

contact



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180-DAY DETENTION

UNDER THE 1965 General Law Amendment Act, the most recent in the notorious series, any "likely witness" can be held incommunicado for 180 days, without trial or charges being brought, after which the detainee can presumably be re-arrested for subsequent 180-day instalments.

The quasi-totalitarian actions taken by the Security Police to evade the judicial order to release Mr Heymann set yet another ominous precedent for the future.

The decisions of the judiciary have, of late, tended to become, so far as the accused is concerned, increasingly irrelevant. Acquitted suspects or released political prisoners are automatically house-arrested or banned, living under conditions akin to those imposed on aliens during war-time.

Evidently the State can with impunity order witnesses to withhold evidence which could be of possible use to the defence (Vorster's edict to Ludi on microphones), while witnesses refusing to give evidence of possible use to the prosecution can be jailed for twelve months.

Vorster claimed in Parliament that the purpose of 180-day detention was to protect state witnesses. Such witnesses "might be consulted" by the police. Reports allege that Mr Heymann has been "consulted" at some length every day of his detention.

If protection of the witness were the only motive in 180-day detention, there could be no objection to detainees being allowed to ameliorate the tedious time of solitary confinement listening to transistor radios (permitted even to ordinary

prisoners in the U.S.A.), having access to all reading and writing materials, receiving home-cooked food, being visited by anyone not connected with the case, or sharing a cell with others.

One would further expect such witnesses to be detained only after the arrest of suspects, who would be charged.

On the contrary, Mr Heymann appears to be held under conditions even more harsh than those of the 1963-5 "90-day" detainees. His wife has even been forbidden to bring him food or clothes. Mr Heymann has been held in solitary confinement for several months, yet there is no sign of any one being charged as a suspect. Mrs Heymann stated that her husband looked "pale and drawn" from the strain of solitary confinement.

As his attempted suicide evidences, Mr Heymann would appear to be held under conditions most likely to facilitate his breaking down, which is conducive to obtaining information or confessions. It is claimed by the press that he is being interrogated as to Braam Fischer's whereabouts. Obviously the police could decide to

change a witness to an accused, which means that the only difference between 90-day and 180-day detention, so far as the detainee is concerned, is that the formality of re-arresting the suspect in the jail corridor outside his cell door now occurs half as frequently as before.

180-day detention is supposed to be needed to protect the witnesses from underground movements. But noting that Mr Looksmart Ngudle and Mr Siphon Titya were found hanged in their cells, that Mr Suliman Saloojee leapt to his death during interrogation, that five detainees had to be admitted to hospital for post-detention treatment, that there have been many affidavits and allegations of torture, several of which have been proved to be true in court (for example, Bultfontein and the "forced to lick own blood off police van" cases), Contact feels that what detainees need above all, is to be protected from protective custody and the Security Police.

LETTER FROM A LIBERAL

The banning of Jean Hill of Durban inflicts a great loss on the Defence and Aid Fund and the Liberal Party. As a Liberal she expressed her views clearly and cogently, and her banning means one less intelligent writer in the correspondence columns of the daily press. As a secretary of Defence and Aid she was courageous and unselfishly industrious.

We place on record our several thanks for the great services she has rendered to the cause of reason and justice.

The following members of Defence and Aid Fund have been banned:

Mr P. Hjul (Chairman, Cape Town); Mr A. Sachs (committee member, Cape Town); Mr B. Zackon (committee member, Cape Town); Mr D. Craighead (Chairman, Johannesburg); Miss L. Hitchins (Secretary, Johannesburg); Mrs J. Hill (Secretary, Durban).

Mr J. Blundell (Chairman, Cape Town) was deported.

MORE RESTRICTION ORDERS

The following people were served with restriction orders in July: Dabulamanzi Nyamela; Makome Chamile; Michael Francis; Laura Hitchins;

Alpheus Lushuba; Mackay Masango; Sibusiso Ndizande; Sikosidi Ngeobo; Benoni Nxumalo; Mackay Masabalala; Sadio Forman; Makhinzi Makeleni; Alexander Mlonzi; Sefton Vuthela; Dabha Gopal; Ernest Jomo; Harold Strachan; Benjamin Turok.

Mr Chamile, one of the treason trialists, worked for the Defence and Aid Fund. He is now under a 12-hour house arrest during the week and a 24-hour arrest over the week-ends. He is forbidden to communicate with any office-bearer of the Defence and Aid Fund.

Mr Francis was an editor of Contact and an executive committee member of the Cape Provincial Division of the Liberal Party.

Although she was at the time of her banning able to continue work as the secretary of the Defence and Aid Fund in Johannesburg, Miss Hitchins has received additional orders that prohibit her from doing so.

Mrs Forman is the wife of Mr Lionel Forman, now deceased, who was at one time an editor of 'New Age'. Mrs Forman and Mr Vuthela have been placed under other restrictions as well.

At the end of June, the Rand Daily Mail published a series of articles in which

Mr Strachan described his prison experiences. On the day the last article was published, Mr Strachan was banned. He is now appearing on charges under the Prisons Act.

Mr Turok first received a restriction notice in 1961 under section nine of the Suppression of Communism Act. In July he received a notice under section five of the Act. Mrs Turok is also restricted.

The following people were served with restrictive orders in August: Isaiah Stein; Rosina Mathebula; Maggie Booysen; Mbungwa Dindikazi; Simon Hlongwa; Mashamba Magani; Ismail Patel; Mildred Leslie; Mlungu Mnguni; Surimarayan Venkatrathnam; Christopher Shabalala; Enoch Mnguni.

Mr Stein was detained during the 1960 emergency, and is now being charged under the Suppression of Communism Act.

Although charged with belonging to a banned organisation, Mrs Leslie was acquitted. She was the secretary of the Brick, Cement and Quarry Workers' Union.

Mr Shabalala was an

organiser of the Liberal Party in Natal, and a member of the national executive of the Party. Mr Mnguni was also an organiser of the Liberal Party in Natal.

The following are some of the people restricted in September: Michael Ndlovu; George Peake; Joseph Nzama; Keluya Nzama; Jean Hill; Maropeng Sepepere.

Mr Ndlovu was a Natal organiser of the Liberal Party. All the Natal organisers of the Liberal Party have now been banned.

After serving a sentence for sabotage, Mr Peake was placed under house-arrest.

Mrs Hill was the Defence and Aid secretary in Durban and was a member of the Liberal Party. The total number of banned Liberals is thirty-eight.

Contact estimates that the number of restricted people at the time of writing was 439.

LATEST POLITICAL TRIALS

Following the publication in the Rand Daily

Mail of allegations of deplorable prison conditions in the Cinderella Prison, a number of prosecutions have taken place.

Mr Harold Strachan, who related his experiences in prison to the newspaper, is appearing on charges under the Prisons Act and on a charge of perjury.

Head Warder Theron, who supported Mr Strachan, has also been charged under the Prisons Act.

Warder van Schalkwyk, who made similar allegations to those of Warder Theron, was found guilty of perjury and sentenced to three years' imprisonment. He has lodged an appeal.

Other informants charged are: Mr Filisbertio Nyabetse, who was sentenced to six months' imprisonment under the Prisons Act; Mr Isaah Setshedi, who is appearing on a charge of causing false information to be published; and Warder Prins, who is facing a charge of being in possession of dagga.

PAC OR POQO TRIALS

Mr Bethwell Babi was sentenced to twelve months in the Cape Town Magistrate's Court for perjury in a Poqo trial in which he gave evidence. (Poqo is the militant

wing of the banned Pan-Africanist Congress.)

Mr Zwelindaba Amos Mamani was sentenced to nine months for perjury in another Poqo trial.

Nine men were sentenced in Pretoria to a total of twenty-seven years for being members of PAC or furthering its aims.

Mr Meshack Mampunye and twelve others were charged with belonging to PAC and with furthering its aims. Five of them were acquitted.

Thirty men were jailed in Port Elizabeth for a total of 123 years for taking part in a Poqo plan to take over Molteno.

Twenty-five convicts who escaped while being transported to Gamkaspoot Prison are being charged with sabotage. It is alleged that they planned to attack Ladismith and flee to Basutoland. Three have pleaded guilty.

ANC TRIALS

Mrs Diane Schoon was sentenced to twelve months, ten of which were suspended for three years, for pasting up leaflets in Johannesburg in 1962.

Appearing with Mrs Schoon were Constantino Gazides

and Ann Nicholson, who were sentenced to twelve months, nine months to run concurrently with the sentences they are now serving.

Sister Zebia Mpendu was jailed for two and a half years after being found guilty in the Port Elizabeth Regional Court of taking part in ANC activities.

Miss Sheila Weinberg was sentenced to eighteen months for ANC activities. An appeal has been lodged.

Eight men from Kwazakhele, Port Elizabeth, pleaded not guilty to one count of sabotage and three counts of belonging to a banned organisation.

Messrs Tsehla, Laza, Abel Macam, Simon Macam, Ngindani, Ngculu and Nkhatsha were acquitted of being members of the ANC and of distributing ANC leaflets.

Miss Pixie Benjamin pleaded guilty to a charge of being in possession of prohibited literature and was sentenced to six months. She has lodged an appeal.

The appeal of six of

the fourteen accused in the Fischer case was dismissed in Pretoria recently. All but one were given leave to appeal to the Appellate Division.

THEY'RE ALL RIGHT

RECENTLY ONE GLOSSY BOOKLET, the "Western Cape Official Guide", a blurb to white investors, has been issued by the "Western Cape Publicity Association".

The booklet asserts that "parochial and local rivalries are put on one side".

But not racial rivalries.

We start off with the favourite South African racial myth, taught to white schoolchildren: "They (the Africans) had crossed the Limpopo ... about the same time as Van Riebeeck landed."

While Contact does not know if they had Communist or Liberalist affiliations, archaeologists, within the last eighteen months, have uncovered a Bantu iron-smelting furnace, carbon-dated to about 1000 A.D., near the Rand. At other, longer-known sites such as Mapungubwe, in the north
(cont. on p. 9)

long view by

ALAN PATON

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R H O D E S I A

In 1910 Britain virtually gave independence to the new Union of South Africa. Although this independence was to become more complete with the passage of time, it was in 1910 that the crucial step was taken. By this act the Liberal Government in Britain put the destiny of the non-white people of South Africa into the hands of an all-white Parliament, and prepared the way for the destruction of the franchise and for the policies of separate development.

How then could it be expected that Britain would in 1965 give independence to Rhodesia? She made a tragic mistake in 1910, and she is determined not to repeat it. In this she will have the support of the Liberals of South Africa.

What would happen if Rhodesia gained independence

this year, either by seizing it or being given it? Mr Wilson thinks there would be chaos, and he might well be right. But there is another possibility, just as unpleasant, and that is that the Government of Rhodesia would then follow the same course as was followed by South Africa; this course is not new to the Government, because it has already embarked on it. Already it has adopted the practice of detaining its most militant opponents. It has imposed on Mr Garfield Todd (a former Prime Minister) what amounts to house-arrest. It has deported some of its critics. Many white Rhodesians today believe that the World Council of Churches is communist, that missionaries are communist, that the Liberals are communist; or if these groups are not communist, they are

furthering, wittingly or unwittingly, the aims of communism. How familiar all this sounds!

If there is a U.D.I., the pace will be quickened. Individual liberties will be curtailed as in war, and this war will last as long as this naked white supremacy (for that is what it is) is able to endure. Opposition to the "will of the people" will become more costly. The methods of the South African security police will be more closely copied. Greater and greater inroads will be made into the rule of law.

The 'liberal' attitude of white Rhodesia towards racial problems will also undergo change. This will be more difficult because white Rhodesia has, officially at least, expressed its rejection of Apartheid. But back towards Apartheid it certainly will move. It has already given the hint to the private schools, and has reacted strongly to the proposal for a non-racial hospital. It has tried to restore the authority of the tribal chiefs, and has refused

to amend the Land Apportionment Act, a law which is not unlike our own Group Areas Act.

In fact, if Rhodesia is given time, it will not be very long before she is a second South Africa, but with several important differences. Her white population is only 5% of the total population, and the task of maintaining the essential services and at the same time of maintaining law and order is all the heavier. Furthermore she has received grave warnings from great Western powers, something which has not happened to us as yet.

There is another great difference between the two situations. The percentage of white Rhodesians who would accept a lower standard of living is much smaller than the corresponding percentage of white South Africans. The inevitable economic recession will send white Rhodesians streaming from the country, and the tasks of maintenance will become impossible.

Mr Smith will find independence a bitter fruit.

(cont. from p. 6)

Transvaal, similar evidence of equally old Bantu trinkets has been unearthed.

But back to our booklet.

"As a steel producer (South Africa) ranks tenth in the world."

While Contact concedes that the Encyclopaedia Britannica places South Africa at twentieth on the steel statistics, since this claim was first made by the South African Foundation, Panorama and the SABC during 1963, few have noticed the discreet upgrading.

"Non-whites own four times as many cars per capita as the Russians."

The Russians, of course, prefer to ration consumer goods to subsidise a welfare state that gives them one-tenth the number of patients per doctor that South Africa has.

But the gem is still to come:

"The prudent industrialist, of course, will close his plant before Christmas and over the New Year, for then the Alabama sails again and the coons are out, but for the remaining

49 weeks of the year he (the Coloured people) is all right."

Contact is sure that the Coloured People will be relieved to hear that they are "all right".

WHAT HOPE DEMOCRACY ?

THE LIBERAL PARTY'S 1965 Congress precipitates thoughts both of what has been and what is still to come. How will future historians evaluate the role of the Liberal Party in the liberation struggle?

Reading through the events of the past eighteen years, one is struck by the comparatively pseudo-democratic atmosphere of the 1950s in which the Liberal Party was formed, as contrasted with the decade that began with Sharpeville; especially the waves of totalitarianism discernible in the events of 1960 and 1962.

The 1950s were still the era of constitutional action - methods such as street demonstrations, poster protests, petitions, mass rallies and passive resistance. Though the Defiance Campaign had

been harshly suppressed, a belief still prevailed that angered protests would "bring the Government to its senses", as evidenced by the actions and attitudes of organizations.

The contesting of white election seats, the bringing of test cases before courts, all betoken (with the advantage of hindsight) a naive belief that democratic institutions and susceptibilities would be regarded; that the turning of the other cheek would create respect.

The 1960 Emergency, the Sharpeville Massacre, and the bannings of the ANC and PAC, the two leading resistance movements, mark the beginning of the struggle entering the phase of predominantly illegal, indeed violent means. This was not so much a case of the opposition "turning to violence"; it was due to the belief that violent opposition was the least easy for the police to crush.

The real power struggle was fought, not between a laissez-faire nineteenth-century liberalism and nationalism, but between Afrikaner-

led white nationalism and African-led black nationalism; between the white ruling classes and the African working classes. The Liberal Party, self-restricted for obvious reasons, and quite rightly so, to constitutional means, could at most but cheer from the side-lines.

The reluctant realization that the Liberal Party could not, as many previously held, aim for power, caused a certain aimless confusion as to what legislatively ever-shrinking role it could play, which in an authoritarian environment could be little more than attempts, ruthlessly decimated by the Special Branch, to disseminate non-racialism.

The actions of the ARM reflect this transitional phase of confusion, for though violent, its actions were still gestures, reflecting a pathetically hopeless belief that somehow merely angered gestures would yet cause the Government to heed its shamed Christian conscience and relent. The ARM's members were largely of that age-group influenced by the 1950s. While childishy acting, however understandably, largely from frustration, their belief prevented them from realising that

sabotage (which Contact condemns) could only be a success in so far as it was part of a guerilla war aimed at seizing power by military means - the final conclusion which, in spite of the actions they were driven to, they could not accept.

Should such a ghastly tragedy ever occur in our country, not only would there be little success for the tactics of the Liberal (or any other constitutional) Party, but, beyond the scant influence of individuals, there would be little occasion for even the ideology of liberalism.

The Government's policies of limiting the secondary education of Africans, hampering traders, and denial of permanency rights in urban areas, all retard the growth of the African middle class to a greater extent than that of the working class. While this may succeed temporarily in its purpose of stalling the development of African nationalist movements, its ultimate long-term effect may well be to ensure that the composition of the most politically-articulate group of Africans contains a disproportionately small middle class and a comparatively large proletariat; this too causing a political

radicalisation in both ideology and tactics.

Though realising petitions and mass meetings were of the past, the Liberal Party has succeeded in lingering on in an attenuated form, while the systematic and ruthless immobilisation of its office-bearers by banning and house-arrest, in order of effectiveness and "left"-ness, was implemented.

Till this had a significant effect on the Liberal Party from 1962-3 onwards, the Liberal Party was to some small degree able to step into the shoes of the banned African nationalist movements.

The mounting political polarisation in South Africa had resulted in a 1912 qualified-franchise ANC moving to a liberal one-man-one-vote and Human Rights platform by 1943, a Socialist Freedom Charter by 1955, and finally by 1961 to a cell-orientated underground resistance movement dedicated to the achievement of Socialism through guerilla war (the Rivonia trial's "Mandela Plan").

What of the post-Sharpeville youth, a generation brought up and educated entirely under the Verwoerd-Vorster regime? A generation that knows no other environment but South Africa of the 60s? A generation

whose idealistic belief in liberal democracy has been cauterised to a Machiavellian-Marxist cynicism by seeing all protests rejected, all government action being taken not to ameliorate the complaint but to annihilate the complainer? A generation that has never heard two conflicting points of view debated on a radio? A generation that knows no government but one which reacts to all oppositional tendencies by pitilessly crushing them and which, with the usual malignant growth of authoritarianism once its tumor sprouts in the body politic, attacks even the lawyers defending its political oppo-

nents (guilty frequently of nothing but propagating a political, economic or social belief)? A generation seeing the state-owned mass media scorn the pleas of the tortured and the wards of kwashiorkor? A generation that witnesses the authoritarian admass-attuned subtleties of the apartheid ("Separate Freedoms") regime carefully planned with an eye to its oversea public image?

Democracy depends on an understanding between opponents that each will allow itself to be voted out of power, in return for which it will have fair opportunity to regain power at a future date.

(to be continued in our next issue)

Note. The views expressed in the above article are not necessarily those of Contact.