

MASS ARRESTS AND MASS TRIALS

by AN ADVOCATE

MASS arrests have become traditional in our country. In 1956, 1,760,237 Africans were convicted of petty statutory offences, the majority of which included contraventions of the pass and curfew laws. The total number of arrests is much higher than this. About 200,000 had the good fortune to be acquitted and an unknown number vanished between the charge office and the courts because they were given Hobson's choice, either to appear in court or to undertake farm labour. It is therefore no exaggeration to say that annually one-fifth of the African people are arrested for crimes which are peculiarly South African. The processions of manacled men; the congested charge offices; the overworked court officials and superficial trials are features of these mass arrests.

An analysis of the evils of this irritating practice of arresting Africans for petty offences has been the subject of Government Commissions and numerous articles and need not be repeated here. Two aspects, however require consideration. Firstly, what is the purpose of this obnoxious practice? And secondly, what are its effects on the courts and the right of the accused to a proper defence?

These mass arrests are the government's reply to the revolt of the Africans against the feudal labour conditions which prevail on the farms. The dragnet is an attempt to prevent Africans from escaping from farm labour to comparatively better conditions in the urban areas. There is very little which distinguishes these raids and arrests from the barbaric practice of raiding primitive communities for slaves. The purpose is the same: to satisfy the greed for cheap labour, of a heartless, selfish, and mean farming class. A large proportion of those who are convicted and cannot pay their fines end up in the 30-odd farm prisons which have been erected by Farmers' Associations with the blessings of the government. The official Year Book states that:—

"With this system the department achieves three objectives: Firstly, the employment of non-White prisoners in congenial (!) occupation; secondly, relieving the congestion in its larger urban prisons and gaols, and thirdly, removing the native from the environment which led to his downfall."

The Department has been so successful in its objectives that the number of farm prisons have doubled over the last four years, and its coffers have been swelled by a handsome income of £400,000 per year.

Mass arrests have corroded the judicial process. When the courts have to deal with an unending stream of accused every day, it is not surprising that justice tends to be administered with feverish impatience. The 'trial' of the accused is reduced to neat snappy formulae, which are exchanges between the prosecutor, the magistrate, and the accused. The charge is recited — the accused pleads guilty — the magistrate asks him if he has anything to say — whilst he is saying it the magistrate completes his entries — then comes the standard sentence.

These courts believe in brevity and economy of words from the accused. If the accused pleads not guilty, he upsets the routine, and the prosecutor invariably asks for a remand, to search for the policeman who arrested the accused. This might mean a few more days in prison for the recalcitrant accused. Later he might be recalled by the prosecutor and asked if he still persisted in his plea, by this time of course, the prospect of spending a number of fruitless days in jail might have made him more co-operative, and he changes his plea to allow the routine to take its course.

So alien are the normal practices of justice becoming in these courts, that the appearance of a lawyer to defend an accused is regarded as an attempt to waste time and an interference with smooth routine. Usually the prosecutors are keen to get rid of properly defended cases by withdrawing against the accused. These mass arrests have imposed upon some of the courts, a style of work, and a duty which is foreign to them, the duty of becoming the administrative machines of fascist labour schemes.

In any other country, these huge figures of people arrested, the abuse by the government of those convicted, would be sufficient to create an outcry, loud enough to require the government to make radical changes, or suffer at the polls for not doing so. Not so in South Africa. These figures are vote-catchers and demonstrate the efficiency of the Government.

ARRESTS FOR STRIKES

Since 1953, new forms of mass arrests have emerged and share the cloak of tradition. The Native Labour (Settlement of Disputes) Act prohibits strikes by African workers, and it ushered in a period of mass arrests and mass trials of workers. The statistics of these trials are not easy to find, but according to the Annual Survey of the Institute of Race Relations, in 1956 there were 21 trials in which strikers were prosecuted and in 16 cases, 524 Africans were convicted. In 1957, there were 20 trials involving 539 workers. The following figures will give an indication of the sizes of mass trials in some of these industrial cases:

1956 — 30 workers from a factory, Peanut Products.

2,000 workers from Amato Textile.

28 workers, Bus drivers and Conductors.

50 workers from African Lamps.

1957 — 65 workers from West Rand Dry Cleaning.

60 workers from Lecol Products.

1959 — 212 mine workers in Ventersburg.

289 workers employed by H. Jones (Canning).

This is by no means an exhaustive list. The Native Labour (Settlement of Disputes) Act has a clear purpose, to outlaw collective bargaining and to strangle and destroy Trade Unions among African workers. It is designed to render the worker defenceless against exploitation and dependent upon the "benevolent" intercession of Government arbitration. The Act is an adaptation of fascist and nazi forms of control over the workers. The trials are a means of persecuting and intimidating the workers to make them accept this fascist relationship between employer and employee.

POLITICAL TRIALS

The technique of mass trials is also being employed to stifle political resistance in the country. The Treason Trial in which 156 persons were arrested has received so much publicity that it is not necessary to deal with it in detail. But it is not the only mass political trial.

In the last few years there is no government scheme which has been so vigorously opposed as the extension of the pass laws to women. The history of that scheme is full of the heroic demonstrations, processions and other forms of protests by women particularly those in the rural areas. Many of these demonstrations took place despite the presence of a large number of well-armed police. The Nationalists were shaken by the growing resistance of a group which they had regarded as docile. The government then decided to smash this resistance. The following indicate the places where demonstrations were held and the mass arrests which followed:—

LICHTENBURG: During November 1956, 1,000 women protested against passes — 15 alleged leaders were arrested and tried.

STANDERTON: July, 1957 on the day of the issue of reference books 914 women marched to interview the Mayor, they were arrested and appeared in court in groups of 39.

BALFOUR: Reference books were destroyed in July, 1957 and a number of women were arrested and tried.

ZEERUST:

Linokana: Reference books were destroyed and a large number of women arrested.

Gopane: Reference books were destroyed and 266 women were arrested.

Witkleigat and Motsoedi: Reference books were destroyed and 30 women were found guilty.

In addition to these arrests at Zeerust there were some 200 men and women who were charged with various offences arising from disturbances which occurred as a result of the tension created by the issue of reference books in the Reserve.

These all awaited trial in the Supreme Court and some had to wait as long as 10 months in prison before they were ultimately brought to trial in groups varying from 5 to about 45.

In Johannesburg in November, 1958 the government began to issue passes to women. Demonstrations took place as a result of which some 2,000 women were arrested in batches ranging from 50 to 650. The women were brought to trial in various batches.

Apart from the struggle of the women against the passes, two other issues have given rise to mass trials. The one was the stay-at-home which was organised during election week in 1958, and the other is the imposition of the Bantu Authorities Act and the resultant resistance of the Bapedi in Sekhukhuniland. In regard to the first, after the stay-at-home over 40 men and women were charged in Johannesburg with inciting workers to strike illegally. In this trial a new feature was revealed: the citing of numerous "co-conspirators" against the accused for whose actions and utterances the accused were held responsible.

In Sekhukuniland 289 men and women are awaiting trial on capital offences for disturbances which arose from tensions created by the attempt to impose Bantu Authorities.

Mass arrests and summary trials for pass, poll tax and similar petty offences have long been a familiar feature of the South African scene, but these new big industrial and political trials are not. They represent the Nationalist Government's attempt to suppress the mounting resistance of the people to its intolerable practices and laws.

They also represent a major challenge to the great majority of the South African people of all races who reject and despise the despotic outlook and practices of the Government. The mass political trial can be a terrible weapon in the hands of the government to stifle and suppress any criticism or protest. Irrespective of whether he is guilty of breaking any law or not, and indeed while he is still presumed in theory to be innocent, an arrested person is subjected from the moment of his arrest to heavy penalties and disabilities. He is removed, even while awaiting trial (and as we have seen this can be as long as a year) from his family and his employment. Unless bail can be secured, this can mean ruin and starvation for his dependants. To pay for adequate legal defence is usually far beyond the means of those being accused in this sort of trial, workers and peasants. If heavy fines are imposed, as they often are, this can mean that the victim, unable to pay, may spend years in jail and emerge a broken man.

It is clear therefore that the friends of South African freedom, both in this country and abroad, have a responsibility towards those who are accused in this type of case. In the treason trial, the tremendous publicity which attended the arrests and proceedings resulted in an inspiring response to the appeal for financial assistance, an act of solidarity and human sympathy which will never be forgotten by the national liberation movement and the people of the country. Unfortunately this has not always been the case.

ZEERUST TRIALS

In must be admitted that in some cases the public has not carried its full share of this responsibility. In the Zeerust trials for instance a little more could have been done to save those courageous peasants from waiting in prison for 10 months. During the trial itself the question arose of bringing more than 40 witnesses for the defence a hundred miles from Zeerust to the Rustenburg court, finding suitable accommodation for them, and feeding them. This "social welfare" task became the personal responsibility of the lawyers. The witnesses had to survive on a 25 lbs. bag of mealie meal and a few cabbages and loaves of bread for three days. They were at the trial for about a fortnight. They accepted these conditions with very few complaints.

In one case 43 accused were charged and the preparatory examination record of some 600 pages could not be purchased by the defence for the purposes of trial because they could not afford it. Fortunately, in that case two copies were obtained because the same record was necessary in another case in which counsel appeared pro deo. Were it not for this coincidence, the defence would have had to be conducted without a record. There are a few Zeerust trials in which appeals have been noted but it became impossible to prosecute them because the defence could not afford the record.

I refer to the problems of the Zeerust cases because these are going to be the problems in the multiplicity of mass trials which will confront the National organisations and their well-wishers as well as the resistance against the Nationalists mounts. Let me list some of them:—

- (1) Securing for the accused adequate defence in what are usually lengthy and complicated proceedings.
- (2) Securing bail for all or some of the accused and social welfare for the dependants of the accused.
- (3) Securing the attendance of witnesses from distant parts of the country, accommodating them, feeding them, and organising the social welfare of the dependants of the witnesses during their absence.
- (4) At the end of the trial, purchasing a record for the purposes of appeal.
- (5) Paying the fines if any are imposed.
- (6) Finding employment for the accused after the trial.

It may seem to some readers that it is not the function of the national liberatory movement to assume the responsibility for all these items. Our real task, they may say, is to build up the mass resistance movement to such a formidable degree as to make it impossible for any government to rule by such undemocratic measures as the mass political trial. In any case, they add, the task is far beyond our small financial resources, and any attempt to meet it would merely impose a crippling burden upon us.

There is a measure of truth in such arguments, but it is not the whole truth. Even if we cannot afford to pay bails and fines, the very minimum necessity is to see to it that wherever possible legal defence is secured

for the accused. Apart from the principle that an accused man is entitled to adequate defence, the very appearance of a lawyer in such cases has the immediate effect of raising the morale of those charged, and showing them that others outside their local area stand shoulder to shoulder with them.

As for the question of where the money is going to come from, the treason trial defence fund has shown that there is an enormous reserve of goodwill and solidarity for the victims of apartheid in South Africa. The extension of the magnificent spontaneous organisation that sprang up over this case, to cover the whole field of the defence of civil liberties, should be seriously considered. The national organisations cannot and must not stand aside from this task, for it is a part of their whole struggle for freedom, equality and justice in this country.

Mass trials have their problems, just as Hitler's mass executions of resistance workers had their problem. These problems are big problems because they are the problems created by popular resistance in a fascist country. The growth of mass trials is an admission by the Nationalists of the fact that their regime is hated, bitterly hated, by the workers in the cities, and the peasants in the countryside. These mass trials are a desperate attempt by the Nationalists to extinguish the fires of resistance which are beginning to burn in all parts of South Africa.

It is an attempt which must fail. Experience in other countries has proved that this sort of persecution does not crush the spirit of the people: it steels and fortifies them, and unites them in resistance to the oppressor.

WANTED

You want **LIBERATION** to become a better and more effective journal. We want your help to make it so. We want:

- * **WRITERS:** Send us your ideas in the form of articles or material on which articles can be based;
- * **AGENTS** to sell **LIBERATION**. Write to us for details and terms;
- * **DONORS:** If you can't afford much yourself, what about having a social or jumble sale.
- * **SUBSCRIBERS:** For rates see inside front cover.