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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Letter dated 26 February 1988 from the Permanent Representative of
South Africa to the United Nations Office at Geneva addressed to
the Chairman of the Commission on Human Rights

You will have heard through the information media that the South African Authorities have been obliged to make certain amendments to the Emergency Regulations currently in force in South Africa, in order to restrict the political activities of certain organizations and individuals aimed at inhibiting the search for an evolutionary constitutional settlement for all the population groups of South Africa.

You will appreciate that this is a matter which falls solely in the domestic jurisdiction of the South African Government. Nevertheless, in order that the records of the Commission and the Centre for Human Rights be complete and without in any way conceding their right to express an opinion on these events, I have the honour to enclose -

1. The text of the amendments to the Emergency Regulations as well as the organizations affected by these amendments;
2. A press release issued by Mr. A. Vlok, Minister of Law and Order of the Republic of South Africa, on 24 February 1988 in Cape Town;
3. The text of a press release issued by Lt-Genl. J.A. van der Merwe of the South African Police on the same date.

The limitations on the new measures and the reasons for their imposition are clearly set out therein. The State President, Mr. P.W. Botha, has also explained that the new measures are in no way designed to undermine the organizations involved but to protect the country's inhabitants from intimidation.

I would be grateful if this letter and its attachments were circulated as a document of the current session of the Commission on Human Rights.

(Signed) J.B. SHEARAR
Ambassador
Permanent Representative

Annex I

NEW STATE OF EMERGENCY REGULATIONS : PERTAINING
TO ORGANISATIONS AND INDIVIDUALS PROMULGATED IN
GOVERNMENT GAZETTE OF 24 FEBRUARY 1984

DEFINITIONS:

1. In this Order* unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the security regulations, shall have a corresponding meaning, and -

"ALTERNATIVE STRUCTURE" means -

- a) A structure referred to in paragraph (A) (VIII) or (IX) of the definition of "Subversive Statement" in Regulation 1 of the Media Regulations: and
- b) In so far it is not already included under Paragraph (A), also an organisation known as an "Area Committee", a "Block Committee" or a "Street Committee" and operating in residential areas for members of the Black or Coloured population groups inter alia as a structure subverting the authority of institutions or officials of the State or of a local authority or its officials or attempting to usurp such authority:

"LOCAL AUTHORITY" means -

- a) A local authority as defined in section 1 of the Black Local Authorities Act, 1982, (Act 102 of 1982):
- b) A local Government body established or deemed to be established under Section 30 of the Black Administrative Act, 1927 (Act 38 of 1927): or
- c) A local authority or management body as defined in Section 1 of the Local Government Bodies Franchise Act, 1984 (Act 117 of 1984):

"MEDIA REGULATIONS" means the regulations published by Proclamation R.97 of 1987, as amended by Proclamations R.123 of 1987 and R.7 of 1988 :

"PRISONER" means a person detained in a prison -

- a) Under a provision of the Internal Security Act/ 1982 (Act 74 of 1982)/ or of Regulation 3 of the Security Regulations:
- b) To serve a period of imprisonment imposed on him for the commission of an offence: or
- c) To await trial for cm alleged offence:

"PUBLICITY CAMPAIGN" means an act by which information is conveyed to members of the public or to members of any particular section of the public/ including -

- a) The making of statements at a public place (as defined in Regulation 1 of the Media Regulations) or otherwise in public or from door to door:
- b) The conduct of press interviews/ the issue of press statements or the publishing of advertisements in the press:
- c) The issue or distribution of pamphlets/ brochures or handbills/ the posting-up or distribution of posters or stickers: or
- d) The issues or distribution of television/ film or sound recordings (as defined in Regulation 1 of the Media Regulations) :

"SECURITY REGULATIONS" means the regulations published by Proclamation R.96 of 1987/ as amended by Proclamation R.106 of 1987 and R.23 of 1988:

"UNLAWFUL ORGANISATION" means an organisation which is an unlawful organisation in terms of the Internal Security Act/ 1982.

"PROHIBITION"

The organisation known as Congress of South African Trade Unions is hereby/ as from the date of publication of this Order and subject to Regulation 6A(4) of the Security Regulations/ prohibited from carrying on or performing activities or acts of the following nature/ class or kind/ namely -

- a) The soliciting of support among members of the public or members of a section of the public (including acts whereby appeals or demands are made to the Government)

by way of publicity campaigns for -

- i) the restoration of an unlawful organisation to an organisation with a lawful status;
 - ii) for the release from detention of a prisoner or of prisoners belonging to a category of prisoners;
 - iii) the suspension/ remission/ reduction or non-carrying out of a sentence imposed on a person for the commission of an offence; or
 - iv) the abolition of a local authority or local authorities belonging to a category of local authorities.
-) The stirring-up/ by way of publicity campaigns/ of opposition among members of the public or members of a section of the public to -
- i) the detention of a person/ or of persons belonging to a category of persons/ under the provisions of Section 28 or 29 of the Internal Security Act/ 1982/ or of Regulation 3 of the Security Regulations/ or towards the system of detention provided for in those provisions;
 - ii) the system of local government as applied in the Republic; or
 - iii) any negotiations or proposed negotiations regarding a new constitutional dispensation for the Republic to which the Government is or is likely to be a party.
- :) The making of calls on/ or encouraging or inciting/ members of the public or members of a section of the public by way of publicity campaigns -
- i) to boycott or not to take part in an election of a local authority or to commit any other act preventing/ frustrating or impeding such an election;
 - ii) to observe any particular day -
 - aa) to commemorate or celebrate the founding of an organisation which is an unlawful organisation or an organisation declared to be an affected organisation under the Affected Organisations Act/ 1974 (Act 31 of 1974);
 - bb) to commemorate or celebrate an event in the history of an organisation referred to in item

- (aa) which is of some importance or other to such organisation;
- cc) to commemorate or celebrate an incident of riot/ public violence or unrest or a protest gathering or protest march which has taken place at some time or other in the Republic/ or an event which has occurred in the course of such incident/ gathering or march;
- dd) to commemorate the death of a person or of persons belonging to a category of persons; or
- ee) in honour of a prisoner or of prisoners belonging to a category of prisoners; or
- d) The founding/ establishment/ propagating/ financing/ organising/ management or operation of alternative structures;
- e) Any interference in or meddling with/ or the making of calls/ by way of publicity campaigns/ to members of the public or members of a section of the public to interfere in or to meddle with/ the affairs or functions of a local authority;
- f) The making of calls on or encouraging or inciting -
 - i) a person doing business in the Republic or with persons in the Republic/ to disinvest from the Republic or to otherwise cease doing business in the Republic or with persons in the Republic;
 - ii) the Government of another country/ to institute or apply trade/ economic or other punitive measures against the Republic or to sever or restrict diplomatic or other relations with the Republic; or
 - iii) a person outside the Republic to terminate? suspend or sever affiliation or ties with a person/ organisation or body inside the Republic;
- g) The making of arrangements for? or the organising? propagating or holding of/ public gatherings at which any of the matters mentioned in this Order/ is advised? encouraged? propagated? discussed? advocated or promoted.

The organisations affected by these amendments are:

Azanian People's Organisation
Azanian Youth Organisation

Cape youth Congress
Cradock Residents Association
Detainees Parents Support Committee
Detainees Support Committee
National Education Crisis Committee
National Education Union *of* SA
Port Elizabeth Black Civic Organisation
Release Mandela Committee
Soweto Civic Association
Soweto Youth Congress
South African National students Congress
South African Youth Congress
United Democratic Front
Vaal Civic Association
Western Cape Civic Association

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Annex II

PRESS RELEASE : MR ADRIAAN VLOK/ MP : MINISTER OF LAW AND
ORDER : CAPE TOWN : 24 FEBRUARY 1988

The South African Government is determined to take all reasonable steps to ensure the safety of the public and the maintenance of public order in its bid to end the State of Emergency.

It is a worldwide phenomenon that revolutionaries and activists/ apart from the perpetration of acts of terror and violence/ also specialise in other activities to render countries ungovernable. South Africa did not escape these attempts.

There are organisations and people in the RSA who persist in establishing/ maintaining and promoting a revolutionary climate. To a certain extent the enforcement of the emergency regulations and the actions of the Security Forces kept violence in check. Revolutionaries and activists/ realising that armed confrontation and violent revolution cannot be successfully implemented in the RSA/ created various other strategies to reach their goal. These activities include the fostering of civil disobedience and revolt/ creation of revolutionary alternative structures to replace existing government structures/ disruption of the economy and waging of campaigns often accompanied by violence and fear/ or which give rise to violence. Activities of these organisations and people not only threaten the safety of the public or the maintenance of public order but also hamper the termination of the State of Emergency.

The State President today promulgated regulations to amend the existing emergency regulations to make it possible to restrict the activities of organisations and individuals. After careful consideration of the information at my disposal/ I have decided to issue the order as promulgated in the Government Gazette in respect of the organisations mentioned.

It must be emphasised that the South African Government does not wish to prohibit all activities of the organisations concerned - only those which endanger the safety of the public/ the maintenance of law and order or the termination of the State of Emergency.

Notwithstanding the order issued under these regulations in respect of the activities of an organisation/ the organisation may still:

- maintain its assets/
- keep its books and records up to date and perform the

administrative functions connected therewith*
comply with an obligation imposed on it by or under law
or by a court of law*
take legal advice or legal steps.

The regulations also make provision for an organisation
subject to such an orders to approach me for permission
to continue with certain activities which do not endanger
the safety of the public* the maintenance of law and order
or the termination of the State of Emergency.

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Annex III

PRESS RELEASE : LT-GENL JOHAN VAN DER MERWE OF THE SOUTH AFRICAN POLICE/ PRETORIA/ 24 FEBRUARY 1988

Revolutionaries and activists/ realising that armed confrontation and violent revolution cannot be successfully implemented in the RSA/ apply various other strategies in an attempt to achieve their goals. These strategies include inter alia the following :

- 1.1 Mobilising the masses: in this attempt/ use is made of violence/ intimidation and damage to property and/or emotional campaigns during which appeals are made to promote revolutionary aims. In this regard for example/ so-called 'bread- and-butter' issues are exploited.
 - 1.2 Rendering the RSA ungovernable.
 - 1.3 Making impossible demands on the government.
 - 1.4 Destroying existing government structures and replacing them with alternative structures.
 - 1.5 Instituting boycotts/ illegal strikes/ stay-aways and propagating comprehensive and compulsory coercive measures against the RSA with the aim of disrupting the economy and isolating the country.
2. As is generally known/ the SACP and the ANC endeavour to violently overthrow the South African Government.
3. The so-called "People's War" propagated by the SACP/ANC against SA/ rests in their own words on four "pillars". On 8 January 1986 the President of the ANC/ Oliver Tambo/ described the four pillars as follows :

"The principal conclusion we should draw from this situation is that through our sacrifices/ we have prepared the conditions for us further to transform the situation to that position when it will be possible for us to seize power from the enemy. Thus the central task facing the entire democratic movement is that we retain the initiative until we have emancipated our country. We must achieve this by going on the offensive on all fronts/ continuously and boldly. We have to fight with a clear purpose in mind/ with a definite perspective of our strategic and tactical goals so that we can deploy and utilise our forces to the best advantage.

Victory demands that we also continue to work for the maximum unity of all our fighting contingents and the democratic movement as well as a co-ordinated approach towards the

four pillars of our struggle.

Our strategic goal must be to shift the balance of strength decisively in favour of our struggle* through the further ripening of the revolutionary situation beyond the point where the regime is not able to rule in the old way to the stage where it is in fact unable to govern. Thus we must continue to make SA ungovernable and apartheid unworkable. In the attack we must aim further to weaken the Botha regime drastically* to sap its strength* to take away from it even the capacity to launch a limited counter-offensive.

Simultaneously* while on the march* we must build our forces into an ever more formidable united mass army of liberation* an army that must grow in strength continuously* able to deliver and actually delivering bigger blows at every stage and fighting as a conscious force with its eyes firmly fixed on the goal of the destruction of the apartheid regime and the transfer of power to the people".

4. On 8 Jan 1988 Tambo declared :

"The armed struggle constitutes the spearhead of our general offensive* a crucial element in our response to the violence of the racist regime* we must raise the level of this struggle in a decisive manner* draw the masses of our people into actual combat and realise our objective of transforming our armed actions into a people's war. "

5. The four 'pillars' on which the strategy of the ANC rests/ can be summarised as follows :

- 5.1 The armed attack against the RSA ;
- 5.2 Mobilising the masses in the RSA ;
- 5.3 Making the RSA ungovernable and creating alternative structures and ;
- 5.4 The international isolation of the RSA.

6. It is important to bear in mind that the operation of so-called mass democratic organisations forms part of the revolutionary onslaught of the ANC and the SACP against the RSA. In this regard the following remarks of Tambo* regarding organisations that are active in SA* are important:

- 6.1 "In many parts of our country* we have already made important advances towards the creation of these mass revolutionary bases. We have destroyed many of the *enemy's organs* of apartheid rule. The masses of the people have played a central role in this process as active participants in the struggle for

their own liberation. We have also succeeded to create mass democratic organisations ranging from street committees to Cosatu; the UDF* the NBCCA and their affiliates and other democratic formations". (Jan 1987)

6.2 "We also seize this occasion especially to welcome most warmly the formation of the Congress of SA Trade Unions. We extend to its leaders* its affiliated unions and to the membership of those unions the revolutionary greetings of the ANC leadership* inside and outside prison and inside and outside our country* as well as those of our entire membership" . (Jan 1986)

6.3 "In this coming period* the revolutionary contribution of the working class to the common struggle will be of even greater importance than in the past. The workers will have to raise their level of participation in all spheres of our struggle* at the workplace and in the community* in the political as well as in the military confrontation. The better to be able to carry out these tasks* we must work hard further to build and strengthen the democratic trade union movement. The unorganised workers must be drawn into the trade union movement and all the organised trade unions should unite under the umbrella of Cosatu" (Jan 1987)

6.4 "Organisationally* that enhanced level of unity has found expression in the growth of that mighty arm of the workers of our country* the congress of South African trade unions and its affiliates. The gains made in translating the vision of one industry one union into reality* attracting ever more workers into the Cosatu Unions and adopting the freedom charter as the common perspective of our working class are all important victories cementing and raising the level of unity among the workers." (Jan 1987)

7. Tambo expressed himself as follows regarding the UDF:

"That outstanding product of the creative initiative of the masses or our struggling people* the UDF* has borne the brunt of the futile terrorist onslaught of the Botha/-Malan/Coetzee regime to defeat our mass offensive and to suppress our democratic organisations. To this day the threat of prohibition hangs over the UDF. Yet we are convinced that* having more than survived the assassination and imprisonment of its leaders* the cold-blooded murder of its followers* the banning of its meetings and so on* the UDF will overcome all attempts by the enemy to wipe it out of

existence. Practise has more than amply demonstrated that the struggle masses of our country need the UDF as an instrument to maintain/ advance and deepen our united action.

We salute all its leaders its affiliated organisations* its members and its followers. We hail all those of its leaders and activists who are in prison and those who are facing trumped up charges which include treason/ murder and public violence. We call on our people to stand by these patriots" . (Jan 1986)

"The national liberation alliance headed by the ANC shall be able to guide the UDF only if we have our own underground structures within the UDF. These structures must be skilfully used to give the correct guidance to the UDF/ and/ above all/ raise the task of the front. " (Jan 1987) .

8. Education

"The school/ the college/ the university is for us more than a place for formal education. It is also our assembly point. The location at which we marshal our forces/ organise them and take the opportunity to give the order of the day. We must fight the enemy for the right to be at our respective institutions of learning/ within which we should build and organise our democratic structures and within we should introduce the system of people's education which is a decisive element in the future of our country and people.

To return to school must therefore be seen as a revolutionary act which puts us in a better position further to advance the struggle for a people's education in a society in which we/ the people/ shall govern" . (Jan 1987)

"The area of education remains one of our crucial points of struggle. The victory of the democratic and non-racial perspective in this theatre of action requires/ among other things/ that the educators themselves/ the teachers at schools/ universities and other institutions of higher learning should be organised into democratic formations that consciously and systematically pursue the objective of a people's education in the full meaning of those words. " (Jan 1988)

Finally/ it must be pointed out that these additional emergency regulations will enable the security forces to ensure the safety of the public and maintain law and order more effectively.