineer reported in 1969 that White miners earn 16½ times as much as African miners. The African mineworkers constitute 89% of the mineworkers.

A financial journal said in April last year (Financial Mail. April 18, 1969):—

"This is a shocking state of affairs which would never have been tolerated if the African community had the political influence of trade union power."

Africans have no registered trade unions. Strikes for higher pay are forbidden. Their productivity potential is ensnared by a complex mass of laws restricting education. employment and mobility. They have no say in the Government they are called on to finance.

In Natal about 50% of Indians live below the poverty datum line. In Johannesburg 68% of Soweto families live below the estimated minimum family budget.

Taxes

Yet the poor. the Africans. who have no vote. are more heavily taxed than Whites.

All African men over 18 have to find R2.50 per annum. plus a local tax of R1.00. plus other local levies. which vary from place to place. If Africans earn more than R360.00 per annum. they pay income tax. Whites start paying tax when their income is R750.00 or more for single men. and R1,000.00 or more for married men. Whites obtain tax relief for dependants. Africans do not. Whites obtain refunds if P.A.Y.E. deductions are higher than the tax. Africans do not receive refunds unless the Secretary for Bantu Affairs specifically authorises it.

Article 26 (1)

"Everyone has the right to education. Education shall be free. at least in the element-

ary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be more generally available. Higher education shall be equally accessible *to all* on the basis of merit."

In South Africa the per capita expenditure for Africans is R13.5 per child per annum. On Whites it is R114.1 per child per annum. Education for Whites is compulsory and free. Africans pay for their buildings, their books, as well as school fees.

Article 25 (1) says:—

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disablity, widowhood, old age or other lack of livelihood in circumstances beyond his control."

Malnutrition and disease are rife among the black population. To take one example recently quoted. (Evening Post, August 22, 1970). There was a rise of 600% in the incidence of kwashiorkor at the Non-White Hospital in Port Elizabeth.

In 1964 their figures given was 166 cases, and in 1968 this had risen to 766 cases. Kwashiorkor causes permanent brain damage. Pellagra (a vitamin deficiency disease) accounted for half the African admissions to the Pretoria Mental Hospital. Kwashiorkor kills 40% of Transkeian children before they reach the age of 10. (Star, March 14, 190).

In 1968 alone the number of notified *new* cases of T.B. was 61.292 Africans, 7.418 Coloured and 921 Whites. These figures exclude people suffering from T.B. before 1968. The M.O.H. Vereeniging reported in his Annual Report, 1968:— "The main problem of T.B. is still the disrupting influence not only on the health of the victim but also on the life of the family." He describes vividly how the family is affected and concludes, "For this reason it is alarming to find that one is sometimes expected to return cases to the 'Homelands' when it is known to all that no facilities exist in this district for adequate treatment and hospitalisation which is invariably necessary in the initial stages."

The M.O.H. of Kingwilliamstown gave the infant mortality rate for 1969 as 124.22 per thousand for Africans. The rate for Whites has been stated as 21.2 per thousand, and for Coloured as 132.0 per thousand.

That is how we cater for the health and well-being of some of our people.

Torture

Although it sound an anachronism to talk of torture in the Twentieth Century, that it is necessary is apparent.

Article 5

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

I refer you to the publication of the Institute of Race Relations, "The Pass System and Detention". There I set out on pages 4, 5, and 6, some of the abhorrent features of our law which are contrary to civilised legal systems everywhere. I also detail the effects of sensory deprivation. I refer, too, to the unhappy number of deaths in detention, and the regular and sustained complaints of unlawful methods of interrogation.

The Minister, in terms of the law, is policeman, prosecutor and judge in his own cause. He told Parliament on September 10th, 1970:—

"At present there is a charge pending against 20 Accused. I do not want to discuss the case now, because it is, of course, sub judice, but this shows that we have done precisely what we envisaged. These persons (the 20) are eventually, after proper interrogation, brought before the Court. The Honourable members must realise that you are dealing here with shrewd people . . . you do not get the truth from them; you must detain them; you must interrogate them and interrogate them again. They have been taught to keep secrets . . . Their instructions were that as soon as they were detained, they were to complain that they were being tortured; that they must at all costs accuse the police of maltreatment and that they must do various other things. This is the type of person you are dealing with here."

The Minister did not say that their instructions also were to step on soap, fall in showers or meet their death in other unhappy circumstances — nor did he comment on the number of deaths in detention.

Then why, I ask, does the Minister not expose them as the lying propagandists it is claimed they are? There has been opportunity time and time again to expose them, but the opportunity has not been taken.

Let us assume, as we must, that the Minister would not tolerate torture being practised by any of his interrogators. However, the law itself provides for indefinite detention in soli-

tary confinement, and this is a form of sensory deprivation, which has been described as torture. The detainee is held incommunicado. He has no access to his wife, or family, his lawyers, the Courts, a Minister of religion, nor have the Courts, or any person, any right to see him, but he may be visited once a fortnight by a magistrate, if circumstances permit. No one doubts the Minister has a duty to ensure the safety of the people and secure peace and order. He also has a duty to safeguard the life, liberty and security of the individual.

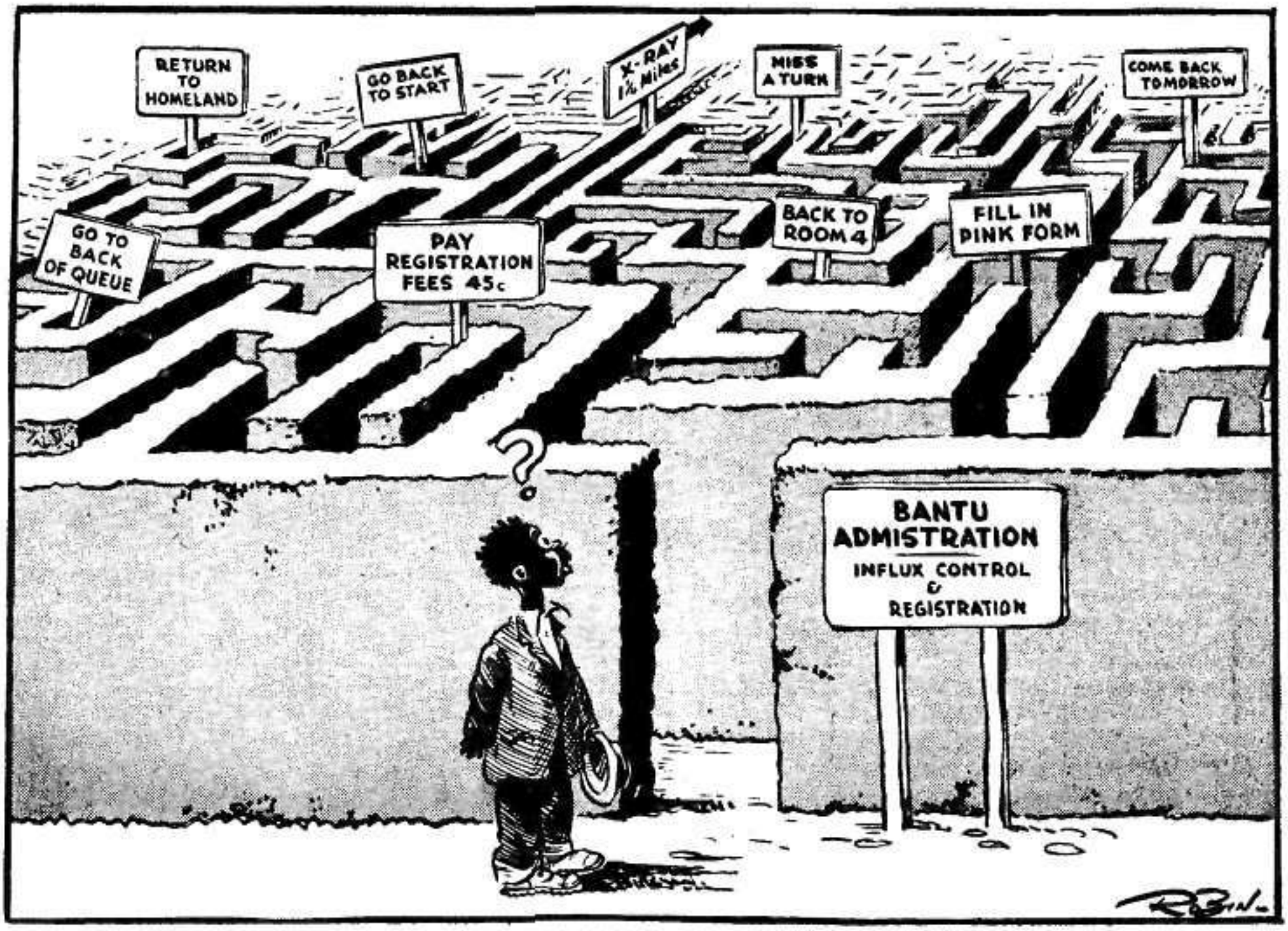
At the least it can be asked whether the Minister is not over-apprehensive and sedulous in accepting the existence or imminence of a danger and hastens to ban people regarded by the Courts as innocent. Innocent, too, of *all possible* charges which could have been brought against them after 17 months of detention, and after being interrogated again and again, as he says.

It is, I submit, the Minister's duty to investigate serious complaints made by people held in custody. It is his duty to investigate and pursue the truth in such case and to prevent it, whatever it is. If an investigation shows that complaints are lies, the Minister will gain a great propaganda victory. If the truth of the complaints is established, the Minister can bring the culprit to book, and the good name and respect of his department will be upheld. Such action would only be in the interest of peace, order and good government. Either way, the Minister will rightfully be highly regarded.

When procedural safeguards of liberty are removed by law, the Minister must exercise particular care to protect the individual.

In an address to the American Bar Association in 1968, Professor Larsen, a great American jurist, and one of President Eisenhower's personal advisers, said this about the Terrorism Act:—

"If you pass a statute which gives the police and the executive authorities free reign to



LOST JOURNEY INTO BUREAUCROSTAN

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do almost anything they please in the way of violation of human rights, and then excuse this by saying that you will of course rely on the discretion of the authorities not to abuse this power, you have for all practical purposes thrown away law and substituted unlimited personal tyranny."

This opinion is universally held. Our Bar Councils, too, have condemned this measure.

How did the Minister and his officials act when these complaints were brought to Court?

I will detail only one of the many such cases. I know of at least 50 such complaints. I have said this to officials of the Minister, and have sought an airing of the matter in Court, but without success.

Some six years ago I wrote to the then Minister of Justice, now Prime Minister, telling him of another 20 or 30 complaints, and asked him to appoint a judicial enquiry. He asked me rather to submit the evidence to him, but this I was not entitled to do as the complainants feared victimisation, and I explained this. No such commission was established. Will it ever be? Are all such complaints to be dismissed out of hand as lies? Is this a judicious and proper way to treat the matter?

Gabriel Mbindi

In May, 1967, a 68-year old grandfather was detained under Section 6 of the Terrorism Act. He was held from the end of May to the end of November, before being questioned. Gabriel Mbindi, for that was his name, then gave information to fellow-prisoners about his interrogation. He said that on the 28th November, 1967, during interrogation by the Special Branch he was assaulted by the Security Police. He said:—

"(1) He was handcuffed to an iron water pipe in such a manner that his feet barely touched the floor.
(2) He was blindfolded.
(3) Then the Security Police struck him many blows on the face with their fists: kicked him and theatened to kill him.
(4) As a result of this assault his face was swollen and his ears became painful.
(5) The purpose of the assault was to elicit further information from him."

He feared further assault and asked his fellow-prisoners to help him. They did. One of them brought an urgent application on December 18, 1967. The Court was asked to order that Gabriel be brought to Court for the purpose of giving evidence about the assault, or to direct that an affidavit be taken from him by a person appointed by the Court. An interdict against further assaults was also sought.

The Applicant said in his affidavit:—

"I have every reason to believe Gabriel is truthful in his allegations in view of the fact that I and many of my co-accused have been similarly assaulted by members of the Special Branch during our detention, and from my own experience I state that Gabriel is justified in fearing that he will be assaulted again in future".

A number of other fellow-prisoner occupying the same wing of the prison confirmed that they too had heard Gabriel's complaints and believed him as they too were cruelly assaulted by the Security Police and that this took place during detention and interrogation.

One Simoen said that at a police station he had been handcuffed to a window frame — his arm was broken and he was in leg irons. In this position he was electrically shocked.

Another prisoner Kaleb said he was punched until he fell down. He was then handcuffed to an iron water pipe from which he was suspended. Whilst in this position he was struck many blows. He said he was blindfolded with a wet cloth and electric shocks were administered.

Six further affidavits were filed. Statements were minuted from some thirty people whom Counsel subsequently saw .

In Court, on Decemebr 19, 1967, an interim interdict was granted and the matter was postponed to January 23, 1968.

On the day following the first hearing of the matter, a Special Branch policeman attended on the Applicant and one of the other men who gave affidavits for Gabriel, and attempted to obtain affidavits from them, allegedly by threats. It was claimed that he acted improperly. The said lieutenant also then took an affidavit from Gabriel.

The Minister later filed an affidavit saying that he had read the statement taken from Mr. Mbindi and submitted that, in his judgement, "it would serve no purpose and would in no way be essential or advantageous to the interests of a proper adjudication of this application to order that any further affidavit be taken from Gabriel Mbindi by any person whomsoever." The Minister then refused to disclose to the Court the affidavit taken by the said lieutenant from Gabriel Mbindi.

Other affidavits were filed on behalf of the Commissioner of Police, by the interrogating officer and by African constables who acted as interpreters. They all denied emphatically

that any assaults as alleged had ever taken place.

A special head warder appointed to deal with political prisoners filed an affidavid setting out how he always carefully examined such prisoners immediately before and after their interrogation, and he had seen no visible injuries on Gabriel, but said Gabriel was a little deaf — and had been so on his first admission to prison. He was sure he would know about any assault if it had taken place. He, too, denied the assault.

But on November 30, two days after the alleged assault, the District Surgeon found an elongated perforation of the right ear, but said he received no complaint of assault and said he saw no marks of an assault.

However, on December 21, two days after the matter was heard in Court, Gabriel was taken to an ear, nose and throat specialist, who noted his complaints of pain in the right ear. On examination this specialist found two perforations of the ear drum. The apparent cause was increased air pressure in the outer hearing channel, "probably caused by a blow on the ear".

Furthermore, the specialist said, "The injuries did not appear to be older than three months and were not more recent than a week" (the period he was in detention).

In the left ear the specialist also found other injuries, which, he said, "could probably be attributed to a sharp instrument being pushed about two inches into the ear".

Nine magistrates filed affidavits and said none of the detainees complained to them about assaults.

In reply, the Applicant said he and his co-accused gained the impression from the Magistrates in general, "that they were more concerned with matters relating to prison conditions than in assaults by the Security Police. Consequently . . . there was no point in continuing to make complaints of assault and we confined our complaints to matters relating to our condition in prison. These complaints were noted and often attended to."

One Magistrate stated that he had received a complaint from Mbindi.

In January, when the matter came to court, it was postponed for about a month as the Judge said it was not urgent. One afternoon, early in February, I was informed by phone that Gabriel would be released in Windhoek next morning. I flew to Windhoek immediately, and saw Gabriel together with his wife. *This was the first time I had seen Gabriel,* and I asked him whether he wished to give me an affidavit regarding the assault. I told him the choice was his, and that it would be understandable if he declined. His wife advised him not to give me an affidavit, but he insisted on telling me what he said was the truth, because, he said, "I am old, I am nearly dead and what more harm can be done to me?" He then confirmed the allegations of assault. He also said the police had obtained a statement from him after they had promised to release him. He said he had been paid R92.00 as witness fees.

After filing his affidavit, the Minister then filed the affidavit his investigating officer took from Gabriel. It showed that at first Gabriel stated he had been assaulted and after a police interpreter appeared he denied being assaulted. The papers before the Court alleged that a systematic course of torture was being conducted by certain interrogating officers. The matter was set down for trial. Senior and junior counsel then saw 27 persons on Robben Island and consulted with them on their being similarly assaulted. Thereafter the State Attorney made approaches for a settlement. The "Rand Daily Mail" reported (on Friday, November 1st) as follows:

Under heading, "Assault is alleged: State Pays R3,000 costs", the story reads:—

"A Supreme Court case in which Ovambos held under the Terrorism Act alleged 'cruel and brutal' assaults — including electric shock torture — by members of the Security Branch has been settled out of court a month before oral evidence was to have been called on the claims.

"The matter was set down for the hearing of evidence in the Supreme Court, Pretoria, next Tuesday. It has now been taken off the roll.

"In terms of an agreement reached between the parties, the State has paid R3,000 towards the costs of an application made in December last year for a Court order to protect a 68-year old Ovambo detainee, Mr. Gabriel Mbindi, from assaults by the police.

"The money has been paid 'without prejudice and without any admissions whatever of the truth or correctness of the affidavits filed in support of the application, especially in relation to alleged assaults'.

"The money has been accepted by the Applicant's attorney, Mr. Joel Carlson, 'without any admission of the truth or correctness of the affidavits filed in support of *the respondents.*"

So much for Article 5 of the Declaration.

In fact, there is not one article in the whole Declaration to which we adhere. Perhaps this was why, with rare honesty, South Africa did not sign the Declaration.

Black feelings

Whilst this may not disturb many White South Africans, we should be sensitive of the feelings of millions of Black South Africans.

A South West African man convicted under the Terrorism Act addressed the Court in these words:—

"My Lord, we find ourselves here in a foreign country, convicted under laws made by people whom we have always considered as foreigners. We find ourselves tried by a Judge who is not our countryman and who has not shared our background . . .

"We are Namibians and not South Africans. We do not now, and will not in the future recognise your right to govern us; to make laws for us in which we had no say; to treat our country as if it were your property and us as if you were our masters. . . .

"The South African Government has again shown its strength by detaining us for as long as it pleased; keeping some of us in solitary confinement for 300 to 400 days and bringing us to its Capital to try us. It has shown its strength by passing an Act especially for us and having it made retrospective. It has even chosen an ugly name to call us by. One's own are called patriots; or at least rebels; your opponents are called Terrorists."

After setting out his people's complaints and lack of rights he goes on to say:—

"I do not claim that it is easy for men of different races to live at peace with one another. I myself had no experience of this in my youth, and at first it surprised me that men of different races could live together in peace. But now I know it to be true and to be something for which we must strive. The South African Government creates hostility by separating people and emphasising their differences. We believe that by living together, people will learn to lose their fear of each other. We also believe that this fear which some of the Whites have of Africans is based on their desire to be superior and privileged and that when Whites see themselves as part of South West Africa, sharing with us all its hopes and troubles, then that fear will disappear. Separation is said to be a natural process. But why, then, is it imposed by force, and why then is it that Whites have the superiority?

His closing words are a challenge to our society:—

"We believe that South Africa has a choice either to live at peace with us or to subdue us by force. If you choose to crush us and impose your will on us then you not only betray your trust, but you will live in security for only so long as your power is greater than ours. No South African will live at peace in South West Africa, for each will know that his security is based on force and that without force he will face rejection by the people of South West Africa.

"My co-accused and I have suffered. We are not looking forward to our imprisonment. We do not, however, feel that our efforts and sacrifice have been wasted. We believe that human suffering has its effect even on those who impose it. We hope that what has happened will persuade the Whites of South Africa that we and the world may be right and they may be wrong. Only when White South Africans realise this and act on it, will it be possible for us to stop our struggle for freedom and justice in the land of our birth."

"We are now going to pay particular attention to the area, and will clear it of tsotsis. We know that our actions will lead to a lot of indignant letters to the Press accusing us of being inhuman, and arresting people without cause.

But, if anybody who looks like a tsotsi cannot produce a reference book, or proof that he has a job . . . out he goes."

Brig. H. P. van R. Steyn,
District Commander of Police,
Johannesburg.

These are feelings not often heard by whites in South Africa. The choice he puts before us is a profound one.

Violence

Dr. Milton S. Eisenhower was appointed by the President as the Chairman of the American "National Commission on the Causes and Prevention of Violence". It presented its report in December, 1969. In the Introduction at p. xix. it says:—

"That kind of society where law is more feared than respected, where individual expression and movement are curtailed is violent too — and it nurtures within itself the

seeds of its own violent destruction".

Violence today in South Africa is the arbitrary arrest of a person and his indefinite detention in solitary incommunicado, for the purpose of endless interrogation. Violence is punishment without trial where the Minister is policeman, prosecutor and judge and the person punished cannot even be heard or know the charges against him. Violence is a system of informers and arbitrary restrictions where the individual is unsafe and unsure of his actions or his future. Violence is the refusal to educate all sections of the population to the best of their ability. Violence is the forceable removal of persons from their homes and the breaking up of family life. Violence is the failure to provide sufficient medical care and food and allowing children, and men and women to die of starvation or preventable diseases. Violence is the regimentation of people and limiting their right to work, play, travel and live where they will.

Truth

This is the truth about our society today. But it is no longer sufficient to say, "Ye shall know the truth, and the truth shall make you free", for knowing these truths will free us only from the power of propaganda, illusion and the will to self-deception. We have to act on the truth to obtain justice and a free society. We can act as a university, we can act in the smaller groups that we choose to belong to, we can act in our professional, religious and cultural organisations, and in our work situations. But first and foremost we must act as individuals.

To those who fear change we must show courage. To those who resist change we must show determination. We must remain firm in our resolve to bring about real and lasting change. We must at all times act with dignity but with decision. If we persevere we will succeed. And we will establish a just and free society for all.

No more marches?

There can be no doubt that the General Law Further Amendment Act is a further diminishment of the right to peaceful protest. Clause 15 removes from local authorities the power to decide whether or not protest marches can be held and vests this power in a magistrate. While it has in the past been possible for an organisation wishing to hold a protest march to make its representations to the local authority, there is now no provision made for such an approach. In fact, even if the local authority grants permission, this has to be ratified by a magistrate.

In any democratic country the rights of citizens to voice their public protest are jealously guarded. The authorities recognise their duty to protect freedom of speech and expression and to ensure the safety of those taking part in peaceful protest. The right to criticise is a fundamental ingredient of democracy and protest is an expression of that criticism.

In this country, however, criticism has been equated with un-South Africanism and protest with disloyalty. Over the years there has been a series of restrictions placed on protest by legislation and an increasing reluctance on the part of the police to afford the protection which it is their duty to provide.

The debate in Parliament has once again indicated that the Government has no interest in maintaining due democratic process and that the official opposition is no longer able to recognise this.

The real issue is not in whom the power is vested. The clause is a further violation of democratic principle and a diminishment of the right to protest. It is a sad reflection on political life in this country that Mrs. Suzman was the only Member to condemn this clause. It is a matter for shame that not a single member of Parliament supported her.

(Transvaal Region of the Black Sash)