



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL  
A/6864/Add.1  
26 October 1967  
ORIGINAL: ENGLISH

Twenty-second session  
Agenda item 35 (a)

REPORT OF THE SPECIAL COMMITTEE ON THE POLICIES OF APARTHEID  
OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

Reporteur: Mr. Abdulrahim ABBY FARAH (Somalia)

ADDENDUM

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SINCE THE REPORT OF 21 OCTOBER 1966\*

\* For the report of the Special Committee and annex I, see A/6864.

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## I. INTRODUCTION

1. During the past year, the South African Government has continued to defy the decisions of the General Assembly and the Security Council and to pursue its policies of apartheid and its ruthless repression of persons in South Africa who oppose those policies.

2. Instead of abandoning the policies of apartheid, the South African Government has proceeded to intensify racial separation and discrimination by new laws, regulations and administrative measures.

3. Instead of ending its persecution of the opponents of apartheid and liberating the political prisoners, as repeatedly called for by the General Assembly and the Security Council, the South African Government has increased repression and enacted additional arbitrary legislation. Despite resolutions of the General Assembly and the Security Council which called upon it to refrain from execution of opponents of apartheid, it has executed several members of the Pan Africanist Congress of South Africa for offences allegedly committed several years ago, and has enacted a new law - the Terrorism Act - providing for death sentences.

4. The South African Government has not given the slightest indication that it is prepared to seek a peaceful solution to the explosive situation, in accordance with the principles of the United Nations Charter and by consultation with the genuine representatives of the people. Instead, it has continued the rapid expansion of its security forces in order to impose its inhuman policies by force.

5. These policies and attitudes of the South African Government constitute not only a blatant defiance of the decisions of the General Assembly and the Security Council with respect to the policies of apartheid in the Republic of South Africa, but a challenge to the United Nations in the whole of southern Africa.

### A. Defiance of United Nations decisions on South West Africa

5. The South African Government has rejected the historic resolution 2145 (XXI) adopted by the General Assembly on 27 October 1966 deciding that the Mandate over South West Africa was terminated and that the Territory henceforth came under the direct responsibility of the United Nations, and it has even threatened violent resistance to the implementation of that decision.

7. In a speech in Windhoek on 26 October 1966, the South African Minister of Transport, Mr. B.J. Schoeman, reaffirmed his Government's determination to resist any attempt by the United Nations to take away its Mandate over South West Africa. "They will have to use force and the Republic will resist this with all the power at its disposal."<sup>1/</sup>

8. He added in a subsequent address in South West Africa:

"We consider South West Africa part of South Africa and as far as we are concerned it will remain as such."<sup>2/</sup>

9. On 1 November 1966, Prime Minister Vorster described the General Assembly resolution as an illegal, unconstitutional and ridiculous decision. He stated:

"The question now arises and the public may well ask what is the standpoint of the Government and what is it going to do about the matter. My answer is simply - 'nothing'....

"Our answer is thus very clear, that firstly the decision is illegal and secondly that it is unconstitutional....

"... we say to our friends in the Western World that we do not consider ourselves bound by law which the Afro-Asians create at will.

"... the best we can say is that it is a ridiculous decision....

"We will continue to administer South West Africa as we have always done and we will carry out what has been planned taking into account the demands of the times....

"Now I want to warn that this decision of the U.N. may encourage certain irresponsible elements to attempt to create unrest and violence. That will not be allowed in South West Africa or the Republic."<sup>3/</sup>

10. On 3 November 1966, the South African Minister of Defence declared that South West Africa would remain an integral part of the Republic and that South Africa would "never allow this area to be taken away from us".

11. Speaking in Durban on 14 November 1966, Prime Minister Vorster said that General Assembly resolution 2145 (XXI) was plain for everyone to see as an attempt

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1/ Southern Africa, London, 31 October 1966.

2/ Ibid., 7 November 1966.

3/ Cape Times, 2 November 1966.

"to get into South West Africa only to get at us". He added that Foreign Minister Dr. Muller had "spoken for all South Africa when he warned that South Africa would resist with all the power at its disposal any attempts which endanger the safety of South Africa or of its peoples committed to its care".<sup>4/</sup>

12. In a New Year's message broadcast on 31 December 1966, the Prime Minister described the General Assembly resolution as a "clearly unlawful and senseless decision".

13. On 23 May 1967, he declared that South Africa could not even recognize the United Nations Council for South Africa. If they "knocked on the door", he would not even bother to open and he would have nothing to discuss with them.<sup>5/</sup>

14. On 6 June 1967, the Minister of Foreign Affairs, Dr. Muller, accused the United Nations of wasting its time with a special emergency session on South West Africa, struggling with the phantoms and ghosts of its imagination.<sup>6/</sup>

15. On 11 June 1967, Prime Minister Vorster said that South Africa was not interested in the United Nations decision on South West Africa and would not take any notice of it.<sup>7/</sup>

16. Meanwhile, the South African Government has been proceeding more openly with the implementation of the Odendaal Plan of 1964, which was condemned by the United Nations organs and which is designed to partition the Territory with half the area left to the small white minority and the rest divided into several tribal reserves. Prime Minister Vorster told the House of Assembly on 10 February 1967, in answer to a question, that the Government had purchased 2,500,000 acres of land for Bantu tribal reserves in South West Africa from the beginning of 1964.<sup>8/</sup> These purchases were designed to implement the partition plan. On 21 March 1967, the South African Minister of Bantu Administration and Development, Mr. M.C. Botha, announced that the South African Government would assist the Ovambo people of South West Africa towards the attainment of "self-determination" in the tribal reserve.

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4/ Ibid., 15 November 1966.

5/ Ibid., 24 May 1967.

6/ Ibid., 7 June 1967.

7/ Ibid., 12 June 1967.

8/ House of Assembly Debates, 10 February 1967, cols. 1013-1014.

B. Defiance of United Nations decisions on Southern Rhodesia

17. The South African Government has continued to defy the resolutions of the Security Council and the General Assembly on the question of Southern Rhodesia, claiming that the "dispute" between the United Kingdom and Southern Rhodesia is their exclusive responsibility.

18. In an address to the Transvaal Congress of the National Party in Pretoria on 9 November 1966, Mr. Vorster stated:

"I say again that the Rhodesian question is a domestic affair between Britain and Rhodesia. It may not be placed in the arena of world politics....

"South Africa has clearly stated her attitude towards boycotts. We do not take part in them and we dare not allow ourselves to be forced to take part in them." 9/

19. On 14 December 1966 the Minister of Agricultural Technical Services and of Water Affairs, Mr. Fouche, said that the Republic was determined to continue its trade with Rhodesia as it had done in the past.

20. In his New Year's eve broadcast, Prime Minister Vorster described Security Council resolution 232 (1966) on Southern Rhodesia as one which had "created a very serious problem for South Africa - a problem which if not handled very delicately can lead to confrontations with very far-reaching effects".

21. In his opening address to the Parliament on 20 January 1967, State President Mr. Swart said:

"As to the Anglo-Rhodesian dispute, the Government perseveres in its conviction that the dispute remains the exclusive responsibility of the two parties concerned...." 10/

22. The South African Minister of Economic Affairs, Dr. N. Diederichs, said in Vienna in January 1967: "Our trade with Rhodesia develops within the normal pattern. We do not intend to prevent - or support - the United Nations boycott."11/

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9/ The Star, Johannesburg daily, 10 November 1966.

10/ House of Assembly Debates, 20 January 1967, col. 3.

11/ The Star, daily, 5 January 1967.

23. While proclaiming the policy of non-intervention, the South African Government has greatly increased its trade with Southern Rhodesia, supplying oil and even equipment for military use to the illegal racist minority regime in that Territory, in violation of Article 25 of the United Nations Charter.

24. Moreover, in September 1967, the South African Government announced that its security forces had been moved into Southern Rhodesia to combat "terrorists" in co-operation with the illegal racist minority regime.

C. Hostility and contempt toward the United Nations

25. Illustrative of the attitude of the South African Government to the United Nations are the numerous hostile and slighting remarks made by its spokesman with regard to the Organization, its Member States and its decisions in public statements in South Africa.

26. In an address in South West Africa at the end of October 1966, the South African Minister of Transport, Mr. B.J. Schoeman, referring to General Assembly resolution 2145 (XXI) on South West Africa, said that the United States was shouting together with "immature, irresponsible and primitive black States", in order to win favour with them. "And now Britain has climbed the bandwagon and has had the impertinence to pass judgement on the administration of South West Africa by South Africa. It is pathetic to see great nations crawling to black States and making a farce of the United Nations."<sup>12/</sup>

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<sup>12/</sup> Southern Africa, London, 7 November 1966.

27. In his New Year's eve message, Prime Minister Vorster said that South Africa might consider withdrawing from the United Nations in 1967.<sup>13/</sup>

28. Speaking in Bloemfontein at the end of March 1967, he referred disparagingly to critics of South Africa's policies at the United Nations and said that the world was full of "educated barbarians". He added:

"When you get to the 'glass palaces' in the United States you find numerous people who want to help the world - very few of them, however, being capable of helping their own countries and people."<sup>14/</sup>

29. In a speech on 21 April 1967, he charged that the United Nations was "running wild and becoming a danger to the world". He called on the "responsible nations" of the world to reform the United Nations quickly so that it would be retained as a forum for international consultation and discussion and would be deprived of its power to make decisions.<sup>15/</sup>

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<sup>13/</sup> He said:

"Let me say plainly that I don't know of a single threat to world peace which is brewing in Southern Africa. All that I do know is that adolescent African states to the north are openly plotting the downfall of Southern Africa. I know that those selfsame African states have as yet made no contribution to world peace. Nor have they got the courage or the means to attack us themselves. What they want to do is to inspan the world organization into their little cart. Their motives as well as their plans are obvious.

"Like spoilt children who have always got their way, these and other states are abusing their voting power which is out of all proportion to their strength, importance, or contribution to create a sort of world government, often with complete disregard of existing rules. Should this tendency continue unchecked by the responsible states, and should they continue to change the rules to suit the occasion as they go along, to take otherwise unlawful decisions, and if, in addition, they attempt to force unwilling states to do their bidding, then clearly the world organization is busy fouling its own nest. Then I, myself, am entitled to place an item on the 1967 agenda to the effect whether it is worth our while as a founder member to remain part of such a set-up. That question has not yet been considered, nor has a decision been taken, but it remains in my thoughts all the time."

<sup>14/</sup> Southern Africa, London, 3 April 1967.

<sup>15/</sup> Cape Times, 22 April 1967.

30. Speaking in the Senate on 1 June 1967, he said that South Africa would stop paying its share of expenses incurred by United Nations activities which fell outside the scope of its purposes, referring in this connexion to activities concerning South Africa and South West Africa. He derisively referred to the International Seminar on Apartheid, Racial Discrimination and Colonialism in Southern Africa as the Secretary-General's "picnic".<sup>16/</sup>

31. On 12 June 1967, he again declared that the United Nations General Assembly should become a forum for discussion without votes. At present, he said, the Organization had fallen increasingly into the hands of professional agitators, with decisions adopted by majority vote of under-developed and immature countries.<sup>17/</sup>

D. Preparations to resist international pressure

32. At the same time, the South African Government has been actively preparing measures to resist international pressure which, it anticipated, would increase, particularly after General Assembly resolution 2145 (XXI) on South West Africa and Security Council resolution 232 (1966) on Southern Rhodesia.

33. Prime Minister Vorster declared in an address on 1 November 1966:

"We must also be prepared to withstand mandatory sanctions, and the world may as well know that the Government is already taking steps to meet this eventuality."

34. On 1 November, the then Minister of Finance, Dr. T.E. Donges, warned that South Africa's determination to withstand outside interference should not be underestimated. South Africa was preparing for the possibility of sanctions against it.<sup>18/</sup>

35. On 8 November 1966 in Windhoek, the Minister of Agricultural Technical Services and of Water Affairs, Mr. Fouche, said that the country's economy had been strengthened to such an extent that it could withstand trade sanctions for years. Supplies of essential commodities had been built up and the industries could meet

<sup>16/</sup> Senate Debates, 1 June 1967, col. 3608.

<sup>17/</sup> Cape Times, 13 June 1967.

<sup>18/</sup> The Star, Johannesburg daily, 1 November 1966.

needs. South Africa had also built up its military strength. "We hope we will never have to use it, but it would be criminal neglect not to make the necessary provision."<sup>19/</sup>

36. On 14 December 1966, Mr. Fouche stated that the United Nations discussions on Southern Rhodesia had made it clear that there was a possibility that sanctions could be extended to South Africa. But, he added, South Africa was strong enough to withstand sanctions for at least three years. The Minister said there was no cause for alarm because there was no army in Africa, either single or combined, which could attempt a military attack on South Africa. Even the United Nations was not able to do so. Only the major Powers could afford such a thing. He was also reported to have stated that South Africa was strong enough militarily to hold out until a third world war had been started.

37. Active measures by the South African Government to resist economic sanctions have been reported.

38. In the latter half of 1966, the Republic spent a substantial amount of foreign exchange for the purchase of strategic goods.

39. In December 1966, the Minister of Economic Affairs, Dr. N. Diederichs, announced that the Government would lend about \$US 28 million to the shipbuilding industry as part of the policy to make South Africa self-sufficient in strategic industries which would be affected by boycotts.<sup>20/</sup>

40. In the same month, it was disclosed that the Government had decided to build another oil refinery in order to gain more direct control over that vital product.<sup>21/</sup> The Government also purchased oil tankers through the Industrial Development Corporation and began construction of additional oil storage facilities.

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<sup>19/</sup> Cape Times, 9 November 1966.

<sup>20/</sup> News from South Africa, New York, 5 January 1967.

<sup>21/</sup> Ibid., 21 December 1966. The country already has four refineries: the Shell-B.P. plant at Durban with a capacity of 3,125,000 gallons of crude oil a day; the Mobil refinery in Durban with a capacity of 1,400,000 gallons a day; the Caltex refinery in Cape Town with a capacity of 1,050,000 gallons; and the Sasol refinery at Boksburg with a capacity of 66,000 gallons. These are in addition to the Sasol oil-from-coal plant.

41. The Star, weekly of Johannesburg, reported on 26 November 1966:

"The implementation of an elaborate Government plan to prepare the South African economy to withstand the effects of sanctions is well under way.

"The pattern of preparations in such vital areas as oil supplies, the stockpiling of strategic material and protection against foreign insurance companies not meeting their obligations has emerged at a time when concern is growing that the Rhodesian crisis could embroil South Africa in an international sanctions campaign.

"The programme - which is being given highest priority at Cabinet level - is not directly related only to the Rhodesian situation.

"It was originally designed in response to threats to impose sanctions over such questions as South West Africa.

"But concern that escalation of the Rhodesian question could drag South Africa into an international boycott has injected a new urgency.

"The most hasty preparations are being made in the area of oil supplies where the country is perhaps most vulnerable to boycotts since this is the one major commodity South Africa lacks.

"The example of Rhodesia, where only the oil blockade aspect of the sanctions campaign threatened to prove really effective until South Africa and Portugal decided to continue normal supplies, has weighed heavily with the Cabinet.

"The programme has two stages. The three-pronged first stage involves the expansion of the South African-owned tanker fleet as fast as possible to make the country independent of foreign carriers.

"Coupled with this is the massive multi-million rand project to build vast storage tanks in Durban, Port Elizabeth and Cape Town.

"The giant and costly tanks are being paid for out of a special fund and could enable the country to survive without oil imports for more than a year under conditions of rationing....

"Meanwhile the pace of the second stage - the search for natural oil in the Karoo and on the offshore Continental Shelf is being stepped up....

"Final contracts to explore the Continental Shelf are already been allotted to various consortiums involving virtually all the major oil companies in the world.

"Senior Government spokesmen have also renewed appeals to importers to make use of special facilities enabling them to stockpile at least six months' supply of strategic products such as parts and replacements for vital machinery, natural rubber, certain drugs, chemicals and a wide range of goods for which South Africa still remains dependent on overseas supplies....

"There are also indications that Government departments, especially in areas such as transport, are placing large advance orders for equipment and materials.

"The Government has also passed legislation to ensure that Lloyds of London will always be in a position to meet its commitments in this country."

E. Relations with other States

42. The South African Government has also actively tried to build up relations with certain African and other States.

43. It regarded the accession to independence of the neighbouring Territories of Lesotho and Botswana, both economically dependent on South Africa, as an opportunity to be utilized to extend relations with other States.

44. In an address in Pretoria on 9 November 1966, Prime Minister Vorster said:

"There are new circumstances in Africa, especially Southern Africa. I want to co-operate in peace with everyone. When we talk, colour will be incidental. I will deal with them as the heads of States." 22/

45. In pursuance of this policy, Prime Minister Vorster met with Prime Minister Chief Leabua Jonathan of Lesotho in January 1967 to discuss relations between the two countries. In March 1967, the South African Government informed the Lesotho Government that it was willing to enter into technical discussions on the Oxbow and Kau hydroelectric projects, the feasibility of which depends at present largely on the purchase of water by South Africa. In August 1967, a delegation of South African wool experts visited Lesotho to consider increased assistance to Lesotho's wool industry. In September, it was reported that the establishment of a Lesotho embassy or consulate in Pretoria was being discussed. 23/

22/ The Star, Johannesburg daily, 10 November 1966.

23/ Sunday Express, Johannesburg, 3 September 1967.

46. The Government also tried to promote relations with Botswana. In March 1967, officials of the two countries held discussions on the question of labour and the movement of Africans between the two countries. In May 1967, tripartite technical talks were held in Pretoria by the Governments of South Africa, Botswana and Portugal on the joint utilization of rivers of common interest, with particular reference to the Okavango river.<sup>24/</sup>

47. The South African Government has been particularly successful in developing closer relations with Malawi. In October 1966, the Malawi Development Corporation awarded a contract to a South African firm - Imex (Pty.) Limited of Johannesburg - for the planning and design of the new capital at Lilongwe. A Malawi goodwill mission led by the Minister of Trade and Industry, Mr. G.W. Kumbweza, visited South Africa in March 1967 and a trade agreement between the two countries was signed on 13 March. In September 1967, it was announced that the Governments of South Africa and Malawi had agreed to establish diplomatic relations and open legations in the two capitals. The heads of mission would have the status of chargé d'affaires en titre; and the first Malawi representative, who was expected in Pretoria in December, was to be a White former Colonial Service Officer.<sup>25/</sup>

48. The South African Government has been expressing the hope that these developing relations with Malawi would lead to relations with other African States.

49. On the other hand, the South African Government has felt that the increased use of the Cape route, after the closure of the Suez Canal in June 1967, would lead to closer relations with Western Powers. The Minister of Foreign Affairs, Dr. Muller, said in the Senate on 6 June:

"The closing of the Suez Canal, of course underlines the importance of the sea-route round the Cape. One hopes that the time will arrive when it will be fully realized how important it is that the sea-route round the Cape be kept open and protected.... South Africa recently accepted greater responsibilities in connexion with the protection and safeguarding of the sea-route around the Cape during discussions with the British about Simonstown.

"It is simply inconceivable to us that those who benefit from our actions in this respect do not realize how necessary it is that we should be given assistance to fulfil this task of ours as well as possible, and that we should not be thwarted...." <sup>26/</sup>

24/ News from South Africa, New York, 17 May 1967.

25/ Ibid., 13 September 1967.

26/ House of Assembly Debates, 6 June 1967, col. 3748.

50. Prime Minister Vorster said on 11 June 1967 that the events in the Middle East had again strongly emphasized the importance of South Africa's strategic position. He believed that would lead to a realization of South Africa's value to the world and of its efforts to preserve peace and order in southern Africa.<sup>27/</sup>

F. Intensification of propaganda

51. The South African Government has greatly intensified its propaganda designed to deceive world public opinion of the truth about the policies of apartheid and discredit the efforts of the United Nations and the international community to secure an abandonment of that policy.

52. In an address in Durban on 14 November 1966, Prime Minister Vorster announced that the Government would undertake "a comprehensive information campaign to inform the governments of the world and consequently also international organizations, including the United Nations, about exactly what we have done and are doing for the non-Whites in South Africa".<sup>28/</sup>

53. Speaking in Johannesburg on 23 November 1966, Mr. Vorster called on all South Africans to write letters to friends and acquaintances abroad to tell them about South Africa.<sup>29/</sup>

54. In a statement on 8 December 1966, elaborating the Prime Minister's announcement, the Minister of Foreign Affairs, Dr. Hilgard Muller, said:

"In addition to the activities of the Department of Information, the Department of Foreign Affairs will consequently in future furnish full details of our policies and of the progress made in their application, to those Governments and international organizations which in our opinion are genuinely interested in these issues....

"As will have been apparent from what the Prime Minister said at the time, the information to be provided will cover both South Africa and South West Africa."

He announced that, as a first step, a detailed survey on South West Africa was being compiled for overseas distribution.

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<sup>27/</sup> Cape Times, 12 June 1967.

<sup>28/</sup> Ibid., 15 November 1966.

<sup>29/</sup> Ibid., 24 November 1966.

55. Though the essential content of this propaganda has remained unchanged, it has been pursued with greater vigour and determination.
56. The policy of apartheid is increasingly presented by the Government as a policy of national liberation or decolonization of the numerous tribal or "national" groups into which it has unilaterally divided the African population of the country.
57. Having silenced the opponents of apartheid by ruthless repressive measures, the Government claims that its policy, described as "separate development", is accepted by the people. Addressing the Council for Coloured Affairs in April 1967, Prime Minister Vorster claimed:

"The policy of separate development has, in fact, become the policy of South Africa. It is not only accepted by the leaders of the different population groups, but it has been accepted by the masses of the people, be they white, brown or black." 30/

58. Such propaganda, however, is belied by the continued and intensified pursuit of racial discrimination and ruthless repression and the consequent aggravation of conflict, which are reviewed in the following chapters.

## II. MEASURES OF RACIAL SEPARATION AND DISCRIMINATION

59. The South African Government has continued to pursue its policy of racial separation and segregation during the past year.

60. Under the Group Areas Act, condemned specifically by the General Assembly, many thousands of non-whites have been ordered to move out of their homes and communities. The Government has not only continued to remove African families from the Western Cape but has announced new measures to restrict and reduce African labour in the industrial areas and to institute a system of registration of African labour in the reserves in order to direct such labour. It has made some tactical concessions in sport in order to maintain the traditional sporting relations with western countries, but continued to impose strict separation in South Africa.

61. Moreover, the Government has enacted new discriminatory legislation to enforce apartheid.

62. The above-mentioned developments are reviewed in this chapter.

63. It should be stressed here, however, that the numerous discriminatory laws enacted in the past continue to be implemented at the cost of grave distress to many families.

64. The Population Registration Act providing for the classification of all the people by race, which is considered one of the pillars of the system of apartheid, continues to lead to broken homes and families and great distress. Three recent cases are illustrative.

65. In February 1966, Sandra Laing, an eleven-year-old school girl was reclassified "Coloured" after complaints from some parents in the white boarding school she was attending, despite the fact that her parents and two brothers and a sister were white. She was reported to be a "genetic throw-back" showing certain African features. Shortly after, she was brought home by the school principal and a policeman who told her parents that she could no longer stay in school. In fact, under the apartheid laws, she could not even remain with her family unless she was registered as a servant. The father, a storeowner near Piet Retief, reported that his wife was so distressed that she "often threatened to take her life and to take our daughter with her".<sup>31/</sup>

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<sup>31/</sup> The New York Times, 24 December 1966.

66. The case was reported in the world press and the family received letters from several countries offering to provide a home for the girl.

67. The father appealed the classification and indicated that if the judgement was unfavourable, he would seriously consider accepting offers from abroad. On 2 May 1967, the Pretoria Supreme Court dismissed the appeal but suggested that consideration be given to reclassification under the Population Registration Amendment Act of 1967. Subsequently, in July 1967, Sandra Laing was reclassified white, but it was reported that white schools and even convents had declined to admit her. <sup>32/</sup>

68. Another recent case is that of a coloured family in Cape Town in which the mother and one son were classified coloured, while two other sons, who served in the South African Navy, were classified white. The Rev. R.F.G. Pearce, rector of St. Anne's Church, Maitland, tried for six years to persuade the Government to have the whole family classified white and his approaches to the Minister of Interior and the Secretary of Interior failed. Finally, in December 1966, Rev. Pearce announced that he would leave South Africa as a gesture of protest and take the family with him to England so that it could start a new life. He said:

"This terrible business of splitting families is happening in other parts of my parish, too. Brothers and sons are told 'please don't call at the house in daylight, only when it's dark'.

"I know many families who are living in a shadow of fear and tension, due entirely to the mechanism of race classification. But the family I am taking to England with me is one of the most distressing instances of all." <sup>33/</sup>

69. A third case under this Act is that of a young woman and her fiance who committed suicide as they found after engagement that she had been classified coloured though she was white in appearance. They asked that at least in death her body should be regarded as sufficiently white to enable her to be buried with her fiance. The couple were buried together in a cemetery reserved for whites. <sup>34/</sup>

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<sup>32/</sup> Cape Times, 8 and 9 August 1967.

<sup>33/</sup> Ibid., 5 December 1966.

<sup>34/</sup> Rand Daily Mail, Johannesburg, 21 March 1967.

70. Under the Immorality Act, another pillar of the apartheid system, which prohibits sexual intercourse between whites and non-whites, police snooping and trials continue. Over 6,000 persons have been convicted under this Act since it came into force seventeen years ago. Commenting on the implementation of this law, Cape Times wrote on 9 May 1967:

"It has, of course, precious little to do with the prevention of immorality - and a great deal to do with the prevention of miscegenation; or, as a Cape Town magistrate put it, 'the mongrelization of the races'.

"The latest figures show that in one year all but 12 of 252 men convicted of immorality were White. The fact that White women are only rarely involved in behaviour of this kind is not surprising, in the light of our social and racial mores. But it is also easier for the police to detect or even anticipate 'immoral' acts which involve White men and Coloured or African prostitutes or domestic servants. We have it from those who know, however, that the conviction percentage is but a drop in the ocean. And on the debit side there are the growing list of suicides, the ruined lives and reputations, the invasion of domestic privacy, the breaking up of many a stable relationship between people of different colours. Not to mention the wastage and misuse of police manpower." 35/

A. Implementation of the Group Areas Act of 1950

71. The Group Areas Act, which provides for the forcible separation of racial groups, continues to be implemented actively. Between 25 November 1966 and 6 October 1967, fifty-five group area declarations were published in the Government Gazettes: these required the removal of tens of thousands of non-whites from their homes. 36/

72. A few cases are illustrative.

73. Sir Lowry's Pass, a hamlet in the Cape Province, was proclaimed a white group area on 25 November 1966, though 95 per cent of the inhabitants are coloured people and the coloured people had settled there more than a century ago. Five hundred residents of the town called a protest meeting. 37/

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35/ Cape Times editorial, 9 May 1967.

36/ The Minister of Planning, Mr. Haak, said in the House of Assembly, on 26 May 1967 that to date more than 1,000 group areas had been proclaimed at 291 different places. The proclamation of group areas at 102 other centres was at present under consideration. House of Assembly Debates, 26 May 1967, col. 6741.

37/ Cape Times, 5 December 1966.

74. Stutterheim, in the Eastern Cape, was declared white in June 1967.<sup>38/</sup> About 6,000 Africans and 300 coloured people will be obliged to leave the town within a year. The Africans will be resettled in a nearby area, but no coloured area has been designated. There are many African-owned properties within the municipal area, and these will have to be sold to whites.<sup>39/</sup>

75. On 7 June 1967, the Southern Cape Peninsula (Lakeside, Muzzenberg, St. James, Kalk Bay and Clovelly) was proclaimed a group area for whites, though the area is inhabited by many coloured people. Kalk Bay, for example, has been inhabited by coloured fishermen for centuries and is traditionally a coloured area.

76. Mrs. M. G. Roberts, a resident of the area and acting Chairman of the Black Sash, said on 7 July 1967:

"This is another example of how shockingly unfair a group areas proclamation can be.... Apart from Simonstown, Kalk Bay was the oldest-settled community on the Kalk Bay coast, and to this day the Coloured people are the only people earning their living there."<sup>40/</sup>

77. Mr. Hamilton Russell, chairman of the Cape Western Region of the Progressive Party, supporting a protest demonstration at Kalk Bay, said that the public has been "bludgeoned into a state of sinful apathy" and that the "voice of protest against injustice" had almost been silenced. There was a prevailing feeling that it was useless to protest against the Government, which was "all-powerful and remorseless in its determination to bully and to separate the people of South Africa".<sup>41/</sup>

The South African Institute of Race Relations, in a statement on 14 June 1967, said:

"It is from the Coloured people that Kalk Bay gets its character and charm. This will now be lost to be replaced by bitterness and frustration among these people who wish harm to no one.

"The Institute once again condemns the spirit, intent and application of the Group Areas Act, involving as it does the ultimate mass uprooting of settled communities, whatever be their race, with the resultant destruction of community and commercial life."<sup>42/</sup>

<sup>38/</sup> Government Gazette, 30 June 1967, No. 1781.

<sup>39/</sup> Cape Times, 4 July 1967.

<sup>40/</sup> Ibid., 8 July 1967.

<sup>41/</sup> Ibid., 14 July 1967.

<sup>42/</sup> Ibid., 15 July 1967.

79. The Anglican Archbishop of Cape Town, the Most Rev. Robert Selby Taylor, in the diocesan newsletter Good Hope, described the proclamation as "flagrantly unjust". Criticizing the way in which the policy of separate development is being implemented, he said: "It perpetrates injustices and hardships and by doing so is creating a store of bitterness which we shall reap in the future." <sup>43/</sup>
80. On 6 September 1967, the Executive Committee of the Cape Peninsula Church Council issued a statement in which it said:

"We reiterate our conviction that the Group Areas Act, as implemented in the Cape Peninsula, is contrary to Holy Scripture and therefore is unworthy of a Christian nation.

"We call upon Christians of every church to press by every legal means for the suspension of this measure in this area.

"The Coloured people of the Western Cape have no homelands to which they can be banished.

"Their title to reside in many of the areas from which they are now to be excluded is stronger than that of the Whites.

"In many cases they are being deprived of their means of living and in other cases are being subjected to grave economic penalties."

81. The effects of the implementation of certain earlier proclamations may be noted.
82. It will be recalled that in earlier reports, the Special Committee noted the removal of thousands of Indian families from their homes in Johannesburg, to Lenasia, a new township twenty-two miles from the city. A recent survey noted that Lenasia has a population of over 18,000, a majority of which suffer "from malnutrition in their barrack-like, two-roomed homes which they rent for 1.82 rand a month". One residential area in Lenasia has no waterborne sewerage and sometimes the pits are not emptied for days. There is no police station or hospital and social amenities are inadequate. One of the greatest problems of the people of Lenasia is the cost of transport: the weekly fare to the city by train is 6.90 Rand per person while the average income per household is not much above 40 rand a month. <sup>44/</sup>

<sup>43/</sup> Ibid., 31 July 1967.

<sup>44/</sup> Rand Daily Mail, Johannesburg, 1 October 1966.

83 As a result of Group Areas Act proclamations, thousands of coloured people have been moved from their homes in Paarl to Paarl East. In a memorandum of 31 July 1967 to the Department of Community Development, an interchurch committee, representing most churches except the Dutch Reformed Church, described the appalling conditions in Paarl East. The new houses in Paarl East are considered poor substitutes for what the people had to surrender. They were moved with great haste into an area which still had to be made fit for habitation, while the houses in the central area of the town which had been vacated were occupied by whites or demolished or remained vacant. (Many of the houses from which the coloured people were removed were used to house immigrants from other countries.) The Committee charged that many coloured families were deprived of their homes in order to force them on to the farms.<sup>45/</sup>

84. Senator C.C. Henderson (United Party) pointed out in the Senate on 15 June 1967 that the whites are "making a very good thing" out of the acquisition of properties of "defenceless" non-whites who have been forced to move out "in District Six, in Newlands or any other similar areas throughout the length and breadth of South Africa". He described in detail three cases in Ladysmith in which non-whites suffered while whites greatly profited as a result of group area proclamations.<sup>46/</sup>

85. Many of the victims of the Group Areas Act have given up appeals to courts or resistance as the Government, determined to impose its will, has shown no hesitation to amend the law to circumvent adverse judgements or to use force to break resistance by victims. Some, however, have continued resistance to this unjust law as a matter of principle. Among these is Mr. Nana Sita, former President of the Transvaal Indian Congress and a disciple of Gandhi. A sick man, now sixty-nine years old, he has already served two terms of imprisonment of six months and four months respectively in 1962 and 1963, for refusing to obey the order to move from his home in Pretoria, which he has occupied for forty years. He was again charged under the Group Areas Act in August 1966. On 29 August 1967

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<sup>45/</sup> Cape Times, 29 June and 1 August 1967.

<sup>46/</sup> Senate Debates, 15 June 1967; cols. 4652-4658.

he was found guilty and again imprisoned as he refused to pay the 200 rand (\$US280) fine.<sup>47/</sup> In a statement read from the dock during the trial,

Mr. Sita said:

"The Group Areas Act is cruel, callous, grotesque, abominable, unjust, vicious, degrading, and humiliating to the utmost against whom it is applied. How an Act which is enforced against the Indians with callous disregard of human suffering, misery and unhappiness, can be described to be based on justice is beyond the comprehension of any human being."<sup>48/</sup>

86. On the day of the sentence demonstrators organized by the South African Indian Congress protested against the Group Areas Act outside South Africa House in London. Among them were Mr. David Mercer, a British playwright, Mr. Ronald Segal, Miss Mary Benson and Mrs. Margaret Legum. The Anti-Apartheid Movement sent the following message to Mr. Nana Sita:

"We wish to place on record our admiration to you. We appeal to all who cherish liberty and human dignity to join in condemning the Group Areas Act in South Africa, and the whole degrading system of apartheid which makes such heroic sacrifice necessary."<sup>49/</sup>

The message was signed, among others, by the Marquis of Yarnbury, Lord Byers, Sir Hugh Casson, Lord Collison, Lord Gifford, Lord Soper, the Bishop of Woolwich, Mr. Angus Wilson, Mr. David Steel, M.P., Mr. Michael Foot, M.P., Mr. David Mercer, Prof. Richard Titmuss and the Rev. Michael Scott.

87. Mr. M.S. Bhana, a twenty-seven-year-old Indian of Johannesburg, also chose to go to jail rather than to pay a fine of 100 rand when he was sentenced on 5 July 1967 for contravening the Group Areas Act. Mr. Bhana said in court that he felt that the Group Areas Act was an unjust Act and the ruin of the Indian community.<sup>50/</sup>

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<sup>47/</sup> The New York Times, 30 August 1967.

<sup>48/</sup> Evening Post, Port Elizabeth, 8 August 1967.

<sup>49/</sup> Cape Times, 30 August 1967.

<sup>50/</sup> The Star, Johannesburg daily, 5 July 1967.

B. Removal of African from "White areas"

88. As indicated in earlier reports, the Government has been attempting for several years to remove Africans from the Western Cape, which it intends to reserve for whites and coloured people, but the African population has increased every year because of the great demand for labour.<sup>51/</sup>

89. The main result of the Government's policy has been that African families have been steadily removed from the areas and replaced by migratory workers brought in under contract.<sup>52/</sup> Thousands of these African men are housed in "bachelor quarters" - pre-fabricated bungalows each occupied by forty men - and their families are not allowed to accompany them to the Western Cape.<sup>53/</sup> Women are able to enter the quarters by permit only.<sup>54/</sup>

<sup>51/</sup> The 1966 figures show that the number of Africans increased by 13,388 in the magisterial districts of the Cape, Wynberg, Simonstown and Belville. Cape Times, 21 January 1967.

<sup>52/</sup> The Minister of Bantu Administration and Development stated on 21 February 1967 that there were 131,414 African contract workers in the Western Cape. House of Assembly Debates, 21 February 1967, col. 1630.

<sup>53/</sup> According to a survey done in the Cape Peninsula a few years ago, 68 per cent of the men living in single quarters were, in fact, married men. The Star, Johannesburg daily, 4 January 1967.

<sup>54/</sup> The Cape Town City Council, in August 1967, turned down a suggestion to establish a recreational room where Langa "bachelor quarter" residents could entertain women. Cape Times, 7 August 1967. Major A.Z. Berman, the Chairman of the Council's Health and Housing Committee, had explained on 11 July 1967, that: "They are migrant labourers - men without their families. We know that they need women, but we are not going to allow that." Cape Times, 12 July 1967. A Cape Times editorial of 12 July 1967 commented:

"... the appalling fact in South Africa is that the Government is enforcing this practice of abstinence over long periods on vigorous men as part of the country's permanent labour system, and a large part at that. Ordinary family life has been steadily decreased for African labourers as a direct result of so-called 'separate development'. This has caused what has been described as a 'raging cancer' in African social life in the cities...."

90. Meanwhile, African women are being removed from the peninsula. Mrs. H. Suzman said in the House of Assembly on 8 February 1967 that the plight of the African women was "scandalous". They were "going through absolute purgatory" as an effort was being made to "ferret out every possible woman who can be removed from Cape Town" to be "sent back to the reserves to relatives who in some cases have not seen them for 10, 15 or 20 years, who themselves are struggling to make ends meet, who have not got enough to keep their own families going, or they are sent to a wretched transit camp like Sada which is a disgrace to a civilized country". Policy was being applied to the letter: African women who could not prove that they had registered in the peninsula in July 1952, when in fact no machinery for the registration of women existed, were being endorsed out on a large scale.<sup>55/</sup>

91 Seeking to restrict the number of contract workers, the Government sent a directive to the Cape Chamber of Industries early in December 1966, laying down a formula which in effect froze the number of African contract workers in the peninsula as of 31 August 1966.<sup>56/</sup> Every year thereafter the number must be reduced by 5 per cent until the African labour complement has been reduced to zero. If coloured labour became available meanwhile, the process would be accelerated.<sup>57/</sup> On 21 December 1966, the Deputy Minister of Bantu Administration, Mr. Coetzee, further informed the Western Cape employers that the introduction of contract labour for several categories of work would no longer be allowed unless the employers obtained certificates that no suitable coloured applicants were available. Coloured applicants would have to fill those posts.<sup>58/</sup>

92. The Cape Chamber of Commerce and the Cape Town Saekamer (i.e., organized Afrikaans business) expressed concern that the removal of Africans would disrupt industry and decrease production in the area.<sup>59/</sup>

93 The expulsion of African workers from the urban areas to the reserves has been so arbitrary that even the Chief Minister of the Transkei, Paramount Chief

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<sup>55/</sup> House of Assembly Debates, 8 February, cols. 896-897.

<sup>56/</sup> The estimated number of African contract labourers in the Western Cape is 131,414, House of Assembly Debates, 21 February 1967, col. 1630.

<sup>57/</sup> Cape Times, 8 December 1966.

<sup>58/</sup> Ibid., 22 December 1966.

<sup>59/</sup> Ibid., 13 January 1967 and 17 March 1967.

Kaiser Matanzima, was obliged to condemn the system on 17 April 1967 and point out that there were no jobs for these workers in the Transkei.<sup>60/</sup>

94. Pressing its efforts to replace African labour by coloured labour, the Government is instituting a training scheme for coloured youths to meet the labour shortage in the Western Cape. On 7 February 1967, it announced that fishing companies in the Cape employing large numbers of coloured people instead of Africans would receive preference in the award of quotas.<sup>61/</sup>

95. The Government seeks to remove all coloured people from the Transkei and most of the Ciskei in the Eastern Cape and transfer them to the Western Cape. On 19 January 1967, the Minister of Planning, Mr. Haak, announced a plan, worked out by a Cabinet Committee, to carve up the Eastern Cape into labour-preference zones for coloureds and Africans. African labour is to get preference in areas east of a line to be drawn roughly between the Fish River and Aliwal North; coloured people will get preference west of this line. This involves the removal of 14,000 coloured people from Transkei to the Western Cape. The coloured people will be allowed to remain in group areas set aside for them in East London, Queenstown and King William's Town districts.<sup>62/</sup>

96. The Government has further indicated that it would vigorously press for a reduction of African labour in all industrial centres in order to achieve its objective of reversing the flow of African labour from the reserves to the "White areas" by 1978.

97. The Deputy Minister of Bantu Administration, Mr. "Blaar" Coetzee explained in the House of Assembly on 12 October 1966 that the plan is to "stop creating employment opportunities for Bantu in the metropolitan areas in factories and industries in which Bantu labour predominates.... For their economic future the Witwatersrand and all the metropolitan areas, including the Western Cape, will

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60/ The Star, Johannesburg daily, 8 February 1967.

61/ Cape Times, 22 December 1966.

62/ Cape Times and Rand Daily Mail, 20 January 1967.

Mr. Vosloo said on 8 June 1967 that the Cabinet Committee would be responsible for implementing the long-term policy in five stages: the removal of foreign Africans; freezing of African families with limited influx of single migrant labourers to fulfil the most urgent necessities; the gradual replacement of migrant African labour with coloured labourers and the selection of the African population and its division into groups.  
Cape Times, 9 June 1967.

have to look not to industries in which Bantu labour predominates, but to capital-intensive industries".<sup>63/</sup>

98. The Minister of Bantu Administration, Mr. Botha, stated in Cape Town on 6 February 1967, that the present ratio of black to white in "white" South Africa was 2.2 to 1, and that the aim was to reduce the ratio to 1 to 1.<sup>64/</sup>

99. In order to compel industrialists to comply with the Government's plan, the new Minister of Planning, Dr. Carel De Wet, introduced the Physical Planning and Utilization of Resources Bill on 12 May 1967. The bill provides that no industrial township may be established without the written approval of the Minister of Planning who would take into account the availability of labour, housing, water and other factors. The Minister may impose conditions in respect of any of these factors. Government may also, by proclamation, designate areas or industries in which ministerial approval is required to establish new factories or extend existing factories, or to increase the number of employees.

100. This legislative measure was strongly opposed by commerce and industry, by the United Party and the Progressive Party.<sup>65/</sup> The opposition parties did not object to decentralization of industry, but pointed out that the Government's purpose was not economic, but to restrict and reduce African labour in urban areas by moving labour-intensive industries to the borders of African reserves.

101. Meanwhile, on 27 April 1967, the Deputy Minister of Bantu Development, Mr. Vosloo, said that in the near future compulsory registration of every African in the "homelands" as a work-seeker would be introduced. He said the Africans could no longer exist according to the traditional pattern of tilling a small piece of land each, and it had been decided that all African labour should be mobilized through the active agency of the Bantu Authorities. A scheme was being worked out for the decentralization of labour bureaux to the tribal and regional authorities. He added:

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63/ House of Assembly Debates, 12 October 1966, cols. 1402-1403.

64/ The Star, Johannesburg daily, 7 February 1967.

65/ The Federated Chamber of Industries and the Associated Chambers of Commerce issued a joint statement opposing the legislation. Cape Times, 26 May 1967. The Johannesburg Chamber of Commerce estimated that the cost of reversing the flow of African workers would eventually be 1,050 million rand over the fifteen-year period it would take to implement this policy, or 70 million rand a year. Cape Times, 8 March 1967.

"These Bantu would then be allotted to specific labour categories according to prescribed norms so that all sectors would receive their rightful share of the available labour. As experience was gained, the Bantu would rise to higher-paid types of labour. It would have to be borne in mind, however, that human beings were involved who could not be moved about like pawns and that the employer should also make working conditions attractive." 66/

102. The Cape Times commented in an editorial of 28 April 1967:

"... this is an outrageous statement, for its plain meaning is that all African men, even in their homelands (including presumably, the 'autonomous' Transkei) would have to register. When registered their personal details would be compared with a schedule of some sort and they would be classified as this or that kind of worker. There is nothing to show how much their own preferences would weigh in this classification, so that we are unable to say whether a man who registered in the hope of unloading ships in Cape Town might find himself planting mealies in Lichtenburg.... There has been less and less freedom of movement for Bantu workers in recent years, but it is a new principle - if that is the intention - that even his right to 'idleness' at home in the Homeland shall be taken away, and that, what appears to be full-scale direction of labour, shall be introduced."

103. The Archbishop of Cape Town, Cardinal Owen McCann, protested on 1 May 1967 against the registration of the African and "their cataloguing and their being directed to certain types and spheres and areas of labour".

104. The Archbishop stated:

"They are men and they cannot be treated as mere commodities.

"Such a system could be good only if it helped him to find work and enabled him to keep his family life and responsibilities.

"Once again we cry out against the evils of the migratory labour system, its immoral consequences and the break-up of family life." 67/

105. Mr. Vosloo, however, confirmed on 11 July 1967 that the tribal labour bureau plan was intended to combat prejudice against farm employment and to harness the large potential labour force in African areas. 68/

66/ Cape Times, 28 April 1967.

67/ Rand Daily Mail, Johannesburg, 26 May 1967.

68/ The Star, Johannesburg daily, 12 July 1967.

C. Apartheid in sports

106. The South African Government has been concerned over the Republic's growing isolation in international sport, as a result of boycotts and expulsions from international sport organizations as a reaction to the imposition of racism in South African sport. During the past year, it made certain tactical concessions with a view to disrupting international opposition without, however, abandoning enforced separation in sport in South Africa.
107. These concessions were apparently occasioned by the anxiety to be readmitted to the Olympic Games and by the possibility of the cancellation of the tour of the United Kingdom cricket team (MCC) to South Africa.
108. South Africa, which did not receive an invitation to the Tokyo Olympics in 1964 because of her racial policy, has been attempting to obtain an invitation to take part in the Mexican Olympics in 1968 and the "Little Olympics" in Mexico in October 1967. In October 1966, the International Olympic Committee announced that a three-man fact-finding mission would visit South Africa to investigate the administration, organization and development of sport in South Africa and to ascertain whether everyone had an equal opportunity of taking part in the Olympic Games. This question was due to be considered at the International Olympic Committee meeting in Teheran in May 1967.
109. Meanwhile, the rigid enforcement of apartheid regulations during a visit to South Africa of Mr. Basil d'Oliveira, a Cape coloured cricketer who became a naturalized British citizen and played for England in 1966, aroused questions concerning the MCC tour of South Africa scheduled for 1968-1969, as Mr. d'Oliveira would probably be chosen for the MCC team.
110. Following a statement in January 1967 by the Minister of Interior, Mr. Le Roux, confirming that the Government would not accept mixed teams touring South Africa, more than 150 British parliamentarians called on the MCC to cancel their proposed South African tour and signed a motion urging the House of Commons "to deplore the colour discrimination introduced into sport by the South African Government". On 30 January 1967, the United Kingdom Minister of Sport, Mr. Denis Howell, told the House of Commons that the MCC tour in 1968 would be abandoned if South Africa objected to any particular player. He added that the British Government did not aid teams wishing to take part in circumstances involving

racial discrimination. No application for Government financial assistance towards sports visits to South Africa had been agreed to, nor would be entertained.

111. These developments caused great concern among South African sportsmen and the Government sought to meet the situation by some adjustments in policy.

112. The Minister of the Interior, Mr. Le Roux, said on 8 February 1967 in the House of Assembly:

"... we are all sportsmen and are fond of sport, but we dare not allow the enemies of South Africa and those who want to make it impossible for us to achieve success with our policy of separate development and to come out on top and triumph, to plough us under now in the realm of sport which they know is one which is very dear to our hearts and which is a difficult one to handle.

"On the basis of principle I am prepared to give the House and the country the assurance that this Government will be just as unhesitant and just as certain and just as inflexible in respect of that principle. But we are not so foolish that within the framework of the preservation of our principle, we will not go out of our way to make the application of the policy and the principle such, in the most carefully considered manner; as to make of it the greatest possible success...." 69/

113. On 4 March 1967 Prime Minister Vorster said that it was his earnest intention to maintain for the young people and for South Africa as a whole, those traditional sports relations that had been built up over the years. He made a distinction between internal sport and sports relations with other countries. 70/

114. Elaborating the policy in the House of Assembly on 11 April 1967, he said:

"I... want to make it quite clear that from South Africa's point of view no mixed sport between White and non-Whites will be practised locally... and that the other colour groups, the Coloureds, the Indians and the Bantu, practise their sport separately... If a person, either locally or abroad, adopts the attitude that he will enter into relations with us only if we are prepared to jettison the separate practising of sport prevailing among our own people in South Africa, then I want to make it quite clear that, no matter how important those sport relations are in my view, I am not prepared to pay that price....

"The Olympic Games is a unique event in which all countries of the world take part, and our attitude in respect of that event was that if there were

69/ House of Assembly Debates, 8 February 1967, cols. 933-934.

70/ Cape Times, 6 March 1967.

any of our Coloureds or Bantu who were good enough to compete there, or whose standard of proficiency was such that they could take part in it, we would make it possible for them to take part....

"Because the Olympic Games lays it down as an absolute condition, the people who are then selected will take part as one contingent under the South African flag...."

115. As regards the Canada Cup tournament and the Davis Cup competition, he said that "if it were to happen that we had to play against a coloured country in the finals, we would do so, whether in that country or in South Africa, because here one has to do with an inter-state relationship". Emphasizing that he was only concerned with maintaining traditional and existing relationships, he stated: "We have no relations with the West Indies, India or Pakistan... we had no such ties in the past, nor did I regard it as necessary that we should have them in future". Invitations to foreign sporting bodies would continue to be extended by South African sporting bodies.

"If they are asked, 'What is the attitude of your Government on the matter?' they will have no reservations in saying: 'Our Government does not prescribe whom you may select and whom you may not select, because our Government is not your selector.'" 71/

116. The next day Mr. Vorster warned sports administrators and others not to draw unwarranted conclusions from the above statement. He said that if people believed that "all barriers will now be removed" they were making "a very big mistake". 72/

117. The Minister of Transport, Mr. B. Schoeman, said in Johannesburg on 27 April 1967, that the statement of policy on sport made by Mr. Vorster was not a deviation from previous nationalist policy. It was necessary for the Republic to retain the friendship of certain nations and it was, therefore, also necessary to retain traditional sports relations with them. Specifically mentioning France, he said:

"If a French rugby team contains a member of mixed blood and we refuse to allow him to come and play here, we could destroy that friendship and good relationship.

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71/ House of Assembly Debates, 11 April 1967, cols. 3959-3967.

72/ Cape Times, 13 April 1967.

"From where will we then get the armaments with which we have built up our defence forces in order to defend our country against attacks from outside?" 73/

118. In view of the above, Mr. Frank Braun, Chairman of the South African Olympic Council, said in a statement on 21 March 1967 that South African team members in the Olympic Games would "participate in the opening ceremony... in uniform apparel and jointly under the South African flag", so that there would be only one South African team in which South Africans of all racial groups can be presented. They would be selected by the various sporting committees in South Africa. There would be no national contest. A liaison committee of white and non-white sport administrators would be formed under the chairmanship of the president of the South African Olympic Games Committee to advise the committee in the selection of the South African contingent. South African athletes of various racial groups could compete against each other "in accordance with custom abroad". 74/

119. This explanation failed to satisfy the International Olympic Committee. At its meeting in Teheran in May 1967, fourteen African countries submitted a motion to the IOC executive, demanding that South Africa be expelled from the Olympic movement unless it changed "its rules on racial discrimination in sports". These countries threatened to withdraw from the 1968 Olympics if this was not done. Mexico decided not to invite South Africa to compete in the "Little Olympics".

120. On 7 September 1967, the fact-finding mission of the IOC - consisting of Lord Killanin of Ireland, Sir Adetokumbo Ademola, Nigeria's Chief Justice, and Mr. R. Alexader, President of the Kenya Olympic Association - arrived in South Africa for a ten-day tour. It interviewed a number of sporting bodies and individuals, many of them non-white, at closed sessions in Johannesburg, Durban, East London, Port Elizabeth and Cape Town. Its report is to be tabled at the next IOC meeting at Grenoble in February 1968. 75/

121. Meanwhile, rigid separation continues in sport in South Africa.

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73/ Ibid., 28 April 1967.

74/ Ibid., 23 March 1967.

75/ Ibid., 8 September 1967.

122. In December 1966, Mr. "Papwa" Sewgolum, golf star of Indian origin, was banned from playing in tournaments at Wedgewood Park, Port Elizabeth, the South African Open at East London, and the Natal Open in Durban. He had been banned earlier from the Western Province Open.<sup>76/</sup>

123. In January 1967, Mr. Ronnie van der Walt, the South African welter-weight champion from Cape Town, who had so far been regarded as white, was informed by the Department of Interior that he had been classified as Coloured. He was unable to fight a white opponent in a bout scheduled for 1 February 1967, because of the ban on mixed sport. It was reported that Mr. van der Walt had made plans to emigrate to Britain.<sup>77/</sup>

124. On 11 April 1967, the Minister of Community Development, clarifying the Government's policy about mixed audiences attending wrestling and boxing matches in Cape Town City Hall, stated that only whites could watch if only white contestants were in action; when contestants were non-white, whites could attend "at their own volition".<sup>78/</sup>

125. By a ministerial decision in July 1967, Africans were prohibited from fighting in, or attending, mixed non-white boxing tournaments. The boxing promoter, Mr. N. Moodley, said that that distinction between non-white races was the "death of non-White professional boxing".<sup>79/</sup>

D. New legislation

Training Centres for Coloured Cadets Act, No. 46 of 1967

126. This Act, which provides for the establishment of "training centres" for Cape Coloured youth, requires all Cape Coloured men between the ages of eighteen and twenty-four to register as "recruits" for training. Recruits who are at school or university, in full employment, apprenticed or are physically or mentally unfit "may" be exempted from training.

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<sup>76/</sup> The Star, weekly, Johannesburg, 31 December 1966.

<sup>77/</sup> Cape Times, 31 January and 8 February 1967. He was reported to have said: "My heart is broken and my life destroyed.... I have been knocked down by a blow which I cannot understand. What have I done to deserve this?" Ibid., 31 January 1967.

<sup>78/</sup> Ibid., 12 April 1967.

<sup>79/</sup> Rand Daily Mail, Johannesburg, 27 July 1967.

127. A proportion of the youth is to be selected as "cadets" for twelve months or longer and sent to training centres to undergo training "for any kind of employment". The Workmen's Compensation Act and the Apprenticeship Act do not apply to "cadets".

128. Parental control over the youth selected for "work training" will give way to control by the committee of the training centre, except in regard to marriage and property rights.

129. Failure to register is an offence punishable by a fine up to 200 rand (\$US280) or imprisonment up to six months. Every registered recruit must notify the police of a change of address; failure to do so is punishable.

130. The original bill provided that the Coloured youth must always carry the registration or exemption certificate and must produce it on demand on pain of summary arrest. This provision, which caused particular concern as it would have subjected the Coloured youth to the humiliations inflicted on Africans under the pass laws, was amended during the debate in the Parliament. In the final Act, the Coloured youth are allowed seven days to produce the certificate.

131. Explaining the legislation in the House of Assembly on 20 February 1967, the Minister of Coloured Affairs, Mr. M. Viljoen, described its aim as "social rehabilitation", to make undisciplined and aimless persons undergo training. It was expected that about 90,000 persons would register initially and about 20,000 persons a year thereafter. As training facilities are to be established, only about 1,000 would be selected for training.

"Those who are regarded as suitable for training as mechanics, for example, will be apprenticed to private garages in consultation with the Department of Labour. Cadets who cannot be classified as suitable for training in a craft or scholastic field, however, will go to a training centre where they will perform some form of useful labour, for example, by providing assistance on localized tasks such as irrigation work, soil reclamation, tree planting, construction works, etc." 80/

In subsequent statements, Mr. Viljoen indicated that similar measures may be adopted later for Coloured girls, and Coloured youths under eighteen. 81/

80/ House of Assembly Debates, 20 February 1967, cols. 1555-1556.

81/ Senate Debates, 16 March 1967, col. 2135; Cape Times, 10 June 1967.

132. Government supporters in Parliament and the Press stressed that the purpose of the bill was to discipline Coloured youth and oblige them to undertake unskilled work in order to fill the labour gap left by the progressive withdrawal of Africans from the Western Cape.

133. The bill aroused wide opposition on the ground that, in effect, it reduced the Coloured to the plight of pass-carrying Africans and involved forced labour, though the Minister denied that forced labour camps would be instituted.

134. On 21 February 1967, members of the Coloured community, including forty educationalists, welfare workers, sport, youth, and church leaders and leaders of the Labour Party submitted a petition to the Minister of Coloured Affairs, Mr. Viljoen, in which they expressed concern over aspects of legislation which "might expose the youth to indignities and humiliation". They stated:

"It should be remembered that the Coloured youths who are in the unfortunate position of delinquents are largely the victims of past neglect. They did not have the benefits of compulsory schooling. Some have had no schooling whatsoever. They come from poor environmental conditions. They come from homes which were culturally as well as economically deprived. They have, as a result, little self-respect.

"We do not deny that among these youths, whatever the causes of their present condition, there are those who would benefit from a course of training and discipline. We agree that if a satisfactory method could be found whereby these youths could be induced to lead more useful lives, and if society could thereby in some measure repay its debt to them this would be excellent.

"But we do feel that the present Bill goes too far in that it requires all youths to register. We are not against registration for an honourable purpose, such as the defence of one's country. But it cannot be denied that this register will be regarded as a register from which potential 'won't works' will be selected to be sent to training centres as 'cadets'. The very wording, viz the fact that all youths from 18 to 24 years will be called 'recruits' strengthens this view.

"We feel very strongly that a slur is being cast over all of our youths in that they are now all to become 'recruits' from whose ranks, subject to certain exemptions, won't work cadets will be recruited.

"Youths and their parents now feel that there is likely to be a 'clean-up campaign' during which all Coloured youths aged 18 to 24 will be interrogated on the streets by policemen and if found without their exemption documents (already being called 'passes') they may be hustled off to a police station and treated according to the Criminal

Procedures Act. This fear is strong in the minds of the public, and your petitioners pray that steps be taken to set the public at ease by altering the Bill so that any such occurrences will not be possible." 82/

135. In a statement on 28 February 1967, the Black Sash stated:

"The use of compulsion in the recruitment of people for employment training completely disregards the right to make a free choice of what work they do, where they do it and the conditions under which they sell their labour.

"This bill provides for no real training but implies the establishment of a readily available quasi-military disciplined captive labour force, to be used at the discretion of the Minister.

"The application of compulsion and of military-styled regimentation to the ordinary civilian occupation of employment training, which this bill imposes on a section of the community is contrary to all concepts of a free society and is to be totally condemned." 83/

136 In a statement on 8 March 1967, Mr. Quintin Whyte, Director of the South African Institute of Race Relations, strongly criticized the bill. He agreed that many people in South Africa were educationally and socially ill-equipped for adulthood, particularly those who were "victims of an historical situation and of factors beyond their control," and that special measures were justified to enable such people to become respected, creative citizens. But, he added, a distinction must be made between delinquents and those "who through no fault of their own, nor of their parents, have fallen through the wide holes of the Government's inadequate provisions of educational and social services". Moreover, the scheme should be voluntary on the part of the parents and should be fundamentally educational and not military in its aims. 84/

137. The United Party, however, supported the bill on the ground that it would have the effect of making better citizens of the Coloured people.

138. Mrs. H. Suzman (Progressive Party) strongly opposed the bill on the ground it was "based on mass compulsion on a most far-reaching scale". She said in the House of Assembly on 3 March 1967 that she saw nothing in the legislation which was

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82/ Cape Times, 21 February 1967.

83/ Rand Daily Mail, Johannesburg, 1 March 1967.

84/ Cape Times, 9 March 1967.

"... designed to uplift the Coloured people as a whole. I see it as a hopeless confession of abysmal failure to understand and tackle any of the root causes of Coloured delinquency and of unemployment among young Coloured people....

"...the Minister should not under-estimate the dismay that has been caused amongst Coloured people at the extension of this modified pass system to the Coloured people. Sir, so far all I can see is that the hon. the Minister has achieved the registration of every Coloured male youth between the ages of 18 and 24 years; he has not created a single job for them, but he has created eight new crimes for which they can go to gaol."

139. Mrs. H. Suzman suggested that it would be a "better investment" to

"... introduce compulsory schooling for all Coloured children, to introduce school feeding schemes which would help to keep Coloured children at school for longer periods and to increase the pay of Coloured teachers which would provide the necessary additional teachers in order to implement a scheme of compulsory education." 85/

#### Prohibition of Mixed Marriages Amendment Act

140. The Prohibition of Mixed Marriages Amendment Act prohibits mixed marriages between South African male citizens living abroad with non-white women; such a marriage would be null and void and the couple would be liable to arrest under the Immorality Act in South Africa. 86/

141. The Amendment Act also provides that a person who does not tell the marriage officer that his wife is of another race can be convicted of perjury. It replaces the classification of people into "Europeans" and "non-Europeans" with "White persons" and "Coloured persons".

142. It was reported that this legislation was provoked mainly by the case of Mr. Breyten Breytenbach, a well-known Afrikaner poet and artist living in Paris,

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85/ House of Assembly Debates, 3 March 1967, cols. 2331 and 2333-2334.

86/ Mixed marriages in South Africa are prohibited under the original Act. As in the original Act, there is no similar prohibition on South African women when contracting marriages if domiciled abroad.

who married a Viet-Nameese. There was widespread publicity two years ago when the Government rejected an application by Mr. Breytenbach for a visa to bring his wife to South Africa. 87/

Population Registration Amendment Act, No. 64 of 1967

143. This Amendment Act was adopted largely to undo judgements by courts under the original Act and to make appeals against race classification more difficult.

144. On 24 January 1967, the Cape Supreme Court declared invalid a proclamation by the State President on 13 December 1963 dividing the Coloured population into sub-groups (Cape Coloured, Malay, Griqua, Chinese, Indian, other Asiatic and other Coloured) on the grounds that it was "void for vagueness" and made no provision for those who qualified for more than one group. By recognizing only three racial groups in South Africa - white, African and Coloured - the judgement put in question many of the apartheid regulations.

145. Moreover, the Government recently lost a series of appeals to courts against race classification (usually claims by those classified Coloured that they should be classified white as the white status entails many privileges - such as better jobs, education and cultural opportunities, and the vote). Most of these cases were brought to court by third parties, as it was discovered that the time-limit for appeals in the original Act did not apply to third parties. In a number of judgements, in the latter half of 1966, the Cape Supreme Court differed with the Race Classification Appeal Board on the interpretation of the provision that persons who are not obviously white or non-white in appearance should be classified according to "general acceptance". The Board held that to be classified white, the person must "reject and forsake all family members who are not classified as White", while the Court overruled it on the ground that "general acceptance" was the sole criterion.

146. In the Amendment Act, descent is laid down as the main determining factor in race classification. A person must be classified as white if both his parents have been classified as white. If one or both of his parents have been classified as Coloured or African, he must be classified as a Coloured person.

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87/ Reuters, 4 April 1967. The couple stopped briefly in South Africa in 1967, however, in transit on a voyage around the Cape.

147. The Amendment Act also adds to the tests to be applied in determining whether a person is "in appearance obviously a White person". It provides that his "habits, education and speech and deportment and demeanour in general shall be taken into account". A person shall be deemed not to be generally accepted as white unless he is so accepted where he is ordinarily resident or employed or carries on business and mixes socially. He must also be accepted as a white person "in his association with the members of his family and any other persons with whom he lives".

148. An objection to a classification (other than the classification of a minor which is governed by the classification of his parents) will have to be lodged within thirty days after the identity card is issued to him. The Minister may allow such person a longer period "but in no circumstances" may an objection be lodged after a year. Only persons directly affected can appeal the classification. <sup>88/</sup>

149. The Amendment also made provision for subdivision of the Coloured and African groups. <sup>89/</sup>

150. The provisions of the Act are retroactive to 7 July 1950.

151. The Minister of the Interior, Mr. P.M.K. Le Roux, said in the House of Assembly on 17 March 1967, that the main object of the amendment bill was to

"... give closer definitions of the terms 'appearance', 'acceptance' and 'descent' in an attempt to... frustrate a form of creeping integration which is beginning to assume alarming proportions.... The Government owes that to the various races or population groups of our country, but particularly to the White group which is justifiably proud of its identity." <sup>90/</sup>

He said that, in future, the courts would not, on appeal, conduct a fresh inquiry but would have to decide appeals on the evidence which had been placed before the board concerned. He disclosed that there were some 300 "borderline cases" now on appeal, which would be subjected to the new regulations of the law. <sup>91/</sup>

<sup>88/</sup> Under the original Act, appeals were often lodged by third parties, e.g., relatives of those affected. Many such legally valid objections pending before courts were disallowed after the Amendment Act came into force.

<sup>89/</sup> After the Amendment was adopted, the State President again issued a proclamation dividing the Coloureds into subgroups. Government Gazette Extraordinary, 26 May 1967, No. 1753.

<sup>90/</sup> House of Assembly Debates, 17 March 1967, cols. 3173 and 3180.

<sup>91/</sup> Ibid., 17 March 1967, cols. 3178-3179.

152. Sir De Villiers Graaff, leader of the Opposition, opposed the bill which he described as "vicious in the extreme". Criticizing the attitude of Mr. Le Roux, he said:

"... he is dealing now with human beings and not animals. He has moved from the Ministry of Agricultural Technical Services to the Ministry of the Interior. He is dealing with human beings in one of the most delicate matters in which one can deal in South Africa. He must not think that rules which apply to farmers' breeding animals apply to human beings too." 92/

153. He added that the new legislation would hurt, humiliate and degrade people. 93/

Separate Representation of Voters Amendment Act, No. 66 of 1967

154. It will be recalled that last year the term of office of the four Coloured representatives (whites elected by Coloured voters) in the House of Assembly was extended for a year pending further consideration of a change in the system of Coloured representation. 94/ The present Amendment Act extends their term for an additional two years until 30 October 1969.

155. Mrs. H. Suzman, Progressive Party, opposed the bill as a "disgrace". She charged that the intention was to delay elections in Coloured constituencies indefinitely until the Government, the Opposition and the Coloured representatives were able to find a formula to prevent the Progressive Party from winning Coloured seats and to end the Coloured representation in the House of Assembly. She noted that the problem had come up because the Progressive Party had won the Coloured seats in the elections to the Cape Provincial Council in March 1965, and the two major Parties were concerned that it would win the Coloured seats in the House of Assembly. 95/

92/ Ibid., 17 March 1967, col. 3183.

93/ Ibid., col. 3196.

94/ See A/6486-S/7565, paragraphs 53-67.

95/ House of Assembly Debates, 9 May 1967, cols. 5599-5603.

### III. REPRESSIVE MEASURES AGAINST THE OPPONENTS OF APARTHEID

156. During the past year, the South African Government has continued to intensify its ruthless repression against all opponents of apartheid.
157. Legislation has been enacted for this purpose, notably the Terrorism Act and the Suppression of Communism Amendment Act. Under the former, terrorism is very broadly defined, and conviction is punishable by death or a minimum of five years' imprisonment. The Suppression of Communism Amendment Act prohibits former members of banned organizations from joining, contributing to or participating in other organizations and provides for the debarring of "listed" advocates and attorneys.
158. Trials of opponents of apartheid under arbitrary repressive legislation has continued and a number of persons have been sentenced to death and executed in defiance of resolutions of the Security Council and the General Assembly. Thirty-seven South West Africans have been brought to trial in South Africa, in direct challenge of the decision of the General Assembly terminating South Africa's mandate over South West Africa.
159. The conditions of prisoners in South Africa have continued to cause alarm. Even after prison sentences are completed, the opponents of apartheid are subjected to banning orders, house arrest or banishment. Many have had their passports withdrawn and a number have been forced to leave South Africa on exit permits because of unbearable pressure on their lives.

#### A. New legislation

##### The Terrorism Act, No. 83, of 1967

160. The Terrorism Act creates a new offence of terrorism, which is very broadly defined, and lays down a maximum sentence of death and a minimum sentence of five years' imprisonment for the offence or for harbouring or assisting a terrorist. It also provides for the indefinite detention of any person suspected of terrorism or of withholding information relating to terrorists: the courts are not entitled to pronounce upon the validity of such detention, and no person other than authorized government officials may have access to such a detainee or to information relating to him.

161. Terrorism, as defined, includes commission of any act with intent to endanger the maintenance of law and order in the Republic, or conspiracy or incitement to this end. It includes the undergoing of training or instigation of others to undergo training which could be of use to any person intending to endanger the maintenance of law and order. It also includes possession of explosives, arms, ammunition or weapons. The Act places on the accused the burden of proving "beyond reasonable doubt" that he did not intend the use of the training or weapons for any act against the maintenance of law and order.

162. If the acts alleged to have been committed, attempted or instigated have any of the following results, the accused is presumed guilty under this Act unless it is proved beyond reasonable doubt that he did not intend any of these results:

"(a) to hamper or to deter any person from assisting in the maintenance of law and order;

"(b) to promote, by intimidation, the achievement of any object;

"(c) to cause or promote general dislocation, disturbance or disorder;

"(d) to cripple or prejudice any industry or undertaking or industries or undertakings generally or the production or distribution of commodities or foodstuffs at any place;

"(e) to cause, encourage or further an insurrection or forcible resistance to the Government or the Administration of the territory;

"(f) to further or encourage the achievement of any political aim, including the bringing about of any social or economic change, by violence or forcible means or by the intervention of or in accordance with the direction or under the guidance of or in co-operation with or with the assistance of any foreign government or any foreign or international body or institution;

"(g) to cause serious bodily injury to or to endanger the safety of any person;

"(h) to cause substantial financial loss to any person or the State;

"(i) to cause, encourage or further feelings of hostility between the White and other inhabitants of the Republic;

"(j) to damage, destroy, endanger, interrupt, render useless or unserviceable or put out of action the supply or distribution at any place of light, power, fuel, foodstuffs or water, or of sanitary, medical, fire

extinguishing, postal, telephone or telegraph services or installations, or radio transmitting, broadcasting or receiving services or installations;

"(k) to obstruct or endanger the free movement of any traffic on land, at sea or in the air;

"(l) to embarrass the administration of the affairs of the State."

163. The Act covers terrorism against the Republic, whether such acts are committed inside or outside the Republic. For the purposes of the Act, South West Africa is regarded as part of the Republic.

164. Trials under this Act will be summary trials by judge without a jury.

165. The law is retroactive to 27 June 1962, when the law making acts of sabotage a criminal offence came into force.

166. Moving the second reading of the bill in the House of Assembly on 1 June 1967, the Minister of Justice, Mr. Pelser, said that an additional measure was considered necessary because some lawyers doubted whether terrorist activities in South West Africa before 4 November 1966, when sabotage had been made a crime in South West Africa, could be punished.<sup>96/</sup>

167. The United Party supported the bill, although it objected to the provision imposing a minimum sentence of five years' imprisonment. It felt that the courts should have discretion to impose lesser sentences, as in trials for treason and murder, if extenuating circumstances could be found.<sup>97/</sup>

168. Mrs. Helen Suzman (Progressive Party), opposed the bill on the grounds that it would give far-reaching powers to the Government. She noted that no limitation was imposed on the detention of persons: detention could be in solitary confinement, and no one could obtain any information about a detained person.<sup>98/</sup>

169. Miss Margaret Marshall, President of the National Union of South African Students, in a statement expressing strong opposition to this legislation declared:

"As young South Africans we look with horror to a future in what can be described only as a police state. Those of the older generation who still retain some measure of sanity would do well to consider what sort of future they are allowing the Government to build for us."<sup>99/</sup>

<sup>96/</sup> House of Assembly Debates, 1 June 1967, col. 7025.

<sup>97/</sup> Ibid., cols. 7033-7034.

<sup>98/</sup> Ibid., cols. 7041-7045.

<sup>99/</sup> Cape Times, 15 June 1967.

The Suppression of Communism Amendment Act, No. 24, of 1967

170. This Act was first introduced in Parliament early in 1966,<sup>100/</sup> deferred and reintroduced in 1967.
171. In terms of section 1 of the Amendment Act, the Minister of Justice is authorized not only to prohibit former members of banned organizations or banned persons from joining other organizations specified by him, but to prohibit them from contributing to or participating in any way in the activities of such organizations.
172. Section 2 of the Amendment Act provides that no person "listed" as a Communist and no person convicted under the Suppression of Communism Act shall be admitted by any court to practise as an advocate, attorney, notary or conveyancer. The names of any such persons already admitted would be struck from the roll on an application made by the Secretary of Justice.<sup>101/</sup> (The Court may admit a person convicted under the Suppression of Communist Act on production of a certificate signed by the Minister of Justice to the effect that he has no objection to the admission of such person on account of his having been so convicted.)
173. The Act further provides that if a person has had communication with a "listed" or banned person he will be presumed to have known about the listing or banning unless he can prove to the contrary. The Act further lays down additional grounds for deporting South African citizens who are not South African by birth or descent: citizens of long standing may be deported for petty offences, such as infringements of arbitrary banning orders.

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<sup>100/</sup> See document A/6486-S/7565, annex II, paras. 108-114.

<sup>101/</sup> The Minister of Justice, Mr. Pelser, said that sixteen persons could, at the current time, be affected by the Act: Nelson Mandela, D. Nokwe, J. Slovo, H. Wolpe, Shulamith Muller, V.C. Barrange, A.P.O. Dowd, Sam Kahn, R.I. Arenstein, B. Fehler, I.C. Meer, J.N. Singh, L. Baker, J. Cohen, Hyman Basner and Bob Hepple. Most of them were either in prison or had fled the country. All except Mr. Hepple were "listed" Communists. The Minister said that there was one in practice, Mr. Arenstein's partner, Mr. B. Fehler. House of Assembly Debates, 9 February 1967, col. 1002.

174. Moving the second reading of the bill in the House of Assembly on 2 February 1967, the Minister of Justice, Mr. Pelsler, said that Communists had infiltrated the legal profession and had asserted themselves there particularly vigorously. Some of these lawyers had played a lively part in subversive activities, while others had supported such activities.<sup>102/</sup>

175. The United Party, in opposing the bill, stated that it had no objection to lawyers being struck off the roll if they were convicted of offences involving communist activities or the security of the State. But it felt that the decision should be left to the bar councils and the law societies or the courts. It opposed the bill on the ground that it removed the discretion which the South African courts had traditionally and properly exercised over those persons who practise the legal profession.

176. Mrs. Suzman (Progressive Party), opposing the bill, said that the provision concerning the debarring of lawyers would have an intimidatory effect on the legal profession and would inhibit members from carrying out their duties in a truly professional way. Referring to the statement by a National Party member, she said:

"The honourable member of Potchefstroom quite shamelessly told us earlier that he, for one, would never take a case involving a political offence. ... That can mean only one thing, that the honourable member himself decides whether a person is guilty of an offence, even before that person is charged in a court of law. All this is part of the pattern of legislation we have had in this country from 1950 onwards, whereby Ministers decide who is guilty and who is not guilty of ... political offences. I want to inform the honourable member of Potchefstroom that I have absolute proof that a large number of people charged with political crimes are not guilty ... My proof is this, that in the three years 1963, 1964 and 1965, of the 4,205 people who were arrested under the security laws, 1,344 were released without any trial whatever, and of those brought to trial 665 were found not guilty and discharged."<sup>103/</sup>

177. The provisions of this arbitrary legislation caused serious concern among opponents of apartheid. Under this legislation, numerous professional and other people who had at any time been members of the South African Defence and Aid Fund, a humanitarian organization which was arbitrarily banned in 1966, could be prevented

102. Ibid., col. 541.

103. Ibid., cols. 1290-1291.

from associating with any organizations specified by the Minister of Justice. Equally alarming was the likelihood that adequate legal defence of opponents of apartheid persecuted by the Government would become far more difficult. <sup>104/</sup>

178. Dr. Edgar Brookes, National Chairman of the Liberal Party of South Africa, protesting against the bill, described the first section of the bill as "incredible" and added:

"if the Minister were to ban the Liberal Party, no Liberal could ever take even an indirect part in politics again without the Minister's permission.

"What a scandalous state of affairs, particularly as the first membership is a bona fide membership of a legal and law-abiding organization which suddenly becomes unlawful at the arbitrary decision of the Minister!"

Under section 2, he noted, the barred lawyer loses his whole livelihood, prepared by arduous study, at the Minister's unchecked will.

"This in itself is inhuman and unjust. It is an insult to the legal profession, which has hitherto controlled its own membership." <sup>105/</sup>

General Law Amendment Act No. 102 of 1967

179. The General Law Amendment Act, extends for another year the provision for detention of persons after they have completed sentences under certain security laws. Mr. Robert Mangaliso Sobukwe, leader of the Pan Africanist Congress, was the only prisoner detained under this provision since its enactment in May 1963. <sup>106/</sup>

<sup>104/</sup> The Minister of Justice himself, in a statement in the House of Assembly on 9 February 1967, indicated that the accused would not be able to obtain counsel of his choice when he stated that the type of person charged under the Suppression of Communism Act preferred a certain type of legal representation: if he could not get it, he preferred to go without representation. House of Assembly Debates, 9 February 1967, col. 1000.

<sup>105/</sup> The Star, Johannesburg daily, 9 February 1967.

<sup>106/</sup> Mr. Sobukwe was sentenced to three years' imprisonment in 1960 in the aftermath of the Sharpeville massacre. Since May 1963, when he completed his sentence, he has been held in detention. Mr. Sobukwe was refused an exit permit in 1965 and again this year; in reply to Mrs. H. Suzman (Progressive Party), the Minister of Justice said on 13 June that he would not grant Mr. Sobukwe an exit permit.

Mrs. Veronica Sobukwe, appealing in April 1967 to the Minister of Justice for a discussion of the detention of her husband, said that her husband's health was deteriorating. (Rand Daily Mail, Johannesburg, 21 April 1967). Mrs. H. Suzman, who visited Robben Island in February 1967, said that there was no doubt that the lengthy solitude was beginning to have an effect on Mr. Sobukwe (The Star, Johannesburg daily, 16 February 1967).

180. Moving the second reading of the bill in the House of Assembly on 12 June 1967, the Minister of Justice, Mr. Pelser, said "that it was not in the public interest that he Mr. Sobukwe should be released". He added, however, that he had decided to relax the conditions of Mr. Sobukwe's detention on Robben Island by allowing his wife and children to live with him twice a year for continuous periods of fourteen days at a time. 107/

181. Mr. T.G. Hughes (United Party) said that his party opposed the clause under which Mr. Sobukwe was detained, because although it was aimed only at dealing with Mr. Sobukwe, its effect was that any person could be detained after completion of a sentence. He added:

"that his (Mr. Sobukwe's) ideology is anathema to the majority of us is no reason for depriving him of his liberty - unless he takes active steps to put his ideology into effect, thereby transgressing our laws." 108/

182. Thirty-three members of the House of Lords of the United Kingdom sent a cable of protest to the South African Minister of Justice on 4 May 1967, in which they stated:

"We understand that his detention is likely to be extended by resolution of both Houses of Parliament in the next few days. The procedure of detaining people in this way, with no charges preferred and no recourse to the courts, is contrary to all accepted standards of democracy and the rule of law.

"Mr. Sobukwe has already served more than double the sentence which a court considered appropriate, and his further detention cannot be reconciled with justice or humanity." 109/

#### The Radio Amendment Bill

183. It may be recalled that the Radio Amendment Bill had been referred to a select committee on 18 August 1966. 110/ The Bill, as revised by the select committee, was published on 21 April 1967, and the report of the committee tabled in Parliament on 2 May.

107/ House of Assembly Debates, 12 June 1967, col. 7591.

108/ Ibid., col. 7592.

109/ The Star, Johannesburg daily, 5 May 1967.

110/ See document A/6486-S/7565, annex II, paras. 115-116.

184. The Bill prohibits the participation, directly or indirectly, by South Africans and people resident in the Republic in the activities of radio stations outside the country which, in the opinion of the Postmaster-General, are broadcasting material injurious to the peace, order or public safety or to the morals, religion or morale of any section of the population of the Republic, or which may prejudice any undertaking or industry in the Republic. The maximum penalty for contravention is a fine of 2,000 Rand (\$US2,800) or imprisonment for not more than five years or both.

185. The Bill, however, was not introduced in the 1967 session of Parliament.

B. Political trials

186. Large numbers of opponents of apartheid have continued to be brought to trial and given harsh sentences during the past year under the arbitrary repressive legislation.

187. On 21 March 1967, in reply to a question by Mrs. H. Suzman, the Minister of Justice gave the following figures concerning trials during 1966 under the Suppression of Communism Act, the Public Safety Act, the Unlawful Organizations Act and under section 21 of the General Law Amendment Act of 1962: <sup>111/</sup>

	<u>Charged</u>	<u>Tried</u>	<u>Convicted</u>	<u>Charges withdrawn</u>
In the eastern Cape	151	148	130	3
In the rest of the Republic	69	63	58	6

188. Particulars on the outcome of political trials in the past year are annexed to this report.

189. A disturbing feature of these trials has been the imposition of death sentences on a number of persons for offences, allegedly inspired by the underground organization, Pogo, and committed in 1962-1963 during riots and disturbances. <sup>112/</sup>

<sup>111/</sup> House of Assembly Debates, 21 March 1967, col. 3304.

<sup>112/</sup> It may be noted that, in 1966, 124 persons - eighty-nine African men, one African woman, thirty-two Coloureds and two whites - were executed in South Africa. The number of executions was thirty-nine more than the previous year (The Star, Johannesburg weekly, 28 January 1967).

190. On 20 October 1966 in Cape Town, a former member of the underground Pogo was sentenced to death for his part in the murder of Mr. Armando Della Torre, a Cape Town clothing salesman, on 8 May 1963.<sup>113/</sup> On 16 December 1966, nine Africans, alleged to be members of the underground Pogo, were sentenced to death on the charge of complicity in the murder of a shopkeeper in Wellington on 22 September 1962. All the men were already serving sentences of imprisonment in connexion with the riots in Paarl in November 1962. They were executed in the Pretoria Central Prison on 30 May 1967. On 31 January 1967, five alleged members of the underground Pogo were sentenced to death on the charge of complicity in the murder of Police Sergeant Michael Moyi during a riot in Langa on 16 March 1962. On 19 April 1967, one African was sentenced to death for allegedly taking part, as a member of the underground Pogo, in the murder of Klass Hoza, a Paarl municipal policeman in 1962. Thirty-seven South West Africans are now under trial in Pretoria under the new Terrorism Act, which provides for the death penalty, despite the fact that South Africa's Mandate over South West Africa has been terminated.

191. Reference may also be made to the detention and trial of Mr. John Nyati Pokela, the Acting National Secretary of the Pan Africanist Congress. The organization claimed that Mr. Pokela had been kidnapped from Lesotho in August 1966. In spite of protests, Mr. Pokela was tried in South Africa and sentenced in June 1967 to thirteen years' imprisonment on a charge of sabotage, and seven years' imprisonment on a charge under the Suppression of Communism Act, the two sentences to run concurrently.<sup>114/</sup>

#### C. Prison conditions and ill-treatment of prisoners

192. In its report to the General Assembly and the Security Council, the Special Committee has frequently expressed grave concern over the ill-treatment of prisoners, detainees and persons in police custody in the Republic of South Africa, particularly the numerous opponents of apartheid who have been imprisoned under arbitrary laws. On the suggestion of the Special Committee, the Commission on Human Rights considered this matter in March 1967 and established an Ad Hoc Working

<sup>113/</sup> Cape Times, 21 October 1966.

<sup>114/</sup> Mr. Pokela protested in court that he had been tricked across the Lesotho border by a police agent.

Group of Experts to investigate the situation and make recommendations. As this matter has been considered in detail by the Working Group, only a few recent developments are noted here.

193. It may be recalled that following the expression of concern by the Special Committee and world public opinion over the condition of political prisoners in South Africa, the South African Government invited a representative of the International Committee of the Red Cross to inspect prisons in South Africa. Mr. Georg Hoffman, Director of General Affairs of the International Committee of the Red Cross, visited six prisons in May 1964 and submitted a report.

194. The South African Government, however, refrained from publishing his report until 26 November 1966, when, in view of renewed expressions of concern, it felt it desirable to do so.

195. Dr. Hoffman, in his report, noted repeated complaints of beatings by warders at the prisons. On Robben Island - where 912 of the 1,395 prisoners were serving sentences for political offences - there were, he said four gangs among the hardened criminals who tended to terrorize their fellow prisoners. He made four recommendations:

(a) Wherever possible, political prisoners on Robben Island should be separated from common-law prisoners;

(b) Study facilities should be available to suitable prisoners, especially the younger ones;

(c) As far as possible, health amenities should be improved and the possibility of open-air exercise increased for political prisoners at Leeuwkop and Pretoria;

(d) Beds should be provided for all tubercular prisoners at Sonderwater TB Hospital.

196. In a commentary on Mr. Hoffman's report, the South African Ministry of Justice rejected the allegations about the beating of prisoners and stated that some improvements had been made in the prisons in the light of Mr. Hoffman's report.

197. Following disclosures on continued ill-treatment of prisoners, the South African Government again invited a representative of the International Committee of the Red Cross in 1967 to visit prisons and police stations. The Government also offered facilities to members of Parliament to visit the prisons.

198. In February 1967, Mrs. Helen Suzman, Progressive Party member of Parliament, visited Robben Island for more than three hours in the company of the Commissioner of Prisons, Major-General J.C. Steyn, and interviewed a number of prisoners, including Mr. Nelson Mandela and Mr. Robert Sobukwe. She said that the physical conditions under which Mr. Sobukwe was being detained were quite good, but that the lengthy solitude was beginning to have an effect on him. She found no evidence of ill-treatment or ill-health among the prisoners, but said that there was no doubt that Robben Island was a "grim place".<sup>115/</sup>

199. Later, on 1 May 1967, at the invitation of the Minister of Justice, Mr. Pelser, several members of the House of Assembly and of the Senate visited Robben Island. Following this visit, and an individual visit to Pretoria Local Prison, Mrs. Helen Suzman made the following comments in the House of Assembly on 22 May 1967:

"There are about 1,000 prisoners on Robben Island, and I think the State ought to set up proper workshops so that people can do some sort of constructive work on the island, other than the 'hard labour' work which they do - I use this term in inverted commas because it is no longer used in our courts, but in fact it is hard labour that they are performing, work in the slate quarries and work in the sand quarries and the collection of seaweed and so on... being sentenced to gaol for life is a very heavy sentence indeed, and further punishment should not be imposed within the prison system itself.... I do not agree with the honourable member who said that the recreational facilities are adequate. I do not think they are, especially over the week-ends... for a modern gaol it is quite wrong that there are not proper facilities for hygiene and cleanliness, such as the provision of hot water.... This is not just another modern convenience but a matter of hygiene....

"I am also hoping that the Minister will think again about this question of allowing further study facilities.... Also, I do not know why they should be cut off from all contact from the outside world and why no newspapers are allowed and why they are not allowed to listen to news broadcasts... ordinary prisoners who have committed rape and kidnapping and assault are entitled to these privileges.... I believe that the prison authorities should not use the grading system as a sort of punishment within a punishment.... I also want to ask the Minister

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<sup>115/</sup> The Star, Johannesburg daily, 16 February 1967.

to reconsider the question of remission of sentence for this particular group of prisoners...."116/

200. The Minister of Justice said, in reply, that the Government hoped to improve facilities in Pretoria Local Prison and that further attention would be given to study facilities. He added that once building work was completed on Robben Island, attention would be given to workshop facilities.117/

201. Meanwhile, in July 1967, the International Defence and Aid Fund in London published a report entitled South African Prisons and the Red Cross Investigation, containing testimony of a number of former prisoners on ill-treatment in South African prisons. The Fund has also published information indicating that many political prisoners were being moved after completion of sentences to "transit camps" and forced to live under deplorable conditions.

D. Banning orders, house arrests and banishments

202. Arbitrary punishment of opponents of apartheid by banning and house arrest orders or banishment, without charges or trial or opportunity to reply to allegations, has continued.

203. As of 28 April 1967, 664 persons were restricted by banning orders served under the Suppression of Communism Act. 118/

116/ House of Assembly Debates, 22 May 1967, cols. 6468-6470. Mrs. Suzman also recommended that members of Parliament ought to be encouraged to visit gaols. She said:

"In England, for instance, there are panels of prison visitors, consisting of people who are well-known in public life. They are allowed to visit prisons whenever they like; they do not have to get special permission on each occasion; they simply go along when they wish to do so, and I think this is a very good idea. It does permit some sort of contact with the prisoners, and it makes them feel that the world has not entirely forgotten them. I also think that it is a good idea from the point of view of the prison system itself; it should be open to this sort of scrutiny." Ibid., col. 6479.

117/ Ibid.

118/ Government Gazette, 16 June 1967, No. 1765. The Minister of Justice told Parliament on 3 February 1967 that 675 persons had been restricted under the Suppression of Communism Act by the end of 1966. Of these, 125 had left the country. Twenty-nine had been sent to prison in 1966 for contravening banning orders (House of Assembly Debates, 3 February 1967, col. 594).

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204. As the Special Committee noted in its reports, the Government has used banning orders against leaders of organizations opposed to apartheid in order to paralyse those organizations. For instance, with the banning of Mr. Phillip Mamogobo, who was served with an order on 2 February 1967 banning him from taking part in the activities of the South African Congress of Trade Unions and attending gatherings, the entire Management Committee of the SACTU has been harmed.

205. Persons released from prison, after serving sentences for political offences, are frequently banned. Mr. William Bock, former Acting Secretary of the South African Coloured People's Congress and father of twelve children, received a five-year banning and house arrest order on 23 December 1966, after having completed a nine-month sentence imposed on him for contravention of the terms of a previous banning order. Mr. John Hashe, who had served three years' imprisonment on charges of taking part in the activities of the unlawful organization Pogo, was served with a two-year banning order on 3 February 1967. Mr. Victor Finkelstein, a crippled student confined to a wheelchair, was issued a five-year banning order on 10 February 1967, after having served three months in prison. Mr. Livingstone Mrwetyana, a student, received a two-year banning order on 10 February 1967, after having completed a sentence imposed on him in 1964 for distributing pamphlets. Mr. Paul Trehela, who was released on 12 April 1967 after having served two years' imprisonment, was immediately served with a banning order placing him under house arrest over week-ends and from 6 p.m. to 6 a.m. on week days. <sup>119/</sup> Mr. Zephania Lekoana Mothopeng, a teacher and a leader of the Pan Africanist Congress, was released from prison on 13 May 1967, and on the same day was served with a notice restricting him to Witziesshoek in the eastern Free State until the end of May 1969. Mr. Mothopeng's actual place of residence was Orlando, Johannesburg. <sup>120/</sup>

206 While arbitrary banning orders against opponents of apartheid have become almost routine in South Africa, the order served on 28 July 1967 on Dr. Raymond Hoffenberg has provoked very widespread protests.

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<sup>119/</sup> Cape Times, 13 April 1967.

<sup>120/</sup> It was reported that if Mrs. Mothopeng leaves her home and job to join her husband, the family will have only a corrugated iron room, 10 x 12 feet. The only source of income available to Mr. Mothopeng is a 65-cent-a-day job as a labourer (The World, Johannesburg, 25 May 1967).

207. Dr. Hoffenberg, one of South Africa's leading medical men and a distinguished researcher, is senior lecturer-researcher at the Medical School of the University of Cape Town, a member of the Senate of the University and Chairman of the Endocrine Society of South Africa. For the past seven years his research has been supported by the International Atomic Energy Agency, as well as by the South African Atomic Energy Board and the Council for Scientific and Industrial Research.

208. He has become the victim of persecution by the Government because he had been acting chairman of the South African Defence and Aid Fund, a humanitarian organization which provided legal defence for the accused in political trials until it was banned in March 1966. The Government refused him a passport in 1967. It also refused to forward his application for a renewal of funds to the International Atomic Energy Agency. 121/

209. The banning order served on Dr. Hoffenberg on 28 July 1967 confined him to the magisterial district of Wynberg and Cape Town and prohibited him from belonging to any organization or from attending any gathering, including a social gathering of more than one other person, or from writing or making any statement for publication. He was specifically prohibited from taking any part in the affairs or activities of any student society or organization, and from entering any African area, factory or printing premises. He was required to report to the police every Monday. He was permitted to continue his duties at the Medical School only until the end of the academic year in mid-December 1967.

210. Mrs. Hoffenberg told the Press that the banning order was "a definite attempt to force my husband to leave the country". Although many people were shocked at the ban on a man of Dr. Hoffenberg's standing, she said, "it calls attention to the whole iniquitous system of this punishment by ministerial edict, without any trial or chance to reply to unknown charges". 122/

211. Dr. Hoffenberg, it was noted by the Press, was apparently considered to be "promoting the aims of communism" by heading the South African Defence and Aid Fund, which had been arbitrarily banned on similar grounds. In neither case were there any charges or trial. As the Cape Times remarked in its editorial on 21 July 1967,

121/ The latter then gave the grant to the Department of Medicine of the University of Cape Town on condition that Dr. Hoffenberg remained the senior researcher.

122/ Cape Times, 31 July 1967.

many suspected that arbitrary power to ban was being used not so much to combat "communism" as to get rid of the political opponents and critics of apartheid. The frequent statements by officials that liberals were being of assistance to communism could not but warp the arbitrary judgements of the Government.

212. The ban caused widespread protests in the country as a violation of the rule of law and a blow against academic and scientific freedom.

213. Professor A.M. Robertson, Chairman of the Academic Freedom Committee of the University of Cape Town, expressed shock at the banning and said in a statement on 31 July 1967, with which the Chairman of the Staff Association and President of the Students' Representative Council associated themselves:

"By ministerial edict, without any hearings, the university is to be deprived of the teaching services of one of its most distinguished teachers from the end of the year. This is a flagrant infringement of academic freedom.

"Nor is that all. The terms of the order in respect of publications are still being studied. If they prevent the continued publication of Dr. Hoffenberg's scientific work, it constitutes a second and perhaps more serious infringement.

"If the order - as well it might - should also prove to interfere with Dr. Hoffenberg's full participation in the team-work within the Department of Medicine, which has resulted in many valuable discoveries and has brought international recognition to the achievements of our Medical School, a third assault on academic freedom and academic achievement will have been made." 123/

214. At a meeting on 31 July, faculty members of the Department of Medicine of the University of Cape Town expressed their "strongest abhorrence" of the ban. 124/ More than 500 medical students at the University strongly condemned the ban on 1 August. 125/ Students and faculty members held a vigil against the ban outside St. George's Cathedral in Cape Town from 1 August 1967. 126/

215. On 4 August, about 1,600 students and staff of the University of Cape Town attended a meeting which protested against the ban. 127/

123/ Ibid., 31 July 1967.

124/ Ibid., 1 August 1967.

125/ Ibid., 2 August 1967.

126/ Ibid., 2 and 3 August 1967.

127/ Ibid., 5 August 1967.

216. On 2 August, the Council of the University of Cape Town expressed "grave disquiet" over the ban and unanimously agreed to seek an interview with the Minister of Justice. 128/

217. On 3 August 1967, Mr. Harry Oppenheimer, newly elected Chancellor of the University, associated himself entirely with the statement of the University Council and added: "The ban on Dr. Hoffenberg is a matter of the gravest concern to all of us, representing as it does an interference of the most serious kind in his life and work, and in the affairs of the university."129/ Mr. J.P. Duminy, Principal of the University, also associated himself with the Council's statement.130/

218. Most of the registrars and staff of the Department of Medicine and many other members of the Groote Schuur Hospital were reported, on 7 August 1967, to have informed the University Council of their decision to offer their resignations at the end of the year in protest against the banning.131/

219. Hundreds of prominent South Africans sent protests to the Press. Among the organizations which protested the order were the South African Institute of Race Relations; the Black Sash; the Liberal Party; the Civil Rights League; the Council of the University Teachers' Association of South Africa; Executive Committees of the Academic Staff Association and Lecturers' Association of the University of Natal; and the Cape Town circuit of the Methodist Church of South Africa.

220. Protests were also signed by twenty-four South African medical men in the United Kingdom and thirty-five South African medical men in the United States.132/ Fourteen eminent medical professors from four British universities also issued a statement protesting the ban.133/

221. In Vienna, on 15 August 1967, a spokesman for the International Atomic Energy Agency said that if Dr. Hoffenberg were prevented from continuing his work, a priority international research programme on the use of radio-active isotopes in the study of malnutrition in tropical and subtropical countries, involving nine nations, would be seriously handicapped.

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128/ Ibid., 3 August 1967.

129/ Ibid., 4 August 1967.

130/ Ibid., 5 August 1967.

131/ Ibid., 7 August 1967.

132/ Ibid., 21 and 30 August 1967.

133/ Ibid., 19 August 1967.

222. The ban on Dr. Hoffenberg drew attention to the entire system of arbitrary banning of persons in South Africa designed to silence or punish the opponents of apartheid or force them to leave the country. As Mr. Colin Eglin, Cape Chairman of the Liberal Party, said on 31 July, "South African citizens are being savagely penalized without even being accused, far less convicted of any crime". <sup>134/</sup>

223. Mr. J. Hamilton Russell wrote:

"The Minister makes himself a 'judge' in his own cause and sits in his own secret court. He passes sentence on a person whom he dare not accuse of any crime in a way that is the negation of true justice. He hears evidence of his own choosing without impartial corroboration.

"He can be influenced by gossip or a poisoned pen. He need follow no rules of evidence or proper procedure. His chosen victim is not heard, nor has he any legal representation. There is no testing of evidence by cross-examining. No reasons are given for the searing sentence of 'banning'.

"The ministerial judge need not even act reasonably. His motives could be governed by anxiety, fear or malice. Of course, there is no appeal.

"An alleged murderer or rapist gets a fair trial, but not this ministerial victim." <sup>135/</sup>

224. Finally, reference may be made to the arbitrary banishment of Africans under the Native Administration Act of 1927. It was reported in January 1967 that thirty-nine Africans were living in banishment. <sup>136/</sup> These include Mr. Paul Mopeli, who has been in exile for fifteen years, and Mr. William Sekukhune, who is now over eighty years old. <sup>137/</sup> In June 1967, a banishment order was served on an Ovambo chief in South West Africa, Martin Oshekoto, Chief of the Odangua tribe of 60,000 people. The order also deposed him from the chieftainship on the grounds that his presence in Ovamboland was not conducive to peace and good order in the territory. <sup>138/</sup>

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<sup>134/</sup> Ibid., 1 August 1967.

<sup>135/</sup> Ibid., 3 August 1967.

<sup>136/</sup> The Star, Johannesburg weekly, 28 January 1967. Banishment orders had recently been reviewed, and fifty-nine have been withdrawn (ibid., 20 May 1967).

<sup>137/</sup> The Star, Johannesburg weekly, editorial, 20 May 1967.

The World, Johannesburg, 13 June 1967.

E. Harassment of opponents of apartheid

225. The Government has used its arbitrary power to refuse passports as an instrument to harass opponents of apartheid who are frequently obliged to leave South Africa on exit permits which prohibit their return.

226. The passport of the South African playwright, Mr. Athol Fugard, was withdrawn on 13 June 1967, the day after British television had screened his play

The Bloodknot. Mr. Fugard said that he might be a victim in a systematic purge "of those elements which are opposed to the policies of the Government".<sup>139/</sup>

227. Mr. E.G. Rooks, Chairman of the Durban Coloured Federal Council, was refused a passport to travel to Swaziland and Southern Rhodesia, where he intended taking a holiday to recuperate from ill health.<sup>140/</sup>

228. An application for a passport by Mr. B. Pogrud, a Rand Daily Mail reporter who had written articles in July 1965 exposing ill-treatment of prisoners, was refused in February 1967.

229. Mrs. Norma Kitson, a former detainee under the ninety-day clause, and wife of Mr. David Kitson who is serving a twenty-year prison sentence for sabotage, was given a passport, but it was withdrawn a few hours before she and her two young children were to board a plane for London. She was forced to apply for an exit permit.<sup>141/</sup>

230. Mrs. Ramnie Dinath, wife of Mr. Issy Dinath, a former detainee under the ninety-day clause, had her passport withdrawn two days before she was to fly to London and was granted an exit permit.<sup>142/</sup>

231. Among others who have been obliged by harassment to leave South Africa on exit permits are Mrs. Sarah Carneson, a banned person and wife of Mr. Fred Carneson, a journalist and former member of the Cape Provincial Council who is now serving a long term of imprisonment;<sup>143/</sup> Mr. John Sholto Cross, fiancé of Ilse Fischer,

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139. Cape Times, 14 June 1967.

140. The Star, Johannesburg weekly, 28 January 1967.

141. Sunday Times, Johannesburg, 13 November 1966.

142. Spotlight on South Africa, Dar es Salaam, 17 February 1967, quoted from the Sunday Times, Johannesburg, 5 February 1967.

143. It was reported that Mrs. Carneson had received medical advice to take her fourteen-year-old daughter abroad immediately, as she had suffered a nervous breakdown following arrest and persecution of her mother.

daughter of Mr. Abram Fischer, who is now serving life imprisonment;<sup>140/</sup> and Miss Ann Nicholson, an art student who was placed under house arrest after having served more than two years' imprisonment.

232. In reply to a question by Mrs. H. Suzman, the Minister of the Interior said in the House of Assembly on 14 February 1967 that during 1966, twenty-six whites, fifteen Coloureds, eight Asiatics and ten Africans had left South Africa permanently on exit permits. <sup>145/</sup>

233. A number of non-citizen clergymen who have expressed opposition to apartheid have been forced to leave South Africa. The Reverend R.L.W. Ritchie, a Canadian and Anglican minister to Bloemfontein's Coloured community for two years, was told in November 1966 that his permit to stay in South Africa would not be renewed. <sup>146/</sup>

Father Pierre Dil, a Dutch Anglican priest, was deported on 23 November 1966, after having been in the country for nine years. He said he had no doubt that he was being deported because he had been outspoken in his opposition to the policies of the Government. <sup>147/</sup> The Bishop of Kimberley and Kuruman, the Right Reverend C.E. Crowther, left South Africa on deportation orders on 30 June 1967. <sup>148/</sup>

234. Meanwhile the Government, while welcoming racists from abroad, has denied visas to journalists and others who are believed to oppose apartheid.

235. As Mrs. H. Suzman said in the House of Assembly on 26 April 1967:

"By studying the cases where visas were refused, one can only come to the conclusion that we are frightened to allow anyone to come into this country, anyone who might voice criticism against our policies... for instance, the refusal to allow accredited correspondents of newspapers of world repute into the country...."

She referred to correspondents of The New York Times, Time magazine and television networks like CBS and NBC, and to individuals like Dr. Ralph McGill (American journalist and publisher of Atlanta Constitution), Professor Deutsch (historian at the University of Minnesota), Professor Gwendolen Carter (of Northwestern University)

<sup>144/</sup> Mr. Cross, brilliant student and journalist, was served with banning orders which prevented him from writing or teaching.

<sup>145/</sup> House of Assembly Debates, 14 February 1967, col. 1194.

<sup>146/</sup> Cape Times, 24 November 1966. Father Ritchie had written a letter to Time magazine complaining against censorship in South Africa (ibid.).

<sup>147/</sup> Ibid., 23 November 1966.

<sup>148/</sup> Ibid., 1 July 1967.

and a number of young United States Peace Corps workers in Botswana. She added that, on the other hand, South Africans were "making idiots" of themselves by "welcoming all kinds of minor cranks" and neo-nazis. <sup>149/</sup>

236. Among those refused visas was also the Reverend A.H. van den Heuval, Executive Youth Secretary of the World Council of Churches. <sup>150/</sup>

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149/ House of Assembly Debates, 26 April 1967, cols. 4934-4937.

150/ Cape Times, 25 October 1966.

IV. THE BUILD-UP OF MILITARY AND POLICE FORCES

237. The massive build-up of military and police forces in South Africa, initiated in 1960, has continued during the period under review. Information on the military and police forces of South Africa is contained in two notes prepared by the Rapporteur of the Special Committee which are being published by the Unit on Apartheid.<sup>151/</sup> Some significant developments of the past year are briefly reviewed here.

238. The defence budget for 1967-1968 is again at a high level of approximately 256 million rand (\$US358 million), or slightly over that for last year.

239. In a White Paper on defence for the period 1965-1967, tabled in the House of Assembly on 5 June 1967, the Minister of Defence, Mr. P.W. Botha, stated that the operational readiness of the South African Defence Force had increased considerably in the past two years. He said that the numerical strength and efficiency of the forces had been enhanced, and quality and availability of equipment improved, strategic supplies stockpiled and a firm foundation towards self-sufficiency in regard to essential supplies established.<sup>152/</sup>

240. The Minister, on 29 July 1967, said that the South African Defence Force was now equipped with arms, equipment, spare parts and supply items valued at more than 1,600 million rand (\$US2,240 million).<sup>153/</sup>

241. Among the significant developments in the past year was the decision to install a radio navigational aid system. The Minister of Defence announced in Stellenbosch on 22 February 1967 that steps had been taken for the installation of a Decca navigational system capable of determining the position of vessels at sea to within twenty-five yards. The system would involve an expenditure of 6 million rand (\$US8.4 million) and would cover the South African coast from South West Africa to Natal.<sup>154/</sup>

242. Other major developments are the enactment of the Defence Amendment Act, the development of the aircraft industry, the purchase of submarines and the

<sup>151/</sup> A/AG.115/L.203 and 204; ST/PSCA/SER.A/3.

<sup>152/</sup> Cape Times, 6 June 1967.

<sup>153/</sup> The Star, Johannesburg daily, 31 July 1967.

<sup>154/</sup> Cape Times, 23 February 1967. The South African Navy News reported subsequently that the system would have five chains covering the coast from Angola to Mozambique and out to sea for more than 240 miles (The Star, Johannesburg daily, 13 April 1967).

revision of the Simonstown Agreement with the United Kingdom. These developments are reviewed below.

A. The Defence Amendment Act. No. 85, of 1967

243. The Defence Amendment Act, enacted this year, abolished the ballot system and introduced compulsory military training for all medically fit young male citizens from the age of seventeen, except those who joined the Permanent Force, the Police or the Prisons Department. This provision also applies to immigrant males under twenty-five years of age who have been in the country for not less than five years, unless they declare that they do not intend to become citizens.

244. Under the ballot system, about 16,000 young men were called up for military training each year. The new system is expected to increase the number to over 24,000: the additional number would be accommodated in the Commando, which becomes part of the total reserve liable to call-up at short notice. The Minister of Defence would decide each year the number of the new recruits to be allocated to the Citizen Force and to the Commando.

245. Members of the Citizen Force would be liable to nine periods of service over ten years: the first for a maximum of one year, the next three for up to twenty-six days and the last five for up to twelve days. Members of the Commando would be liable to service for twenty years, for a maximum of sixty days in the first year and nineteen days in any subsequent year.

246. The Amendment Act also prohibits, even in peace-time, the publication of information about Defence Force movements and the movements of South African or allied warships and aircraft without official authorization. (Under the original Act, the publication of such information was prohibited only "in time of war".) It also prohibits the publication of any statement, comment or rumour "relating to any activity or any member of the South African Defence Force or any force of a country which is allied to the Republic, calculated to alarm or depress members of the public or to prejudice the Government in its foreign relations, except where the publication thereof has been authorized by the Minister or under his authority.

B. Expansion of the military and police forces

247. As noted above, the Defence Amendment Act of 1967 provides for a considerable expansion of the armed forces. Commandant-General R.C. Hiemstra, Chief of the

Defence Force, on 15 March 1967, said that the aim was in about ten years to be able to mobilize 100,000 Citizen Force men as units at very short notice.<sup>155/</sup>  
(In addition, the Commando would absorb 7,000 men a year.)<sup>156/</sup>

248. The Minister of Defence, Mr. Botha, said on 6 September 1967 that he hoped to submit proposals to the Cabinet soon on the training of women for auxiliary defence tasks; such as ambulance services, first aid, home nursing, carrying messages and transmitting signals.<sup>157/</sup>

249. The Coloured Corps, established in 1963, for such administrative jobs as drivers, storemen, clerks and stretcher-bearers, is being developed as the first recruits have completed training. Commandant M.J.B. Bredenkamp, commanding officer of the Eerste River Training Centre for the Coloured recruits, said on 23 June 1967 that a total of 290 men had joined the Corps: of these, 135 had been posted to the South African Navy. The Training Centre had 280 men and could take a maximum of 500.<sup>158/</sup>

250. The police reserve has also been expanded. The Deputy Minister of Police, Mr. Muller, told the House of Assembly on 14 April 1967 that there were 5,260 men in Group A who did police service on a temporary basis with pay; 8,277 in Group B who did service without pay; 2,969 in Group C and 882 in Group D in the rural areas. He added that the police were conducting an experiment to extend the system to the Africans, and 500 African reservists were being trained in the Soweto-Orlando-Medowlands complex of Johannesburg.<sup>159/</sup>

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<sup>155/</sup> Cape Times, 16 March 1967.

<sup>156/</sup> The Star, Johannesburg daily, 2 August 1967.

<sup>157/</sup> Cape Times, 7 September 1967.

<sup>158/</sup> Ibid., 24 June 1967. The training course was reported to be essentially the same as for white ratings, but certain specialized subjects are not covered. Members of the Coloured Corps can rise to the rank of warrant officer (ibid., 27 May 1967).

<sup>159/</sup> House of Assembly Debates, 14 April 1967, cols. 4240-4241. The Africans would be Group B reservists under the supervision of a regular member of the police force. They would do beat duty and would be trained in the prevention and detection of crime. Coloured reservists already operate in Athlone (where there are 200), Bontheknewel, Matroosfontein, Bishop Lavis Township and Heideveld. A newly established group of nine Indians, who will operate in Rylands Estate, started their training in March 1967 (Cape Times, 18 March 1967).

C. Manufacture of arms and ammunition and military equipment

251. The manufacture of arms, ammunition and military equipment in South Africa has continued to expand. Brigadier J.J. Stapalberg of the South African Defence Force declared on 20 April 1967 that South Africa would soon export arms and accessories to foreign countries, including African countries. <sup>160/</sup>

252. Earlier, on 16 December 1966, the Minister of Defence, Mr. P.W. Botha, said that a new weapon, the result of South African research, would soon be in use by the Defence Force and could be shared with nations which were prepared to co-operate with South Africa. <sup>161/</sup> He refused to give specific information about the weapon but said that it was not just a toy but a "defensive weapon" which was enormous both in "concept and reality". <sup>162/</sup> Speaking in the House of Assembly on 10 May 1967, he said that "the Defence Force and another body are developing a new defence weapon which promises to be a great success". He added that the Council on Scientific and Industrial Research and the Defence Force had also been doing research for a number of years on rockets and guided missiles, which were "absolutely essential for South Africa". Noting that budget allocations for research had "increased from 29,000 rand (\$US40,600) a few years ago to 10 million rand (\$US14 million) this year", he added:

"with such weapons - along with our radar network which is directed at our northern borders, and the Decca navigation system, which is being introduced along our coastline so as to enhance our safety, along with the additional striking power of the Army, the Air Force and the Navy, with the added submarines - South Africa's safety will be in good hands, and we can become a very important ally to the Free World ...". <sup>163/</sup>

253. Meanwhile, the recently established aircraft industry is being expanded.

254. On 18 April 1967 in Johannesburg, Brigadier J.G. Willers, head of the Atlas Aircraft Corporation, indicated that the first aircraft built from components manufactured in South African workshops - the MB326 Impala jet trainer - would be completed by July or August. He added that the next step must be to launch

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<sup>160/</sup> Cape Times, 21 April 1967.

<sup>161/</sup> The Star, Johannesburg daily, 16 December 1966.

<sup>162/</sup> Ibid., 17 December 1966.

<sup>163/</sup> House of Assembly Debates, 10 May 1967, col. 5750.

facilities for the manufacture of a completely indigenous aircraft designed specifically for South African conditions. The first completely South African aircraft would probably be a single-engined light plane for civil and military use.<sup>164/</sup>

255. It was reported in the same month that later in the year Afic Holdings (Pty.) Limited, would begin manufacture under licence of an Italian light aircraft, Afic RSA 200, designed by Gino Pascalle, Professor of Aeronautics at the University of Naples. It is an all-metal, single-engine four-seater with a cruising speed of 160 miles an hour. The first prototype was due in South Africa in May. A spokesman for the company said that the plane was intended as an answer to the possibility of the application of sanctions against South Africa.<sup>165/</sup>

256. It was reported in September 1967 that a Hovercraft factory would start production by November 1967 at Knysna. The engines would, at first, be imported, but the company aimed at complete local manufacture. Lieutenant Commander J.F. Kerr, managing director of Hover Air South Africa (Pty.) Limited, which is affiliated to a British firm, said that the craft had commercial value and military importance.<sup>166/</sup>

#### D. Import of military equipment

257. In spite of the arms embargo, South Africa has continued to obtain equipment from abroad for its defence forces. An estimate of 38.4 million rand (\$US53.8 million), or 9 million rand over the estimate for 1966-1967, has been included in the 1967-1968 budget for aircraft, aircraft stores, services and equipment.

258. The first of the sixteen Sud-Aviation SA321 Super Frelon helicopters bought by the South African Air Force from France arrived in South Africa on 24 July 1967. These helicopters are due to go into service before next year with No. 15 Squadron, one of two additional squadrons to be established soon for short-range troop and equipment transport.<sup>167/</sup>

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<sup>164/</sup> The Star, Johannesburg daily, 14 April 1967.

<sup>165/</sup> Cape Times, 27 April 1967.

<sup>166/</sup> Ibid., 12 September 1967.

<sup>167/</sup> Cape Times, 25 July 1967. The other squadron, No. 16, is to be equipped with Alouette III helicopters (ibid.).

259. Meanwhile, the South African Government has been considering the acquisition of other types of aircraft.

260. In February 1967, the Financial Times of Johannesburg reported that France would supply South Africa with between £40 million and £50 million worth of Transall tactical and strategic military aircraft if current negotiations between Pretoria and Paris were successful. (The Transall aircraft is made by Nord Aviation in co-operation with three West German companies. A turbo-prop aircraft powered by two Rolls-Royce engines, it is used by the French Air Force and the West German Luftwaffe and is designed to take off and land on small rudimentary airstrips with difficult approaches. It can carry up to eighty-one troops or seventeen tons of equipment and can drop paratroops from its lateral cargo doors.) It was reported that the deal might be hampered by the fact that British engines were used in the aircraft. 168/

261. It was subsequently reported that South Africa had submitted a large order at the Paris Air Show in May 1967, which was attended by the South African Minister of Transport and the Commandant-General of the South African Air Force. 169/

262. According to press reports in March 1967, the South African Army and Air Force were interested in an American executive aircraft and a Canadian De Havilland Twin Otter which had been demonstrated in South Africa. 170/ On 15 June 1967, the Minister of Defence, members of the Parliamentary Select Committee on Defence and Air Force officers watched a demonstration flight of an 11-seater turbo-engine Swiss aircraft, the Pilatus Turbo Porter, which is used in some countries for reconnaissance. 171/

263. Meanwhile, early in 1967, the press reported discussions between South Africa and Dutch industry for the purchase of submarines. The Netherlands Government, however, declined to assure authorization for the sale. On 17 February 1967, the Minister of Defence, Mr. Botha, said that South Africa could not contemplate placing orders for submarines with Netherlands shipbuilding interests, who had approached South Africa in the first instance, "until such

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168/ Southern Africa, London, 13 February 1967.

169/ Cape Times, 1 June 1967.

170/ The Star, Johannesburg daily, 22 March 1967; Cape Times, 24 March 1967.

171/ Cape Times, 16 June 1967.

time as we have the assurance that successive or alternative governments, will honour the long-term obligations which flow from such contracts".<sup>172/</sup>

264. On 19 April 1967, Mr. Botha announced that South Africa had signed an agreement with France enabling it to order three Daphne-type, deep-diving submarines, which would cost about 8 million rand (\$US11.2 million) each. They would be completed within four years. Each submarine would carry twelve torpedoes and need a complement of six officers and thirty-nine men.<sup>173/</sup> It was reported that the officers and men would be trained in France.<sup>174/</sup>

265. In the same month, it was reported that Yarrow and Company of Glasgow was interested in providing South Africa with technical assistance for the manufacture of naval vessels and had approached the United Kingdom Government for approval. British business interests were reported to have increased their pressure for a relaxation of the arms embargo after the order for French submarines was announced.<sup>175/</sup>

266. The South African Navy has also purchased a 24,000-ton oil tanker, SAS Tafelberg, from Denmark. It was officially renamed at Durban on 10 August 1967.<sup>176/</sup>

#### E. Military co-operation with other States

267. In 1966, the United Kingdom Government decided, for economic reasons, to withdraw the single naval frigate stationed in South Africa, as well as the Commander-in-Chief in the South Atlantic, from Simonstown. From 25 to 27 January 1967, the representatives of the South African and United Kingdom Governments met in Cape Town and agreed on certain aspects of the Simonstown Agreement of 1955 in the light of that decision.<sup>177/</sup>

268. In statements on 2 and 22 February 1967, the South African Minister of Defence, Mr. Botha, announced that it had been agreed that South Africa's naval chief would assume responsibility for the defence of the Cape sea route in the

<sup>172/</sup> Ibid., 18 February 1967.

<sup>173/</sup> Ibid., 20 April 1967.

<sup>174/</sup> Ibid., 2 June 1967.

<sup>175/</sup> Rand Daily Mail, Johannesburg, 15 April 1967; Cape Times, 17 and 20 April 1967.

<sup>176/</sup> Cape Times, 10 and 25 August 1967.

<sup>177/</sup> Ibid., 12 and 28 January 1967.

event of war. (Under the 1955 agreement, the Royal Navy commander at Simonstown would have assumed over-all command of the navies of both countries in time of war.) The United Kingdom Commander-in-Chief would leave and would be replaced by a senior naval officer, who would maintain liaison in Cape Town. The Minister expressed the hope that the United Kingdom and her Western allies would "provide tangible evidence of their appreciation of our willingness to make a greater international contribution towards the defence of the Cape sea routes, at least when it comes to the provision of equipment for our navy".<sup>178/</sup>

269. Visits of British warships to South Africa have continued.

270. About a hundred Labour Party members of Parliament protested strongly against the visit of three of the British Royal Navy's ships - the Kent, Arthusa and Olynthus - to Cape Town and Simonstown between 12 and 17 June 1967: the non-white crew of the ships had been given the choice of going ashore under apartheid regulations or staying aboard or being posted elsewhere.<sup>179/</sup> The Prime Minister, Mr. Harold Wilson, declined to cancel the visit and said that Britain was maintaining defence facilities in South Africa under the Simonstown Agreement "which are useful to us and which involve liaison with the South African Navy". He added: "Naval visits to South Africa do not affect the Government's fundamental dislike of the policy of apartheid, and I do not think there can be any misunderstanding about that".<sup>180/</sup>

271. In the next few weeks, nearly twenty British warships and fleet auxiliaries - the largest concentration in more than ten years - called at the Cape.

272. In an effort to develop wider relations, the South African Government announced that two frigates of the South African Navy and a tanker would make a courtesy call to Argentina later this year.<sup>181/</sup>

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<sup>178/</sup> Ibid., 3 February 1967; The Star, Johannesburg Daily, 22 February 1967.

<sup>179/</sup> Cape Times, 16 May and 2 June 1967.

<sup>180/</sup> Ibid., 1 June 1967.

<sup>181/</sup> Ibid., 11 August 1967.

V. DANGER OF VIOLENT CONFLICT

273. In its reports, the Special Committee drew attention to the grave danger of violent conflict resulting from the policies of the South African Government which, by suppressing peaceful efforts of the people for their legitimate rights, obliged them to resort to clandestine and violent means.

274. It may be recalled that in 1960, after the Sharpeville massacre, the South African Government banned the African National Congress and, rejecting consultations with the African people, instituted an increasingly ruthless régime of repression. In 1961, leaders of both the ANC and PAC were obliged to abandon their commitment to non-violence.

275. The Umkonto We Sizwe, an underground organization established by adherents of the African National Congress, engaged in sabotage activities from 1961 to 1964, while taking care to avoid loss of life: it was reported to have been responsible for nearly 200 acts of sabotage. The Pogo, an underground organization associated with the Pan Africanist Congress, was reported to have been responsible for several acts of violence. The Government arrested thousands of adherents of the ANC and the PAC and enacted stringent repressive laws.

276. The acts of sabotage and violence ceased in the middle of 1964. The South African Government stated, however, that attempts at the violent overthrow of the Government by better trained and armed persons may be expected, inasmuch as many adherents of the banned organizations had gone abroad to obtain military training. It threatened to suppress such attempts ruthlessly. Some of the more recent statements of the Government leaders may be noted.

277. On 1 November 1966, Prime Minister Vorster said that plans against the Republic were being made in Tanzania, Nigeria, Ethiopia, eastern Europe and China, but that the police were fully prepared. Any threat coming from Africa would be dealt with "before breakfast"<sup>182/</sup>

278. On 9 November 1966, he said that "terrorist activities" were being encouraged chiefly by the Union of Soviet Socialist Republics and the African States. He charged that the United Nations was fully aware of these activities and did not take action against them.

<sup>182/</sup>Cape Times, 2 November 1966.

"The U.N. does not even disapprove - on the contrary - it encourages these activities.

"Let me say that we are fully aware of the things being planned against us, and let me say very clearly that we are prepared to meet those who want to come our way ...

"I have given orders to my people to deal with them as one does in war ...

"I want to reiterate this warning to African States: If they send terrorists to South Africa, then the death of those terrorists will rest in their consciences."183/

279. On 7 April 1967, the Deputy Minister of Police, Mr. S.L. Muller, said that more than 2,000 young Africans had been taken out of South Africa for training as "terrorists". They were now in African countries, waiting to be sent back to South Africa; and this created a new prospect of terrorism for the Republic.184/

280. He added on 3 June 1967 that the alleged "terrorists" included 900 from Ovamboland. Tremendous fear of the "terrorists" existed among the people of Ovamboland, who were afraid to give information to the police. This hampered investigations to such an extent that an ammunition cache and cellars where "terrorists" were being trained were uncovered in 1966, more than a year after the police had received first information on "terrorist" infiltration in the territory. He added that the Government was aware that Communist and Pan Africanist organizations were still in existence in the Republic waiting on a big onslaught by "terrorists" to re-enter the struggle.185/

281. Prime Minister Vorster, speaking on 4 June 1967, again accused the United Nations of doing nothing about the thousands of "terrorists" who were being trained in certain African States with a view to overthrowing the South African Government. If the "terrorists" came to make war in South Africa, he said, the Government would take the most drastic measures possible.186/

183/ Ibid., 10 November 1966.

184/ The Star, Johannesburg daily, 9 April 1967.

185/ Cape Times, 5 June 1967.

186/ Ibid., 5 June 1967.

282. In the past year, the situation has led to several incidents of violence or armed conflict, first in the Territory of South West Africa and then, in August-September 1967, in Southern Rhodesia. These incidents have had serious international repercussions, inasmuch as South African security forces entered Southern Rhodesia in defiance of the authority of the Administering Power and resolutions of the Security Council.

A. Violent incidents in South West Africa

283. According to South African ministers and officials, Africans trained abroad in guerrilla warfare and the use of explosives under the auspices of the South West Africa People's Organization (SWAPO) began to return to the Territory in small groups from September 1965 on.

284. The Deputy Minister of Police, Mr. Muller, disclosed on 30 September 1966 that the first group to cross into Ovamboland from Angola had consisted of ten men and that eight of them had been arrested in March 1966.

285. Among the subsequent incidents disclosed by the Government were the following:

(a) On 26 August 1966, when the police raided a secret terrorist camp in Ovamboland, a gun-fight took place with about sixteen Africans armed with submachine guns and automatic pistols. Two Africans were killed and eight arrested. Another African later died of wounds.

(b) On 24 September 1966, a white police officer was slashed on the arm by a panga in northern Ovamboland.

(c) On 28 September 1966, a band of "terrorists" attacked Oshikango and burned two administration buildings, the house of a white clerk and single quarters for unmarried white men. An Ovambo night-watchman was wounded.

(d) On 30 September 1966, thirty "terrorists" who had escaped from South West Africa were reported to have been captured by Portuguese soldiers who had been sent to the Ovamboland border.<sup>187/</sup>

(e) On 18 November 1966, two Ovambos who had received training at a secret camp were arrested by the police.

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<sup>187/</sup> The Policia Internacional e de Defesa Do Estado (PIDE), the Portuguese security police, also reported to have co-operated with the South African police in South West Africa. Giving evidence in the South West Africa Supreme Court in November 1966, an Angolan agent of PIDE said that he had been given an assignment in Ovamboland. The Portuguese security police had informed the South African police concerning gun running in Ovamboland, and both had co-operated in arresting an Ovambo businessman (see document A/AC.109/L.372).

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(f) Also in November 1966, "terrorists" attacked two Ovambo headmen and seized their firearms.

(g) On 14 December 1966, seven armed Africans attacked and wounded a white farmer near the town of Grootfontein. A search by the police, aided by helicopters, Bushmen trackers, tracker dogs and armed white farmers, resulted in the capture of five of the seven Africans by 27 December. Police recovered one sub-machine gun and one pistol.

(h) On 28 December 1966, one of the guards of Headman Ashipala of the Ukuambi area of Ovamboland was shot and killed; two others were wounded.

(i) In March 1967, a group of South West Africans, armed with semi-automatic rifles, infiltrated into the western Caprivi strip and tried to ambush a police patrol. Nearly the whole group was subsequently captured and two semi-automatic rifles were recovered.

286. The South African Government reacted to these incidents by the enactment in June 1967 of the Terrorism Act, which has been reviewed earlier in this report, and by the charging of thirty-seven South West Africans under the Act on 27 June. The trial began in the Pretoria Supreme Court on 7 August and, after adjournment, resumed on 11 September.

287. The Attorney-General of the Transvaal indicated that seven of the accused were leaders of the South West Africa People's Organization, which was responsible for acts of terrorism aimed at overthrowing the existing Government and administration in South West Africa. Evidence would be introduced that eighteen of the men had received military training abroad and another had been trained in Ovamboland. The State intended to call more than 150 witnesses and to hand in about 500 exhibits, including firearms. 188/

288. It may be noted that the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in a resolution of 12 September 1967, condemned "the illegal arrest by the authorities of South Africa of thirty-seven African nationals from South West Africa in flagrant violation of the international status of the Territory"; called upon "the authorities of South Africa to cease all illegal acts in the international Territory of South Africa" and demanded "the immediate release of the thirty-seven African nationals".

B. Clashes between South African nationals and the forces of the régime in Southern Rhodesia

289. From early August 1967, armed adherents of African National Congress of South Africa, acting in co-operation with the Zimbabwe African People's Union attempted to return to South Africa through Southern Rhodesia, and a series of battles took place between them and the forces of the illegal racist minority régime of Southern Rhodesia, which were supported by South African forces.
290. According to press reports, based mainly on information released by the régime in Southern Rhodesia and the South African Government, the incidents began on 11 August 1967 when an African "terrorist" was captured in the Wankie area of Southern Rhodesia.
291. On 13 August, two Rhodesian soldiers were killed and four others wounded in a six-hour air and ground battle with African "terrorists" in the Zambesi Valley. Five African "terrorists" were killed. On 14 August, an African "terrorist" surrendered in the Zambesi Valley.<sup>189/</sup> On 16 August, an African believed to be a "terrorist" was shot dead by police near Bulawayo.<sup>190/</sup> On 18 August, Rhodesia's security forces shot and killed eight "terrorists" near the country's northern border and captured six.<sup>191/</sup>
292. On 23 August, in a third gun battle in the Matabeleland bush, Rhodesian forces killed five more African "terrorists" and captured another: one white officer and one African warrant-officer were killed.<sup>192/</sup>
293. On 25 August, Rhodesian forces captured four more African "terrorists" in an engagement in the Zambesi Valley area.<sup>193/</sup> On the same day, Rhodesian forces, using combat aircraft for the first time, were reported to be engaged in more fighting in the Wankie Game Reserve along the Botswana border.<sup>194/</sup> The battle continued for several days.

<sup>189/</sup> Cape Times, 15 August 1967.

<sup>190/</sup> Ibid., 19 August 1967.

<sup>191/</sup> Ibid., 19 August 1967.

<sup>192/</sup> Ibid., 24 August 1967.

<sup>193/</sup> Ibid., 26 August 1967.

<sup>194/</sup> Ibid., 26 August 1967.

294. On 27 August it was reported that fierce fighting had taken place near Victoria Falls.<sup>195/</sup> Four more "terrorists" had been killed in a bush battle, and one member of the security force had been wounded.<sup>196/</sup>

295. On 5 September, the Rhodesian security forces headquarters announced that three guerrillas and one member of the security forces had been killed in clashes during the previous few days. A number of guerillas had been captured, and one member of the security forces had been slightly wounded.<sup>197/</sup>

296. By 5 September, according to the régime in Southern Rhodesia, the casualties of the African "terrorists" were thirty-one killed and thirty captured: seven members of the security forces had been killed and fourteen wounded.<sup>198/</sup>

297. Meanwhile, the African National Congress of South Africa announced that its adherents were involved in the fighting in Southern Rhodesia. In a joint statement on 19 August 1967, Mr. J.R.D. Chikerama, Vice-President of the Zimbabwe African People's Union, and Mr. O.R. Tambo, Deputy President of the African National Congress of South Africa, confirmed that fighting had been going on between freedom fighters and the Rhodesian army since 13 August and that the former included adherents of the ANC "fighting their way to strike at the Boers themselves in South Africa". They added:

"We wish to declare here that the fighting that is presently going on in Wankie area is indeed being carried out by a combined force of ZAPU and ANC, which marched into the country as comrades-in-arms on a common route, each bound to its destination. It is the determination of these combined forces to fight the common settler enemy to the finish, at any point of encounter as they make their way to their respective fighting zones.

"In the fighting Front, the enemy has suffered untold casualties and as the fighting continues, the Fighters are determined to inflict more harm without surrender. After all, as comrades-in-arms, we are facing a common enemy, fighting for a common purpose, facing a common fate, hence a combined force for a common onslaught against the enemy at every point of encounter as we march down for the liberation of our respective countries."<sup>199/</sup>

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<sup>195/</sup>The Times, London, 28 August 1967. Reuters reported from Salisbury, quoting informed sources, that Rhodesians were being helped by four South African helicopters in the hunt for the guerillas.

<sup>196/</sup>Cape Times, 2 September 1967.

<sup>197/</sup>Reuters, 5 September 1967.

<sup>198/</sup>In addition, about thirty Africans engaged in the operations were reported to have been arrested in Botswana.

<sup>199/</sup>Spotlight on South Africa, Dar es Salaam, 25 August 1967.

298. The ANC added:

"all the units of Umkonto we Sizwe are homeward bound... We reserve the right to fight the enemy wherever we find him, whether it is in Zimbabwe or not." 200/

299. In a press release on 20 September 1967, the ANC claimed a considerable number of casualties among "enemy soldiers", including ninety-five killed and a large number injured. A Rhodesian transport plane, a Rhodesian helicopter and two South African helicopters had been hit and had crashed. It further claimed that the régime in Southern Rhodesia had exaggerated the number of guerrillas killed. 201/

C. Anti-"terrorist" measures on South Africa's borders

300. Soon after the beginning of clashes in Southern Rhodesia, the South African Government took extraordinary steps on the border to prevent infiltration of African "terrorists" and also directly intervened in Southern Rhodesia.

301. On 17 August 1967, the Deputy Minister of Police, Mr. S.L. Muller, disclosed in a speech in Durban that the five African "terrorists" who had been killed on 13 August were South Africans. "They were armed to the teeth." 202/

302. On 19 August, Brig. P.J. Venter of Security Police Headquarters said in Pretoria that all possible measures were being taken to prevent terrorists from crossing into South Africa across the border from Southern Rhodesia. 203/ South African border patrols were alerted and the Commissioner of Police, Lieutenant-General J.M. Keevy, said that "bloodhounds and helicopters were standing by". 204/

303. On 20 August, the Deputy Minister of Police issued a press statement appealing to people near all the country's borders to help in preventing terrorists from entering the country.

"We seek and request the co-operation of everybody on all our borders. We ask the people to watch out for foreign Bantu and to tell the police immediately."

200/ Editorial in Spotlight on South Africa, Dar es Salaam, 1 September 1967.

201/ Spotlight on South Africa, Dar es Salaam, 22 September 1967. Earlier, ANC had claimed that some armed militants had already entered South Africa (ibid., 8 September 1967).

202/ Cape Times, 18 August 1967.

203/ Ibid., 21 August 1967.

204/ Ibid.

Referring to press reports that South African security police had entered Southern Rhodesia during the fighting, he said that they could not wait until the trouble was inside the country's borders. "We are forced to act wherever necessary. The police would do everything possible to stop the terrorists."<sup>205/</sup>

304. On 3 September 1967, Lieutenant-General Keevy announced that farmers on the South African border had been offered substantial rewards for information leading to the capture or discovery of "terrorists" in South Africa or for the capture of "terrorists" "dead or alive".<sup>206/</sup>

D. Entry of South African forces into Southern Rhodesia

305. Meanwhile, numerous press reports indicated that South African forces had entered Southern Rhodesia and had collaborated with the forces of the Smith régime in the warfare.

306. The London Daily Telegraph reported on 23 August that South Africa had been sending small groups of officers and men to train with the Rhodesian units:

"These troops will form the nucleus of a Special Air Services Regiment which South Africa is to form next month on the lines of the Rhodesian S.A.S.

"By then about 150 Officers and men from the Republic will have served short periods with the Rhodesian Forces. They not only train with the Rhodesian S.A.S. but also take part in anti-terrorist operations in the Zambesi Valley."

307. The New York Times reported on 23 August 1967 that South African units were reinforcing Rhodesian forces. A South African police contingent, flown to Bulawayo from Johannesburg, had joined a Rhodesian convoy to Tjolotjo, one of the main scenes of the conflict, on 25 August.

308. Initially, the South African Government spokesmen refused to confirm these press reports. On 25 August, Prime Minister Vorster denied the existence of a defence agreement with Portugal or Southern Rhodesia. He added, however:

205/ Ibid., 21 August 1967.

206/ Ibid., 4 September 1967.

"We are good friends, and good friends do not need an agreement to combat murderers. Good friends know what their duty is when the neighbour's house is on fire."

He also added that he wanted to advise Zambia and Tanzania to remember that South Africa was taking notice of the transit of "terrorists". 207/

309. On 27 August, Police Commissioner John Keevy denied that South Africa had moved security forces into Botswana or Southern Rhodesia. Although no joint action was contemplated then, he stated: "I cannot say what is going to happen in the future." 208/

310. However, on 8 September, Prime Minister Vorster said that members of the South African Police Force - "and I wish to emphasize that it is only members of the Police Force" - were active in Rhodesia, with the approval of Rhodesia, to fight against the "terrorists". He had instructed the Cabinet Minister concerned to inform the United Kingdom Government of this decision of the South African Government. He added:

"Already tonight, while we are here together, our policemen are at their posts to do their part in the struggle.

"We are doing it openly because it is our downfall that is being sought and it is our duty to protect ourselves. We are doing it as a police measure because it is the task of the police to eradicate subversion and terrorism....

"The world must understand clearly that it had knowingly allowed the terrorists to be trained, and certain countries had allowed this in their own countries....

"It is not our intention to wait until this happens to us here.

"Our action in Rhodesia has nothing to do with their situation, which arose about two years ago. We do not interfere in their domestic affairs or the unfortunate disagreement between Rhodesia and Britain. We still regard this as a domestic matter which has to be solved between themselves." 209/

207/ Ibid., 26 August 1967.

208/ The New York Times, 28 August 1967.

209/ Cape Times, 9 September 1967.

311. On 14 September 1967, the United Kingdom Government protested to the South African Government against the unauthorized entry of South African forces into British territory. 210/

312. However, on 24 September 1967, Prime Minister Vorster declared:

"South Africa will act against the terrorists of undermining organizations such as the African National Congress and the Pan Africanist Congress in any territory where it is allowed to act.

"This decision has been taken and will remain in force for as long as it is necessary to act.

"In this connection South Africa cannot allow anybody to dictate to it. It must protect its interests in the manner it deems fit. South Africa has carefully considered the matter before it has decided on this action." 211/

313. The outbreak of fighting in Southern Rhodesia, the entry of South African forces into the territory and threats levelled by the régime in Southern Rhodesia and the South African authorities against African countries for their assistance to the "terrorists" have created a wider danger.

314. The Government of Zambia stated, in a note to the United Kingdom on 29 August and in a statement on 22 September 1967, that the South African intervention in Southern Rhodesia is an act of aggression and a prelude to racial conflagration in southern Africa. 212/

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210/ Ibid., 15 and 22 September 1967.

211/ Ibid., 25 September 1967.

212/ Ibid., 22 and 23 September 1967.