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

Rapporteur: Mr. Padma Bahadur KHATRI (Nepal)

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LETTER OF TRANSMITTAL

21 October 1966

Sir,

I have the honour to send you herewith the report adopted unanimously on 21 October 1966 by the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa.

This report is submitted to the General Assembly in pursuance of operative paragraph 5, sub-paragraph (6), of General Assembly resolution 1761 (XVII) of 6 November 1962, and of operative paragraph 2 of General Assembly resolution 1978 A (XVIII) of 16 December 1963.

Accept, etc.,

(Signed) Marof ACHKAR
Chairman of the Special Committee on the
Policies of apartheid of the Government
of the Republic of South Africa

His Excellency
U Thant
Secretary-General of the United Nations
New York

/...

I. INTRODUCTION

1. The Special Committee on the Policies of apartheid of the Government of the Republic of South Africa was established by General Assembly resolution 1761 (XVII) of 6 November 1962. Under General Assembly resolutions 1761 (XVII) and 1978 A (XVIII), it has the mandate "to follow constantly the various aspects of this question and to submit reports to the General Assembly and the Security Council whenever necessary". It is composed of the following eleven members: Algeria, Costa Rica, Ghana, Guinea, Haiti, Hungary, Malaysia, Nepal, Nigeria, Philippines and Somalia.
2. During the period under review, that is, from 10 August 1965, Mr. Marof Achkar (Guinea) continued as Chairman of the Special Committee and Mr. Padma Bahadur Khatri (Nepal) as Rapporteur.
3. The Sub-Committee on Petitions was composed of the representatives of Algeria, Ghana, Nigeria and the Philippines. Mr. E.C. Anyaoku (Nigeria) was its Chairman until March 1966. Mr. Olajide Alo (Nigeria) was elected Chairman on 11 May 1966.
4. The following representatives served on the Special Committee:

ALGERIA	Representative:	Mr. Tewfik BOUATTOURA
	Alternate	
	Representatives:	Mr. Hadj Benabdelkader AZZOUT Mr. Abderrahmane BENSID
COSTA RICA	Representative:	Mr. Eugenio JIMENEZ
	Alternate	
	Representatives:	Mr. José Maria AGUIRRE Mrs. Emilia BARISH
GHANA	Representative:	Mr. F.S. ARKHURST
	Alternate	
	Representative:	Mr. Joseph Benjamin PHILLIPS
GUINEA	Representative:	Mr. Marof ACHKAR
	Alternate	
	Representatives:	Mr. Cheik Omar MBAYE Mr. Hady TOURE
HAITI	Representative:	Mr. Carlet R. AUGUSTE
	Alternate	
	Representatives:	Mr. Raoul SICLAIT Mr. Alexandre VERRET Mr. Leonard PIERRE-LOUIS

HUNGARY	Representative:	Mr. Karoly CSATORDAY
	Alternate	
	Representatives:	Mr. Arpad PRANDLER Mr. Imre BORSANYI
MALAYSIA	Representative:	Mr. Radhakrishna RAMANI
	Alternate	
	Representatives:	Mr. Raja AZNAM Mr. Azraai bin Zainal Abidin ZAIN
NEPAL	Representative:	Mr. Padma Bahadur KHATRI
	Alternate	
	Representative:	Mr. DEVENDRA Raj Upadhy
NIGERIA	Representatives:	Mr. S.O. ADEBO Mr. J.T.F. IYALLA
	Alternate	
	Representatives:	Mr. E.C. ANYAOKU (until May 1966) Mr. Olajide ALO Mr. A.A. MOHAMMED
PHILIPPINES	Representatives:	Mr. Salvador P. LOPEZ Mr. Privado G. JIMENEZ
	Alternate	
	Representatives:	Mr. Alejandro D. YANGO Mr. Virgilio C. NAÑAGAS Mr. Antonio J. UY Mr. Rodolfo ARIZALA
SOMALIA	Representative:	Mr. Abdulrahim A. FARAH
	Alternate	
	Representatives:	Dr. Mohamed WARSAMA Mr. Mohamed ELMI

5. On 27 June 1966, the Special Committee submitted a special report^{1/} to the General Assembly and the Security Council on the question of implementation of operative paragraph 3 of General Assembly resolution 2054 A (XX) of 15 December 1965 which provided for the enlargement of the Special Committee.

6. On 21 October 1966, the Special Committee decided unanimously to submit the present report on developments since 10 August 1965 to the General Assembly and the Security Council.

7. The Special Committee wishes to put on record its sincere gratitude to the Secretary-General, U Thant, and pay tribute to him for his unfailing interest in the work of the Committee and for his warm encouragement and generous support.

1/ A/6356-S/7387.

It recalls with great appreciation his efforts to save the lives of the opponents of apartheid condemned to death in South Africa and to promote relief and assistance to the victims of apartheid. By his deep concern over the racial problem in southern Africa and by his ceaseless efforts to draw the attention of the world to the dangers of racism and to the need for urgent action through the United Nations, he has earned the appreciation of all opponents of racism.

8. The Special Committee wishes to express its appreciation to the Directors-General of the various specialized agencies of the United Nations, and to the Administrative Secretary-General of the Organization of African Unity, for their co-operation in the fulfilment of its mandate. It also notes with appreciation the assistance rendered by many non-governmental organizations and individuals.

9. It also wishes to express its appreciation to Mr. Aleksei E. Nesterenko, Under-Secretary for Political and Security Council Affairs, Mr. M.A. Vellodi, Deputy to the Under-Secretary, and to Mr. Enuga S. Reddy, Chief of the Unit for African Questions and Principal Secretary of the Special Committee until December 1965, for their assistance and co-operation.

10. Finally, it wishes to express its appreciation to Mr. Irshad H. Baqai, the Principal Secretary, and to the other members of the Secretariat assigned to the Committee for discharging their duties with remarkable efficiency and devotion.

II. REVIEW OF THE WORK OF THE SPECIAL COMMITTEE

A. Reports of 16 June and 10 August 1965 by the Special Committee

1. On 16 June 1965, the Special Committee submitted a special report^{2/} to the General Assembly and the Security Council, with particular reference to the increased military and police build-up in the Republic of South Africa, with the co-operation of certain other Powers; and the increase in investments by foreign-owned corporations in the Republic of South Africa.
2. The Special Committee deplored the fact that since General Assembly resolution 1761 (XVII) of 6 November 1962, and even during the deliberations of the Expert Committee of the Security Council, the major trading partners of the Republic of South Africa had greatly increased their trade with South Africa and investments in South Africa had continued, directly or indirectly, to facilitate the build-up of the military and police forces in South Africa. A large part of the recent investment had been designed to assist South Africa to develop its military power, to promote self-sufficiency, to overcome the effect of economic measures taken at great sacrifice by many countries and to resist international economic sanctions.
3. The Special Committee recommended that, as a first step to follow upon its resolutions, the Security Council should call upon all States urgently to take certain measures, under Chapter VII of the Charter, to stop encouragement to the South African Government to pursue its present racial policies. It expressed the hope that members of the Security Council, particularly the permanent members, would assume their responsibilities and obligations under the Charter and take the action which was required by the Charter and which was essential to preserve the authority of the United Nations and to forestall a dangerous conflict.
4. In the annual report^{3/} submitted on 10 August 1965, the Special Committee stressed that urgent and decisive action was imperative, and that further delays or ineffective resolutions were likely to embolden the South African Government to persist in and intensify its policies of racial discrimination and repression. Delays or ineffective action would also add to the disillusionment of the South African people with the United Nations.

^{2/} A/5932-S/6453.

^{3/} A/5957-S/6605.

5. In this connexion, the Special Committee recalled that the failure of competent United Nations organs to take appropriate measures over the years, particularly since the Sharpeville massacre and the Security Council resolution of 1 April 1960 had led to continuous and rapid aggravation of the situation in South Africa. The developments of the past year showed that the South African Government had been emboldened to continue on its disastrous course by: (a) the failure of the General Assembly during the first part of the nineteenth session to consider the situation in South Africa, and the feeling that the United Nations had become weaker; (b) international developments which gave the impression that attention was diverted from the situation in South Africa and that the great Powers were unlikely to agree on concerted action to resolve the situation in South Africa; and (c) the impression in South Africa that the report of the Expert Committee of the Security Council^{4/} reflected little likelihood of effective economic sanctions in the near future because of the continued opposition of certain great Powers and major trading partners.

6. The Special Committee, therefore, considered that action under Chapter VII of the Charter, with the full co-operation of all the permanent members of the Security Council and the major trading partners of South Africa, was indispensable to reverse the tragic course of events and move towards a solution.

(i) Economic sanctions and related measures

7. The Special Committee recalled that in its previous reports, it had affirmed its firm conviction, and had recommended that the General Assembly and the Security Council recognize that the situation in the Republic of South Africa constituted a serious threat to the peace, calling for mandatory measures provided in Chapter VII of the Charter and that economic sanctions were the only effective means for a peaceful solution of the situation. It had recommended total economic sanctions against the Republic of South Africa until the South African Government agreed to comply with its obligations under the Charter. To be fully effective, such sanctions should be decided on by the Security Council under Chapter VII of the Charter and their full implementation by all States ensured.

^{4/} S/6210 and Add.1.

8. Without prejudice to such decisive action, the Special Committee had recommended a series of measures to ensure compliance by the South African Government with certain minimum, but vital, demands, in order to prevent an aggravation of the situation, namely that it:

- "(a) Refrain from the execution of persons sentenced to death under arbitrary laws providing the death sentence for offences arising from opposition to the Government's racial policies;
- "(b) End immediately trials now proceeding under these arbitrary laws and grant an amnesty to all political prisoners whose only crime is their opposition to the Government's racial policies;
- "(c) Desist immediately from taking further discriminatory measures;
- "(d) Refrain from all other actions likely to aggravate the situation."

9. The Special Committee had also considered that the following partial measures were worthy of urgent consideration by States in order to implement fully the decisions already adopted by the Security Council, to stop all encouragement to the South African Government to persist with its present racial policies, and to dissociate themselves from the policies of the South African Government:

(a) Implement fully, without restrictive and unilateral interpretation, the decisions of the Security Council solemnly calling on all States to cease forthwith the sale and shipment to South Africa of arms, ammunition of all types, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;

(b) Cease export of aircraft and naval craft to South Africa, as well as machinery for the manufacture of aircraft, naval craft and other military vehicles;

(c) End all forms of military co-operation with the Republic of South Africa, including joint military exercises, and the provision of training facilities to members of South African armed forces;

(d) Revoke all licences granted to the South African Government or to South African companies for the manufacture of arms, ammunition and military vehicles;

(e) Prohibit investment in or technical assistance for (i) the manufacture of arms and ammunition, aircraft, naval craft or other military vehicles; and (ii) all branches of the petroleum industry;

(f) Prohibit emigration of technical personnel to assist in the development of industries indicated in (e) above;

(g) Review all agreements and arrangements with the Republic of South Africa, including those providing for military bases, space-tracking facilities, import and export quotas and preferential tariff arrangements, in order to dissociate themselves from any relations which help or encourage the South African Government to persist with its present racial policies;

(h) Recall the chiefs of diplomatic and consular missions in the Republic of South Africa; and

(i) Grant the right of asylum to refugees from the Republic of South Africa.

10. The Special Committee had further recommended the following additional specific measures, along with a declaration of determination to impose total economic sanctions if necessary, to persuade the South African Government (a) to abandon the policies of apartheid; (b) to agree, as called for by the Security Council on 18 June 1964, that "all the people of South Africa should be brought into consultation and should thus be enabled to decide the future of their country at the national level"; and (c) to implement the other provisions of the resolutions of the General Assembly and the Security Council:

(a) Prohibit or discourage investments by their nationals in the Republic of South Africa, and the granting of loans or credits to the South African Government and South African companies;

(b) Deny facilities for all ships and planes destined to or returning from the Republic of South Africa;

(c) Prohibit or discourage the emigration of their nationals to the Republic of South Africa;

(d) Prohibit the supply of petroleum and petroleum products to South Africa; prohibit the petroleum companies and shipping companies registered in their countries from carrying supplies of petroleum and petroleum products to South Africa; take appropriate measures to discourage and prevent such companies from any action which helps to circumvent the embargo; prohibit the supply of machinery, technical assistance and capital for the production of petroleum and petroleum products, as well as synthetic substitutes, within the Republic of South Africa;

(e) Prohibit the supply of rubber, chemicals, minerals and other raw materials to South Africa, and the importation from South Africa of gold, uranium, diamonds, iron ore and other minerals; and

(f) Deny all technical assistance, capital and machinery for the manufacture of motor vehicles and rolling stock in the Republic of South Africa.

11. The Special Committee recommended, in this connexion, that the General Assembly and the Security Council:

(a) Commend States which have taken effective measures in implementation of their decisions on this question;

(b) Invite all other States to take action in implementation of these decisions and report without delay; and

(c) Express regret at the action of States which have acted contrary to the provisions of operative paragraph 4 of General Assembly resolution 1761 (XVII) or have failed to implement the decisions on military assistance to the Republic of South Africa in operative paragraph 3 of the Security Council resolution of 7 August 1963, reaffirmed and elaborated in operative paragraphs 1 and 5 of the resolution of 4 December 1963, and operative paragraph 12 of the resolution of 18 June 1964.

(ii) Relief and assistance to victims of racial discrimination and repression

12. The Special Committee recalled resolution 1978 B (XVIII) of 16 December 1963, adopted on the recommendation of the Special Committee, by which the General Assembly took note of the serious hardships faced by the families of persons persecuted by the South African Government for their opposition to the policies of apartheid; considered that humanitarian relief and other assistance to them by the international community was consonant with the purposes and principles of the United Nations; and invited Member States and organizations to contribute generously to such relief and assistance. The Special Committee felt that the Member States which had made contributions in response to this resolution and the subsequent appeal by the Special Committee deserved commendation. In view of the growing repression against the opponents of the policies of apartheid in South Africa, it suggested that a further appeal should be made for larger contributions from all States, organizations and individuals.

13. The Special Committee felt that, without prejudice to direct contributions to organizations engaged in providing legal aid and relief, considerations should be given to the establishment of a United Nations Trust Fund to receive voluntary contributions, in cash and in kind, from States, organizations and individuals for the purpose of supplementing the efforts of voluntary organizations. Such a fund, administered by an appropriate group of trustees or a board, should be available to make grants to voluntary organizations, Governments of host countries of refugees, or other bodies, in case of special needs or emergencies.

14. The Special Committee suggested that the contributions should be utilized for providing (a) legal assistance to persons charged under discriminatory and repressive legislation (described in reports of the Special Committee); (b) relief for dependants of persons persecuted by the South African Government for acts arising from opposition to the policies of apartheid; (c) grants for education of prisoners, their children and other dependants; (d) relief for refugees from South Africa; and (e) appropriate assistance to all those South Africans who have been deprived of equal facilities in education, health and other fields because of the policies of apartheid.

15. The Special Committee suggested that the group of trustees or the board be authorized not only to make disbursements from the trust fund in pursuance of the purposes indicated above, but also take steps to promote direct contributions to voluntary organizations, as well as to the United Nations Trust Fund, and to maintain liaison with the voluntary organizations and promote co-operation and co-ordination in their activities.

16. The Special Committee commended the United Nations Education and Training Programme for South Africans, established by the Security Council in pursuance of Security Council resolution S/5773 of 18 June 1964, as an expression of international concern over racial discrimination and repression in the Republic of South Africa and a desire to assist in the promotion of equal opportunities for South Africans irrespective of race. It hoped that the programme would receive generous support from Member States.

17. While attaching great importance to the above programmes of a humanitarian character, the Special Committee wished to emphasize that they should supplement and not be substituted for effective action to resolve the situation in the Republic of South Africa.

(iii) Dissemination of information

18. The Special Committee attached great importance to the widest dissemination of information on the dangers of apartheid to keep world opinion informed and thereby encourage it to support United Nations efforts to resolve the situation in South Africa. It recommended that the various measures suggested by the Committee on this matter be endorsed by the General Assembly and the Security Council, and that adequate and special provisions be made in the budget for their implementation.

19. The Special Committee noted with great appreciation the readiness of the Government of Brazil to invite the United Nations to organize an international seminar on apartheid in Brazil in 1966. Considering that the holding of such a seminar would be appropriate and highly desirable, it recommended that the invitation be accepted and that the necessary funds be authorized and provided.

(iv) Promoting consultations among South Africans

20. The Special Committee recalled the suggestions in its report of 30 November 1964 that the United Nations should promote consultations and discussions among all available South African organizations, particularly those subscribing to the purposes and principles of the Charter, regarding the future of the country; and that the United Nations should seek the assistance and advice of international organizations concerned with race relations in promoting such consultations and discussions.

(v) Investigation of the treatment of prisoners

21. The Special Committee reiterated its recommendation for an impartial international investigation into the charges of ill-treatment and torture of opponents of the policies of apartheid in police custody and in prisons in South Africa.

(vi) Promoting action by inter-governmental and non-governmental organizations

22. The Special Committee considered that the full co-operation of the specialized agencies, as well as regional and other inter-governmental organizations, in assuring implementation of economic sanctions under the auspices of the United

Nations, was of crucial importance. It felt that the specialized agencies, as well as regional and other inter-governmental organizations, should be encouraged to consider positive and active measures to counteract the policies of apartheid of the Government of the Republic of South Africa, to render humanitarian assistance to those persecuted by the South African Government for their opposition to the policies of apartheid and to help disseminate information on the dangers of the policies of apartheid and the United Nations efforts to resolve the situation in South Africa.

23. Considering that the problem of apartheid in South Africa was of the widest international concern and that world public opinion should exert all its influence to support and supplement the efforts of the United Nations, the Special Committee considered it most essential that the United Nations actively encourage and assist non-governmental organizations to develop their activities against apartheid.

(vii) Budgetary and other support for the efforts of the Special Committee

24. The Special Committee considered it imperative that adequate provision is made in the budget for staff, consultants, travel, etc., in order to enable the Secretary-General to provide adequate assistance to the Committee.

(viii) Membership of the Special Committee

25. Finally, the Special Committee recalled its recommendation of 30 November 1964 that its membership be enlarged to ensure a wider geographical distribution.

B. Action taken by the General Assembly at its twentieth session

26. The General Assembly at its twentieth session, considered the reports of 16 June and 10 August 1965^{5/} of the Special Committee and the reports submitted by the Secretary-General^{6/} in pursuance of General Assembly resolution 1973 B (XVIII).

27. On 15 December 1965, it adopted resolution 2054 (XX). According to part A of that resolution, the General Assembly, inter alia, gravely concerned at the aggravation of the explosive situation in the Republic of South Africa as a result

^{5/} A/5932-S/6453 and A/5957-S/6605.

^{6/} A/5850 and Add.1, and A/6025 and Add.1.

of the continued implementation of the policies of apartheid by the Government of the Republic of South Africa in violation of its obligations under the Charter of the United Nations and in defiance of the resolutions of the Security Council and the General Assembly; profoundly disturbed at the fact that the policies and actions of the Government of South Africa were thus aggravating the situation in neighbouring territories in southern Africa; considering that prompt and effective international action was imperative in order to avert the grave danger of a violent racial conflict in Africa, which would inevitably have grave repercussions throughout the world; and recalling its resolution 1761 (XVII) of 6 November 1962, recommending the application of economic and diplomatic sanctions against South Africa:

"1. Urgently appeals to the major trading partners of the Republic of South Africa to cease their increasing economic collaboration with the Government of South Africa, which encourages that Government to defy world opinion and to accelerate the implementation of the policies of apartheid;

"2. Expresses its appreciation to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and requests it to continue to perform its functions;

"3. Decides to enlarge the Special Committee by the addition of six members, to be appointed by the President of the General Assembly on the basis of the following criteria:

(a) Primary responsibility with regard to world trade;

(b) Primary responsibility under the Charter of the United Nations for the maintenance of international peace and security;

(c) Equitable geographical distribution;

"4. Condemns the Government of South Africa for its refusal to comply with the resolutions of the Security Council and the General Assembly and its continued implementation of the policies of apartheid;

"5. Firmly supports all those who are opposing the policies of apartheid and particularly those who are combating such policies in South Africa;

"6. Draws the attention of the Security Council to the fact that the situation in South Africa constitutes a threat to international peace and security, that action under Chapter VII of the Charter is essential in order to solve the problem of apartheid and that universally applied economic sanctions are the only means of achieving a peaceful solution;

"7. Deplores the actions of those States which, through political, economic and military collaboration with the Government of South Africa, are encouraging it to persist in its racial policies;

"8. Again requests all States to comply fully with all the resolutions of the Security Council on this question and to halt forthwith the sale and delivery to South Africa of arms, ammunition of all types, military vehicles, and equipment and materials intended for their manufacture and maintenance;

"9. Requests the Secretary-General, in consultation with the Special Committee, to take appropriate measures for the widest possible dissemination of information on the policies of apartheid of the Government of South Africa and on United Nations efforts to deal with the situation, and requests all Member States, specialized agencies and non-governmental organizations to co-operate with the Secretary-General and the Special Committee in this regard;

"10. Invites the specialized agencies:

(a) To take the necessary steps to deny technical and economic assistance to the Government of South Africa, without, however, interfering with humanitarian assistance to the victims of the policies of apartheid;

(b) To take active measures, within their fields of competence, to compel the Government of South Africa to abandon its racial policies;

(c) To co-operate with the Special Committee in the implementation of its terms of reference;

"11. Requests the Secretary-General to provide the Special Committee with all the necessary means, including appropriate financial means, for the effective accomplishment of its task."

28. The operative part of part B of General Assembly resolution 2054 (XX) read:

"1. Expresses its great appreciation to the Governments which have made contributions in response to General Assembly resolution 1978 B (XVIII) and to the appeal made on 26 October 1964 by the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa; 7/

"2. Requests the Secretary-General to establish a United Nations Trust Fund for South Africa, made up of voluntary contributions from States, organizations and individuals, to be used for grants to voluntary organizations, Governments of host countries of refugees from South Africa and other appropriate bodies, towards:

(a) Legal assistance to persons charged under discriminatory and repressive legislation in South Africa;

(b) Relief for dependants of persons persecuted by the Government of South Africa for acts arising from opposition to the policies of apartheid;

(c) Education of prisoners, their children and other dependants;

(d) Relief for refugees from South Africa;

"3. Requests the President of the General Assembly^{3/} to nominate five Member States, each of which should appoint a person to serve on a Committee of Trustees of the United Nations Trust Fund for South Africa, which will decide on the uses of the Fund;

"4. Authorizes and requests the Committee of Trustees to take steps to promote contributions to the Fund, and to promote co-operation and co-ordination in the activities of voluntary organizations concerned with relief and assistance to the victims of the policies of apartheid of the Government of South Africa;

"5. Requests the Secretary-General to provide the necessary assistance to the Committee of Trustees in the discharge of its responsibilities;

"6. Appeals to Governments, organizations and individuals to contribute generously to the Fund."

29. Reference may be made to certain other resolutions, relating to the question of apartheid under other agenda items.

30. On 16 December 1965, the General Assembly adopted resolution 2060 (XX) by which it "requested the Secretary-General to organize in 1966, in consultation with the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa and the Commission on Human Rights, an international seminar on apartheid..."

31. In its resolution 2105 (XX) of 20 December 1965, on the question of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly stated that "the continuation of colonial rule and the practice of apartheid as well as all forms of racial discrimination threatened international peace and security and constitute a crime against humanity".

^{3/} The President of the General Assembly nominated the following Member States: Chile, Morocco, Nigeria, Pakistan and Sweden.

32. On 21 December 1965, the General Assembly adopted the "International Convention on the Elimination of all forms of Racial Discrimination"^{9/} which, inter alia, stated that the States Parties to that Convention were "alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by Governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation", and "particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction".

33. The General Assembly also decided to take no action on the credentials submitted on behalf of the representatives of South Africa.^{10/}

C. Postponement of consideration by the Security Council

34. It may be recalled that on 2 August 1965, representatives of thirty-two African States requested^{11/} the President of the Security Council to convene a meeting of the Council in order to resume consideration of the situation resulting from the policies of apartheid of the Republic of South Africa, in the light of the reports of the Expert Committee of the Security Council^{12/} and the Special Committee.^{13/}

35. On 22 November 1965, however, the Foreign Ministers of Liberia, Madagascar, Sierra Leone and Tunisia, who had been authorized by the Organization of African Unity to represent all African States on this question before the Security Council requested^{14/} the President of the Council to defer the consideration of the question to a later date in view of the serious situation then prevailing in Southern Rhodesia and the implications it would have on the question of apartheid.

36. The Security Council has not considered the question of apartheid during the period under review.

^{9/} A/RES/2106 (XX).

^{10/} A/RES/2113 (XX).

^{11/} S/6584.

^{12/} S/6210.

^{13/} A/5932-S/6453.

^{14/} S/6964.

D. Action by other organs of the United Nations

37. Reference may be made here to the consideration of the question of apartheid during the year by other organs of the United Nations.

38. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which is concerned with the question of South West Africa and the colonial problems in Southern Africa, has, as in the previous year, adopted a number of decisions and recommendations relating to the policies of apartheid of the Government of the Republic of South Africa.

39. During the past year, the Economic and Social Council and the Commission on Human Rights have been increasingly concerned with the question of apartheid and have adopted a number of decisions and recommendations relating to this question.

40. On 4 March 1966, the Economic and Social Council adopted resolution 1102 (XL), by which it, inter alia, invited the Commission on Human Rights, to consider as a matter of importance and urgency the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories, and to submit its recommendations on measures to stop those violations.

41. At its twenty-second session (March-April 1966), the Commission on Human Rights adopted resolution 2 (XXII) on 25 March 1966, whereby it, inter alia, requested the Economic and Social Council to recommend to the General Assembly to urge upon all States which had not done so to comply with the relevant General Assembly and Security Council resolutions recommending the application of economic and diplomatic sanctions against the Republic of South Africa, and to appeal to public opinion and, in particular, to juridical associations to render assistance to the victims of the policies of racial discrimination, segregation and apartheid.

42. On 1 April 1966, the Commission adopted resolution 5 (XXII) by which it inter alia, condemned racial discrimination in all its forms wherever it existed and appealed to Member States to take urgent and effective measures for its complete elimination; and requested the Secretary-General to take steps to ensure that the report of the International Seminar on Apartheid was made available to the General Assembly when it considered, at its twenty-first session, questions relating to apartheid and measures to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

43. At its forty-sixth session in July-August 1966, the Economic and Social Council, by resolution 1146 (XLI) of 2 August 1966, recommended that the General Assembly, inter alia, condemn, wherever they existed, all policies and practices of apartheid, racial discrimination and segregation; recommend to Member States to initiate, where appropriate, programmes of action to eliminate racial discrimination and apartheid, including, in particular, the promotion of equal opportunities for educational and vocational training, and guarantees for the enjoyment, without distinction on the ground of race, colour, or ethnic origin, of basic human rights such as the rights to vote, to equality in the administration of justice, to equal economic opportunities and to equal access to social services. The Council requested the Secretary-General to take the necessary steps to ensure that the report of the International Seminar on Apartheid was placed at the disposal of the General Assembly when it examined, at its twenty-first session, questions relating to apartheid and measures for the elimination of all forms of racial discrimination, and that the report was made available to the Council at its forty-third session.

44. By resolution 1164 (XLI) of 5 August 1966, the Council, inter alia recommended that the General Assembly express its deep concern with the new evidence of persistent practices of racial discrimination and apartheid in the Republic of South Africa, South West Africa and other territories, such practices constituting, according to Assembly resolutions 2022 (XX) and 2074 (XX), crimes against humanity. The Assembly was invited to urge all States which had not yet done so to comply with its relevant resolutions recommending the application of economic and diplomatic measures against the Republic of South Africa, as well as with the Security Council resolutions concerning an arms embargo against that country. The Assembly was further invited to make an appeal to public opinion and in particular to juridical and other appropriate organizations to render assistance to victims of violations of human rights, in particular victims of policies of racial discrimination, segregation and apartheid.

E. Programme of work of the Special Committee

45. The Special Committee met on 9 March 1966 to consider its programme of work in the light of the General Assembly resolution and developments in South Africa. As the appointment of six additional members in accordance with operative paragraph 3

of General Assembly resolution 2054 A (XX) had not been effected, the Special Committee deferred discussion of this item as an enlargement of the Committee would have had an important bearing on the work of the Committee.

F. Invitation to the Organization of African Unity

46. At its 69th meeting on 9 March 1966, the Special Committee noted that, by its resolution 2011 (XX) of 11 October 1965, the General Assembly had invited the Administrative Secretary-General of the OAU to attend sessions of the General Assembly as an observer and expressed a desire to promote co-operation between the United Nations and the OAU. On 16 December, the Secretary-General had reported^{15/} that the Administrative Secretary-General of the OAU had expressed a desire for reciprocal participation in all appropriate bodies.

47. In view of the General Assembly resolution, and taking into account the fact that apartheid was a question of the greatest interest to both organizations, the Special Committee decided to invite the representative of the OAU to attend the meetings of the Special Committee as an observer.

48. The representative of the OAU thanked the Committee for its invitation and declared that the OAU had come to the same conclusion as the Special Committee that the situation in South Africa constituted a threat to international peace and security and that the problem of apartheid could be resolved only by applying the measures provided in Chapter VII of the Charter and that universal economic sanctions were the sole means to a peaceful solution. He pledged the OAU's close co-operation with the Special Committee in the search for ways to apply the decisive measures that were called for.

G. Consultation on the International Seminar on Apartheid

49. As noted earlier, following a recommendation by the Special Committee in its report of 10 August 1965, the General Assembly, in resolution 2060 (XX), requested the Secretary-General to organize in 1966, in consultation with the Special Committee and the Commission on Human Rights, an international seminar on apartheid.

50. During the discussion at the 70th meeting of the Special Committee on 17 March 1966, members emphasized that in formulating the agenda of the seminar, provision should be made not only for a comprehensive examination of apartheid

^{15/} A/6174.

and its effects, particularly on international peace and security, but also for a thorough discussion of concrete measures for the elimination of apartheid and the achievement of a society free from racial discrimination. They felt that invitations should be sent not only to Governments which had supported the decisive measures recommended by the Special Committee, but also to the major trading partners of South Africa which had so far opposed such measures. They emphasized the need to invite representatives of organizations and individuals engaged in the struggle against apartheid. They felt that specialized agencies and appropriate non-governmental organizations should also be invited to send representatives to the seminar.

51. The Chairman of the Special Committee was authorized, in the light of the discussion in the Committee and with the assistance of a sub-committee (consisting of the representatives of Algeria, Costa Rica and Malaysia) to consult with the Chairman of the Commission on Human Rights and the Permanent Representative of Brazil. Proposals which were formulated during these consultations^{16/} were discussed by the Committee at the 71st meeting on 7 April and the record of the discussions were sent to the Secretary-General so that he might take note of the views expressed by members of the Committee.

H. Message to the International Conference on South West Africa

52. The Special Committee received an invitation to attend an international conference on South West Africa, held in Oxford, United Kingdom, from 23 to 27 March 1966. The Conference was convened by the same sponsoring committee that had organized the International Conference on Economic Sanctions against South Africa in April 1964 to which the Special Committee had sent a delegation to attend as observers. Several Chiefs of State and Government were patrons of the Conference and the list of sponsors included a number of prominent persons from various countries.^{17/}

53. At the 70th meeting on 17 March 1966, the Special Committee decided to accept the invitation in principle. As it was found not possible to send a delegation,

^{16/} A/AC.115/L.167-E/CN.4/L.850.

^{17/} For a report on the Conference, see document A/AC.109/L.290.

however, the Chairman of the Special Committee sent a message to the Conference in which he stated:

"In the two decades during which the United Nations has considered the situation in South West Africa, the General Assembly alone has adopted no less than seventy-three resolutions expressing the concern of Member States for the fulfilment of the purposes and principles of the United Nations. Neither these resolutions nor the three advisory opinions of the International Court of Justice have succeeded in persuading the Pretoria regime to abide by its obligations toward the people of South West Africa and the international community.

"The South African régime has been emboldened to violate its obligations and defy the United Nations mainly because its trading partners and friends, including some of the great Powers, have been unwilling to join in effective measures to force compliance by that regime with its obligations. It has been encouraged by the willingness of some Powers to compromise the fundamental principles of self-determination of peoples, as reflected for instance in the suggestion by the 'Good Offices Committee' in 1958 that the possibility of annexation of part of South West Africa by the South African regime should be investigated. It has continued with its criminal policy in the hope that the decisions of the United Nations will remain toothless so long as certain Powers are unwilling to match their deeds with their words and the requirements for a solution.

"The contentious proceedings instituted by the Governments of Ethiopia and Liberia before the International Court of Justice were designed to end the hesitations of these Powers and to confront them with a clear-cut choice.

"Whatever the exact terms of the judgement, these Powers will soon be faced with the choice - whether they are prepared to take all peaceful measures, and make the necessary sacrifices, to fulfil the international obligation to the people of South West Africa or whether they will prefer the profitable intercourse with the racist regime in South Africa. The world cannot accept any more excuses for inaction: it will demand that all States take the requisite measures to fulfil the responsibilities of the international community.

"The people of South West Africa are entitled to expect from the international community decisive measures to ensure the fulfilment of the sacred trust of the Mandate and all assistance to enable them to achieve the rights recognized in the United Nations Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

"The United Nations Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, of which I have the honour to be the Chairman, has repeatedly drawn attention to the grave dangers of racism in South Africa and recommended adequate measures to resolve the

situation. It has called for universal economic sanctions against the South African regime as the only effective peaceful means for this purpose. I may recall that the International Conference on Economic Sanctions against South Africa, held in London in April 1964, made concrete recommendations in this respect.

"The Special Committee has emphasized that racism in South Africa is not a local aberration but a serious threat to international peace and security. The imposition of the inhuman policy of apartheid on the South West African people, the collusion of the South African regime with the racist authorities in neighbouring African territories and its plans for perpetuation of racism in the whole of Southern Africa show clearly the imperative need to destroy the bulwark of racism in South Africa without further delay and to promote a non-racial society based on the dignity of man.

"The support of public opinion all over the world is essential to resolve, as peacefully as possible, this grave situation which threatens peace in Africa and the world, and which carries the seeds of a disastrous racial conflict."

I. Statement by the Chairman on the conviction of Mr. Abram Fischer, Q.C.

54. On 6 May 1966, the Chairman of the Special Committee issued the following press statement on the conviction on 4 May 1966 of Mr. Abram Fischer, Q.C., leader of the defence team in the Rivonia trial and an outstanding opponent of apartheid:^{18/}

"The main 'crime' of Mr. Fischer, in the eyes of the South African authorities, is his constant and brave fight against that racist regime's policies of apartheid. They have not forgiven him for his able defence of the accused in the five-year-long treason trial of 1956-1961 in which all 156 accused were acquitted. He was also the leader of the defence in the Rivonia trial of Nelson Mandela, Walter Sisulu and others. Persecution by the South African authorities is not new to Mr. Fischer for, as he said in the Johannesburg Magistrate's Court on 24 September 1964:

'I have been harassed by the Special Branch for the past fourteen or fifteen years. ... They have been watching my house, tapping my telephone, my house and office have been raided on a number of occasions....' ^{19/}

"All this was done because he had dared to oppose the inhuman and the cruelest of cruel policies of an authoritarian regime. In this he is not alone. As Mr. Fischer himself said, at the time when he went into hiding,

^{18/} Mr. Fischer was sentenced to life imprisonment on 9 May.

^{19/} The Star, daily, Johannesburg, 24 September 1964.

the 2,500 political prisoners being held in South Africa were not criminals but the staunchest opponents of apartheid. At that time he also pointed out that in South Africa discriminatory laws had multiplied each year, that bitterness and hatred of the Government was growing daily, that organizations were outlawed and their leaders banned from speaking or meeting, that the people were hounded by laws requiring them to carry passes, and that torture by solitary confinement and worse had been legalized by an elected parliament. Mr. Fischer wanted this intolerable system changed.

"There are hundreds of persons now in South Africa gaoled because of their opposition to this system. They are still in gaol in spite of repeated General Assembly and Security Council resolutions asking the South African Government to grant unconditional release to all political prisoners and to all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid.

"There are already world-wide repercussions of Mr. Fischer's trial and conviction. The various anti-apartheid movements in the world have made public protests against it. However, the South African Government cannot feel secure as long as there are fighters and opponents of apartheid. Yet the fight against apartheid is gaining strength every day. The United Nations General Assembly in its resolution 2054 (XX) of 20 December 1965 firmly supported 'all those who are opposing the policies of apartheid and particularly those who are combating such policies in South Africa'.

"Any sentence passed against Mr. Abram Fischer will be considered by all freedom-loving people as a crime against justice and human brotherhood. As I have said earlier, Mr. Abram Fischer is not alone in his courageous fight: he has with him the conscience of mankind and the sympathy of the United Nations."

J. Report of 27 June 1966 by the Special Committee on the implementation of operative paragraph 3 of General Assembly resolution 2054 A (XX)

55. As indicated earlier, the General Assembly, by operative paragraph 3 of its resolution 2054 A (XX) of 15 December 1965, decided to enlarge the Special Committee by the addition of six members, to be appointed by the President of the Assembly on the basis of the following criteria:

- (a) Primary responsibility with regard to world trade;
- (b) Primary responsibility under the Charter for the maintenance of international peace and security;
- (c) Equitable geographical distribution.

56. On 4 April 1966, the Secretary-General of the United Nations transmitted to the Chairman of the Special Committee a letter from the President of the twentieth

session of the General Assembly in which he stated that his consultations with Member States with regard to their availability to serve on the Special Committee had not produced the expected indications in order to select the six additional members of the Committee in keeping with the very precise requirements set forth in the resolution of the General Assembly. He also did not think that the General Assembly resolution had left any room for a selection based on criteria of a different nature, not exactly coinciding with those indicated in paragraph 3 of the above resolution. He added: "Bearing in mind the preceding facts and considerations, it appears very unlikely that any further probing would modify the above-mentioned situation. Under these circumstances I believe that there is no other choice left but to have this matter re-examined by the General Assembly at its next session."^{20/}

57. At its 72nd meeting on 14 April, the Special Committee authorized its Chairman to convey to the President of the twentieth session of the General Assembly, through the Secretary-General, its grave concern over the non-implementation of the decision of the General Assembly and authorized him further to request that the Member States concerned should be approached formally by the President of the Assembly and that the Committee be informed of the results of that formal approach.

58. On 15 June 1965, the Secretary-General transmitted to the Chairman of the Special Committee a second letter^{21/} from the President of the twentieth session of the General Assembly. In that letter the President of the General Assembly stated that he had made formal approaches as requested by the Special Committee and that he was still unable to designate the six additional members in accordance with the requirements of the General Assembly resolution, as fourteen of the nineteen Member States approached had by then indicated their unwillingness to be designated as members of the Committee, and two had not replied. One Member State indicated willingness to serve in the Committee, and two had indicated that such an appointment could be acceptable provided that some other assumptions, which had not materialized, were fulfilled.^{22/}

^{20/} A/AC.115/L.168.

^{21/} A/AC.115/L.168/Add.1/Rev.1.

^{22/} Subsequently, another Member State conveyed its inability to participate in the Committee.

59. The Special Committee considered the situation at its 73rd meeting on 20 June 1966 and decided to submit a special report to the General Assembly and the Security Council in order to enable all Member States to give due consideration to the matter and to facilitate appropriate discussions by the General Assembly.

60. In its special report adopted unanimously on 27 June 1966,^{23/} the Special Committee dealt with the situation created by the responses of the Member States which had stated their unwillingness to be represented in the Special Committee. It commended the Union of Soviet Socialist Republics for its positive response to the request by the President of the twentieth session of the General Assembly which reflected its willingness to co-operate in effective measures to end the policies of apartheid. It considered that the refusal to participate in the Committee, particularly of the major trading partners of South Africa, including three permanent members of the Security Council - France, the United Kingdom and the United States - which bear a special responsibility on questions pertaining to the maintenance of international peace and security, constituted a most disturbing precedent and had grave implications. Such refusal, furthermore, would seriously undermine the authority and prestige of the United Nations as an international forum for harmonizing the attitudes of Member States and for resolving international conflicts by peaceful means. This refusal also represented, on the part of the Powers concerned, an unwillingness to join not only in effective action to remove the threat to international peace and security, but even in earnest discussion to harmonize any differences in attitudes concerning appropriate measures, and a most serious situation was therefore created which must require the urgent attention of the General Assembly.

61. The Special Committee considered it essential to state its view that if that attitude reflected a hostility by the Powers concerned to effective peaceful measures provided in Chapter VII of the Charter to resolve the situation, they bore a tremendous responsibility for the alternative of a violent conflict which could not but have the gravest repercussions on international peace and on the course of history. It therefore once again appealed to those Powers to reconsider their attitudes and facilitate effective peaceful action under the auspices of the United Nations. It expressed the hope that other Member States and world public opinion would persuade those Powers to take such a course.

23/ A/6356-S/7387.

62. The Special Committee further considered it essential to state that, if the major trading partners of the Republic of South Africa, in particular the great Powers among them, persisted in their unwillingness to take effective economic measures to help resolve the situation in that country, it feared that Member States might be obliged to reassess their approaches to the solution of the problem and seriously consider other appropriate and decisive measures, as they could not permit the continued deterioration of the explosive situation in view of its grave international dangers.

K. Consideration of developments since 10 August 1965

63. After the adoption of the special report of 27 June 1966, the Special Committee resumed consideration of the developments concerning the policies of apartheid of the Government of the Republic of South Africa with a view to the preparation of a report to the General Assembly and the Security Council.

64. The Special Committee was particularly concerned with the effects of these policies on the adjacent territories in southern Africa. It took note of two developments during the period, namely, the judgement of the International Court of Justice with respect to South West Africa and the granting of a loan to a South African company. After the conclusion of the International Seminar on Apartheid, the Special Committee considered the conclusions and recommendations of the Seminar with a view to taking them into account in the Committee's report to the General Assembly.

65. The consideration of these matters by the Special Committee is indicated here very briefly, as the results of the Committee's considerations are more fully reflected in the following sections of this report.

(i) Examination of the policies of apartheid of the Government of the Republic of South Africa, in particular with reference to adjacent territories in southern Africa

66. The Special Committee gave particular attention to the effect of the apartheid policies of the South African Government on adjacent territories in view of increasing evidence, as foreseen by the Special Committee, of the wider dangers of failure to take decisive action to secure an abandonment of apartheid.

67. Members of the Committee noted that South Africa continued to impose its racist policies on the Mandated Territory of South West Africa in violation of the sacred trust of the international community and its own obligations towards the inhabitants. The situation in that Territory demanded urgent action by the international community.

68. The South African Government had also provided crucial support to the illegal minority racist regime of Southern Rhodesia in open violation of the resolutions of the Security Council. It was increasing its collaboration with the Portuguese Government, which was continuing a colonial war in Mozambique and Angola in contempt of the resolutions of the General Assembly and the Security Council.

69. Moreover, the South African Government had interfered in the internal affairs of the High Commission Territories of Bechuanaland, Swaziland and Basutoland, denied them the right of free transit and sought to control their destiny. The independence and territorial integrity of these countries was in great danger because of the desire of the South African regime to integrate them into the apartheid system.

70. Apartheid was no longer merely a domestic policy of South Africa, but threatened the entire region. The South African Government sought to retain the neighbouring territories in subjection in order to safeguard the continuance of racism in South Africa, and had thereby aggravated the threat to the peace beyond its borders. The problems created by colonialism and racism in southern Africa were increasingly intertwined and action to root out this danger had to be taken with no further delay.

(ii) Judgement of the International Court of Justice with respect to South West Africa

71. The Special Committee took note with disappointment and regret of the judgement of 18 July 1966 by the International Court of Justice in the contentious proceedings instituted by Ethiopia and Liberia concerning the violation by the South African Government of its mandate over South West Africa.

72. Members noted that the Court had, by the casting vote of its President, dismissed the case on a technical point and had avoided dealing with the substance of the complaint.

73. They affirmed that the judgement did not in any way affect the earlier advisory opinions of the Court, nor the interest and the responsibility that the United Nations had in the future of South West Africa. Indeed, it was time to take vigorous action, in line with the resolutions of the General Assembly and the recommendations of the Special Committee, to end the defiance of the South African Government and to secure the fulfilment of the right of the people of South West Africa to independence.

(iii) Statement by the Chairman on a loan by the International Bank to a South African company

74. At the 79th meeting on 2 August 1966, the Special Committee took note of the announcement on 29 July^{24/} of the approval by the International Bank for Reconstruction and Development of a loan of \$20 million to the South African Electricity Supply Commission (ESCOM), despite the recommendation of the Special Committee in its report of August 1965^{25/} that such assistance be denied to South Africa and in violation of the decision of the General Assembly, in operative paragraph 10 of resolution 2054 A (XX), inviting the specialized agencies to take the necessary steps to deny technical and economic assistance to the South African Government. The Committee authorized the Chairman to issue a press statement, on its behalf, expressing its indignation at the action of the International Bank. The statement read as follows:

"According to a press release issued at Headquarters on 29 July 1966, the International Bank for Reconstruction and Development has approved a loan equivalent to \$20 million to the South African Electricity Supply Commission (ESCOM). According to the Bank's announcement, the loan will be guaranteed by the Government of the Republic of South Africa.

"Since its establishment the International Bank for Reconstruction and Development has made eleven loans to South Africa, totalling \$241.8 million. The first group of loans, seven in number, were given directly to the Government of South Africa. The second group of loans were given to the Electricity Supply Commission with South Africa as a guarantor.

^{24/} United Nations Press Release IB/1796, 29 July 1966.

^{25/} A/5957-S/6605, paragraph 175.

"It might be recalled here that the Special Committee, in its last annual report of 10 August 1965 had recommended that all international agencies, in particular the specialized agencies, including the International Bank for Reconstruction and Development and the International Monetary Fund, should take all necessary steps to deny all economic assistance to the Government of South Africa without precluding, however, humanitarian assistance to the victims of apartheid. On the basis of that recommendation, the General Assembly in operative paragraph 10 of its resolution 2054 A (XX) invited the specialized agencies:

'(a) To take the necessary steps to deny technical and economic assistance to the Government of South Africa, without, however, interfering with humanitarian assistance to the victims of the policies of apartheid;

'(b) To take active measures, within their fields of competence, to compel the Government of South Africa to abandon its racial policies;

'(c) To co-operate with the Special Committee in the implementation of its terms of reference.'

"While most of the specialized agencies have extended their co-operation in that respect, it is a matter of great regret that the International Bank had decided to give another loan to South Africa in violation of the appeal contained in the General Assembly resolution 2054 A (XX). Moreover, it seems that the decision of the International Bank was not taken until the judgement of the International Court of Justice concerning South West Africa had been rendered. This shows once more that the International Bank for Reconstruction and Development is lending its support to a regime whose criminal policies of apartheid have been universally condemned, by generously rewarding it with a \$20 million loan.

"On behalf of the members of the Special Committee I would like to express profound indignation at the complicity of the Bank with the torturers of the African people."

(iv) Consideration of the conclusions and recommendations of the International Seminar on Apartheid

75. Members of the Special Committee expressed satisfaction at the work of the International Seminar on Apartheid held at Brasilia from 23 August to 4 September.^{26/} The Seminar had recognized the importance of the work of the

26/ The report of the Seminar has been published as document A/6412.

Special Committee and favoured an expansion of its role in a more vigorous United Nations struggle against apartheid. The recommendations of the Seminar were entirely in conformity with the past recommendations of the Special Committee.

76. They noted that the Seminar had stressed that the United Nations had a fundamental interest in combatting the doctrine of apartheid and should find, as a matter of urgency, ways and means for its elimination. It had recognized, as the Special Committee did, that the South African Government had challenged the United Nations by launching an offensive in the neighbouring territories in southern Africa. It had called for political, moral and material support to those opposing apartheid.

77. The Special Committee decided to take all the conclusions and recommendations of the Seminar into account in the preparation of its report to the General Assembly and the Security Council. It requested the Secretary-General to ensure the widest distribution of the recommendations of the Seminar as a matter of urgency.

L. Work of the Sub-Committee on Petitions and the hearing of petitioners

78. The Sub-Committee on Petitions submitted seven reports^{27/} during the period under review drawing the attention of the Special Committee to communications received from various non-governmental organizations and individuals concerning the policies of apartheid of the Government of the Republic of South Africa. It decided to publish a number of communications as documents of the Committee and draw attention to others in its reports. On the recommendation of the Sub-Committee, the Special Committee heard two petitioners: Miss Mary Benson on 6 July 1966 and Mr. Franz J.T. Lee on 14 September 1966.

(i) Communications published as documents of the Special Committee

79. The following communications were published as documents of the Special Committee:

(a) Letter dated 7 July 1965 from Mr. Theodore E. Brown, Director of the American Negro Leadership Conference on Africa,^{28/} transmitting the text of a

^{27/} A/AC.115/L.149, 163, 169, 173, 174 and Rev.1, 178 and 180.

^{28/} A/AC.115/L.150.

resolution which had been adopted unanimously at the annual convention of the National Association for the Advancement of Colored People. The resolution condemned the evil and oppressive racist policies of the Republic of South Africa, the continuation of which would lead inevitably to violence and bloodshed and possible escalation into world conflict. It recommended that the United States Government, in accordance with the recommendations by the Special Committee, "take steps to encourage economic and political disengagement from South Africa, and discourage, if not prohibit, further United States investments and loans to South Africa". It also recommended that the United States Government grant political asylum to South African political refugees and put an end to all sporting and cultural exchanges between South Africa and the United States.

(b) Letter dated 16 August 1965, from Mr. Maindy Msimang, Director of the Bureau of African Affairs of the African National Congress of South Africa, Dar es Salaam.^{29/} The petitioner drew the attention of the Special Committee to the deplorable conditions in South African gaols and called upon the United Nations, the International Red Cross and the Organization of African Unity to appoint a joint commission to investigate the situation. He also called upon the Security Council to enforce the United Nations resolution on the release of all South African political prisoners.

(c) Letter dated 20 August 1965, from Mr. Ian Henderson, Executive Officer of Defence and Aid Fund, London,^{30/} transmitting a list of the names of 614 children of convicted political prisoners in South Africa and the amounts required to provide for their educational needs. Mr. Henderson stated that the list was only partial, as many more cases were being investigated.

(d) Letter dated 22 April 1966 from the Reverend Canon L. John Collins, Chairman of the International Defence and Aid Fund,^{31/} expressing appreciation for the statement made by the Chairman of the Special Committee on the banning of the South African Defence and Aid Fund and drawing attention to certain facts which substantiate the Chairman's declaration that the reasons adduced by the South African Minister of Justice for the banning of the Fund were slanders.

^{29/} A/AC.115/L.151.

^{30/} A/AC.115/L.152.

^{31/} A/AC.115/L.172.

(e) Letter dated 7 June 1966 from Miss Mary Benson, a South African writer,^{32/} transmitting the text of the statement from the dock made by Mr. Abram Fischer, Q.C. who had been sentenced to life imprisonment.

Mr. Fischer stated that he was on trial for his political beliefs and for the conduct to which those beliefs had driven him. He said that if there was an appearance of calm in South Africa today, it was a false appearance induced by fear. The police state did not create real calm or induce any genuine acceptance of a hated policy. All it could achieve was a short-term period of quiet and a long-term hatred culminating in extreme violence and bloodshed. There was a strong and ever growing movement for freedom and for basic human rights among the non-White people of South Africa, who constitute four fifths of the population; it was supported not only by the whole of Africa but by virtually the whole membership of the United Nations. However complacent and indifferent white South Africa might be, that movement could never be stopped. In the end it must triumph. The question for the future was not whether the change would come but whether it would be brought about peacefully and what the position of the white man would be in the period immediately following the establishment of democracy - after the years of cruel discrimination, oppression and humiliation which he had imposed on the non-White peoples of South Africa.

In conclusion, Mr. Fischer stated that only contact between the races could eliminate suspicion and fear, and breed tolerance and understanding. All the conduct with which he had been charged had been directed towards maintaining contact and understanding between the races. If one day it might help to establish "a bridge across which white leaders and the real leaders of the non-White can meet to settle the destinies of all of us by negotiation and not by force of arms, I shall be able to bear with fortitude any sentence which this court may impose on me."

(f) Memorandum dated 6 August 1966 from Mr. Robert H. Langston, Executive Secretary of the Alexander Defense Committee, New York,^{33/} concerning certain cases of political persecution in South Africa and the work of the Committee in aiding the victims of persecution. The Alexander Defense Committee thanked the Special Committee for its work and pledged to aid it in every possible way to make the American public conscious of the apartheid tyranny.

^{32/} A/AC.115/L.175/Rev.1.

^{33/} A/AC.115/L.179.

(g) Letter dated 1 September 1966 from Mr. Dennis Brutus, Chairman of the South African Non-Racial Olympic Committee,^{34/} describing his personal experience in South African prisons and prison conditions in general in South Africa. Mr. Brutus who had recently arrived in the United Kingdom from South Africa, where he had served a prison sentence and had been placed under house arrest for his opposition to apartheid, added that he had seen in South African gaols brutality and injustice on a massive scale, often in direct contravention of the regulations which the prison officials themselves had devised. He also stated that it was a matter of the utmost urgency that the conscience of the world be roused on this issue and that methods be considered to bring that state of affairs to an end.

(h) Letter dated 2 September 1966 from Mr. Matthew Nkoana, Department of Publicity, Pan Africanist Congress (South Africa), European Branch, London,^{35/} transmitting a memorandum on the arrest of Mr. John Nyati Pokela, a leader of the PAC, who had sought asylum in Basutoland in 1962. Mr. Nkoana stated his belief that Mr. Pokela had been kidnapped in Maseru, Basutoland, by the South African Police in collusion with the Territory's administration and the British Government. He added that immediate action by the Special Committee in applying diplomatic pressure and mobilizing international opinion and generally drawing attention to Mr. Pokela's plight would be greatly appreciated by the Pan Africanist Congress.^{36/}

(i) Letter dated 14 September 1966 from Mr. Barney Desai, Secretariat of Foreign Affairs, Pan Africanist Congress (Azania), London^{37/} transmitting affidavits stating that Mr. Pokela had been assaulted and abducted from Basutoland by armed South African policemen and appealing for immediate action to secure his release.

(ii) Hearing of Miss Mary Benson, 6 July 1966

80. Miss Benson, a writer who had returned from South Africa after spending sixteen months there, told the Special Committee that while certain changes might

^{34/} A/AC.115/L.181.

^{35/} A/AC.115/L.182.

^{36/} At its 80th meeting, on 14 September 1966, the Special Committee decided to draw the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see document A/AC.109/L.204).

^{37/} A/AC.115/L.186.

be achieved from within South Africa itself, the calamitous situation in that country could never be radically reformed from within. The transformation of South Africa into a country with policies benefiting all its races without discrimination would certainly require the intervention of external forces since the Africans in the country, although they greatly outnumbered the Whites, were already confined by severe administrative restrictions and their leaders were being imprisoned, banished or executed whenever they seemed to threaten the status quo. She, therefore, called for the application of economic sanctions, carefully planned and carried through by all the great Powers, in order to avoid the "present ever intensifying oppression and inevitable corruption of society" relapsing into race violence necessitating military intervention.

81. To those sympathetic with the non-White cause in South Africa, who felt impatient and let down because there had been seemingly so little action and counter-violence to the violence of the State inside South Africa, she emphasized that there had been no lack of individual courage among the regime's opponents but that, faced with the armed might of an exceptionally rich, highly industrialized and heavily armed State, there had been reluctance "to sacrifice followers in possibly reckless acts".

82. Miss Benson described the ceaseless police harassment and political trials of Africans taking place in South Africa,^{38/} her own experience under the house arrest order served on her on 15 February 1966, and drew attention to the plight of 500 South Africans who were banned or placed under house arrest for opposition to apartheid.

83. Miss Benson said that the picture drawn of South Africa as a model of "stability" and of "law and order" was only apparent. She pointed out that last October "we had a ghastly glimpse of what seethes below. There was a train crash - one of those monstrously over-packed trainloads of African workers - in which, in all, 91 Africans were killed. The enraged survivors turned on the first white man they saw, who in fact was coming to their aid, and battered him to death".

84. Viewing South Africa as a microcosm of the world in its races, its political beliefs, and its perilous division into haves and have-nots, she said that if no constructive solution of the deadly impasse was found soon, it was hard to see how the world could hope to survive.

85. She referred to two immediate constructive opportunities to meet the situation: first, United Nations Education and Training Programme for South Africans which, regrettably, seemed to have very inadequate resources, and the

^{38/} See Annex, para. 139.

opportunity to provide all possible assistance to the High Commission Territories as they advanced to independence.

86. Commending the Special Committee, she said that South African leaders struggling against apartheid were grateful for its work and, appreciating its difficulties, earnestly hoped that it would not tire, nor be disheartened by the attitudes of the major trading partners of South Africa and the unconcern of the Press. She added:

"... should you in your Committee feel dubious of the value of the United Nation's efforts, I hope you will remember two things. The first is that without your Committee there would surely not have been such progress as has been made: such as the bans, even by America and Britain, on arms to South Africa; the constructive moves such as the education fund, for which, of course, Scandinavian countries with their consistently creative approach deserve great credit; and also a general advance in voting records; but especially, the fantastic vote of 106 nations calling on South Africa to release political prisoners. Without you the Western Powers might well slip back. And the factual reports you produce are proved to be valuable by the South African Government's rapid expansion of its costly information services."

(iii) Hearing of Mr. Franz J.T. Lee, 14 September 1966

87. Mr. Franz J.T. Lee, a South African writer and lecturer, stated that he considered totally unwarranted the widely spread belief that the liberation movement within South Africa had been crushed and that it was no longer realistic to expect the oppressed peoples of South Africa to rise and put an end to the tyranny and oppression of apartheid. This despair in the ability of the South African masses, he stated, had "nurtured the idea that only outside intervention can prevail against that tyranny". It had been hoped that economic sanctions or the threat of armed intervention would compel South Africa to modify its racial policies. The historical record, however, made all such hopes appear Utopian. Neither the States which were in a position to bring pressure to bear on South Africa, nor the international bodies in which those same States possessed great influence, had the slightest real interest in significantly modifying the conditions under which the non-Whites of South Africa lived.

88. The reason for this state of affairs was not hard to determine. At the end of 1962, foreign investment in South Africa amounted to \$4.222 billion, 60 per cent of it British and 11 per cent American. In the same year, the ratio of average net

profit to net worth for United States firms operating in South Africa was 25 per cent. Ninety-nine per cent of mining capital, 94 per cent of industrial capital, 88 per cent of finance capital, and 75 per cent of commercial capital was controlled by foreign investors. To expect the home countries of these investors to impose sanctions on South Africa was to expect them to impose sanctions on themselves.

89. Mr. Lee said that in spite of the most intense persecution, the liberation movement in South Africa had grown not only larger but also tougher and more resilient. He believed that there was a very real prospect of revolution in South Africa and that the forces which would bring about that revolution had been developing for more than thirty years. He believed that only through mass action and the mobilization of the oppressed peoples around a correct programme could the monstrous system of apartheid be overthrown.

90. In this connexion, he referred to a group of organizations which had clustered around the Unity Movement of South Africa, which had been established at the initiative of the All-African Convention, a permanent federation of organizations in South Africa founded in 1935. The All-African Convention and the Unity Movement, both of which adhered to a programme demanding full democratic rights and to a policy of absolute non-collaboration with the oppressors and total self-reliance of the oppressed in their struggle, had recognized that the migratory peasant-workers were the key to the coming South African revolution. A political party, the African Democratic Union of Southern Africa, had been formed in 1961 to organize the masses.

III. NEW DIMENSIONS OF THE PROBLEM OF APARTHEID

91. Reviewing the evolution of the situation in the Republic of South Africa, in its report of 10 August 1965,^{39/} the Special Committee noted that the constant intensification of racist oppression in that country, during the two decades since the founding of the United Nations, had created an explosive situation which could not but have grave international consequences. Ignoring the numerous appeals by the United Nations and world public opinion to seek a peaceful solution in conformity with the principles of the Charter, the South African authorities have attempted to perpetuate racial domination by force at the threat and, indeed, the inevitability of a violent racial conflict. They have proceeded to dispossess the overwhelming majority of the people of South Africa of its legitimate rights in the country and closed all avenues for peaceful change so that international action and/or a violent conflict remained as the only means to secure the fulfilment of the purposes of the Charter.

92. The Special Committee concluded, in the light of its study of the evolution of the situation and the realities in South Africa, that "the situation can only be resolved, short of violent conflict, by international measures designed unmistakably to convince the White population of South Africa that the international community cannot permit the continuation of the present policies and that a change of course towards compliance with the obligations under the United Nations Charter is imperative and urgent". It reiterated its firm conviction that mandatory and universal economic sanctions under Chapter VII of the United Nations Charter were the most appropriate and effective peaceful measures which could be taken under United Nations auspices to prevent a conflict which was bound to have grave international consequences.

93. The Special Committee emphasized that the primary responsibility for the failure of the efforts of the United Nations rested on the major trading partners of South Africa,^{40/} including three of the permanent members of the Security Council - France, the United Kingdom and the United States - which, by their opposition to timely and decisive action by the United Nations and by their increasing economic collaboration with the South African Government, encouraged the latter to persist in its disastrous course.

^{39/} A/5957-S/6601.

^{40/} See page 2.

2/ The South African official statistics on the direction of trade for the period January-October 1965 list the following trading partners:

<u>Country</u>	<u>Imports into South Africa</u>	<u>Exports from South Africa</u>	<u>Total</u>
(in millions of Rand*)			
United Kingdom	418	293	711
United States	289	76	365
Federal Republic of Germany	164	39	203
Japan	88	60	149
Italy	62	29	91
Belgium	20	46	66
France	40	24	63
Canada	42	15	57
Netherlands	31	17	48
Sweden	25	6	31
Switzerland	25	6	31
Australia	17	10	26
Hong Kong	10	8	19
Ceylon	13	1	14
Austria	10	2	12
Spain	3	8	11
New Zealand	9	1	11
Denmark	6	2	8
Finland	6	1	7
Brazil	7	0	7
Norway	5	2	7
Portugal	3	3	5

* A Rand is equivalent to 10 shillings or \$1.40.

Figures will not necessarily add to totals because of rounding.

94. The conclusions of the Special Committee were endorsed by an overwhelming majority of Member States in General Assembly resolution 2054 (XX) of 15 December 1965. In that resolution, the General Assembly deplored the actions of those States which through political, economic and military collaboration with the South African Government, were encouraging it to persist in its racial policies. It appealed to South Africa's major trading partners to cease their increasing economic collaboration with the South African Government, as such collaboration encouraged that Government to defy world opinion and accelerate the implementation of the policies of apartheid. The Assembly also drew the attention of the Security Council to the fact that the situation in South Africa constitutes a threat to international peace and security, that action under Chapter VII of the Charter was essential in order to solve the problem of apartheid and that universally applied economic sanctions were the only means of achieving a peaceful solution.

95. The Special Committee notes with distress that, during the past year, the international community has failed to take effective action because of the continued unwillingness of the major trading partners of South Africa to support such action. As a result, the situation in the Republic of South Africa deteriorated further. Its international effects, particularly on the neighbouring territories - South West Africa, Southern Rhodesia, Botswana, Lesotho and Swaziland - have assumed graver proportions, as the Special Committee had repeatedly warned.

96. The Special Committee feels that the grave developments and trends of the past year call for a reassessment of the situation and a serious discussion of the means to secure an end to apartheid. In order to facilitate such reassessment and discussion, the Committee wishes to draw the attention of the General Assembly and the Security Council to certain essential aspects of the recent developments and to submit proposals for more effective and vigorous United Nations action to solve the problem.

A. A year of inaction by the Security Council

97. Despite General Assembly resolution 2054 (XX), adopted by an overwhelming majority, which drew its attention to the threat to international peace and

security arising from the policies of apartheid of the South African Government, the Security Council has not considered the situation during the past year. Indeed, the Council has not discussed the matter since it adopted resolution S/5773 on 18 June 1964, though the South African Government, in November 1964, rejected its invitation to accept that "all the people of South Africa should be brought into consultation and should thus be enabled to decide the future of their country at the national level", and though the report of the Committee established by that resolution to study measures which could be taken by the Council has been before it since March 1965.

98. The Special Committee cannot but note that this long delay in dealing with this matter, the urgency and gravity of which are universally recognized, is due to the unwillingness of the major trading partners of South Africa, particularly three permanent members of the Security Council, to assume their responsibilities and to take effective action in accordance with the Charter.

99. The Special Committee, in its report of 27 June 1966^{41/} on the non-implementation of the General Assembly's decision to enlarge the Committee's membership, has already expressed regret that these major trading partners were unwilling to join not only in effective action to remove the threat to international peace and security, but even in earnest discussion to harmonize differences among Member States in attitudes concerning appropriate measures. It stated that this had created a most serious situation which must require the urgent attention of the General Assembly.

100. The Special Committee also notes in this connexion that, though the South African Government has been wilfully defying the Security Council resolutions on the grave situation in Southern Rhodesia, these Powers have been unwilling to support action to stop such defiance. On 9 April 1966, for instance, an amendment by Mali, Nigeria and Uganda "to call upon the Government of South Africa to take all measures necessary to prevent the supply of oil to Southern Rhodesia" was not adopted by the Security Council because of the abstentions of eight members.^{42/} On

^{41/} A/6356-S/7387.

^{42/} China, France, Japan, Netherlands, New Zealand, United Kingdom, United States and Uruguay.

23 May 1966, a draft resolution by those three States which, inter alia, called for the implementation of the Security Council resolutions on Southern Rhodesia by the South African Government, was not adopted by the Council because of one negative vote and eight abstentions.^{43/}

101. In the meantime, the major trading partners of South Africa have defied the General Assembly and Security Council resolutions and continued to increase their military and economic collaboration with the South African Government.

102. Even the arms embargo, called for by the Security Council in 1963 and 1964, has not yet been fully implemented, as indicated in the annex to this report. The Special Committee notes with grave concern the reports concerning the supply of military equipment to South Africa, particularly by France: the assistance from Italy in the manufacture of aircraft, as well as the transfer of technical assistance from the United Kingdom for that purpose; and the assistance, through licences and capital, from several countries in the development of the munitions industry.

103. The economic collaboration of a number of countries with South Africa has continued unabated. South Africa's trade has progressed further. Capital investment in South Africa, particularly from the United Kingdom, United States, France and the Federal Republic of Germany has greatly increased. The South African Government and South African companies have received substantial new loans from France, Federal Republic of Germany and Switzerland.

104. The Special Committee, moreover, was obliged to note with shock and indignation that the International Bank for Reconstruction and Development had approved a loan of \$20 million to the Electricity Supply Corporation of South Africa in July 1966, in violation of the provisions of General Assembly resolution 2054 A (XX).

105. Encouraged by such collaboration and assistance, the South African authorities continued to pursue their disastrous policies with scant respect for the resolution of the General Assembly and for world public opinion.

^{43/} New Zealand voted against. The following abstained: Argentina, China, France, Japan, Netherlands, United Kingdom, United States and Uruguay.

B. Aggravation of the situation inside South Africa

106. As noted in the annex to this report, the South African Government has, during the past year, not only continued to implement its racial legislation and policies, but has taken further discriminatory steps of an extraordinary nature such as the new bill which prohibits universities from discriminating against any society or individual who practises and preaches discrimination.

107. It has further intensified repression against opponents of apartheid and is wreaking vengeance on them. Indefinite imprisonment without trial, solitary confinement and ill-treatment in prison, arbitrary banishment and house-arrest, trials and harsh sentences under racist laws and mass removals of communities have become normal features in the administration of South Africa.

108. The Government seeks to intimidate the great majority of the people, with the power of the armed White minority and the ruthlessness of repression of opposition, and to decide the destiny of the country by itself according to its own diabolic plans. The millions who are oppressed are denied any possibility to seek change by peaceful means.

109. As Mrs. Helen Joseph, a social worker who has endured much persecution and four years of house arrest for her opposition to apartheid, wrote recently:

"Today, all channels of negotiation between white and non-white are closed. The leaders of the African people are imprisoned, outlawed and silenced; the Government is even more determined to suppress all opposition to its apartheid policies.

"I can no longer be confident of there being a peaceful solution. I only know that the patience of the non-white people is being strained beyond endurance." 44/

110. By its ruthlessness, the Government is fanning racial animosities, risking the growth of a spirit of revenge among the victims of its oppression and greatly aggravating the danger of violent resistance.

C. Threat to adjacent territories

111. Moreover, in order to reinforce and defend the racist policy of apartheid, the South African Government has increasingly interfered in neighbouring territories

44/ Helen Joseph, Tomorrow's Sun, London, 1966.

to promote the perpetuation of colonial and racist minority governments and to hinder the development of non-racial societies. It has thereby challenged the United Nations and aggravated the explosive situation in southern Africa.

112. The ability of the South African Government to pursue policies of racial discrimination, in defiance of world opinion, has encouraged the minority in Southern Rhodesia to follow its example. Moreover, the collaboration of these minority racist forces with Portuguese colonialism, directed against the legitimate struggle of the peoples of the area for independence, equality and human dignity, represents a grave threat to the peace of Africa and to race relations in general.

113. The South African Government has openly defied the decisions of the Security Council designed to quell the rebellion by the illegal racist minority regime in Southern Rhodesia and provided it with vital assistance.

114. It has steadily strengthened its links with the Portuguese Government which is engaged in colonial wars in Angola, Mozambique and so-called Portuguese Guinea.

115. Its policies with respect to Lesotho (Basutoland), Swaziland and Botswana (Bechuanaland), designed to integrate them into a Bantustan framework, have posed a threat to the independence, territorial integrity and sovereignty of these territories and caused grave concern to the United Nations.^{45/}

116. It has sought to promote the development of a string of friendly and dependent States in Africa, tied to it in a "common market", in order to facilitate the perpetuation of racism in South Africa and frustrate the fulfilment of the purposes of the United Nations Charter in the region.

117. It continues to implement the policies of apartheid in the Mandated Territory of South West Africa where it seeks by force to deprive the indigenous inhabitants of half the territory of their homeland, to relocate them into tribal reserves and to deny them the right to genuine independence. The report of the Odendaal Commission, which the Special Committee analysed in 1964,^{46/} was essentially a plan for these purposes, combined with certain economic projects designed to confuse public opinion. The Government took steps to implement this plan despite condemnation by United Nations organs and its utter incompatibility with South Africa's obligations under the Mandate Agreement.

^{45/} See General Assembly resolution 2143 (XXI).

^{46/} A/5692-S/5621, annex II, paras. 68-82.

118. After the decision of the International Court of Justice in July 1966, avoiding a judgement on the substantive issues in the contentious proceedings instituted by Ethiopia and Liberia concerning the administration of the Mandated Territory, the South African Government has proceeded to implement its apartheid plan more vigorously.

119. The reign of racism in the Republic of South Africa, reinforced by a military power which has been tremendously strengthened since 1960, constitutes now the core of the threat to peace and progress in southern Africa. The failure of the international community to solve the problem of apartheid, because of the obstruction of the main trading partners of South Africa, including the United Kingdom, the United States and France, has thus resulted in a widening and aggravation of the challenge and threat to the United Nations.

120. The Special Committee, therefore, considers it imperative that decisive action should be taken without delay to secure an end to apartheid which threatens the peace in southern Africa and thus to meet the wider dangers of that situation.

IV. CONCLUSIONS AND RECOMMENDATIONS OF THE SPECIAL COMMITTEE

121. The Special Committee, which has always stressed the vital interest of the United Nations in securing an end to apartheid, endorses fully the unanimous conclusion of the International Seminar on Apartheid held in Brasilia that "the United Nations has a fundamental interest in combating the doctrine of apartheid and should find, as a matter of urgency, ways and means for its elimination". It recommends that an "International Campaign against Apartheid" be inaugurated under the United Nations auspices as a demonstration of its determination to take all measures adequate to secure the eradication of apartheid.

122. Before proceeding to a consideration of concrete measures which might appropriately be taken by the United Nations, the Special Committee wishes to restate the purposes of the United Nations as these have been distorted in the virulent propaganda of the South African Government and its friends.

123. The "mass violation of human rights and fundamental freedoms" in South Africa, to use the words of the Secretary-General, has been a matter of vital concern to the United Nations as it contravenes the pledge of Member States in the Charter to promote human rights and fundamental freedoms, and as the ruling group in South Africa continues to intensify such violations, as its policies and actions have inevitably led to international friction and conflicts with other States which feel a sense of solidarity with the oppressed majority in South Africa and to the aggravation of the explosive situation in southern Africa. The perpetuation of racism in South Africa, with its wider repercussions, undermines all efforts to promote international co-operation in accordance with the principles and purposes of the United Nations Charter.

124. But, above all, the racial policies in South Africa, leaving no choice to the oppressed majority except for the acceptance of subjection which is inconceivable and violent resistance, threaten a racial conflict. Such a conflict cannot but have the gravest international repercussions as other States which feel a sense of solidarity with the oppressed people cannot remain indifferent. A violent conflict, moreover, will have world-wide repercussions which may threaten the survival of the United Nations.

125. Moreover, as the Special Committee has emphasized, the policies of the present Government in the Republic of South Africa are suicidal for even the white

community it seeks to represent and serve. As Mr. Abram Fischer, Q.C., a distinguished Afrikaaner, said recently in defence of his opposition to apartheid:

"There is a strong and ever-growing movement for freedom and for basic human rights amongst the non-white people of the country - i.e., amongst four-fifths of the population. This movement is supported not only by the whole of Africa but by virtually the whole membership of the United Nations as well - both West and East. However complacent and indifferent white South Africa may be, this movement can never be stopped. In the end it must triumph. Above all, those of us who are Afrikaans and who have experienced our own successful struggle for fully equality should know this. The sole questions for the future of all of us therefore are not whether the change will come but only (i) whether the change can be brought about peacefully and without bloodshed; and (ii) what the position of the white man is going to be in the period immediately following on the establishment of democracy - after the years of cruel discrimination and oppression and humiliation which he has imposed on the non-white peoples of this country." 47/

126. The United Nations has repeatedly made it clear that a solution of the situation in South Africa should be sought through consultations among representatives of all elements of the population in South Africa, based on the recognition of human rights and fundamental freedoms of all the people of South Africa regardless of race, colour or creed. The South African regime, however, has rejected this reasonable course which holds the promise of meeting the legitimate fears of the privileged minority it seeks to represent, but has instead pursued a short-sighted policy which cannot but lead to the gravest dangers.

127. The Special Committee has urged the imposition of economic sanctions against South Africa in order to make it clear to the white minority and its leaders that their present course is unacceptable and untenable and to encourage all forces and trends favouring an end to racial discrimination. The purpose of economic sanctions is not to cripple the South African economy but to secure a solution of the situation in South Africa which would protect the legitimate rights of all the people of that country.

A. The responsibility of the great Powers and major trading partners of South Africa

128. The Special Committee remains firmly convinced that the economic sanctions and related measures it has recommended are the only effective means for a peaceful solution to the situation in South Africa and that the United Nations should exert maximum efforts to seek a solution by such peaceful means. To be effective, however, the sanctions must be mandatory, and universally applied under the auspices of the United Nations.

129. The Special Committee notes with regret that the major trading partners of South Africa have been unwilling to support this peaceful approach toward a solution despite the repeated appeals by the General Assembly and that they have, on the contrary, increased their profitable collaboration with the South African Government. They have thereby frustrated timely and effective action by the United Nations and bear a grave responsibility for the consequences of delay in dealing with the situation.

130. The Special Committee shares the view expressed by the Secretary-General in the Introduction to his Annual Report on the Work of the Organization for 1965-66, in which he stated:

"It seems to me that the permanent members of the Security Council and the main trading partners of South Africa have a special responsibility as well as the means to persuade the South African Government to abandon its present course and seek a solution consistent with the Charter of the United Nations and the resolutions of the Security Council and the General Assembly. Such efforts would be based on the very wide consensus which has developed in the United Nations on the need to secure a solution of the situation through the full, peaceful and orderly application of human rights and fundamental freedoms to all the inhabitants of South Africa regardless of race, colour or creed and by consultations among representatives of all elements of the population in South Africa. Progress in this direction is indispensable to prevent a further aggravation of the situation in southern Africa and to enable South Africa to play a constructive part in the destiny of Africa." 48/

131. The Special Committee considers it essential to warn that by refusing to lend their co-operation in such indispensable action, the main trading partners of South Africa, including three permanent members of the Security Council, bear

the responsibility for the deterioration of the situation in southern Africa as a whole, and for the inevitable outcome of a violent conflict in South Africa with all its repercussions and effects, both national and international. Moreover, by their increasing collaboration with the South African Government and increasing involvement in South African economy, they are provoking suspicion and hostility among the victims and opponents of apartheid.

132. The Special Committee is gravely concerned that foreign business interests, which are greatly increasing their stake in South Africa and deriving excessive profits from the present system, are engaged in active propaganda in favour of that system and are attempting to influence other Governments against action to counteract apartheid. The development of these foreign interests is bound to put the professed beliefs and traditions of the countries concerned to a severe test in a violent confrontation in South Africa.^{49/} The Special Committee is compelled to warn that any actions designed to defend their interests in such confrontation may well lead to conflict with the forces of liberation in South Africa and all those who support the liberation movement to achieve its legitimate goals.

133. The Special Committee, therefore, considers it essential to secure the speediest disengagement of these Powers from South Africa. It considers that, as a minimum, they should withdraw their nationals and investments from the Republic of South Africa, except for persons engaged in humanitarian activities, until the problem of apartheid is solved.

134. The Special Committee, moreover, notes that the involvement of foreign business interests in South Africa and in the other territories of southern Africa has developed in complex relationships between foreign and South African concerns. It strongly supports the proposal by the Special Committee on the

^{49/} In this connexion, attention may be drawn to paragraph 86 of the report of the International Seminar on Apartheid, which reads:

"It was suggested that if violence should reach the point in South Africa where it should claim the lives of many white persons, the Western Powers would feel compelled to intervene, not only to protect the white population in South Africa, but to protect the private property, assets and investments of their nationals. This view was disputed on the grounds that such a conduct would run counter to the beliefs and best traditions of the countries concerned and against the trend of enlightened public opinions in the countries."

Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for a consideration of the activities of foreign economic and other interests which are impeding the Declaration on the granting of independence in Southern Rhodesia, South West Africa, the Territories under Portuguese administration and other colonial territories. It feels, however, that for the most fruitful consideration of this matter, the activities of foreign economic interests in the Republic of South Africa and of the South African economic interests in neighbouring colonial territories should be fully taken into account.

B. A programme of action by the United Nations

135. Faithful to its mandate from the General Assembly, the Special Committee has attempted to promote a comprehensive programme of action, under the auspices of the United Nations, to solve the problem of apartheid.

136. It has given primary importance to economic sanctions and related measures designed to secure the speedy eradication of apartheid and the development of a non-racial society in South Africa. It has suggested measures to persuade the main trading partners of South Africa to co-operate in facilitating universal economic sanctions.

137. It has suggested the arms embargo and various other partial steps to secure certain minimum but vital objectives.

138. It has emphasized the importance of public opinion in reinforcing and supporting United Nations action and suggested various measures to inform world opinion of the dangers of apartheid and of the United Nations efforts to solve the problem. In this connexion, it emphasized the particular importance of informing opinion in the countries which maintain close economic and other relations with South Africa and of counteracting the deceitful propaganda by the South African Government and by business and other interests collaborating with it.

139. While constantly concerned with efforts to secure a solution, and without diverting attention from the need for urgent action for that purpose, the Special Committee has also given attention to various humanitarian, cultural and other programmes. It made it clear that these programmes should in no way be regarded as alternatives for action to solve the problem.

140. In this connexion, the Special Committee has been concerned with programmes and measures by which the international community can prevent serious aggravation of the situation and the growth of racial bitterness and hatred, and can help alleviate distress among the victims of apartheid. It encouraged various initiatives to save the lives of opponents of apartheid threatened with execution and to prevent the torture and brutal ill-treatment of prisoners. It encouraged programmes to provide for legal defence of persons accused under arbitrary laws, aid to families of political prisoners and education of their dependants, and relief to refugees. By emphasizing the humanitarian nature of these programmes, and keeping them distinct from efforts to secure an end to apartheid, the Special Committee has sought to enable wide segments of the international community to demonstrate, by action, their concern for a peaceful solution of the problem in South Africa.

141. In the same spirit, the Special Committee commended the United Nations Education and Training Programme for South Africans, designed to assist South Africans to receive higher education and technical training and enable them to contribute effectively to the progress of their country in accordance with the purposes of the Charter.

142. The Special Committee is awaiting a report, being prepared at its request by the United Nations Educational, Scientific and Cultural Organization, on the effects of the policies of apartheid in the fields of education, science, culture and information in South Africa. It feels that such a report will provide authoritative information to non-governmental organizations and interested individuals and enable them to provide appropriate assistance to the millions who are denied equal opportunities because of racial discrimination.

143. The Special Committee has commended the efforts of the International Labour Organisation in pursuance of its declaration on the policy of apartheid of the Republic of South Africa and its programme for the elimination of apartheid in labour matters in the Republic of South Africa.

144. The Special Committee has encouraged various ameliorative measures without diverting attention from the primary task of contributing to the eradication of apartheid. It has maintained contact with other United Nations organs, as well as specialized agencies and non-governmental organizations, in order to promote

meaningful action at all levels. It has thus sought to play a helpful role in promoting a comprehensive approach to deal with various aspects of the apartheid policy and its ill-effects, with emphasis on action rather than mere condemnation of apartheid. It has been gratified by the endorsement of its recommendations by the General Assembly, as well as the International Seminar on Apartheid, and by the responses from States and numerous non-governmental organizations concerned with this problem.

145. These efforts of the Special Committee demonstrated its intense concern to do all in its power, in accordance with its mandate from the General Assembly and the needs of the situation, to promote all possible peaceful measures towards a solution of the problem of apartheid during a period when the actions of the South African Government were precipitating a conflict. While the Special Committee had no doubt that the hopes of the South African Government that an armed racist minority can for ever dominate the country would fail, and that non-racialism and justice would triumph, it was always anxious to promote the widest international support and understanding of the struggle against apartheid, especially in the predominantly "White" and "Christian" nations, in order to promote the most peaceful transition and to mitigate the dangers of racial bitterness.

146. While the Special Committee respects the right of the oppressed people to liberate themselves by means of their own choice, and recognizes that avenues for peaceful change are increasingly closed by the Government, it may well be that the constant concern of the Special Committee, and the support it received from the Member States and public opinion, has helped to contribute toward mitigating violence and racial bitterness and hatred. It recognizes, however, that the danger of violent conflict cannot be eliminated unless decisive steps are taken to eradicate apartheid.

147. The Special Committee feels that, in view of the aggravation of the situation in South Africa and neighbouring territories, these many-sided efforts should be redoubled in a comprehensive international campaign against apartheid under the auspices of the United Nations. It has attempted to ensure that the International Seminar on Apartheid would give particular attention to concrete measures for a programme of action and has noted with satisfaction that the Seminar has made a number of recommendations which deserve consideration and endorsement by the competent United Nations organs.

C. The repercussions of apartheid in southern Africa

148. The Seminar has emphasized the repercussions of apartheid in the whole of southern Africa and the importance of effective action on the colonial problems in the area toward a solution of the problem of apartheid in South Africa. In this connexion, it made the following recommendations:

"VII. It was unanimously agreed that, in their effort to bring about an urgent satisfactory settlement to the problem of Southern Rhodesia, the United Nations Security Council and the General Assembly should bear in mind the difficulties created by South Africa's and Portugal's continued support and assistance to the Smith régime in Southern Rhodesia.

"The participants from Argentina, Denmark, Sweden, the United Kingdom and the United States of America doubted the practicability of such a step."

"IX. The General Assembly of the United Nations should give urgent attention to the problem of South West Africa in order to arrive at a rapid solution to the problem in accordance with the fundamental principles of human rights, Article 73 of the Charter of the United Nations, and resolution 1514 (XV) of 14 December 1960 on the granting of independence to colonial countries and peoples."

"XXIV. The United Nations should take immediate steps to co-operate with the Governments of Basutoland, Bechuanaland and Swaziland to guarantee their independence and territorial integrity and to secure international agreements for the transit corridors for Basutoland. The United Nations should invite its Member States to form a consortium of donor countries to provide economic and technical aid for these territories and to invite the United Nations regional and specialized agencies to undertake a co-ordinated technical programme with a view to lessening these countries' economic dependence on South Africa.

"The participants from Argentina, Brazil, Chile and Mexico proposed the deletion of the reference to 'transit corridors', and substitution thereof by 'full access to the outside world.'"

"XXV. Considers that an early conference on southern Africa will be necessary and useful and recommends that Member States, in co-operation with the Organization of African Unity, will convene such a conference."

"XXVIII. The seminar requested the United Nations to apply full mandatory sanctions against Southern Rhodesia.

"The participants from Italy and New Zealand reserved their position on this paragraph. The participants from the United Kingdom and the United States of America dissociated themselves from the request made in this paragraph."

"XXIX. The seminar deplores the continued infringement by the Government of South Africa of the territorial integrity of Basutoland, Bechuanaland and Swaziland."

149. The Special Committee emphasizes the importance of co-ordination in all United Nations efforts dealing with the problems of racial discrimination and colonialism in southern Africa. For this purpose, the Special Committee has kept in contact with and followed the work of the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It feels that co-operation between the two committees should be strengthened and that they should establish close relations with any other United Nations organs which may be concerned with the problem of apartheid, racial discrimination and colonialism in southern Africa.

150. The Special Committee, moreover, feels that an international conference or seminar on the problems of apartheid, racial discrimination and colonialism in southern Africa would be useful in promoting effective United Nations action and recommends that the Secretary-General be requested to organize such a conference or seminar, as soon as possible, in consultation with the two Special Committees of the General Assembly. It further recommends that the report of the proposed conference or seminar should be submitted to the General Assembly for consideration at the twenty-second session.

151. The Special Committee strongly supports provision of international economic assistance to Botswana, Basotho and Swaziland, and recommends active efforts to secure the effective implementation of General Assembly resolution 2143 (XXI).

D. Economic sanctions and related measures

152. The Special Committee reaffirms its conviction that universal economic sanctions under Chapter VII of the United Nations Charter are the only effective peaceful means by which the international community can help solve the problem of apartheid. Such sanctions deserve the strong support of all who seek a peaceful solution or even to contribute to a mitigation of violence.

153. The General Assembly, in resolution 2054 (XX) of 15 December 1965, supported by an overwhelming majority of Member States, drew the attention of the Security Council to "the fact that the situation in South Africa constitutes a threat to

international peace and security, that action under Chapter VII of the Charter is essential in order to solve the problem of apartheid and that universally applied economic sanctions are the only means of achieving a peaceful solution". The Security Council, however, has not yet considered the situation and most of the main trading partners of South Africa, except Denmark and Sweden, remain unwilling to co-operate in ensuring decisive action.

154. The Special Committee notes that the attitudes of the main trading partners were reflected in reservations by a small minority of participants to many of the relevant recommendations of the International Seminar on Apartheid which are reproduced below:

"III. The overwhelming majority of participants asserted that apartheid constitutes a threat to international peace and security and that the Security Council should turn urgent attention and give early consideration to the problem.

"The participants from Argentina, Japan, New Zealand, the United Kingdom and the United States of America were unable to accept that a threat to international peace and security under Chapter VII of the Charter exists at this time."

"IV. The overwhelming majority of participants considered that it would be appropriate for the Security Council to deal with the problem of apartheid in South Africa by procedures similar to those which it applied in adopting a resolution on Southern Rhodesia under Chapter VII of the Charter. Even consideration of measures of selective or partial sanctions will presuppose action under Chapter VII of the Charter.

"The participants from Argentina, Brazil, Italy, Japan, Mexico, New Zealand, the United Kingdom and the United States of America felt that this paragraph was unnecessary because its subject-matter had already been disposed of in paragraph III. They were therefore unable to support it."

"V. The overwhelming majority of participants to the seminar shared in the conclusions of the General Assembly Special Committee on the Policies of Apartheid that mandatory, universal sanctions under Article 41 of the Charter are indispensable, urgent and feasible.

"The participants from Argentina, Italy and Mexico reserved their position on this paragraph. The participants from Denmark and Sweden would have preferred to delete the word 'feasible'. The participants from Japan, the United Kingdom and the United States of America disagreed with the views contained in this paragraph."

"VI. The seminar felt unanimously that, when the Security Council should decide on mandatory economic sanctions against South Africa, all countries should apply them faithfully and scrupulously respect the decision."

"XIX. All Member States should comply fully with the Security Council's existing call for an embargo on armaments and equipment for their manufacture. This call should now become mandatory.

"The participants from Italy, Mexico, New Zealand, the United Kingdom and the United States of America felt that the last sentence of this paragraph was unnecessary because its subject-matter had already been disposed of in paragraph III. They were, therefore, unable to support it."

"XX. Appeal to all States to discourage with a view to stopping all economic and financial relations with South Africa, particularly in investments and trade.

"The participants from Argentina, Brazil, Denmark, Italy, Mexico, New Zealand, Sweden, the United Kingdom and the United States of America preferred to substitute for the words 'Appeal to all States to discourage with a view to stopping all' the words 'All Member States should discourage closer'."

"XXI. Appeal to countries, which had not yet developed any or extensive economic and financial relations with South Africa, not to establish such relations or to disengage.

"The participants from Denmark, New Zealand, Sweden, the United Kingdom and the United States of America proposed the deletion of this paragraph."

"XXII. Timely publication and updating of statistics on South Africa's international trade will assist in mobilizing pressures against such trade."

"XXIII. Appeal to the International Bank for Reconstruction and Development and the International Monetary Fund to co-operate with the efforts of the United Nations to end apartheid. The next annual meeting of the IBRD's Governors should review the Bank's lending policies as regards South Africa.

"The participants from Argentina, Brazil, Mexico, Sweden, the United Kingdom and the United States of America reserved their position on this paragraph and preferred the deletion of the first sentence."

155. Having considered the situation created by the unwillingness of the main trading partners of South Africa to assume and discharge their responsibilities, the Special Committee considers that efforts should be redoubled to persuade

them to change their attitude and to secure action by the Security Council. It feels that it is desirable, without detracting from such efforts, to take immediate steps with regard to measures on which the report of the Seminar indicates widest support. It makes the following suggestions in this respect:

(a) All Member States should be requested to undertake that, when the Security Council should decide on mandatory sanctions against South Africa, they would apply them faithfully and scrupulously.

(b) All States should be called upon to comply fully with the decisions of the Security Council solemnly calling on them to cease forthwith the sale and delivery to South Africa of arms, ammunition of all types, military vehicles and equipment and materials intended for their manufacture and maintenance. The Special Committee should be authorized to draw the attention of Member States concerned, through the Secretary-General, to any information which may become available on failure to implement this decision fully, and to report on this matter to the Security Council and General Assembly as appropriate.

(c) All States should be requested immediately to discourage closer economic and financial relations with the Republic of South Africa, particularly in investment and trade, as well as loans by banks registered in their countries to the South African Government or South African companies, and report on measures taken in this respect. The Secretary-General should be requested to transmit such reports to the General Assembly and the Special Committee. Countries, which have not yet developed any or extensive economic and financial relations with South Africa, should be requested not to establish such relations or to disengage.

(d) The Secretary-General should be requested to take steps, in consultation with the Special Committee, for timely publication of statistics on South Africa's international trade. He should be requested, further, to provide all necessary assistance to the Special Committee to publicize information concerning the development of closer economic and financial relations by other States with the Republic of South Africa and to report on this matter to the General Assembly and the Security Council as appropriate.

(e) The International Bank for Reconstruction and Development and the International Monetary Fund, as well as their members, should be requested to take measures to stop all further assistance to the Republic of South Africa by these two specialized agencies.

156. While calling for mandatory and total economic sanctions universally applied, the Special Committee has suggested certain partial measures designed for limited purposes. It feels that, in view of the supply of petroleum from the Republic of South Africa to the illegal racist minority regime in Southern Rhodesia in order to frustrate the decisions of the Security Council, urgent consideration should be given to an embargo on petroleum and petroleum products to South Africa and on all assistance in the refining and distribution of petroleum products. The Special Committee notes that such an embargo can be made effective with the full co-operation of a few companies which are involved in the petroleum industry in the Republic of South Africa. These companies are mainly from the United Kingdom, the United States, Netherlands and France which have supported measures to quell the rebellion in Southern Rhodesia. The Special Committee feels that an embargo by these States, with the assistance of the United Nations, will not only help secure the implementation of the decisions of the Security Council concerning Southern Rhodesia, but will constitute a clear warning to the Republic of South Africa to desist from challenges to the authority of the Security Council.

E. Moral and material assistance to those combating the policies of apartheid

157. In view of the continued unwillingness of the major trading partners of South Africa to join in effective international action, it has become essential to consider other appropriate means by which the international community may assist in the solution of the problem of apartheid.

158. The Special Committee has emphasized that the struggle of the people of South Africa to end apartheid is a legitimate struggle and that the provision of assistance to the oppressed people of South Africa is a duty of the international community fully consistent with the purposes and principles of the United Nations. ^{50/}

159. The Special Committee feels that a clear distinction should be maintained between material assistance in the struggle to secure an end to apartheid and humanitarian assistance to the victims of that policy which is considered in a subsequent section.

160. As regards the former, the Special Committee suggests that the following relevant recommendations of the International Seminar be drawn to the attention of States:

"Dialogue and negotiation with the Government of South Africa have failed to prove to be effective and satisfactory means for the elimination of apartheid. Effective steps should now be taken to provide assistance to victims and opponents of apartheid and to weaken the South African Government to cause it to eliminate its offensive policies of apartheid and of white domination.

"The participants from Japan, the United Kingdom and the United States of America accepted these proposals, but felt that the words 'and appropriate' should be inserted after the word 'effective' in the second sentence."

"XI. Appeal to all States for political, moral and material support to those opposing apartheid.

"The participants from Argentina, Brazil, Japan, Mexico, New Zealand, the United Kingdom and the United States of America wished to replace the first five words by 'All Member States should extend' and to insert 'appropriate' before 'material'."

"XIV. It was unanimously agreed to recommend the annual commemoration of the massacre of Sharpeville, during which funds can be collected in support of the anti-apartheid movement."

F. Efforts to promote support of non-governmental organizations and world public opinion

161. While considering that a solution to the situation in South Africa requires decisive action by States, under the auspices of the United Nations, the Special Committee has always attached great importance to co-operation by the specialized agencies of the United Nations, by non-governmental organizations and by world public opinion in general to facilitate and supplement such decisive action.

162. It recommended that specialized agencies of the United Nations and non-governmental organizations should be encouraged to consider positive and active measures to counteract the policies of apartheid of the Government of the Republic of South Africa, to render humanitarian assistance to those persecuted by the South African Government for their opposition to the policies of apartheid and to help disseminate information on the dangers of the policies of apartheid and the United Nations efforts to solve the problem of apartheid in South Africa.

163. Considering that the situation in South Africa is of the widest international concern and that world public opinion should exert all its influence to support and supplement the efforts of the United Nations, the Special Committee considered it most essential that the United Nations actively encourage and assist non-governmental organizations to develop their activities against apartheid.

164. It has attached great importance to the widest dissemination of information on the dangers of apartheid in order to keep world opinion informed and thereby encourage it to support United Nations efforts to deal with the grave situation in South Africa.

165. Accepting the recommendations of the Special Committee, the General Assembly, in resolution 2054 (XX) requested the Secretary-General, in consultation with the Special Committee, to take appropriate measures for the widest possible dissemination of information on the policies of apartheid of the Government of South Africa and on United Nations efforts to deal with the situation, and requested all Member States, specialized agencies and non-governmental organizations to co-operate with the Secretary-General and the Special Committee in this regard. It invited the specialized agencies to take active measures, within their fields of competence, to compel the Government of South Africa to abandon its racial policies and to co-operate with the Special Committee in the implementation of its terms of reference.

It requested the Secretary-General to organize, in consultation with the Special Committee and the Commission on Human Rights, an International Seminar on Apartheid. 166. The International Seminar has strongly supported the views of the Special Committee on the need to encourage appropriate action by non-governmental organizations and to inform world public opinion and encourage it to influence the situation in South Africa. Many participants in the Seminar felt that a valuable contribution to the solution of the problem may be made by Governments, non-governmental organizations and groups, religious associations and professional bodies, through the dissemination of information regarding the situation in South Africa. They felt that a special information service might be established to acquaint world opinion with the true implications and dangers of apartheid. They considered that such a service would be of particular value in view of the international network of propaganda maintained with great skill and at great cost by the South African Government and by other supporters of apartheid.^{51/}

167. Some participants expressed the hope that the existing inter-governmental administrative machinery for handling the manifold questions relating to apartheid would be reformed and made more effective. The Secretary-General of the United Nations should, in their view, establish a special administrative unit within the Secretariat to deal exclusively with apartheid matters. Such action on his part would be of psychological value and remind Member States of the continued existence of the problem and their obligations under the different resolutions of the United Nations.^{52/}

168. Several participants supported the proposal to establish an international information centre, within the framework of the United Nations, to disseminate data on the meaning and dangers of apartheid. Many participants also suggested that the United Nations, in co-operation with the UNESCO, should undertake an educational campaign aimed at people, both inside South Africa and elsewhere.^{53/}

169. In this connexion, the Seminar made a number of recommendations.

"XVI. An Information Centre should be established within the United Nations Secretariat. It should be financed from the United Nations regular budget and operate in close consultation with the General Assembly Special

^{51/} A/6412, para. 51.

^{52/} Ibid., para. 113.

^{53/} Ibid., paras. 115-16.

Committee on Apartheid. Its purpose should be to disseminate information on apartheid in order to increase public awareness of the problem of apartheid and to counteract the propaganda efforts of the South African Government. It could organize or establish relations with regional and national centres.

"The participants from Argentina, Brazil, Denmark, Italy, Japan, Mexico, New Zealand, Sweden, the United Kingdom and the United States would prefer the substitution for the words 'within the United Nations Secretariat' of the words 'and the possibility or nature of its connexion with the United Nations should be studied', and the deletion of the second sentence."

"XVII. Member States and private organizations and individuals should scrutinize and take measures in line with domestic law against the operations or the propaganda organizations of the South African Government and private groups outside South Africa."

"XVIII. There should be increased co-operation of all anti-apartheid organizations and between them and the Members of the United Nations."

"XXVI. Recommends that an unofficial international conference of non-governmental organizations, such as trade unions, church, student and youth groups, drawn from countries trading with South Africa, should be held soon to consider the problem of apartheid and to explore ways and means of overcoming it."

"XXVII. All States should refrain from cultural and sports relationships with South Africa as long as apartheid and white supremacy prevail in that country. In each country, professional, labour, cultural, religious, youth, civil rights and other organizations should familiarize their memberships with the nature of apartheid by such means as publications and conferences; should adopt resolutions in support of their counterparts in South Africa resisting apartheid; should encourage consumer boycotts of South African goods and products amongst their memberships; and should maintain communications with South African individuals and organizations supplying both moral and material support to the opposition of apartheid."

170. The Special Committee fully endorses these recommendations, which are in line with its earlier proposals and the relevant provisions of General Assembly resolution 2054 A (XX), and commends them for appropriate action at the current session of the General Assembly. It notes that these recommendations have received unanimous approval at the Seminar but for the fact that a few of the participants felt that the nature of the connexion of the proposed information centre with the United Nations should be studied.

171. The Special Committee considers it essential that the above proposals of the Seminar should be seen as part of the international campaign against apartheid which

it has proposed in order to encourage more vigorous action by world public opinion. The United Nations should play a vital role in such a campaign, supplementing and encouraging action by other inter-governmental organizations, States, non-governmental organizations and world public opinion in general.

172. Collection and dissemination of information on the major developments which have caused and continue to cause international concern, on the interest of the United Nations in securing the elimination of apartheid, on the activities of United Nations organs concerned with this question, including humanitarian and cultural activities, and on the progress in the implementation of decisions of competent United Nations organs is an essential aspect of such a campaign. The United Nations is also compelled to counteract the virulent propaganda by the South African Government designed to discredit the Organization and its actions on this question.

173. The Special Committee considers that these tasks need to be, and can appropriately be, undertaken by the United Nations as part of its activity in dealing with the problem of apartheid. They cannot be transferred to any outside group, with only a tenuous connexion with the United Nations, which would be dependent on voluntary contributions and which may not faithfully reflect the concerns of the competent United Nations organs. The Special Committee, therefore, recommends that necessary provision be made within the budget of the United Nations for this purpose.

174. The Special Committee recalls that it has already taken various steps for the collection and dissemination of information on the policies of apartheid, with the assistance of the Secretary-General for whose co-operation it again records its appreciation. It has requested the Secretary-General to take steps to ensure the widest dissemination of its reports, through the information centres and various information media. At its request, a number of its reports have been published in various languages for the wide distribution, and an occasional bulletin, United Nations and Apartheid, has been published by the United Nations. It has requested and encouraged petitioners before the Committee and other appropriate non-governmental organizations to help disseminate its reports and documents.

175. It has, through the Secretary-General, requested the United Nations Educational, Scientific and Cultural Organization to prepare a study on the effects of apartheid in the fields of education, science, culture and information in South Africa. It

has commended the activities of the International Labour Organisation in connexion with its declaration on apartheid. It has maintained liaison with the Organization of African Unity in order to promote co-operation on activities designed to secure the elimination of apartheid.

176. The Special Committee has sent a delegation to attend the International Conference on Economic Sanctions against South Africa in 1964. It has proposed the organization of the International Seminar on Apartheid and suggested that due attention be given to the question of apartheid in activities planned for the International Human Rights Year.

177. Having given careful consideration to the most appropriate arrangements in the light of its experience in this matter, the Special Committee feels that it would be most desirable to request the Secretary-General to establish a special centre or unit in the Secretariat charged with the responsibility for assisting the United Nations organs in the campaign against apartheid. Such a centre or unit, staffed adequately, might be given the following responsibilities.

(a) It should prepare studies on the various aspects of the question of apartheid in the Republic of South Africa and on the actions of United Nations organs, with the assistance of competent departments and units concerned with the economic, social, legal and human rights fields, as well as appropriate specialized agencies and other bodies. Such studies should be made available to organs of the United Nations, to Member States and to appropriate non-governmental organizations and disseminated widely through the public information facilities of the United Nations and specialized agencies.

(b) It should maintain liaison with appropriate specialized agencies and non-governmental organizations.

(c) It should act as a clearing-house for information on the activities by specialized agencies, Member States and non-governmental organizations on the question of apartheid and publicize such activities.

(d) It should provide the necessary services to United Nations organs concerned with the question of apartheid, particularly the Special Committee.

178. The Special Committee emphasizes the need to make provision for adequate staff and consultants for such a centre or unit. It suggests that specialized agencies, Member States and non-governmental organizations be invited to co-operate with and assist the centre or unit.

179. The Special Committee strongly endorses the recommendation of the Seminar that an unofficial international conference of non-governmental organizations, such as trade unions, church, student and youth groups, drawn especially from countries trading with South Africa, should be held soon to consider the problem of apartheid and to explore ways and means of overcoming it.

180. The Special Committee has established contact with a large number of non-governmental organizations and has had under consideration the desirability of consultations with them on the means by which the United Nations might help them to develop their activities in connexion with the problem of apartheid and by which they can in turn assist the United Nations more effectively. In this connexion, the Special Committee recalls the views expressed by the Group of Experts established in pursuance of the Security Council resolution S/5471 of 4 December 1963:

"We emphasize the special importance of world opinion. Many countries, particularly African countries, are directly identifying themselves with the cause of the oppressed people of South Africa, but there is a wider international concern. The conscience of the world has been stirred, and there is a recognition in world opinion generally, that the South African problem is unique, demanding exceptional treatment. There is an international crisis of conscience. It arises from the fact that in South Africa there is a government professing to speak in the name of Christianity and the 'European race' which is the only government in the world which chooses as its guiding policy not a striving to attain justice, equality and safeguards for human rights, but a determination to preserve privileges, defend discrimination and extend domination to such a degree that it amounts to the organization of a society on principles of slavery. In South Africa the denial of human rights and fundamental freedoms is openly pursued as an avowed policy. There are many in the Christian Churches and amongst those who can claim to speak for European civilization who can be expected to feel an exceptional responsibility in regard to developments in South Africa. Their influence in many ways and through many channels might be more effectively deployed.

"There is another major international interest involved. That is the interest of commerce, industry and banking, often acting through great business concerns and organized on an international basis, which draws high profits and special benefits from investments in and trade with South Africa. They too should feel an exceptional responsibility, for it is largely from the cheap labour maintained by the policies of apartheid that their profits derive. These business interests and financial houses together with Chamber of Commerce and industrial trading concerns and associations could exercise effective influence on the South African Government, and specially might make a constructive contribution by demanding and putting into effect a 'fair employment policy'.

"The situation can also be influenced by voluntary action undertaken by trade unions and other such co-operative groups in many countries. The protests of these groups have occasionally been expressed in the form of boycott of South African goods. Though the direct economic results of such boycotts have been limited, their psychological effect is valuable."

181. The Special Committee feels that a conference of non-governmental organizations would be useful to consider concrete steps which may be taken in the light of the recommendations of the International Seminar on Apartheid, as well as those of the Special Committee and the Group of Experts, as many of these recommendations are designed to enable the United Nations to encourage further activity by Special Agencies, States and non-governmental organizations. The co-operation of the latter is indispensable and it should be invited.

182. The Special Committee is particularly concerned about the means of informing the people of South Africa about the situation and the concern of the United Nations, especially in view of the efforts of the South African Government to distort the purposes of the United Nations and prevent the free flow of information. It feels that Member States and non-governmental organizations should be encouraged to take steps to reach the people of South Africa through radio broadcasts and other appropriate means.

G. Humanitarian assistance to victims of racial discrimination and repression

183. While emphasizing the imperative need for decisive measures to secure an end to racist oppression in South Africa, the Special Committee has repeatedly recommended appropriate humanitarian assistance to the victims of racial discrimination and repression. It felt that such assistance, rendered by States and peoples from all regions of the world, would be a clear and effective expression of international concern, and would help counteract the growth of racial bitterness and hatred.

184. On the recommendation of the Special Committee, the General Assembly appealed in resolution 1978 B (XVIII) of 16 December 1963 for contributions by States and organizations for relief and assistance to families of persons persecuted for their opposition to the policies of apartheid. The Special Committee's appeal of 26 October 1964 to Member States, through the Secretary-General, in the light of this resolution, resulted in contributions or pledges of contributions to voluntary agencies concerned, totalling nearly \$300,000 during the next year.^{54/}

185. Subsequently, again on the recommendation of the Special Committee, the General Assembly adopted resolution 2054 B (XX) on 15 December 1965 establishing a United Nations Trust Fund for South Africa as a means to encourage greater contributions and set up a Committee of Trustees to decide on the uses of the Fund.

186. The Special Committee has followed the progress of the Trust Fund and is heartened by the fact that a larger number of States have made contributions in 1966

^{54/} Foot-note on following page.

for this humanitarian purpose.^{55/} It feels that the Committee of Trustees and the contributors deserve commendation for their efforts to meet the enormous needs caused by increasingly ruthless repression of opponents of apartheid in South Africa.

54/ The following contributions or pledges were received in response to the Special Committee's appeal:

	\$
Denmark	37,000
Greece	1,000
Hungary	1,750
India	5,250
Iraq	2,800
Malaysia	5,000
Nigeria	1,400
Philippines	2,500
Sweden	200,000
USSR	10,000

Pakistan and Netherlands also pledged contributions in response to the appeal of the Special Committee, and paid the amounts subsequently to the United Nations Trust Fund for South Africa. See the following foot-note.

55/ To date the following Member States have contributed or pledged contributions to the Trust Fund:

Algeria	\$ 2,000	(paid)
Bulgaria	1,000	(paid)
Cambodia	1,000	
Chile	3,000	
Congo, Democratic Republic of	5,000	(paid)
Cyprus	1,000	(paid)
Denmark	28,336.03	(paid)
Ethiopia	5,000	(paid)
Iran	5,000	
Israel	1,000	(paid)
Malawi	140	(paid)
Malaysia	5,000	(paid)
Morocco	2,000	(paid)
Netherlands	27,534.21	(paid)
		(earmarked for legal assistance)
Nigeria	2,800	(paid)
Pakistan	5,000	(paid)
Philippines	2,500	(paid)
Sweden	50,000	(paid)
Sudan	1,500	
Tunisia	3,000	
Turkey	1,000	(paid)
Yugoslavia	3,000	(paid)

187. The Special Committee notes, however, that the responses to its own appeal and that of the Committee of Trustees have come from a limited number of States. It cannot but express surprise and serious regret that many of the economically advanced countries have failed to respond to the appeals, despite their support of the relevant resolutions of the General Assembly.

188. In this connexion, the Special Committee commends the following recommendations of the International Seminar on Apartheid:

"XII. Appeal to Member States to support measures for the assistance of the victims of apartheid, including refugees, South Africans in need of education or material aid, defendants in political cases and their families and dependants.

"The participants from Argentina, Brazil, Japan, the United Kingdom and the United States wished to replace the first six words by 'All Member States should support appropriate and effective'."

"XIII. Appeal to Member States to contribute to the United Nations Trust Fund for South Africa, as well as the Defence and Aid Fund International, and to support the United Nations Education and Training Programme for South Africans.

"The participants from Argentina, the United Kingdom and the United States would prefer the replacement of the first six words by 'Member States should sympathetically consider contributing', and to add the words 'an effective' before 'United Nations Education...'. "

189. The Special Committee, moreover, continues to be gravely concerned over the ill-treatment of political prisoners in South African prisons, as described in the annex to this report. It considers it essential that States and world opinion should urgently exercise all possible influence to stop this brutality which can have grave consequences.

190. As stated in the previous report, the Secretary-General has kept the Special Committee informed of the progress of the United Nations Education and Training Programme for South Africans abroad, established in pursuance of operative paragraph 11 of the Security Council resolution (S/5773) of 18 June 1964. The Special Committee has commended this programme as an expression of international concern over the situation in the Republic of South Africa, and of a desire to assist in the promotion of equal opportunities for South Africans irrespective of race.

191. The Special Committee has taken note of the report of 9 November 1965 by the Secretary-General (S/6891) concerning the establishment of the programme and the manner of its operation and followed its progress since that time. It notes that the Secretary-General's appeal for voluntary contributions to finance this programme

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has received a disappointing response.^{56/} Again, it cannot but express its surprise and serious regret that many of the economically advanced countries, including most of the major trading partners of South Africa, particularly those who strongly supported the Security Council resolution establishing this programme, have failed to extend the necessary financial support to the programme and this failure must result in the inability of the programme to deal with the various practical problems and fulfil the expectations in the report of the Secretary-General.

192. The Special Committee wishes to express its appreciation to the contributors to the two humanitarian programmes, especially the Governments of Sweden and Denmark, as well as the Governments of developing countries which have contributed out of their scarce resources because of their intense concern for the victims of apartheid.

193. While emphasizing that these programmes were no alternative to effective action to resolve the situation in the Republic of South Africa, the Special Committee has always attached importance to them as appropriate programmes under United Nations auspices for specific humanitarian purposes. The Special Committee feels that the General Assembly should make a renewed appeal for adequate contributions to the two programmes to cover the needs.

194. The attention of the Special Committee has been drawn to the difficulties faced by South Africans who seek education abroad such as those connected with asylum, travel documents and employment after training. It feels that energetic efforts should be made by the United Nations, in co-operation with Member States, to solve these difficulties. In this connexion, the Special Committee commends the following recommendation of the International Seminar on Apartheid.

^{56/} The following pledges and contributions have so far been announced in response to the appeal of the Secretary-General for the implementation of the programme:

Cambodia	\$ 1,000
Denmark	80,000
Gabon	400
Kenya	2,000
Liberia	5,000
Malawi	140
Norway	13,986
Sweden	80,000

Earlier, in 1965, prior to the report of the Secretary-General, the following contributions had been received for an interim programme: Denmark, \$36,250; Norway, \$25,000; Sweden, \$30,000; United Kingdom, \$70,000; and the United States, \$75,000. Certain other countries have reported offers of fellowships under this programme.

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"XV. Member States, particularly African States, should endeavour to extend travel facilities to South African political refugees and to provide them with appropriate employment after they complete their education and training, and an appeal is made to the United Nations regional and specialized agencies to give particular attention to this problem by employing as many suitably trained South Africans as possible and by exploring the possibility of creating a pool of trained persons who will be available for contract service to African and other Governments."

195. The Special Committee will continue to lend its co-operation to the Secretary-General in promoting the effective functioning of the United Nations Education and Training Programme for South Africans Abroad.

H. Strengthening of the Special Committee

196. The Special Committee notes that the recommendations contained in this report, designed to strengthen United Nations action on apartheid, will substantially increase the responsibilities of the Special Committee.

197. It recalls that the General Assembly had decided at the last session to enlarge the Special Committee, as recommended by it, but that such an enlargement could not be effected because of the unwillingness of certain Powers, approached by the President of the General Assembly in accordance with the criteria enumerated in operative paragraph 3 of Assembly resolution 2054 A (XX), to serve on the Committee and thus thereby help to promote efforts to eradicate apartheid.^{57/} It recommends that the General Assembly leave open the possibility of enlargement when these Powers recognize the implications of their refusal and change their attitudes. In the meantime, the Special Committee will strive to the best of its ability to promote the proposed international campaign against apartheid.

198. The Special Committee recalls further than, in its report of 10 August 1965, it referred to the imperative need to make adequate provision in the budget for staff, consultants, travel, etc., in order to enable the Secretary-General to provide adequate assistance to the Committee. The General Assembly, in resolution 2054 A (XX) requested the Secretary-General to provide the Special Committee with all the necessary means, including appropriate financial means, for the effective accomplishment of its task.

^{57/} See Report of 27 June 1966 by the Special Committee on the question of implementation of operative paragraph 3 of General Assembly resolution 2054 A (XX) of 15 December 1965, A/6356-S/7387.

199. The recommendations in the present report would make it essential that the Special Committee receive greater services in 1967 than in the past. Moreover, the recommendations may necessitate the Special Committee, or a sub-committee of the Special Committee, to undertake travel outside the Headquarters to consult with specialized agencies and non-governmental organizations and to investigate various aspects of the problem of apartheid. It, therefore, considers it essential that the budgetary provision for the work of the Special Committee should be strengthened.

V. SUMMARY OF RECOMMENDATIONS

200. In conclusion, the Special Committee wishes to state in brief the recommendations on which it suggests action by the General Assembly at its twenty-first session.

201. First, the Special Committee recommends that the General Assembly reaffirm its earlier resolutions on the problem of apartheid, particularly its resolution 2054 (XX) of 15 December 1965; deplore the failure of the main trading partners of South Africa, including three permanent members of the Security Council (United Kingdom, United States and France), to abide by the appeals and requests in resolution 2054 (XX); note the aggravation of the situation in South Africa mainly as a consequence of the attitudes of these Powers; emphasize the urgency of solving the problem of apartheid in view of the increasingly explosive situation in southern Africa; warn the Powers concerned that their non-co-operation in implementing resolutions of the General Assembly is aggravating the danger of a violent racial conflict which will endanger the peace of the world and present them with agonizing alternatives; request these Powers to take urgent steps toward disengagement from South Africa; and encourage all efforts to persuade these Powers to change their attitudes to conform with the convictions of the great majority of Member States so that decisive action may be taken under the auspices of the Security Council.

202. Second, the Special Committee recommends that the General Assembly note and endorse the proposal in this report for an international campaign against apartheid under the auspices of the United Nations.

203. Third, the Special Committee recommends in this connexion that the General Assembly appeal to all States:

(a) especially the main trading partners of South Africa, to undertake that when the Security Council should decide on sanctions against South Africa, they would apply them faithfully and scrupulously;

(b) to comply fully with the decisions of the Security Council solemnly calling on them to cease forthwith the sale and delivery to South Africa of arms, ammunition of all types, military vehicles and equipment and materials intended for their manufacture and maintenance;

(c) to discourage immediately closer economic and financial relations with the Republic of South Africa, particularly in investment and trade, as well as loans by banks registered in their countries to the South African Government or South African Companies, and to report to the Secretary-General on steps taken in this respect, such reports to be transmitted by the Secretary-General to the General Assembly and Special Committee;

(d) to consider effective political, moral and material assistance to all those combating the policies of apartheid, in the light of the recommendations of the International Seminar on Apartheid;

(e) to make adequate and generous contributions to humanitarian programmes designed to assist the victims of apartheid;

(f) to endeavour to grant asylum and extend travel facilities and educational and employment opportunities to refugees from South Africa.

204. Fourth, the Special Committee further recommends that the General Assembly request the Secretary-General:

(a) to organize, as soon as possible, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, an international conference or seminar on the problem of apartheid, racial discrimination and colonialism in southern Africa and to transmit the report of that conference or seminar to the twenty-second session of the General Assembly;

(b) to take steps, in consultation with the Special Committee, for timely publication of statistics on South Africa's international trade;

(c) to provide all necessary assistance to the Special Committee to publicize and report on closer economic and financial relations by other States with the Republic of South Africa;

(d) to establish a special centre or unit in the Secretariat with the responsibility of assisting the United Nations organs in the international campaign against apartheid, as suggested in paragraph 87 above; and

(e) to provide the Special Committee with all the necessary means, including appropriate financial means, for the effective accomplishment of its task.

205. Fifth, the Special Committee suggests that the General Assembly should authorize and encourage the Special Committee to redouble its efforts to discharge its mandate of constantly following the various aspects of the problem of apartheid, to promote the international campaign against apartheid and, in this connexion:

(a) to follow the implementation of the decisions of the Security Council on an arms embargo against the Republic of South Africa, and the General Assembly's appeal to the major trading partners of South Africa to cease their increasing economic collaboration with the South African Government, and report to the General Assembly and the Security Council as appropriate;

(b) to take steps to encourage further activity by the specialized agencies, regional organizations, States and non-governmental organizations to solve the problem of apartheid, and to this end, to convene a conference of non-governmental organizations if it considers such a conference essential; and

(c) to hold sessions outside the Headquarters, or to send a sub-committee on a mission to consult specialized agencies, regional organizations, States and non-governmental organizations on means to promote the international campaign against apartheid, and to investigate various aspects of the problem of apartheid.

206. Sixth, the Special Committee further recommends that the General Assembly:

(a) consider the activities of foreign economic interests in southern Africa impeding the efforts to eliminate apartheid, racial discrimination and colonialism in that region;

(b) encourage active efforts to secure the effective implementation of General Assembly resolution 2143 (XXI) concerning Botswana, Lesotho and Swaziland;

(c) call on the International Bank for Reconstruction and Development and the International Monetary Fund to stop all further assistance to the Republic of South Africa, and request the members of these specialized agencies to take necessary measures towards this end;

(d) call for an embargo on petroleum and petroleum products to the Republic of South Africa and on all assistance in the refining and distribution of petroleum products, in order to secure the implementation of the resolutions of the Security Council and the General Assembly concerning Southern Rhodesia;

(e) encourage the employment of suitably trained South African refugees in the secretariat and programmes of the United Nations and specialized agencies; and

(f) authorize the President to enlarge the Special Committee, in accordance with the provisions of operative paragraph 3 of resolution 2054 A (XX) whenever he considers such enlargement feasible.

207. Finally, the Special Committee recommends that the General Assembly invite the specialized agencies, regional organizations, States and non-governmental organizations to co-operate with the Secretary-General, the Special Committee and the proposed centre or unit on apartheid in the accomplishment of their tasks.

ANNEX I

List of documents of the Special Committee
10 August 1965-21 October 1966

Reports of the Special Committee

- | | |
|-------------------|---|
| A/5957 and S/6605 | Report to the General Assembly and the Security Council, adopted on 10 August 1965. |
| A/6356 and S/7387 | Report to the General Assembly and the Security Council, adopted on 27 June 1966. |

Documents of the Special Committee

- | | |
|---------------------|--|
| A/AC.115/L.18/Add.1 | Note on repressive legislation in the Republic of South Africa. |
| A/AC.115/L.56/Rev.2 | Note on foreign investment in the Republic of South Africa. |
| A/AC.115/L.149 | Report of the Sub-Committee on Petitions. |
| A/AC.115/L.150 | Letter dated 7 July 1965 from Mr. Theodore E. Brown, Director, American Negro Leadership Conference on Africa, New York. |
| A/AC.115/L.151 | Letter dated 16 August 1965 from Mr. Maindy Msimang, Director, Bureau of African Affairs, African National Congress (South Africa), Dar es Salaam. |
| A/AC.115/L.152 | Letter dated 20 August 1965 from Mr. Ian Henderson, Executive Officer, Christian Action (Defence and Aid Fund), London. |
| A/AC.115/L.153 | Letter dated 8 September 1965 from the Permanent Representative of Iraq. |
| A/AC.115/L.154 | Letter dated 25 August 1965 from the Permanent Representative of the Philippines. |
| A/AC.115/L.155 | Letter dated 17 September 1965 from the Permanent Representative of the Philippines. |
| A/AC.115/L.156 | Letter dated 22 September 1965 from the Permanent Representative of Japan. |
| A/AC.115/L.157 | Letter dated 6 October 1965 from the Permanent Representative of Nigeria. |

- A/AC.115/L.158 Letter dated 27 October 1965 from the Permanent Representative of Malaysia.
- A/AC.115/L.159 Letter dated 30 October 1965 from the Permanent Representative of the Union of Soviet Socialist Republics.
- A/AC.115/L.160 Letter dated 13 December 1965 from the Permanent Representative of Hungary.
- A/AC.115/L.161 Note addressed to the Secretary-General by the Permanent Representative of Brazil.
- A/AC.115/L.162 Statement by Mr. Achkar Marof, Chairman of the Special Committee at the sixty-ninth meeting, on 9 March 1966.
- A/AC.115/L.163 and Corr.1 Report of the Sub-Committee on Petitions.
- A/AC.115/L.164 and Add.1 Review of recent political trials in South Africa.
- A/AC.115/L.165 Statement by Mr. Achkar Marof, Chairman of the Special Committee, at the seventieth meeting, on 17 March 1966.
- A/AC.115/L.166 Statement by Mr. John P. Humphrey, Director of the Human Rights Division, at the seventieth meeting, on 17 March 1966.
- A/AC.115/L.167^{1/} Advisory services in the field of Human Rights: Organization of the International Seminar on Apartheid.
- A/AC.115/L.168 and Add.1 and Add.1/Rev.1 Letter dated 4 April 1966 from the Secretary-General to the Chairman of the Special Committee.
- A/AC.115/L.169 Report of the Sub-Committee on Petitions.
- A/AC.115/L.170 Statement by Mr. Achkar Marof, Chairman of the Special Committee, at the seventy-first meeting, on 7 April 1966.
- A/AC.115/L.171 Statement by Mr. Tewfik Bouattoura, Permanent Representative of Algeria, at the seventy-second meeting, on 14 April 1966.
- A/AC.115/L.172 Letter dated 22 April 1966 from the Reverend Canon L. John Collins.
- A/AC.115/L.173 Report of the Sub-Committee on Petitions.

^{1/} Also issued as E/CN.4/L.850.

A/AC.115/L.174 and Rev.1	Report of the Sub-Committee on Petitions.
A/AC.115/L.175 and Rev.1 and Corr.1	Letter dated 7 June 1966 from Miss Mary Benson, transmitting a statement from the dock by Mr. Abram Fischer, Q.C.
A/AC.115/L.176	Statement by Miss Mary Benson, at the seventy-sixth meeting, on 6 July 1966.
A/AC.115/L.177	Note on the build-up of military and police forces in the Republic of South Africa since the report of 10 August 1965.
A/AC.115/L.178	Report of the Sub-Committee on Petitions.
A/AC.115/L.179	Memorandum concerning certain cases of political persecution in South Africa and concerning the work of the Alexander Defence Committee in aiding the victims of that persecution.
A/AC.115/L.180	Report of the Sub-Committee on Petitions.
A/AC.115/L.181	Letter dated 1 September 1966 from Mr. Dennis Brutus, East Twickenham, Middlesex, United Kingdom.
A/AC.115/L.182	Letter dated 2 September 1966 from Mr. Matthew Nkoana, Department of Publicity, Pan-Africanist Congress (South Africa) European Branch, London, United Kingdom, transmitting a memorandum on the arrest of Mr. John Nyati Pokela, a leader of the P.A.C.
A/AC.115/L.183	Note on developments in the Republic of South Africa since the Special Committee's report of 10 August 1965: Measures of racial discrimination and separation.
A/AC.115/L.184	Note on developments in the Republic of South Africa since the Special Committee's report of 10 August 1965: Repressive measures against opponents of <u>apartheid</u> .
A/AC.115/L.185	Note on developments in the Republic of South Africa since the Special Committee's report of 10 August 1965: the build up of military and police forces.
A/AC.115/L.186	Letter dated 14 September 1966 from Mr. Barney Desai, Secretariat of Foreign Affairs, Pan-Africanist Congress (Azania), London.

Summary records of the Special Committee

A/AC.115/SR.69
A/AC.115/SR.70
A/AC.115/SR.71
A/AC.115/SR.72
A/AC.115/SR.73
A/AC.115/SR.74^{2/}
A/AC.115/SR.75^{2/}
A/AC.115/SR.76
A/AC.115/SR.77
A/AC.115/SR.78
A/AC.115/SR.79^{2/}
A/AC.115/SR.80
A/AC.115/SR.81^{2/}

Hearing of petitioners

76th meeting ^{3/}	6 July 1966	Miss Mary Benson, South African writer.
80th meeting	14 September 1966	Mr. Franz J.T. Lee, South African writer and lecturer.

^{2/} The summary records of the 74th, 75th, 79th and 81st meetings are restricted, as these meetings, devoted to the consideration of reports by the Special Committee and other matters, were closed.

^{3/} The text of the statement by Miss Benson was published as document A/AC.115/L.176.

ANNEX II

REVIEW OF DEVELOPMENTS IN THE REPUBLIC OF SOUTH AFRICA
SINCE THE REPORT OF 10 AUGUST 1965

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I. INTRODUCTION

1. The year since the last report of the Special Committee, in August 1965, was an eventful year in the recent history of South Africa. It saw the unilateral declaration of independence by the racist minority régime in the neighbouring territory of Southern Rhodesia; the general elections in which the ruling National Party increased its majority in Parliament; the Judgement of the International Court of Justice, by the casting vote of its President, that Ethiopia and Liberia had not established any legal right or interest in connexion with their complaint with regard to South African administration of South West Africa; the assassination of Prime Minister Hendrik F. Verwoerd, the foremost apostle of "separate development", and his succession by Mr. B.J. Vorster, who had directed the ruthless repression of the opponents of apartheid in recent years; and the accession of the neighbouring territories of Botswana and Lesotho to independence.
2. The year also saw not only a continued unwillingness by the South African Government to abide by the resolutions of the General Assembly and the Security Council, but an increasing defiance of the United Nations.
3. In November 1965, at the twentieth session of the General Assembly, the South African delegation declined to respond to the gesture of the Special Political Committee, which unanimously invited it to participate in the Committee's discussion of the question of apartheid.^{1/} The South African Government also rejected the invitation to participate in the International Seminar on Apartheid held at Brasilia in August-September 1966.^{2/} While refusing to co-operate with the United Nations, it threatened to withdraw from the Organization if its voting rights were curtailed.^{3/}

^{1/} A/SPC/107 and Corr.1.

^{2/} E/L.1119.

^{3/} In a New Year message on 31 December 1965, Prime Minister Dr. Verwoerd said: "I give fair warning, however, that although South Africa - feeling herself as she does part of the Western nations, with obligations to them however often they have left her in the lurch - has continued as member of the U.N. through many years of strain and stress since its foundation, she will not be prepared to suffer the indignity and injustice of having her voting powers curtailed or withdrawn. The Republic will then leave the U.N. without hesitation." South African Digest, Pretoria, 7 January 1966.

Speaking in the House of Assembly on 25 January 1966, Dr. Verwoerd reiterated: "... there is no doubt whatever that this Government would take the Republic of South Africa out of the United Nations in the event of our not being allowed to vote". House of Assembly Debates, 25 January 1966, Col. 46.

It strongly criticized the Secretary-General for an unexceptionable statement on 1 May 1966 on the need for a consensus among the great Powers for a satisfactory solution of the situation in South Africa.^{4/}

4. Meanwhile, the South African Government refused the invitation of the Security Council in November 1965 to participate in its debates on the grave situation created by the rebellion of the illegal racist minority régime in Southern Rhodesia.^{5/} On 11 November 1965, the day when this régime proclaimed "independence", Prime Minister Dr. Verwoerd announced a policy of "non-intervention" and declared that South Africa would not take part in "any form of boycott". He recalled that his Government "continuously condemned" the intervention of "other States or organizations" in the situation in Southern Rhodesia.

5. Behind the cover of "non-intervention", the South African Government, in open challenge to the decisions of the United Nations, increased its economic relations with Southern Rhodesia, supplied it with oil and other strategic materials, and provided other facilities to sustain the rebellion. Various private groups sprang up in South Africa to render moral and material support to the illegal régime.

6. The political developments inside South Africa also reflected a determination to press ahead with apartheid.

7. On 30 March 1966, the Government arranged general elections in the hope of augmenting its strength in Parliament in order to carry forward the apartheid

^{4/} On 1 May 1966, the Secretary-General stated in an interview that a satisfactory solution of the situation in South Africa required the unity of or some general consensus among the big Powers regarding methods to be adopted to enforce the resolutions adopted by the General Assembly and the Security Council. United Nations Press Release, SG/SM/493, 30 April 1966.

In a statement on 10 May, the South African Foreign Minister, Dr. Muller, said that his Government took strongest exception to the Secretary-General's statement and alleged that the Secretary-General had given support to a line of thought not authorized by the Organization and had sided with warlike and greedy States which were steeling themselves for violence against South Africa. Cape Times, 11 May 1966.

^{5/} S/6935.

policies. The representation of the ruling National Party was increased substantially as a result of these elections.^{6/}

8. Shortly after, at the end of May 1966, the Government organized massive celebrations on the fifth anniversary of the Republic, with huge displays of military might and reaffirmations of the apartheid policy.

9. The Judgement of the International Court on the South West Africa case led to jubilation and hopes that there would be lessened international pressure and, indeed, greater foreign economic collaboration. The session of the Parliament which opened in July 1966 saw the introduction of several drastic discriminatory and repressive bills.

10. The assassination of Dr. Verwoerd on 6 September 1966 was followed by the election of Mr. B.J. Vorster, former Minister of Justice, as Prime Minister, and the racial policies were reaffirmed. In a speech before being sworn in as Prime Minister, Mr. Vorster said:

"You ask me what course I will follow. My course is to go further on the road which Dr. Verwoerd followed. What do I believe in? I believe in the National Party and its principles and the full implementation of them in every respect whatever the consequences."

6/ The new House of Assembly has 170 seats, compared to 160 in the previous House: the elections did not affect the four seats reserved for White representatives of Coloured voters in the Cape. The National Party won 126 seats, increasing its representation by 20; the United Party representation dropped to 39 seats, a loss of 10; and the Progressive Party retained its single seat, held by Mrs. Helen Suzman.

Both the leading parties in the election campaign advocated a policy of White supremacy, and complete White control over all aspects of life in the country. The National Party, however, maintained that the policy of apartheid, or "separate development", was the only means of continuing White domination. Dr. H.F. Verwoerd, speaking in the House of Assembly on 25 January 1966, argued that the United Party's concept of a united South Africa under White command would ultimately lead to a "head-on collision between Black and White such as South Africa has never known before". He added:

"In that head-on collision in this one united fatherland of all the races the majority group is going to have the sympathy of all the nations who are fighting against us today, because it is on those grounds that they are fighting against us; that is to say, the African States, the Asian States, the Western States, and the whole of the U.N." (House of Assembly Debates, 25 January 1966, col. 66).

Mr. Vorster further declared in his statement to the House of Assembly that "under no circumstances - neither under pressure nor force - will we participate in either boycotts or sanctions".^{7/} This was seen as indicating that his Government would defy any moves to impose mandatory sanctions against the illegal régime in Southern Rhodesia.

11. Meanwhile, the South African Government has greatly stepped up its propaganda efforts in order to deceive public opinion at home and abroad.^{8/} It has also taken various steps designed to resist any economic sanctions.^{9/}

12. As shown in detail in the sections which follow, the Government has proceeded vigorously with ruthless intensification of discrimination and segregation and repression of opponents of apartheid, and continued the build-up of military and police forces.

13. Though the Government has boasted of the alleged calm which prevails in the country and of the confidence abroad reflected in massive foreign investment since the beginning of 1965, there has been grave concern over the danger of violent conflict because of the seething discontent and tension under the surface calm. The danger of such conflict was revealed, for instance, by a few incidents, such as the violence which followed a railroad accident in Johannesburg recently. To quote the Economist, London, of 6 August 1966:

"But then on August 1st occurred one of those incidents which periodically expose the shallowness of this calm and give a glimpse of emotions and resentments which smoulder beneath the surface and which could at any moment erupt, with unpredictable consequences, into something like another Sharpeville. A train crowded with Africans travelling to work in

^{7/} News from South Africa, New York, undated.

^{8/} Reference may be made in this connexion to the development of external broadcasting services.

In November 1965, Prime Minister Dr. Verwoerd opened a new station of the South African Broadcasting Corporation at Bloemendal, which is to transmit in nine languages to all parts of the world. The S.A.B.C. is to spend at least 4,400,000 Rand (\$6,160,000) on its new external service, called "Radio R.S.A. - The Voice of South Africa". By September 1966, the new service is to have four 250 kilowatt transmitters in operation. (South African Digest, Pretoria, 5 November 1965; Business Report, New York, 5 May 1966).

^{9/} It has, for instance, increased storage facilities for petroleum, acquired a tanker, stepped up exploration for oil, and ordered insurance underwriters to retain a substantial part of their premium income in South Africa.

Johannesburg from their dormitory township area of Soweto rammed into the back of another. In the old wooden coaches there was chaos: five commuters were killed and more than 450 injured.

"As the survivors spilled out into the clear winter sunlight, the heat of anger engulfed them. Matches to paper, paper to wood and within minutes the splintered carriages burst into flames. Then the mob surged forward to hunt down the White drivers of the two trains. One managed to hide, but they found the other and stoned him. As the unfortunate driver, Mr. Van Tonder, fell battered and bleeding to the floor of his cab, two railway policemen sprang to his aid, drew their revolvers and opened fire on the crowd. One African was shot dead and at least one other was wounded. By the time the police had gained control two White ticket collectors had also been attacked and injured and five carriages had been burnt to ashes. Some hours later another train was set alight nearby. That night trains travelling into Soweto carried heavy police guards; even so, some were stoned.

"It was not the first time this had happened. On October 4th last year, after a train crash near Durban in which eighty-nine Africans were killed, anguished passengers attacked all White railwaymen in sight, stabbing one to death and seriously injuring a signalman. In fact, the whole train service for Africans has become a focal point of racial bitterness... it is all part of the politics of inequality.

"... incidents such as these do serve as reminders of the inherent explosiveness of the apartheid society."

14. Another indication of the tension is the report, confirmed by the police on 15 September 1966, that a clash had occurred between Africans and the police at Harrismith, Orange Free State, when the police tried to remove the Africans to a new location. Three Africans were admitted to the hospital and several members of the police were injured.^{10/}

15. Moreover, Mr. Vorster, then Minister of Justice, stated in July 1966 that as many as 5,000 people may have left South Africa for training in sabotage and guerilla warfare and that the danger was when they come back. The police had picked up more than 150 trained saboteurs on their return, but there were others who had not been caught.^{11/}

16. In the context of this tension, the further measures of racial separation, ruthless repression and military and police build-up, which are reviewed in detail in the following chapters, give cause for the greatest international concern.

^{10/} A.F.P., 15 September 1966.

^{11/} Sunday Express, Johannesburg, 3 July 1966.

II. MEASURES OF RACIAL DISCRIMINATION AND SEPARATION

17. During the past year, the South African Government has continued to implement the mass of discriminatory legislation it had enacted over the years. Instead of abandoning apartheid as demanded by the competent United Nations organs, or even taking a pause, it has proceeded with further measures to enforce apartheid in the few areas of life where loopholes seemed to remain.

18. Thus the Government is, on the one hand, proceeding with removal of thousands of non-Whites from their homes to the outskirts of cities or the reserves.

19. On the other, it has threatened to tamper with the nominal representation of Coloured voters in Parliament, to segregate all public amenities even against the resistance of local authorities, and to force universities and charitable organizations to impose strict segregation.

20. Some of the main developments of the past year are reviewed below.

(a) Implementation of the Group Areas Act of 1950

21. The Group Areas Act, which provides for the forcible separation of racial groups, continues to be implemented actively. Between 16 August 1965 and 16 September 1966, seventy group areas declarations were published: these orders required the removal of thousands of non-Whites from areas in which they had resided, in many cases for several generations.

22. A few cases are illustrative.

23. In December 1965, notices were served on about 120 Indian families living in Pageview, Johannesburg, requiring them to move to the segregated community of Lenasia, twenty-two miles away. Police "assisted" the operation, as the families resisted accepting the notices. Pageview, a largely Indian residential area for the last seventy-five years, had been proclaimed a "White" group area in 1963. Indians owned 170 businesses there and were concerned that they would not be able to make a living by trading in Lenasia.^{12/}

24. On 11 February 1966, District Six, the heart of Cape Town, was declared a White group area,^{13/} though the Coloured community had originated in this area and lived there for three centuries. The Government claimed that the decision had been made for the purpose of slum clearance. It required the removal of about 5,700 Coloured families: it was reported that many of them would be virtually unhouseable because they could not even afford to pay sub-economic rents.

25. The proclamation aroused great dismay and widespread protests.

Sheik Naziem Mohamed, a Cape Town City Councillor representing the area, said on 11 February 1966:

"This is one of the greatest blows suffered so far by the non-White people of this country. Apart from the question of having to move away from the centre of the city and being involved in transport costs and subjected to other handicaps and inconveniences, the number of sentimental attachments that will have to be severed is incalculable."

He also charged that the order was an encroachment on the religious rights of the Muslim community, as three of the largest mosques in Cape Town were in the area and under Islamic law a Mosque may not be removed or used for any other purpose.^{14/}

26. A group known as the District Six Defence Committee, representing all sections of the population, was established to find ways of meeting the

^{12/} The Star, daily, Johannesburg, 3 and 21 December 1965.

^{13/} Government Gazette, 12 February 1966.

^{14/} Cape Times, 12 February 1966.

"grave situation".^{15/} At a protest meeting on 21 February 1966, attended by about 1,500 people, a resolution was unanimously adopted calling on the Government to withdraw the proclamation described as callous in its disregard of the welfare, sentiments and interests of the residents of District Six.^{16/}

27. The Cape Malay Association protested to the Ministers of Community Development and of Planning. The General Purposes Committee of the Christian Council of South Africa called for a day of prayer and charged that the "people were treated as pawns rather than human beings".^{17/} The Institute of Race Relations (Cape Western region) and the Progressive Party joined in protests.

28. The Government, however, rejected the appeals and protests. The Minister of Planning and the Prime Minister even refused to receive a deputation from the Cape Town City Council which sought to appeal for the repeal of the proclamation.^{18/}

29. Instead, the Government resorted to intimidation and persecution of those who protested against the proclamation. Four members of the District Six Defence Committee, including Mr. Norman Daniels (a well-known leader of the Coloured community, a Cape Town City Councillor, and a leader of the Progressive Party), received warnings from a magistrate, in terms of the Suppression of Communism Act of 1950, to keep out of politics.^{19/} Two other members were served with banning orders under the Suppression of Communism Act. (Mr. Abdul Kays, a journalist with the Moslem News, a fortnightly religious newspaper with a circulation of about 10,000, was restricted for five years to the Belleville Magisterial area and prohibited from writing for publication or entering the office of a newspaper. Mr. Abie Hurzuk, owner of a night-club in District Six, was restricted to the Cape Town Magisterial area for five years.) The Treasurer of the Committee, Mr. A. Moosa, said that the work of the Committee had come to a standstill as a result of these repressive measures.^{20/}

^{15/} Ibid., 14 and 26 February 1966.

^{16/} Ibid., 22 February 1966.

^{17/} Ibid., 23 February 1966.

^{18/} Ibid., 6 April and 24 May 1966.

^{19/} Ibid., 17 June 1966.

^{20/} Ibid., 28 May 1966.

30. On 29 April 1966, group areas were proclaimed for Pinetown, Natal, requiring the removal of approximately 12,000 Indians and Africans, and of many businesses, some of which had been established for more than eighty years.^{21/} Mr. G.V. Naidoo, Chairman of the Pinetown Indian Ratepayers' Association, said that the community was "shocked and dazed".^{22/}

31. Many of the victims of the Group Areas Act have given up appeals to courts or resistance in the belief that the Government is determined to uproot the communities and that it 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. A sick man in his sixties, he has already served two terms of imprisonment of six months and four months respectively, 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.^{23/}

(b) Denial of rights of freedom of movement, residence and employment to Africans

32. Pursuing its policy of reserving the Western Cape for Whites and Coloureds, the Government has continued removals of African families from the area. Because of the demand for labour, however, while settled families are removed, large numbers of migratory workers are brought in and the number of Africans in the area has tended to increase.^{24/} Almost 40,000 of the total number of Africans now in Cape Town are migratory workers who came to

^{21/} The Star, daily, Johannesburg, 29 April 1966.

^{22/} Post, Natal edition, 8 May 1966.

^{23/} Mr. Sita's statement at his first trial was reproduced in document A/AC.115/L.6.

^{24/} At the end of September 1965 there were 87,618 Africans in Cape Town, or 7,000 more than in September 1964. (The Star, daily, Johannesburg, 18 November 1965). The annual report of the Paarl Magistrate released on 12 January 1966 stated that there were 11,600 Africans in that area, as against 8,280 at the 1960 census (Cape Times, 13 January 1966).

the city under contract to a particular employer for a particular length of time.^{25/} There are 20,000 single men and 4,000 single women.^{26/}

33. A Senior Assistant Director of Bantu Administration in the Cape Town municipality, Mr. A.H. Worrall, said that control over African movement was now complete. The place of the African in the life of the Western Cape could closely be defined as an economic stop-gap. If there was ever to be an economic decline in the Western Cape and a contraction of business activity, the almost immediate effect would be the decline in the number of Africans there.^{27/}

34. The Government's policy of depriving urban Africans of all security and removing them to tribal reserves has been pursued ruthlessly, during the period under review, in the Northern Cape. In December 1965, about 450 African families were moved from their squatters' camp at Holpan to Mamuthla Reserve, an open site in the veld north of Kimberley. The Bishop of Kimberley, the Right Rev. C.E. Crowther, reported that there was no accommodation, no work, no water and no food at Mamuthla and that the people had been without food for three to five days.^{28/} When he attempted to give emergency relief by distributing food, the Government refused him permission to enter the reserve and government officials were reported to have said that the Bishop was interfering in the functions of the State.^{29/}

35. The Department of Bantu Administration and Development, on 12 January 1966, undertook what was perhaps the biggest mass removal of Africans yet carried out in the Northern Cape, by beginning the removal of about 2,000 men, women and children from the Zambesi Location and settlements in the Windsorton area, about 30 miles from Kimberley.^{30/}

^{25/} The Star, daily, Johannesburg, 18 November 1965.

^{26/} Cape Times, 9 December 1965.

^{27/} The Star, daily, Johannesburg, 18 November 1965.

^{28/} Cape Times, 23 December 1965.

^{29/} The Star, daily, Johannesburg, 31 December 1965.

^{30/} Cape Times, 25 December 1965.

36. In August 1966, the Bakabung tribe was moved by force from Boons to Pilansberg, seventy miles away. The tribesmen had opposed the move for three years. Over fifty policemen and several government officials entered the village, supervised demolition of the houses and removed the tribe. The operation was reported to have been carried out like a military manoeuvre.^{31/}

(c) Segregation in beaches and public amenities

37. The Government has continued moves to enforce strict apartheid in areas where it had not yet been rigidly implemented, especially in the Cape, despite resistance by local authorities.

38. On 6 December 1965, the Minister of Planning, Mr. Haak, announced the allocation of beaches for the different population groups in the municipal areas of Milnerton, Cape Town, Simonstown, Fish Hoek, the Strand and Gordon's Bay, the divisional council areas of the Cape and Stellenbosch, and the municipal and divisional council areas of Port Elizabeth.^{32/} In making this decision, he ignored the proposals of the Cape Divisional Council and the Cape Town City Council and deprived the non-Whites of the use of several beaches to which traditionally they had access. Dr. O. Wollheim, representative of the Coloured voters in the Cape Provincial Council, complained that the Coloured people had been given the most inaccessible, dangerous and unpleasant beaches, and that any worthwhile beach allocated to non-Whites had been allocated for only a limited period.^{33/}

39. The Cape Town City Council pressed for "a fairer allocation of beaches" while making it clear that it was opposed to the policy of compulsory segregation of beach facilities as it would cause bitterness and resentment.^{34/} But its representations were not heeded by the Government.

^{31/} Rand Daily Mail, Johannesburg, 24 August 1966.

^{32/} Cape Times, 7 December 1965.

^{33/} Ibid., 8 December 1965.

^{34/} Ibid., 11 February 1966.

40. Instead, the Government introduced a bill to amend the Reservation of Separate Amenities Act of 1963 to enable it to enforce segregation on the beaches and compel unco-operative local authorities to pay for apartheid notice boards. The bill also provides for reservation of public premises for specified or unspecified periods and may be applied to such amenities as municipal halls, swimming pools and parks.^{35/}

41. On 31 August 1966, the Minister of Planning, Mr. Haak, amended the bill to exclude from its ambit, "a church or other building used for religious purposes".

Mrs. H. Suzman, Progressive, said on 31 August 1966:

"It's quite clear this Bill will go very much further than Proclamation R 26, which led to such absurd decisions." ^{36/}

She added that outside of this amendment to exclude churches, "there seems to be absolutely no area which falls outside the Minister's strictures against social contacts across the colour line - except, of course, on the streets or in private homes".^{37/}

42. On 19 July 1966, the Cape Town railway station was completely segregated, with the opening of a new railway concourse for non-White suburban passengers alongside the new station for Whites. Coloured and African passengers were separated within the non-White section.^{38/}

^{35/} The bill was published on 25 January 1966, but was held over from the short session of Parliament at that time. It was reintroduced in the new session of Parliament on 1 August 1966.

^{36/} Proclamation R 26 of 12 February 1965 required permits for mixed audiences at any public place of entertainment. For a discussion of the effects of the Proclamation, see the previous report of the Special Committee, A/5957-S/6005, Annex, paragraphs 58-81.

^{37/} Cape Times, 1 September 1966. A lawyer was quoted in this newspaper as stating that the bill could be used to require permits for multiracial political meetings and lectures of a general nature before a mixed audience.

^{38/} Ibid., 9 March and 19 July 1966.

(d) Segregation in university societies

43. The Government has embarked on further moves to enforce racial segregation in the universities.
44. It may be recalled that the National Party Government had segregated university education by the Extension of University Education Act of 1959 which prohibited non-White students from enrolling in the universities and provided for separate colleges for non-Whites. Under that Act, however, non-Whites could be admitted to the universities by special permission of the Minister in subjects which were not offered at the separate colleges. A small number of non-White students were enrolled in some of the "White" universities under this provision.^{39/}
45. The Government is now taking legislative steps to prevent the continuation of the traditional practice at the "open" universities, particularly the University of Cape Town, of admitting all students to societies, clubs and sporting facilities without racial separation. It reacted violently to a decision by the Student's Representative Council of the University of Cape Town in 1965 refusing to ratify an amendment to the constitution of the Conservative Students' Association (CSA) which provided that only White students could be admitted as members of CSA, and the rejection by the University Council of an appeal by the CSA. The Minister of Education, Arts and Science, Senator De Klerk, warned in a statement on 17 February 1966:

"...if a Students' Representative Council of the University should threaten to force a conservative group of students to accept non-Whites as members of their association, the Government would view such a step in a very serious light - because such action would be diametrically opposed to the declared policy of the Government ... perseverance with such an attitude could possibly be a contributory cause towards the reopening of the entire question of the so-called 'open universities' ... the Government will consider, with or without legislation, to check the efforts of this unbridled liberalistic Students Council who are now being supported by the University Council..." ^{40/}

^{39/} In 1957 the non-White enrolment of 456 made up 10 per cent of the student body at the University of Cape Town. In 1965 there were 422 non-Whites - 290 Coloured, 129 Asian and three African students constituting about 7 per cent of the student body of nearly 6,000 (Cape Times, 19 February 1966).

^{40/} Cape Times, 18 February 1966.

46. The students protested against this statement at a large meeting on 25 February 1966 at which the President of the National Union of South African Students, Mr. Ian Robertson, declared that if the Minister insisted on tampering further with the rights of universities, he would meet:

"not only with the resolute opposition of the academic community in this country, but also with the unqualified condemnation of the whole free world, and particularly the great Western democracies."^{41/}

47. Senator De Klerk, however, proceeded with a further warning on 2 March 1966 that the Government contributed 75 per cent towards the finances of the universities and was intensely interested in what happened there. It could not tolerate undesirable contact between Whites and non-Whites nor attempts which were being made to force communist-inspired doctrines on students and to sabotage government policy. He disclosed that the Government was considering legislation to end these undesirable conditions.^{42/} Though the University Council of the University of Cape Town attempted to pacify the Government by appointing a commission to study the constitution of the Students' Representative Council,^{43/} the Government proceeded with the publication of two bills on 4 August 1966.

48. The first, the Extension of the University Education Amendment Bill, will prohibit a non-White student at a "White" university from becoming a member of any student association unless it is an academic association occupied exclusively with his course; provide for "ethnic" associations of non-Whites at "White" universities; and give the Minister powers to expel a non-White student at a "White" university at any time if he considers it "in the public interest". Though the immediate purpose seems to be to destroy the multiracial character of the National Union of South African Students, which has opposed apartheid, the bill has much wider implications. As Mr. J. Daniel, Vice-President of the National Union of South African Students, declared:

"It spells the end of academic freedom as it still exists after the many blows which have been dealt to that concept. It brings an end to organized freedom of association on the campus.

"It will make it illegal for two people of different races to meet and worship together on the campus. It will be a crime for different ethnic groups to meet for a game of chess or bridge as members of these clubs.

^{41/} Ibid., 26 February 1966.

^{42/} Ibid., 3 March 1966.

^{43/} Ibid., 4 March 1966.

"It will now be a criminal offence for a non-White history student to attend a geography society meeting unless he is a geography student. A non-White arts student will no longer be permitted to attend a scientific society meeting - something which cuts right across the very concept of education.

"A non-White at a 'White' university may no longer attend NUSAS functions or take any part in the activities of the organization. This legislation could well spell the death of NUSAS as a multi-racial organization, which is no doubt the Government's intention ...

"But this is a tribute to the spirit of democracy on the South African campus, for it shows that the Government has failed in its efforts to convince students of the 'virtues' of racial separation. It now requires all the might of a totalitarian Government to bend the students of this country to its will.

"And we will fight this legislation as never before. We are confident we will have the support of all 'decent people', as the Minister of Justice calls them." 44/

49. The second, the Universities Amendment Bill, will empower the Minister of Education, Arts and Science to withhold grants-in-aid from any university which has "prejudiced or subjected to any form of discrimination" any student, staff member or association advocating racial separation on the campus. The Minister's opinion, as to whether there has been discrimination, is to be final. University Councils are to be held responsible for implementing any directives concerning the carrying out of the provisions of the bill, the main clause of which reads:

"No student, member of the staff, association of students or of staff, research worker or other person at any university shall on the ground that he advocates, promotes or maintains any form of racial separation be prejudiced or subjected to any form of discrimination by such university or any person or body which may exercise any power at such university or in connexion with any activities thereat."

(e) Segregation in charitable organizations

50. The Department of Social Welfare "suggested" in April 1966 that charitable organizations should reconstitute themselves on a racial basis, so that White welfare organizations cater only for Whites, and non-White charities would cater to a single racial group.^{45/} The Government, it was reported, intends to introduce legislation to provide machinery to enforce its wishes.^{46/}

44/ Cape Times, 5 August 1966.

45/ Rand Daily Mail, Johannesburg, 21 April 1966.

46/ Cape Times, 19 April 1966.

51. On 3 May 1966, the Director of the South African National Council for the Blind, Mr. S.K. Wentworth, announced that the Council had decided to reconstitute itself along racial lines.^{47/}

52. The Government's move has caused particular concern because of the scarcity of the non-White social workers and the consequent danger of reduction of social services to the most needy sections of the population.

(f) Moves to change representation of Coloured voters in Parliament

53. Annoyed at the opposition of the Coloured voters to apartheid, the Government is contemplating moves to change the representation of Coloured voters to make it even less meaningful.

54. Under the Separate Representation of Voters Amendment Act (No. 36 of 1956), the Coloured voters of the Cape were placed on a separate roll and entitled to elect four White representatives to the House of Assembly and two white representatives to the Cape Provincial Council.^{48/}

55. A large section of the Coloured voters, following the leadership of anti-apartheid organizations of the Coloured people, boycotted subsequent elections in the Coloured constituencies. The Progressive and Liberal Parties did not contest the elections in protest against the segregation of the Coloured voters and the discrimination against the Coloured people. In the March 1965 elections to the Cape Provincial Council, however, the Progressive Party entered candidates and won both the seats on a platform opposed to apartheid. This victory and the announced intention of the Progressive Party to contest the Coloured seats in the

^{47/} Ibid., 4 May 1966. The Rev. H.V. Bekker, a member of the Council's national executive committee, said that he doubted whether at this stage the Coloured people on the Council would be able to cope with their section as there were far more blind Coloured people than Whites. "Our problem is not political", he added: "It is one of sound human relationships. We have been blinded by politics." Anti-Apartheid News, London, June 1966.

^{48/} As of 1 January 1961, there were 24,043 Coloured men voters registered on the separate roll in the Cape province (House of Assembly Debates, 17 February 1961, col. 1478). In Natal, on the same date, 511 Coloured men were registered on the common roll (ibid.). No further Coloured voters were registered in Natal. Coloured men in the remaining provinces, and Coloured women all over the Republic, are not entitled to register as voters.

House of Representatives in 1966 led the Government to threaten changes in Coloured representation and measures to prevent interference of "White" parties in Coloured constituencies. Under the Separate Representation of Voters Amendment Act (No. 72 of 1965), it was provided that the elections in the Coloured constituencies would be held at the end of the five-year terms of the representatives and not during general elections.^{49/}

56. Mr. P.W. Botha, then Minister of Community Development, told the Cape National Party Congress on 15 September 1965 that the Government had always taken the standpoint that it was bound to the maintenance of the arrangement made a number of years ago for the representation of a limited number of Coloured voters who had previously qualified, but warned:

"If this limited representation by Whites is misused by the Opposition and the integrationists in increasing measures, as an argument to attack the National Party's policy as illogical, the time will come when the basis of this representation will have to be reconsidered." ^{50/}

The Government is reported to be contemplating indirect election of Coloured representatives by the Coloured Persons Representative Council.^{51/}

57. The Government is taking various steps to ensure that the representation of the Coloured people, among whom the National Party has little following, should not add to the strength of the Opposition in Parliament or provide the Coloured people with opportunities for meaningful participation in the nation's political life.

^{49/} The last general elections were held in March 1966, but elections were not held in the Coloured constituencies as the terms of representatives end in October 1966.

^{50/} Cape Times, 16 September 1965.

^{51/} Ibid., 13 June 1966.

The Coloured Persons Representative Council Act of 1964 was reviewed in the Special Committee's report of 1964 (A/5825-S/6073). The Council, which is to consist of thirty elected and sixteen nominated members, is expected to be established late in 1966 or early in 1967.

58. The Government promulgated regulations on 3 September 1965,^{52/} under the Coloured Persons Education Act (No. 47 of 1963) prohibiting Coloured teachers from becoming members of or taking part in the activities of the existing political parties.^{53/} The significance of these regulations was explained by Dr. Jan Steytler, national leader of the Progressive Party, who said on 3 September 1965:

"Among non-Whites, teachers are, because of bars and handicaps in other professions, a much higher proportion of the intelligentsia than in the White group. Barring teachers means to a great extent, barring leadership." ^{54/}

59. The Department of Coloured Affairs promulgated regulations in the Government Gazette on 15 September 1965, barring any person from holding, presiding at or addressing any meeting or gathering in the rural Coloured areas at which more than five persons are present or permitting his home or land to be used for such purposes without the approval in writing of the Secretary of Coloured Affairs. (Under previous regulations, Members of Parliament and the Provincial Council had been exempted from the prohibition against holding public meetings without permission.) Dr. O. Wollheim, Member of the Cape Provincial Council, charged that these regulations were "obviously aimed at the Progressive Party, now that two of its representatives have been elected to the Cape Provincial Council by the Coloured people." ^{55/}

60. On 19 September 1966, the Government introduced in Parliament the "Prohibition of Improper Interference Bill" providing that no person can be elected as a member of the House of Assembly or the Cape Provincial Council or nominated as senator

^{52/} Government Gazette, 3 September 1965.

^{53/} On 2 September 1965, the Minister of Coloured Affairs, Mr. P.W. Botha, said that there would be no objection to Coloured teachers becoming members and taking part in a sensible way in the activities of "Coloured" political parties which sought to achieve their aims and objects by constitutional means. Cape Times, 3 September 1965.

^{54/} Cape Times, 4 September 1965. It may be noted further that Mr. F.P. Joshua, president of the Cape Teachers Association, which represents 1,000 teachers in the Coloured Affairs Department, said on 28 June 1966 that it was believed that the Security Branch of the Police had a file on every Coloured teacher in the Republic. Ibid., 29 June 1966.

^{55/} Rand Daily Mail, Johannesburg, 23 September 1965.

to represent Coloured voters, if he had been a member of or in any way connected with a political party of the White population group during the three years preceding his nomination as a candidate.^{56/} The immediate purpose of the bill was to prevent the Progressive Party from contesting the elections for the House of Representatives in the Coloured constituencies in October. As only Whites can be elected, they must in effect be non-partisan and politically inactive.

61. In addition, the bill contains more sweeping provisions. It provides that no person may engage directly or indirectly in the following activities in any population group except the one to which he belongs:^{57/}

(a) assistance in registration of voters;

(b) taking part in or helping with the establishment or organization of political parties or groups; and

(c) taking part in the political activities of members of the group.

62. Political parties will belong to one population group and will not be able to help or oppose the political parties of other population groups. Members of one population group may publicize their own political convictions to other population groups, but such activity should not be in support of a specific candidate at an election.

63. Members of any group may criticize the actions of the Government of the day, but a member of a population group other than the population group out of which the Government is constituted cannot criticize the political party of which members of the Government are members. In other words, non-Whites cannot criticize the ruling White party.

64. The penalty for a first conviction is a fine of not less than 300 rand or more than 600 rand or imprisonment for a period of not less than six months or more than twelve months. For a second or subsequent conviction the penalty is a fine of 1,000 to 2,000 rand or imprisonment of one to two years. A second conviction may also result in disenfranchisement for five years.

^{56/} The sitting members are exempted.

^{57/} An explanatory memorandum on the bill says that for purposes of the bill the Republic is divided into four population groups - White, Bantu, Indian and Coloured - on the basis of classification in terms of the Population Registration Act of 1950.

65. The provisions of the bill are not applicable to registered newspapers. The Minister of the Interior is empowered, by notice in the Government Gazette, to exempt any person or class of persons from the provisions of the bill.

66. The United Party opposed the bill at its first reading. In a statement issued on 19 September, Mr. S.M. Connan, chairman of the United Party Coloured Affairs Group, said that this proposed legislation would make South Africa look "stupid, ridiculous and foolish". Mrs. H. Suzman, Progressive, said that it would have the effect of "amputating the Coloured people from the South African body politic". She added that "a good deal of the bill is unintelligible and what is intelligible is unspeakable."

67. On 26 September, the Government announced that it had reached an agreement with the opposition United Party to refer the bill to a Select Committee for consideration and report by 31 March 1967. It would be replaced by an agreed bill to extend for up to one year the terms of the sitting members of Parliament representing Coloured constituencies.^{58/}

(g) Implementation of the Immorality Act

68. The harassment of people under the "Immorality Act" which prohibits sexual intercourse between members of different racial groups continues. Two recent cases, in which the magistrates have found grounds for acquittal, are illustrative of the humiliation and embarrassment caused to victims of the zealousness of the police.

69. Miss Willyoumine Thorpe, a twenty-four-year old woman classified as Coloured, and Mr. K. Borgotte, a German immigrant, who had been living together and had an eight-month-old child, were brought to court recently under this Act. Miss Thorpe said that her parents were mixed and she was classified as Coloured as she wanted to be the same as her parents and sister. But she had always been employed as a White and had associated with Whites. She could not marry Mr. Borgotte under South African laws and they intended to leave the country.

70. At the suggestion of the defence counsel, the magistrate examined Miss Thorpe in natural light outside the Court, and acquitted the couple after accepting her

^{58/} The Star, weekly, Johannesburg, 1 October 1966. The national committee of the Liberal Party had decided earlier to dissolve the Party immediately after the bill became law as non-racialism was fundamental to the party. Ibid.

for the purposes of the case as a White person under the definition provided in the Act.^{59/}

71. In another case which lasted from May to August, the Deputy Mayor of Vereeniging, Mr. Peter Mitford Collett, and a seventeen-year-old Coloured girl were charged of an offence under the Immorality Act.

72. In a four-hour address to the Court, the defence counsel argued that Mr. Collett had merely given the Coloured girl a lift in his car, and that the act should not be interpreted as an impenetrable barrier to any form of association between different sections of the population. He added:

"This act is not intended to cut off any gesture of sympathy or kindness by a White man towards a non-White woman. It would be a sorry day for this country if a White man seeing a non-White woman in urgent need of help should leave her lying in the gutter and deprive her of his help because he was afraid some policeman would arrest and drag him through the courts with all the attendant unpleasant consequences and repercussions."

73. The magistrate acquitted the accused in view of contradictions in the evidence of policemen.^{60/}

(h) Developments in the Transkei

74. The "Bantustan" experiment in the Transkei, described in earlier reports of the Committee,^{61/} is being continued under strict control by the Republic's Government. The Matanzima Government remains in power despite its failure to obtain a majority support among the voters. Proclamation 400, which provides for detention without trial, has been retained in force in view of the tension in the

^{59/} Cape Times, 17 August 1966.

^{60/} Ibid., 26 August 1966.

^{61/} A/5497-S/5426, paras. 97-153; and A/5825-S6073, paras. 340-365.

territory, and between January and April 1966, a total of sixty-two Transkeians were detained by the South African authorities.^{62/}

75. The Government has issued two proclamations during the past year to promote the development of Transkei as a tribal state.

76. The first proclamation, issued on 31 December 1965, dealt with the problem of the White towns and villages in the Transkei by zoning.^{63/} Ten towns and villages were zoned to become entirely African and thirteen were to be zoned into African and White sections. Three others (Matatiele, Port St. Johns, and Umzimkulu) were to remain White.

77. Representatives of the Whites, particularly Mr. T. Gray Hughes, United Party member of the House of Assembly, pressed for government funds to buy out White properties in areas zoned African so as to avoid Whites from being obliged to remain in those areas. They complained that there were not enough buyers for their properties. The Minister of Bantu Administration and Development, Mr. M.C. Botha, stated that in the last two financial years the Government had provided nearly 3,000,000 rand for the expropriation of White properties in the Transkei. He added that so far 256 White trading stations had been offered for sale and of those 140 had been bought for 798,000 rand.^{64/}

^{62/} The figure was given by the Chief Minister of the Transkei, in reply to a question in the Legislative Assembly. The World, Johannesburg, 8 June 1966.

On 24 February 1966 the Commissioner General of Police, Lieut.-General J.M. Keevy, announced that five members of the Transkei Legislative Assembly, all belonging to the opposition Democratic Party, and two other Africans, had been detained under Proclamation 400 on charges of alleged conspiracy to murder Chief Matanzima. The five members of the Legislative Assembly were released on bail on 25 April and resumed their seats in the Assembly. The trial was reopened on 6 June 1966 in the Supreme Court at Grahamstown, and on 10 June 1966 two of the accused, Mr. Jackson Nkosiyanane and Mr. Nicodemus Nogcantsu, were each sentenced to seven years' imprisonment. An application for leave to appeal was granted but bail was refused. Rand Daily Mail, Johannesburg, 26 April 1966; Cape Times, 11 June 1966.

^{63/} Government Gazette, 31 December 1965.

^{64/} Cape Times, 5 August 1966. Earlier, in reply to a question in the Transkei Legislative Assembly, the Minister of the Interior, Chief J. Moshesh, was reported to have said that Africans who wished to buy properties in the zoned areas of the Transkei towns could, with the permission of the Minister for Bantu Administration and Development, obtain loans from building societies. Ibid., 27 April 1966.

78. The second proclamation, issued on 1 April 1966, transferred to the Transkei Government all the land and property in the Transkei which had so far been vested in the South African Bantu Trust.^{65/} It excluded, however, land or property containing prescribed, restricted or strategic materials or minerals.

79. While taking these steps in line with its declared policies, the Government has continued to be vague about the pace of further developments. It was, on the one hand, under continued pressure from the United Party which has held that independent Bantustans might become bases for hostile forces^{66/} and endanger the Republic, and, on the other, under a compulsion to adhere to the propaganda that it sought unlimited development for the Africans in their "homelands".

80. The Government's position is that it would be prepared to grant independence to the Transkei "at the right time".^{67/} Prime Minister Dr. Verwoerd explained in a broadcast on 4 April 1966, that in promoting self-government in the Bantu

^{65/} Government Gazette, 1 April 1966.

^{66/} Speaking on a no confidence motion in the House of Assembly in January 1966, the leader of the Opposition, Sir De Villiers Graaff, said that the granting of independence to Bantustans would be dangerous for the Africans as well as for the Whites. The Africans would become foreigners in their own country; while the Whites would become surrounded by many hostile and envious African States, which might seek assistance from other outside powers.
House of Assembly Debates, 25 January 1966, col. 38.

Another Opposition member, Mr. S.J.M. Steyn, said that the Government's magnificent plans for new factories and dams were all dependent upon Bantu labour.

"At its best the Bantustan can be no more than a remote corner where the poor, under-privileged Bantu will be restricted, filled with envy of the rest of the Republic of South Africa and with resentment in his heart, because he will know that the riches of the Republic are being provided by the labour of the Bantu who works for the Whites in the land of the Whites. That is the state of affairs which will be created. That is the most frightening glimpse one would have of the future of South Africa, this juxtaposition of poverty and riches, with the poor granted political power by the Prime Minister with the political organs by means of which to express their resentment in the wrong places, against the Republic." House of Assembly Debates, 25 January 1966, col. 84.

^{67/} Statement by Prime Minister H.F. Verwoerd in House of Assembly Debates, 25 January 1966, cols. 65-66.

homelands "the Government, acting as guardian, will not allow itself to be driven to such undue haste as had led to disastrous results elsewhere in Africa...

The development of the Bantu homelands must be such that it will promote the real well-being of all members of each national entity. Such a spirit of goodwill and realization of economic interdependence, must grow so that a form of organized co-operation and consultation will come naturally".^{68/} Earlier, on 22 March, Senator de Klerk, Minister of Interior, declared that the South African Government had not yet granted the Transkei a single essential right enjoyed by a sovereign, independent State, nor had it said that it would give full sovereign independence to eight Black States or give it soon. "We shall first have to see how the Transkei's affairs go. Independence might come to the Transkei in 10, 20, 50 or 100 years - and in all there might eventually be two, three, four, seven, or eight Black States in South Africa."^{69/}

81. Meanwhile, there has been dissatisfaction in Matanzima's Transkei National Independence Party, over strict control by the Republic's Government on most matters. The banning order issued on 14 October 1965 on Mr. C.M.C. Ndamse, a leading African educator, frustrating the decision of the Transkei Government to appoint him professional assistant in its Department of Education, aroused protests.^{70/}

82. Branches of the Transkei National Independence Party adopted resolutions calling for full independence. Mr. J.Z. Kobo, a supporter of Mr. Matanzima, who advocated independence in 1967 with the right to join the United Nations and the Organization of African Unity, was questioned by the Special Branch of the Police in January 1966.^{71/} In April 1966, Mr. S.M. Sinaba, the Government Chief Whip, and Mr. J.Z. Kobo resigned from the Transkei National Independence Party

^{68/} Rand Daily Mail, Johannesburg, 23 March 1966.

^{69/} Cape Times, 5 April 1966.

^{70/} Subsequently, the Minister of Justice agreed to lift certain provisions of the banning order to allow Mr. Ndamse to take a post in the Transkei Department of Education, but not the post to which he had been recommended by the Transkei Public Service Commission.

^{71/} Evening Post, Port Elizabeth, 29 January 1966.

and announced that they would form a new party, the Transkei People's Freedom Party.^{72/}

83. Paramount Chief Matanzima^{73/} denied rumours that the Cabinet or his party had split on the issue of independence and that the party had sought negotiations with the South African Government on independence. He attempted to win support in the territory by declaring that his Government sought the removal of Whites from all aspects of economic and political life in the territory in order to provide greater opportunities for the African population, and by asking for the transfer of greater powers.

84. In May, a government motion asking for the transfer of three more Departments was passed by 46 votes to 32 in the Transkei Legislative Assembly. Government speakers stated, however, that it was not intended to take them over immediately in the next year or two, but merely to give the South African Government an indication of the feelings of the Transkei people.^{74/}

85. Chief Minister Matanzima claimed on 20 April 1966 that the day was not far off when Bantu would control all the police stations in the Transkei. A week later, he told the Legislative Assembly that within ten years the Transkei would have African administrators capable of managing the affairs of the territory.^{75/} The Minister of Justice, Mr. George Matanzima, told the Assembly on 10 May 1966 that he would announce in the near future the appointment of the first Transkeian citizens as magistrates.^{76/}

^{72/} The Star, daily, Johannesburg, 22 March and 5 April 1966; Rand Daily Mail, Johannesburg, 26 April 1966.

In May 1966, Mr. Sinaba moved a motion in the Legislative Assembly calling for independence after a year. The Government amendment that Transkei was not yet ripe for independence was carried by 49 votes to one. The Opposition Democratic Party abstained on the motion and called for full citizenship rights for all in the Republic.

^{73/} It was announced on 4 April 1966 that Matanzima had been made Paramount Chief. (The World, Johannesburg, 4 April 1966).

^{74/} Cape Times, 24 May 1966, and South Africa Digest, Pretoria, 3 June 1966. The motion covered the Departments of Posts and Telegraphs and Transport and Information. The Department of Health had been the subject of an affirmative vote in 1965. The Transkei Constitution allows the territory's Government to hold a maximum of nine departments.

^{75/} Cape Times, 27 April 1966.

^{76/} Ibid., 11 May 1966.

86. While hopes of greater self-government are thus spread by the Transkei Government, the budget of the territory for 1966-67 introduced on 4 March 1966, showed the extent of its dependence on the Republic's Government. Transkei's own revenues covered only 3,433,000 rand of an estimated expenditure of 16,568,000 rand. The budget was to be balanced by a grant of 10,466,000 rand from the Republic's Government and the surplus from last year.^{77/}

^{77/} Southern Africa, London, 16 May 1966, p. 370.

III. REPRESSIVE MEASURES AGAINST OPPONENTS OF APARTHEID

Introduction

87. The South African Government has continued with the course of constant intensification of repression against the leaders of the non-White population and all opponents of apartheid.
88. Some are tried under arbitrary laws which violate all canons of justice and have become an essential element of the apartheid policy. Many others are harshly punished by administrative action alone, without recourse to Courts or even the statement of reasons. Scores of persons have been detained and kept in solitary confinement for no reason but that the Government claims to consider them possible witnesses. About 600 have been placed under house arrest or served with banning orders, and the restrictions on them have become increasingly intolerable. A number of persons have remained under indefinite banishment.^{78/} The treatment of prisoners in gaols has continued to be a cause of gravest anxiety.
89. The developments in these respects are reviewed in the following sections. Attention may, however, be drawn here to a few aspects of the present situation.
90. The logic of apartheid has led the Government to spread the net of repression wider and wider.
91. Under the notorious Suppression of Communism Act, the Government has victimized not only communists but numerous other persons whose only offence is

^{78/} In May 1966, Mrs. Jean Sinclair, national President of the Black Sash movement, sent an appeal to the State President for an amnesty to the "forgotten people" - the thirty-four African men and women who had been banished from their homes under the Native Administration Act of 1927. She said:

"They have been convicted of no crimes and yet they are banished far away from their homes. And the worst thing of all is that their sentences are indeterminate - they do not know if or when their sentences will end ...

"One of these men has been banished for fifteen years now. He is a very old man and in poor health. Another has been banished for twelve years and is mentally unstable - he is unable to accept or understand his conditions of banishment and has been sentenced several times for wandering away."

The Government, however, took no action. Rand Daily Mail, Johannesburg, 17 June 1966; The Star, daily, Johannesburg, 28 June 1966.

resistance to apartheid or even to specific actions of the Government in the name of apartheid.^{79/} The Government has even begun to take action against persons and organizations for assistance to the victims of its tyranny, as in the cases of the South African Defence and Aid Fund and several lawyers who defended political prisoners.

92. Churches and churchmen are no more immune to arbitrary actions. The Anglican Bishop of Johannesburg, Dr. Leslie Stradling, disclosed in November 1965 that several of his African clergy had complained of "informers" in their congregations.^{80/}

The Anglican Bishop of Kimberley, the Rt. Rev. Edward Crowther, a United States national, was threatened with harassment because of his concern for Africans displaced from their homes. The Government refused to grant him a re-entry visa in August 1966 when he had to leave for a lecture tour in the United States.

93. As Dr. Ben Engelbrecht, assistant editor of Pro Veritate, an independent religious magazine, wrote in an editorial in August 1966:

"From the credo of apartheid there issues an angry contempt of dissentient elements, regardless of whether they disagree on the basis of convictions which may be undeniably Christian and Biblical.

"Apartheid is being elevated to the status of a national faith to such a degree already that dissenters are branded enemies of the people without further ado; and inasmuch as they are Christian believers, the integrity of their belief is under the gravest suspicion.

"Apartheid has unleashed a hate propaganda campaign, not only against its opponents, and political sceptics, but even against Christians and churches who refuse to substitute the idea of apartheid for the one eternal Gospel or to allow it to be defiled by its heresy."^{81/}

^{79/} The Suppression of Communism Act is ostensibly designed to prevent persons from furthering any of the objects of communism. But, as Mr. Alan Paton, President of the Liberal Party, said recently:

"Some of the objects of communism would be the same as some of the objects of any Government imaginable, including our own.

"It appears to me that the Minister of Justice would be able to ban almost any persons who took any interest in politics or social welfare.

"It is because the law is so thoroughly bad that the courts are prevented from passing any judgement on whether the Minister was justified in the action he has taken.

"It is a fine situation, is it not, when the law of the land is used to silence the courts of the land." The Star, daily, Johannesburg, 9 July 1966.

^{80/} Southern Africa, London, 8 November 1965.

^{81/} Quoted in Sunday Times, Johannesburg, 14 August 1966.

94. A second observation which needs to be made is that the ruthless measures of the Government have taken such a turn that they seem directed not only at suppression of resistance, but increasingly designed to wreak vengeance against the opponents of apartheid.

95. Opponents of apartheid are harassed mercilessly and constantly through court actions, arbitrary imprisonments and restrictions, and ill-treatment in prisons. Entire families are victimized. The lives of the victims are made so intolerable that many have been obliged, with great reluctance, to leave their homeland on exit permits which prohibit their return.^{82/}

96. There is little assurance that the opponents of apartheid can regain liberty and resume normal lives even after serving long sentences in prison. They are tried again on new charges or retroactive laws or placed under house arrest and banning orders or detained without any charges. Except for the few who succumbed to pressure and became informers, they face the prospect of indefinite persecution unless they can leave the country. It is apparently this prospect which led Mr. Benson Ndimba, a leader of the African National Congress in Port Elizabeth, to tell the Court: "I do not intend to plead for mercy and do not care whether I am sentenced to ten or fifty years."^{83/}

97. Much inhumanity has come to light, but the Government has generally failed to attempt to meet or answer public concern. It seems intent on conditioning the White public opinion to cruelty and to spread fear among the non-Whites and other opponents of apartheid as a safeguard against resurgence of open resistance.

98. Finally, one of the most disturbing aspects of the recent situation has been its effect on the legal profession and the judicial process.

^{82/} Exit permits have been granted to many opponents of the Government's racial policies.

Mr. Vorster, then Minister of Justice, said in July 1966: "As far as I am concerned, the more communists who quit South Africa the better." Sunday Express, Johannesburg, 24 July 1966. Many of those who have left on exit permits had not been accused of affiliation with the Communist Party, but presumably fell under the Government's definition of communists.

^{83/} Mr. Ndimba was sentenced to four and a half years' imprisonment in May 1966, after serving thirty months in prison for ANC activities. Anti-Apartheid News, London, June 1966.

99. While some members of the Bar have courageously opposed the inroads into the rule of law, many others seem to have succumbed to fear of the Government or seem to share its view that the application of the rule of law is inappropriate in this "emergency".

100. The Association of Law Societies of Southern Africa refused to oppose the bill which armed the Minister of Justice with the power to debar members from the practice of the legal profession on political grounds because, as it said, of "the special circumstances which presently prevail".^{84/} The Transvaal Law Society refused even to protest against the arbitrary ban imposed on Miss Ruth Hayman, an attorney whose only offence was that she defended a number of political prisoners, the refusal being based on its stated view that the Society could not involve itself in a political dispute about the existence or non-existence of an emergency in South Africa.^{85/}

101. The power of the Courts has been made largely, if not wholly, ineffective, by reason of a mass of repressive legislation which denies them any jurisdiction, whereas the Government has not hesitated to use it to implement other legislation to its liking, but which patently violates the fundamental principles of the rule of law. Effective use of the Courts, where it is convenient, has helped the Government to deceive public opinion. But the judiciary notorious as an institution serving the cause of apartheid - the judges and magistrates are all White - has by slow erosion lost even the independence maintained by it in the past, especially at the higher levels, and has perforce become the handmaiden of a racially inspired Government.

^{84/} South African Digest, Pretoria, 25 February 1966.

^{85/} The Sunday Times, Johannesburg, commented on 31 July 1966:

"If a Road-gangers Union gave this reply we could understand it. But the Law Society is a very different kind of body; and its members have a greater duty to the rule of law than to party politics.

"The Law Society is not a sports club in which members of varying political, religious or other views meet on neutral ground. It is a body of men whose daily life is supposed to be dedicated to law and justice. There is no room in such a body for the flaccid statement that 'open trial before a judge minimizes the danger of punishing the innocent but this brings us back to the socio-political problem whether in present conditions the legislation in question is right or wrong ...'

"We quite believe that some members of the Law Society are prepared, for political reasons, to accept the attack on the rule of law. Should a Law Society that is worth its salt defer to their opinions?

"Members of the Law Society who do object to the banning of one of their members without trial ought to come out and say so. The fact that others refuse to go along with them is hardly a reason for preventing the Law Society from doing its duty."

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102. Even within the limits of the language of the laws, the judiciary has more often than not tended to accept an interpretation less concerned with the rights of the victims than those of the oppressive régime, presumably on the assumption that the police power of the State was of greater significance in the present emergency, and that the rights of individuals must give way before it.

103. The Courts have freely admitted evidence of witnesses whose testimony has been obtained after a threat of detention or who have in fact been detained under inhuman conditions, notwithstanding the overwhelming evidence of undue pressure by the police in the procurement of such evidence. Such evidence has been decisive in numerous cases. The judges have turned a blind eye to even the most brutal treatment of detainees when brought to their attention. Whether they have given up in despair any attempt to uphold the law in view of the prevalent practice of the Government to meet judicial restraints with fresh legislation or whether they are themselves the victims of the dominant opinion in the White community, the result has been the inevitable and increasing loss of confidence in the judiciary.

104. Mr. A.S. Matthews, Professor of Law in the University of Natal, and Mr. R.C. Albino, Professor of Psychology at the University, wrote recently:

"We have to face the fact that some South Africans may have lost faith in the courts. The line of cases already discussed in this article does not present a picture of judges fired by ideas of individual liberty or personal sanctity. There is no assertion here that the judges are partial or that they lack integrity. What does seem to have been lacking in the cases analysed above is an imaginative grasp of the implications of solitary confinement and of Western ideals of individual freedom. It may be argued that it would be wrong for judges to have regard for what appear to be political values. The answer to such an argument is plain. The ideal of which we speak is part of the woof and warp of Roman-Dutch law and it can surely never be wrong for a judge to give effect to the very spirit of that great legal system unless Parliament forbids him to do so in clear and unambiguous terms. In recent years the courts have interpreted laws which have cried out for one of those resounding defences of individual liberty in the dignified and majestic language in which judges sometimes speak, but the opportunity has been passed by.

"There is another reason why faith in the courts may have been dangerously weakened. Men have over the years looked to the courts for protection of basic rights. In South Africa the courts have had to enforce and apply a heavy programme of laws which deny basic rights. We are not concerned now with the reasons for the laws but merely with the fact that the courts have become an instrument for what many people regard as oppressive legislation. This is not

the fault of the courts, but it is hard to deny that our courts have not shown themselves to be the reluctant, or even faintly troubled, instruments of the enforcement ... There have been many occasions in the past when judges have spoken of laws with a stern voice of disapproval and on some occasions their protest must have had influence." 86/

They added:

"In the first place, the so-called emergency measures designed to preserve order have an amazingly permanent look about them ... Laws allegedly designed to preserve order, and drastically limiting individual rights, have flowed out of Parliament in a stream of growing turgidity. Many of these measures are a permanent feature of the legal system and cannot claim the title 'emergency legislation'. The situation which apparently confronts us is that of the permanent emergency and there is no sign of respite but rather of vanishing liberty and permanent insecurity ... Instead, the Court appears to have authorized the neglect of individual rights for as long as one can foresee ... Our final comment about the permanent emergency is that it has brought about a situation in which it is no longer possible to distinguish between the preservation of order and the preservation of the power of the ruling party and between opposition and subversion. The judicial and extrajudicial punishment of people for activities which a democracy should not merely allow, but encourage, makes it difficult, if not impossible, to draw this line ..." 87/

A. New legislation

105. Not content with the mass of arbitrary legislation with which it armed itself for punishing the opponents of the policy of apartheid, the Government has sought further legislation in the form of two Suppression of Communism Amendment Acts - one to extend a provision for detention of prisoners after completion of sentences and another to make existing repressive legislation even more far-reaching and arbitrary. A Radio Amendment Bill has been introduced.

(a) The Suppression of Communism Amendment Act of 1966

106. The Suppression of Communism Amendment Bill - designed to extend the "Sobukwe clause" for another year - was approved by Parliament in February 1966. This clause, which was first enacted in 1963, empowers the Minister of Justice to detain a person convicted under the Suppression of Communism Act, or of certain other crimes against the safety of the State, for further periods after the expiry of the sentence if he

86/ A.S. Matthews and R.C. Albino, "The Permanence of the Temporary" in the South African Law Journal, February 1966.

87/ Ibid.

is "likely to advocate, advise, defend or encourage any of the objects of communism". It has come to be known as the "Sobukwe clause" as only Mr. Robert Mangaliso Sobukwe, leader of the Pan-Africanist Congress, has been detained under it since 1963.

107. The Minister of Justice stated in defence of the bill that for security reasons he did not consider it advisable to release Mr. Sobukwe. Mr. Sobukwe, he said, was still regarded as the leader of the Pan-Africanist Congress and would undoubtedly resume his subversive activities as he had not changed his attitude. The Opposition United Party members, opposing the bill, stated that they did not advocate the liberation of Mr. Sobukwe but felt that there were other ways of dealing with him.^{88/}

(b) The Suppression of Communism Further Amendment Bill

108. Another Suppression of Communism Amendment Bill was introduced in Parliament early in 1966, deferred and reintroduced on 12 August 1966. It provides for the debarring of anyone listed or convicted under the Suppression of Communism Act from practising as an advocate, attorney, notary or conveyancer. It 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. Another provision seeks to prohibit any banned or listed person from receiving or making any financial contribution for the benefit of, being an office-bearer in, or taking part in the activities of any organizations specified by the Minister of Justice. The bill further lays down additional grounds for deporting South African citizens who are not South African by birth or descent.

109. The bill would seem to have far-reaching implications. Less than twenty advocates have been listed as communists under the Suppression of Communism Act and half of these have left the country, and some others are in gaol or on trial. The debarring of those who are able to practise despite various restrictions placed upon them by decisions of the Minister of Justice, would make the legal defence of opponents of apartheid even more difficult. Moreover, the bill would affect a number of others who, though not communists, have been convicted and may be convicted of any of the many offences under the Suppression of Communism Act or may be listed by the Minister under his arbitrary powers.

^{88/} House of Assembly Debates, 2 February 1966, cols. 566-576.

110. The provision on communication with banned persons would make it more difficult for persons charged under the Suppression of Communism Act to prove their innocence. About 600 opponents of apartheid are "listed" or banned, and banning orders continue. Up-to-date lists of those listed or banned are not available. The difficulty of avoiding harassment under this provision can be imagined.

111. The bill has aroused strong protests in South Africa and abroad.^{89/}

112. In a joint statement issued on 28 January 1966, the Cape Town, Natal and Johannesburg Bars said:

"The bill will restrict the hitherto unfettered jurisdiction of the Supreme Court to decide whether a person is a fit and proper person to commence or carry on legal practice.

"The Supreme Court has, throughout South Africa's history, on the application of the societies of advocates or of the law societies or of the Attorney-General, exercised this jurisdiction with proper regard to all the circumstances of the particular case before it.

"The bill is therefore unnecessary and an unjustified reflection upon the adequacy of the Supreme Court to discharge its duties. It may well discourage some practitioners from carrying out the duties of the court and to the public fearlessly and without regard to the popularity or otherwise of the case entrusted to them.

"It is an unwarranted interference with the administration of justice."^{90/}

113. The Law Students' Council of the University of Witwatersrand decided in June 1966 to record its "extreme disapproval of, and opposition to, the terms of the proposed bill" and stated:

"Political beliefs should never be the absolute criterion for withholding the rights to practise.

^{89/} The comment by the International Commission of Jurists was quoted in the Special Committee's earlier report (A/5957-S/6605, annex I, paragraph 104).

^{90/} Cape Times, 29 January 1966. The Johannesburg and Cape Town Bars reiterated this criticism in mid-August 1966. The Association of Law Societies of Southern Africa, composed of the four provincial law societies, however, said in a statement on 2 February, that it could not oppose the bill because of "the special circumstances which presently prevail". South African Digest, Pretoria, 25 February 1966.

"In the past, the Supreme Court of South Africa and the professional legal bodies have shown themselves zealous of, and able and willing to protect the integrity of the profession by taking immediate action against practitioners guilty of professional misconduct.

"The effect of the bill would be to discourage lawyers from defending political accused for fear of being associated with the beliefs underlying such trials, and thus becoming victims of the provisions of the proposed bill.

"The proposed bill would deter law students from indulging in legitimate political activities."

The Minister of Justice refused to see a deputation of the Council.^{91/}

114. Mr. Jack Unterhalter, Chairman of the Transvaal branch of the Liberal Party, said that it was only one step from this bill to exclude banned people from practising law.

"Any lawyer taking part in politics will then expose himself to the wrath of the Minister of Justice and can find himself without a profession. The level of political activity among lawyers would fall considerably because of this." ^{92/}

(c) The Radio Amendment Bill

115. In August 1966, the Minister of Posts and Telegraphs, Dr. Albert Hertzog, reintroduced the Radio Amendment Bill in Parliament. It would empower the Postmaster-General to publish a list of radio stations which transmit broadcasts which may "disturb the peace, order, or public safety in the Republic," or may "be injurious to the morals, religion or morale of any section of the population of the Republic, or may prejudice any industry or undertaking in the Republic". It would make it an offence for anyone resident or working in South Africa from assisting such a station directly or indirectly. It provides for a penalty of up to six months' imprisonment, or a fine of 2,000 Rand (\$US2,800) or both, for each day on which an "offence" is committed.

116. On 18 August the bill was referred to a select committee.

^{91/} Sunday Times, Johannesburg, 3 July 1966.

^{92/} Evening Post, Port Elizabeth, 29 July 1966.

(d) General Law Amendment Bill

117. On 13 October 1966, the Government published the General Law Amendment Bill which will enable any police officer above the rank of lieutenant-colonel to detain for fourteen days anyone suspected of certain security offences for interrogation. No court may interfere during the fourteen days. After that period, the Commissioner of Police may apply to a judge for extension of the detention: the judge would decide solely on the representations made by the police.

118. Another provision of the bill states that any person who had been prosecuted at any time for undergoing training in sabotage or for obtaining information to further the aims of communism would be presumed to have undergone training in sabotage if it had been proved that he had previously left the country without a passport. The onus would be on the accused to prove that he had not undergone training in sabotage.^{93/}

^{93/} Cape Times, 14 October 1966

The new Minister of Justice, Mr. Pelser, told the House of Assembly on 14 October that when this bill was enacted, the "180-day law" would be needed solely for the protection of witnesses and to prevent them from absconding. Ibid., 15 October 1966.

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B. Implementation of the "180-day law"

119. Reference was made in the last report to Section 215 bis of the Criminal Procedure Amendment Act of 1965 which empowers the Attorney-General to order the arrest of any person "likely" to be a State witness in certain classes of offences and hold him incommunicado for up to six months at a time. As the International Commission of Jurists observed:

"This must be one of the most extraordinary powers that have ever been granted outside a period of emergency. It authorizes the detention of an innocent person against whom no allegations are made and no suspicion even exists; it authorizes detention in the absolute discretion of the Attorney-General. It denies the detainees access to a lawyer without special permission; and it precludes the courts from examining the validity of the detention even within the already very wide powers of the Act. It further authorizes the subjection of the detained witness to solitary confinement for a period of six months and, with the object, inter alia, of excluding 'tampering with or intimidation' of any person, places him in a situation where he is in the almost uncontrolled power of the police who also have an interest in the evidence he may give." 94/

120. The Minister of Justice told the House of Assembly on 2 August 1966, in reply to a question by Mrs. Suzman, that a total of 115 persons had by then been detained under this section, as follows:

	<u>Europeans</u>	<u>Indians</u>	<u>Coloureds</u>	<u>Africans</u>
Females	8	1	-	3
Males	23	11	1	68

The Minister claimed that it was neither in the public interest nor in the interest of the people concerned to disclose their names, the dates when they were detained and released, or the criminal proceedings in which they were each required as witnesses, or to give any other information which had been asked for. 95/

32. Press reports indicate that the detainees have been kept in solitary confinement and subjected to pressures, that many of those released have been

94/ Bulletin of the International Commission of Jurists, Geneva, September 1966.

95/ House of Assembly Debates, 2 August 1966, cols. 18-19. Earlier, the Minister had told the House of Assembly on 28 January 1966, also in reply to a question by Mrs. Suzman, that twenty-three persons had been detained under the section and that four of them had been released. One had given evidence and two had refused on being called to give evidence. House of Assembly Debates, 28 January 1966, cols. 243-5.

banned, and that many others have been charged with political offences rather than being called as witnesses.^{96/}

122. During the discussion of the Criminal Procedure Amendment Act in 1965, the Government had told Parliament that the Act was needed to protect State witnesses against intimidation. The implementation of the Act shows, however, that it has been used by the Government to extract evidence by ruthless means and to punish opponents of apartheid against whom it was unable to prove any offences even under its arbitrary laws.

123. The cases of some of those detained under this Act would show that it is used for the same purposes as the notorious 90-day law of 1963, the implementation of which was suspended in January 1965, after widespread protests and a demand for its repeal by the Security Council in its resolution (S/5773) of 18 June 1964.

124. Mr. Isaac Heymann, the first person to be detained under this Act, was arrested on 1 September 1965 in Johannesburg, where he was a manager of a department store. On an application by his wife, Mrs. Anne Heymann, the Pretoria Supreme Court ordered his release on 9 September 1965 and awarded costs of the action against the respondents, the Attorney-General and the Commissioner of Police. Mr. Justice Kotze found that, as the Minister of Justice had failed to frame the regulations governing the detention of persons as Parliament had intended, the relevant section of the Act was incomplete.

125. The police, however, evaded the Court order by releasing Mr. Heymann from a side entrance of a prison, and immediately re-arresting him under another law. Mr. Heymann again was "released" and redetained under the 180-day clause. On 10 September when the regulations were promulgated.^{97/}

126. Mr. Heymann was subsequently called to give evidence for the State at the trial of four Africans charged with military training outside South Africa to

^{96/} The Minister stated on 28 January 1966 that relatives of detainees had been informed of the detentions and the places of detention and allowed to see the detainees if they obtained permission from the Attorney-General. House of Assembly Debates, 28 January 1966, cols. 244-5. But this statement is contradicted by Press reports.

^{97/} Mrs. Heymann, meanwhile, brought a habeas corpus application and, on 13 September, the Court awarded her costs against the officer commanding the Security Police in Pretoria and censured the police. The Court, however, has no jurisdiction on detentions under the 180-day clause.

further the aims of the African National Congress. He was sentenced to eight days' imprisonment on 8 November 1965 and to twelve months on 15 November as he refused to take the oath or affirm unless he was allowed to take legal advice concerning his obligation to answer questions and the consequences of answering or refusing to answer. Subsequently, while in prison, he was charged with membership in and participation in the activities of the Communist Party and sentenced on 6 May 1966 to five years' imprisonment.

127. Mrs. Violet Weinberg, a leader of the South African Federation of Women, was detained on 8 November 1965. (Her husband, Eli, and her daughter, Sheila, were then in prison). After detention for over six months, she was charged on 18 May 1966 with assisting Mr. Abram Fischer while he was in hiding. She alleged that a statement had been extracted from her by the police by unlawful methods.^{98/}

128. Mrs. Lesley Schermbrucker, a mother of two children, was detained on 18 November 1965. (Her husband was serving a sentence of three years' imprisonment. She had annoyed the police by applying to the Court in August 1964 to restrain the police from unlawful and cruel methods of interrogation of her husband: the application was rejected by the Supreme Court in October 1964 and the Appeal Court in September 1965). In January 1966, she was brought as a State witness in the trial of Mr. Abram Fischer and was sentenced to 300 days' imprisonment for twice refusing to give evidence.

129. Mr. Zolly Malindi was detained on 8 December 1965 and released in May 1966, but was immediately re-arrested on a charge of membership in the African National Congress though he had been acquitted on this charge in 1964. He was again acquitted on 5 July 1966. He had in all, spent more than two years in prison without being convicted on any charge.^{99/}

130. Mr. Alexander La Guma, a prominent writer and lecturer and a member of the national executive of the Coloured People's Congress, was detained on

^{98/} See also paragraph 160.

^{99/} Mr. Malindi, a taxi-driver and leader of the African National Congress in the Cape, was detained without trial for four months in 1960. In 1961, he was banned from attending meetings. In February 1963, he was served with stringent banning orders. In 1963, he was detained under the "90-day law" for five months and then charged with membership in the A.N.C. He was held without bail until 16 June 1964 when he was acquitted.

27 January 1966. He had already faced constant persecution for a decade. ^{100/}

Mr. La Guma left South Africa on an exit permit in September 1966.

131. Mr. Albert Louis Sachs, a Cape Town barrister and former deputy chairman of the Defence and Aid Fund in Cape Town, was detained under this law on 27 January 1966 after continuous persecution by the Government. ^{101/} He was allowed to leave South Africa on an exit permit in August 1966.

132. Mr. Bernard Huna was detained in March 1966 after he was acquitted, on appeal, of a six-year sentence on the charge of membership in the African National Congress. After three months in detention, he was again charged under the Suppression of Communism Act and remanded without bail.

133. The purpose and manner of operation of the "180-day law" may be understood from the following extracts from the diary by Mrs. Caroline de Crespigny, who was detained in solitary confinement under the 180-day clause for 144 days. ^{102/}

"December 21: ... I have been interrogated continuously since lunchtime yesterday. And now it is morning and no one has used the truncheon that the Lieutenant brought in and placed against the cell wall in the middle of the night... The Captain's police team conducts all the political interrogations in the country. They 'interrogated' Looksmart Solwandle, who was 'found hanged' in his cell and Babla Saloojee who 'fell to his death' from a seventh-floor window in security police headquarters in Johannesburg. The Lieutenant mentioned Saloojee to the Captain last night. He said 'uit die venster' (Afrikaans for 'out of the window') and they both laughed. I am afraid of them.

^{100/} Mr. La Guma had been accused in the treason trial in 1956 and acquitted after several years; detained during the State of Emergency in 1960 and again for twelve days in May 1961; served with banning orders in July 1961 and placed under 24-hour house arrest in December 1962; arrested in October 1963 and detained for a long period under the "90-day law"; sentenced on the charge of possession of banned publications in 1964 and had the sentence suspended on appeal; and taken to the court again on a similar charge in 1965 and found not guilty.

^{101/} Mr. Sachs was banned in 1955 and 1963. He had spent one of the longest terms in detention without trial under the "90-day law" - a total of 168 days from 1 October 1963 to 16 March 1964.

^{102/} Mrs. Crespigny, a British subject who had lived in South Africa for eleven years, was arrested on 8 December 1965, when she was writing a novel on detentions without trial under the "90-day law". Released on 30 April 1966, she was re-arrested immediately and charged with membership of an illegal organization. The charges were withdrawn on 23 May 1966 on condition that she left the country immediately: she left for the United Kingdom on the next day.

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"To all the questions so far I have replied: 'I have nothing to say'. They have 384 recordings of conversations in my house in Cape Town. Personal and political discussions with friends - nothing they could use in a court case. But a basis for interrogation.

"There are eight of them. They work in shifts. Two of them seem to have special roles to play. The Lieutenant is the 'bully' who shouts and swears at me. The other lieutenant (the quiet one) tells me he wants to be my friend.

"Lunchtime. The Lieutenant comes in alone. He looks at the truncheon, says that as I 'won't talk' they are now going to use 'other methods' of interrogation. Exit. Replaced by the quiet one, who tells me he is afraid of what they are going to do to me. I say to him: 'You are playing the part of the sympathizer - the one who tries to soften me up'. I find it an effort to say this. Intellectually, I know it's true. But emotionally? No. And when he says 'If you take up that attitude, there is nothing I can do to help you', I begin to cry.

"Mid-afternoon. They have told me C. has made a statement. I don't believe them. I say: 'Well, show it to me'. They do.

"December 22: ... Lunchtime. I have signed the statement written by the Captain. It is in such bad English that I console myself by thinking that I can always prove I didn't write it. The Captain says: 'Well, you've confirmed the things we've told you. But you've told us nothing. Now you're going to start.' He goes out. The Lieutenant comes in. He picks up the truncheon. He pulls a chair round until it is almost touching mine. He sits down. I can smell his sweat. He starts tapping on the floor with the truncheon. 'Talk,' he says. 'But there's nothing I can say.' He goes on tapping. I sit with my hands clasped in my lap to stop them shaking. I look down at my feet. They are filthy. I have been sitting for so long on this hard chair in this cramped position, jammed between the table and the wall, that my ankles are swollen and my calves are veined and mottled. The Lieutenant rises, puts down the truncheon. He starts swinging at the wall with his fists. I tell myself: 'Wait till he hits you. See how you can manage. Take it minute by minute.' 'Start talking,' he says. I repeat: 'But there's nothing I can say.' He goes out. I wait for him to come back. After a few minutes the Captain comes in. He says: 'We're taking you back to the prison now. We'll be fetching you again in a few days.'

"(On Christmas Eve, I saw the British Consul and described the interrogation to him. I believe this to be the only reason why I was never questioned in the same way again - and why when, later, in Cape Town, I refused to answer questions, no pressure was put on me to do so)...

"January 15: They have charged Fred Carneson. He was 'detained as a witness' on the same day I was. He has never been called to give evidence - they can never have intended to call him. They must have forced him to make a statement incriminating himself - and then charged him. Now they tell me

I am detained to give evidence in his case. So, presumably, for the past six weeks I have been 'detained as a witness' in connection with a case which didn't exist. More like Kafka every day. I tell the Major from the Cape Town security police that in no circumstances will I give evidence. He says: 'Well, first you'll get a year for refusing to testify. Then we'll charge you with furthering the aims of communism - you can get five years for that. And while you're serving your sentence we'll bring you to court to give evidence in other cases. Each time you refuse, you'll get another year.' He concludes: 'So you'll be inside for about 11 years.'...

"April 30: The other lieutenant tells me that the case against Fred has closed. 'As you have persistently refused to give evidence, we are charging you.' (Under the Suppression of Communism Act and with contempt of court for having published an article criticizing the verdicts in certain political trials)..." 103/

134. Mrs. de Crespigny added:

"When the South African Minister of Justice, Mr. Vorster, introduced the 180-day clause, he stated that it would only be invoked to hold potential state witnesses. Events could not have demonstrated more clearly the blatant falsity of this assertion. The actual purposes of the clause have now been conclusively shown.

"First, it has given the security police unchecked opportunity to obtain information through brutal and illegal techniques of interrogation. Secondly, it has been used to coerce detainees into giving state evidence by means of psychological pressure exerted through solitary confinement and threats of prolonged imprisonment. (In 1964 the Criminal Procedure Act was amended to extend the penalty for refusing to give evidence from eight days to one year. Mr. Vorster has now declared his intention of extending this penalty, through legislation, to five years). Thirdly, information obtained by interrogation has been used to lay charges against detainees who are never brought to court as witnesses at all. This happened to Fred Carneson, to me and to two Africans, Zollie Malindi and Bernard Huma.

"Fred Carneson was recently sentenced to five years and nine months imprisonment. (His case raises another issue. Four years of his sentence resulted from his making admissions of guilt on certain sections of the charges. He made these admissions to prevent 180-day detainees, including myself, being called as witnesses - because he knew that we could be sentenced for refusing to give evidence against him. We owe our liberty to him, and not to the South African Government. The position has now been reached where South Africans accused in political cases will plead guilty on counts on which they might well be acquitted, in order to save their friends from imprisonment for refusing, on principle, to testify)..."

103/ Caroline de Crespigny, "Prisoner of Verwoerd", in New Statesman, and Nation, London, 8 July 1966.

"Zollie Malindi and Bernard Huna, detained for nearly five months, brutally interrogated and never called as witnesses, are now awaiting trial in Cape Town. They have been refused bail and both face long terms of imprisonment if they are convicted. This is what it means to be 'detained as a witness' in South Africa today." 104/

135. Significantly, the Government has been able to obtain very few willing State witnesses despite the ruthless use of the "180-day law".

C. Political trials

136. Numerous opponents of apartheid have been brought to trial and given harsh sentences during the past year under the arbitrary repressive legislation.^{105/}

137. These trials have involved an increasing violation of elementary principles of justice, because of the nature of recent legislation reviewed in the Special Committee's reports and the unconcern of the Government even with the formalities of judicial process.

138. One of the most disturbing features in the past year is the retrial and resentencing of persons who had completed terms of imprisonment for political offences. Early in 1966, the Government began retrials of 161 Africans from townships in Port Elizabeth who had been serving sentences of, on the average, two and a half years' imprisonment since 1963-64 mainly on charges of membership of the banned African National Congress. They were put up for trial again on charges arising essentially from the same acts, in remote towns where legal assistance is difficult, and given long sentences.

139. These trials were described in a statement before the Special Committee by Miss Mary Benson, a writer who had visited the area and investigated the situation:^{106/} She said:

"In the Eastern Cape important American and British automobile and other factories flourish. You may recall that this was long the scene of the most militant African action. Now the Security Police are intent on purging the area, particularly Port Elizabeth's African township, of the last drop of political consciousness. But the purge goes further; it is aimed at the very heart of this society, at the qualities of independence, self-respect, and mutual trust, without which human beings become corruptible.

"During the past two and a half years, about 1,000 men and women have been arrested there, and in innumerable trials most have been charged with membership of the unlawful African National Congress (ANC) or, in fewer cases, of the Pan-Africanist Congress (PAC). None of these cases is concerned with acts of violence, which would go before the Supreme Court, but increasingly the State produces evidence of talk of violence.

^{105/} Brief particular concerning the trials concluded during this period are given in the Annex.

^{106/} See also The Purge of the Eastern Cape, pamphlet published by Christian Action, London, in 1966; and "Continued repression in South Africa" in the Bulletin of the International Commission of Jurists, Geneva, September 1966.

"The local Press had barely reported those trials, and I was the first overseas correspondent to do so. Virtually all the trials are held in camera in villages remote from Port Elizabeth, on the grounds that State witnesses fear intimidation or reprisals, with resulting difficulty in finding defence counsel and in the Press being able to attend, so that a dreadful pall of anonymity settles over them.

"Before the trials, the accused are held for between five to nineteen months in prison. If they crack under interrogation, which may include assaults and mental torture, and agree to give the necessary evidence, they become State witnesses. This is how many informers are made, henceforth to corrupt society. Those who somehow hold out become the accused.

"The Johannesburg Star has spoken of 'the practice of arresting in haste and collecting evidence at leisure'. Frequently the charges relate to actions allegedly committed in 1961 and 1962, making it almost impossible to prove an alibi; yet State witnesses unable to recollect recent events can give precise 'evidence' about 1961 which, however nonsensical, they often recite with an air of pride. Clearly they are schooled by the Security Police, and by no means subtly schooled. I found one State witness had already given evidence against sixty people, another learnt his evidence off by heart, one had the history of a man in the pay of the police, and so on. They would vehemently deny torture or pressure of any kind. They had come to court to tell 'the truth' and - in a startlingly repetitive manner - they would volunteer: 'I was not forced to make a statement.' Increasingly their corroboration of small details of what happened in 1961 or 1962 stretched one's credulity. It was like hearing parrots come to court. In several instances, the defence elicited the fact that State witnesses during a trial had slept - sometimes two or three together at a time - in a room with an African security sergeant, but they insisted nothing concerning the case was ever discussed.

"But where injustice is most apparent, though blessed by the law, is in the framing of the charges, for these have been broken down under multiple counts: membership of an unlawful organization, furthering its aims, collecting funds for it, attending meetings, allowing premises to be used for its meetings, distributing leaflets; the maximum sentence on each count being three years with, in some cases, each meeting, each leaflet, treated as a separate count. The severity of sentences can be imagined: whereas in Johannesburg, whites who were admitted rank-and-file members of the Communist Party, and who collected subscriptions, distributed leaflets, painted slogans and attended more than twenty cell meetings were sentenced to two years, in the Eastern Cape, ANC and PAC members have been sentenced to up to ten years for a lesser series of activities.

"The charges are framed under the Suppression of Communism Act which, as you know, covers any particularly effective and active opponent of the Government and has been used far more widely against African nationalists and white liberals than against the small group of Marxists...

"One man, an African trade unionist aged about sixty, after being imprisoned in four different gaols for a total of nineteen months, was released in December 1964 without any charge being laid. In January 1965, he wrote to the Minister of Justice claiming damages for loss of health and wages. He was then re-arrested, and charged with ANC membership and other counts emerging from a meeting in November 1962. He was found guilty and sentenced to eight years. On appeal his sentence was reduced, I believe, by three years.

"I attended several days of the trial of a nursing sister, a middle-aged woman, who had been held in prison - apart from a brief couple of weeks, when bail was allowed, for sixteen months, awaiting trial. When defence counsel questioned the Security Police sergeant in charge of her case about this period, he replied it was 'perhaps not too long'. He added: 'There were others who were more important who had waited longer.' Yet bail had been withdrawn from her fifteen months before and the State Prosecutor had given as a reason that she was the 'most dangerous' of the sixty-one prisoners awaiting trial before the court at the time. Fifteen months in prison, a 'most dangerous' woman, and when it came to her trial, the Prosecutor declared her case centred on the 'disposal of a motor van'. It was alleged that her man had been given the van by the ANC, and, after his arrest she had taken over its sale. She denied the charges. State witnesses said she told them the sale was to raise money for the ANC, and would be used - according to one or another of them - for ammunition, explosives, fire-arms, petrol bombs, machine-guns, rifles and revolvers. For long days, sister Mpendu was made to sit on a backless bench while the case toiled on. The court, sitting in a small courtroom under a hairdressing salon, next to a railway siding in a rich orange-growing area, was constantly adjourned because of the din of shunting trains. Eventually the magistrate, describing her as an evasive, hesitant witness, found her guilty on four counts: ANC membership, raising funds, having an ANC meeting in her house, and stamping a receipt with an ANC sign. Allowing for the eighteen months she had by this time been in custody, he sentenced her to a further two and a half years; in all then four years.

"In some PAC cases, though State witnesses alleged the accused were planning to massacre whites and take over villages, no evidence of actual violence was led. Indeed the sentences were only one to three years.

"You may remember that Govan Mbeki was among the accused in the Rivonia trial. While I was in South Africa he was brought, on four or five occasions, from Robben Island prison, to give evidence for the defence in these Eastern Cape trials. And on all but the first occasion, the Press was promptly turned out of the courts!

"And to break again from the prepared statement, I would like to tell you about another man who was brought from Robben Island to give evidence for the defence in one of these cases. His name was Terence Mkwabi. He was an African labourer from Port Elizabeth and he was serving a sentence of,

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I think, two and a half years. When he came to give evidence, the Prosecutor warned him that by giving this evidence for the defence he might well lay himself open to further prosecution and prolonged imprisonment. 'Yes, I know', Mkwabi said. 'Why then', asked the Prosecutor, 'are you giving this evidence?' and Mkwabi, who was speaking in Xhosa, replied 'Andisoyiki'; and the interpreter interpreted, 'Because I am no longer afraid.'

"Men already fined or imprisoned for an offence are being recharged, years later, for the same offence. Thus the employees of a bus company in Port Elizabeth were fined £7.10s each in 1961 for having gone on strike. Now, three and a half years later, about twenty-two of them have been re-arrested and it has then been alleged that the strike was organized by the ANC and, after more than a year awaiting trial in prison, they have now been sentenced to four or four and a half years' imprisonment.

"Some found not guilty have been promptly re-arrested. And now a refinement has been thought up by the State: instead of releasing those who are completing their sentences, it is charging them again with violations of the same law. So far, 160 or more have been named for this repeated incarceration. Imagine the feelings of the prisoner and of his or her family - just as they are preparing to be together again. The first man, Dixon Fuyani, after serving two years, was sentenced to seven more. The second, Benson Mximba, who was in the Treason Trial, after serving two and a half years, has now been sentenced to four and a half more. He was the first accused, by the way, to suffer from going undefended after the Defence and Aid Fund had been outlawed." 107/

140. As indicated by Miss Benson, a notable feature of these trials is the character of State witnesses, mostly persons who had been intimidated by detention, manhandling and threats of persecution to give evidence for the State. The arbitrary powers of the Government to detain persons and hold them in solitary confinement, without access to lawyers or the courts, in addition to its powers of banning and house arrest, have thus gravely impaired the judicial process. 108/

141. In this connexion, reference may be made to the section 27 of the General Law Amendment Act of 1964 which increased the penalty for refusal to give evidence

107/ Document A/AC.115/L.176.

108/ Evidence of State witnesses has, on a number of occasions, been rejected by courts when the accused were able to obtain able counsel. The Court in Wolmaransstad, in the case against Mr. Dawood Cajee for instance, on 8 September 1966, granted the defence application that the evidence of the two State witnesses was "utterly unreliable". One of them had admitted that he had lied to the police for fear of being detained.

from eight days' imprisonment to one year's imprisonment: the sentence may be repeated for any further refusal. Heavy sentences have been imposed under this Act on persons who refused to give evidence for the State in political trials against their colleagues.

142. Mr. Isaac Heymann and Mr. Phillip Sello were sentenced first to eight days' imprisonment and then to twelve months' imprisonment in November 1965 for refusing to give evidence for the State at the trial of four Africans charged with obtaining military training abroad to further the aims of the banned African National Congress. Mrs. Leslie Schermbrucker was sentenced to 300 days' imprisonment on 28 January 1966, for refusing to give evidence in the trial of Mr. Abram Fischer. Mrs. Violet Weinberg was sentenced to three months' imprisonment on 18 May 1966 for refusing to give evidence in the trial of Messrs. Isaac Heymann and Michael Dingake.^{109/}

143. The Minister of Justice, Mr. Vorster, threatened in January 1966 to raise the penalty for refusing to give evidence to five years' imprisonment if the existing maximum of one year did not have the desired result.^{110/}

144. Another notable feature of the recent trials - especially the trials of Mr. Abram Fischer, Q.C. and Mr. Fred Carneson - was the unsuccessful attempt by the prosecution to insinuate that the illegal South African Communist Party had directed the African National Congress and the underground Umkonto We Sizwe (Spear

^{109/} Mr. Justice Viljoen said he had intended to sentence her to nine months but had taken into account the fact that she had already spent six months in gaol under the "180-day clause".

^{110/} The Observer, London, 30 January 1966.

of the Nation).^{111/} It seemed to have hoped by this means to discredit the liberation movement, particularly in the eyes of some sections of the public in South Africa and abroad.

145. In the Fischer trial, the prosecution also made unsubstantiated allegations that humanitarian and liberal organizations such as the Defence and Aid Fund, the Christian Institute and the South African Institute of Race Relations had been used as channels for funds to banned political organizations. Mr. Fischer denied the allegations which he described as an effort "to smear innocent persons... whose only sin is their unpopularity with the present Government."^{112/}

^{111/} For this purpose it relied on a State witness, Mr. Bartholomew Hlapane, alleged to have been a member of the Central Committee of the Communist Party. (Mr. Hlapane stated that he had attended meetings of the Central Committee of the Communist Party between 1962 and 1964. He had been detained without trial for 172 days in 1963. He was again detained under the "180-day law" in March 1966 and released shortly before the Carneson trial.) He alleged that the Communist Party had issued instructions to the National Command of the Umkonto We Sizwe.

His evidence was not corroborated and was contradicted by that of another State witness, Mr. Petrus Beyleveld, allegedly also a former member of the Central Committee of the Communist Party. Mr. Beyleveld testified that the Central Committee had never issued instructions to Umkonto and was only concerned with preventing the possibility of the latter becoming a terrorist organization.

In the Carneson case, the Court ignored the Hlapane testimony by finding him not guilty of membership in the Central Committee of the Communist Party and of planning and advising acts of violence. The judge in the Fischer case, however, accepted the Hlapane testimony.

^{112/} Cape Times, 3 February 1966.

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D. Ill-treatment of prisoners^{113/}

146. In its report of 10 August 1965, the Special Committee noted with grave concern the massive evidence of ill-treatment and torture of political prisoners and persons in police custody and recommended an impartial international investigation of the situation.^{114/}

147. Earlier, in June-July 1965 the Rand Daily Mail and the Sunday Times of Johannesburg had published a series of articles on the ill-treatment of prisoners by Mr. Robert Harold Strachan, an art teacher who had just been released after imprisonment on political charges. His testimony was corroborated by interviews with ex-warders in prisons, also published by the two papers.

148. These revelations led to demands for a full-scale public investigation of prison conditions. On 30 July 1965, Sir De Villiers Graaff, leader of the United Party, demanded the appointment of a judicial commission to investigate "horrifying allegations" about conditions in some prisons.^{115/} The Minister of Justice rejected such an investigation and said that he was awaiting a departmental report and invited any member of Parliament to visit the gaols.^{116/}

149. On 7 February 1966, in the House of Assembly, Mrs. H. Suzman, appealed to the Government for a full-scale commission of inquiry into South Africa's entire prison system and a review of penal reform. She said:

"The two gaols I visited were unbelievably overcrowded. The cells accommodated nearly double the number of prisoners they were meant to accommodate. The sanitary arrangements were nothing short of mediaeval, and as for normal hygiene the facilities are simply not there, nor are there any facilities for recreation in the two non-White gaols I visited, and there are no facilities for the long-term prisoners." ^{117/}

150. The Minister of Justice, however, again rejected an investigation.

151. Meanwhile, instead of attempting to improve the conditions, the Government proceeded to take action against those who had publicized the conditions in prisons.

^{113/} See also Prison Conditions in South Africa (Amnesty International, London), 1966.

^{114/} A/5957-S/6605, paras. 172-173 and ibid., annex, paras. 167-72.

^{115/} Cape Times, 31 July 1965.

^{116/} Ibid., 2 August 1965.

^{117/} House of Assembly Debates, 7 February 1966, Cols. 967-8.

It seized the passports of Mr. Lawrence Gandar, the editor of the Rand Daily Mail, and Mr. Benjamin Pogrand, a staff writer.^{118/} It charged Mr. Strachan and the

ex-warders who had exposed the prison conditions with perjury and violation of the Prisons Act, which makes it an offence to publish false information about conditions in South African prisons and places the onus of proof on the accused. Convictions were secured on the strength of evidence largely by prison officials.

152. Significantly, however, Mr. Dennis T. Goldberg, one of the accused in the Rivonia trial who is serving a life sentence, said on 5 November 1965, under cross-examination by the State, that after the publication of the articles in the Rand Daily Mail, conditions in his prison had improved. The improvements included more recreational facilities, better and cleaner eating utensils, less harshness in the attitude of the authorities and more time for recreation at week-ends.^{119/}

153. Any hopes aroused by these trials that the prison conditions might be made to conform to the regulations as a result of the courageous actions of Mr. Strachan and others were soon dissipated by reports of treatment of persons detained without charges or trial under the "180-day law".

154. The experiences of Mrs. de Crespigny have been noted earlier.^{120/} Several other cases of ill-treatment have recently come to light.

155. Mr. Bernard Louis Gosschalk, a Cape Town architect and father of four young children, was detained on 27 January 1966 under the "180-day law". After a visit to the prison, Mrs. Gosschalk brought an urgent application before the Cape Supreme Court on 2 February, on behalf of her husband, to restrain the Special Branch from "wrongful and unlawful" interrogation of her husband. Mrs. Gosschalk stated in an affidavit:

"I aver that since some time on Monday 31 January 1966, the applicant has been subjected to interrogation by various members of the South African Police, and that such interrogation has taken the form of continuous questioning by a team of interrogators for lengthy periods at a stretch and has continued uninterrupted round the clock, during day and night, without affording him the opportunity of sleeping.

^{118/} Cape Times, 23 August 1965.

^{119/} Ibid., 6 November 1965.

^{120/} See paras. 44-45.

"In this connexion I state that pursuant to a request by me I was permitted to see the applicant this morning... When I saw the applicant I observed the following:

"He was dirty and unshaven and was wearing the same clothes as he had been wearing early on Thursday when he was arrested. The clothing was dishevelled and soiled. He looked fatigued and exhausted. He smelt dirty and insanitary. In appearance he looked bewildered, did not know what day of the week it was.

"When he saw me the applicant broke down and began sobbing; this is something I have not seen in the eleven years that I have been married. When he had managed to compose himself the applicant informed me that he had been incessantly interrogated ever since he had got to the police station...

"He indicated that he had not slept since he had been there because of interrogation. He indicated that the interrogation had taken place in a small sound-proof room and that he had not been permitted to leave this room, even to relieve himself.

"He indicated that while he had been in a cell, there had been no sanitary conveniences provided for him. He had been told that if he wanted to relieve himself he should bang on the door of his cell to attract attention.

"He added that he had banged repeatedly but, in spite of this, no one had come to see what he wanted and that he had accordingly not been able to have access to sanitary convenience. He was so distressed by this that he refused to accept fruit that I had brought for him on the grounds that this would make his stomach work and he feared that there would be no proper sanitary outlet for him.

"He said that he had not been permitted to wash at all since he had been at Caledon Square and refused a change of clothing I offered him, stating that there was no point in changing into fresh clothing in a filthy state.

"With regard to the interrogation, he indicated that he was being interrogated by a number of people and that they were not leaving him alone. He indicated that the same question was being put to him repeatedly even though he had given a negative answer thereto on a number of occasions.

"The inference was irresistible that the applicant had been interrogated day and night without interruption by a team of interrogators.

"When I asked him whether or not he had exercise he said he had not been given any opportunity to have exercise since his detention.

"I respectfully submit that from the above it was quite clear that the Security Police are endeavouring to obtain information from the applicant, in order to do so are depriving him of facilities to which he is entitled in terms of the regulations governing his detention and also by preventing him from sleeping.

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"I am apprehensive that it is the intention of the Security Police to continue interrogations and to employ wrongful and unlawful methods of persuasion.

"I have been advised that the detention of witnesses under a warrant issued by the Attorney General... is for the purpose of ensuring their attendance as State witnesses in criminal proceedings against other persons, and... does not authorize the interrogation of detainees and more particularly does not authorize the police to question detainees around the clock, preventing them from sleeping in order to induce them to speak.

"I respectfully submit that this constitutes a wrongful invasion of the applicant's rights and is not authorized...

"I am advised that if this application proceeded in the normal way and the notice of motion was served on the respondent, it would not be possible to stop any further questioning which might be proceeding today and tonight.

"I respectfully submit that on the balance of convenience and as a matter of urgency the applicant is entitled to an urgent ex parte relief by way of a temporary interdict calling upon the respondent to show cause on a date fixed by this honourable court why he should not be immediately restrained, pending the return day in terms of the notice of motion.

"The applicant has not the legal right to communicate with me or with his legal advisers and should the Security Police resume their wrongful and unlawful methods of interrogation, it will not be possible for him to obtain any relief." 121/

156. Mr. Justice Van Zyl issued an order calling on the head of the Security Branch in the Western Cape, Major D.J. Rossouw, to show cause why he should not be "restrained from exerting any unlawful pressures on Bernard Gosschalk in the attempts to influence him to answer questions or make a statement". The case had to be twice adjourned as the application by counsel for Mrs. Gosschalk to be permitted to see Mr. Gosschalk was refused by the Attorney-General.

157. On 16 February, Mrs. Gosschalk filed an affidavit submitting that Major Rossouw's denials were unacceptable and requesting that the case be tried. She stated:

"... the interrogation and treatment of my husband while under detention, as deposed to me, was part of a system and technique of unlawful interrogation

and treatment which has been and is being applied by a specially deputed team of interrogators from the Transvaal, headed by Captain Theunis Jacobus Swanepoel, to a number of persons who have recently been detained in terms of section 215 bis of Act 56 of 1955, as amended.

"I submit that this system and technique is characterized by the following illegal practices:

(a) The interrogation of detainees under the section without their consent and against their will, and this with such persistence and for such lengthy periods as to bring them to the point of exhaustion.

(b) As a further means of coercion, the withholding of the ordinary privileges to which such detainees are in law entitled.

(c) The abuse of the section to detain persons against whom it is intended to bring criminal charges and the failure to warn in terms of the Judges' Rules detainees who are themselves suspected of having committed offences.

"I also submit that this evidence goes to show that there are strong grounds for apprehending that this unlawful treatment is likely to be further applied to my husband... " 122/

158. Giving judgement on 24 March 1966, Mr. Justice Corbett granted an order that oral evidence be heard on the manner of detention of Mr. Gosschalk, and added that the Security Branch was not entitled to use third degree methods or subject a detainee to any form of assault or cause his health or resistance to be impaired by inadequate food, lack of sleep or the like.

159. Faced with the prospect of a trial, the Government released Mr. Gosschalk on 30 April 1966, but immediately placed him under a twelve-hour house arrest and served him with banning orders which prohibit publication of any statement by him.

160. Mrs. Violet Weinberg, another detainee under the "180-day law", told the Pretoria Supreme Court on 18 May 1966 that she had made a statement to the police only after relays of security men had questioned her continuously for three days. According to a bulletin of the World Campaign for the Release of South African Political Prisoners, London:

"Mrs. Weinberg described her nightmare seventy hours of third degree interrogation by a team of six Security Branch men who had worked on her in relays. When she refused to talk, they were insistent that she should

do so and ordered her to remain standing. During the interrogation which lasted from the Monday to the Thursday night without interruption, she had sometimes sat on the floor and sometimes on the radiator for short intervals. She was allowed to leave the interrogation room only to go to the toilet, when she was accompanied by a policewoman who went with her into the toilet.

"She had not been allowed to sleep and when she had shown signs of dropping off, they banged on the table until she wakened. On one occasion, when sleep had overcome her, they had wakened her, filled a glass with water and told her if she slept again they would 'douse' her with it. They kept saying, 'You are going to land in Weskoppies Mental Asylum', and repeating, 'we will crack you'.

"She was further threatened by three things. Firstly, that the '90-day law' would be reintroduced and every one of the people with whom she had been in contact would be detained. Secondly, that her son, Mark, who is completely deaf, would be detained, and thirdly, that her daughter, Sheila, on bail awaiting her appeal in a slogan painting case, would have her bail withdrawn.

"By the Wednesday of her interrogation her legs were grossly swollen. 'My ankles', she said, 'were literally hanging over my shoes and my eyes were swollen until they were mere slits.'" 123/

161. Mr. Fred Carneson, another detainee under this law who was subsequently charged and sentenced, told the Cape Town Criminal Sessions on 25 May 1966:

"While held incommunicado in the custody of the Security Police, I was on three different occasions subjected to well-practised, expertly applied methods of refined physical and psychological torture. On Wednesday 8 December 1965, I was taken into detention under the '180-day clause'. My interrogation began a few hours after my detention. I was kept awake all Wednesday night. On Thursday I was flown to Pretoria and on arrival there immediately subjected to further interrogation, which continued until the early hours of Saturday morning. I was deliberately kept awake during this whole period and frequently made to stand for long periods."

123/ Mrs. Weinberg is one of those whose family life had been destroyed because of political persecution. Her husband, Mr. Eli Weinberg, is serving a long prison sentence on charges under the Suppression of Communism Act. Her daughter, Miss Sheila Weinberg, a student, was the youngest woman to be detailed under the "90-day law" in 1964. Subsequently, she was sentenced to six months in prison, for painting the letters "A.N.C." on a bridge. She was released in July 1966. Her son, Mark was found dead in their flat in September 1966. Mrs. Weinberg herself refused to repeat the statement she made to the police as evidence in court and was sentenced in May 1966 to three months' imprisonment. She appealed but, while on bail pending the hearing, she (Mrs. Schermbrucker) was arrested and charged with helping Mr. Abram Fischer, Q.C. when he was in hiding. In August, they were each sentenced to two years' imprisonment on this charge. Their counsel said that the two women had not been members of the Communist Party and that because of the unique personality of Mr. Fischer, people with liberal views tended to follow him.

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During one of the interrogations he said, he was made to stand for most of the time. "I collapsed and water was thrown over me. I collapsed again on two further occasions."^{124/}

162. The Government has been anxious to avoid trials on charges by prisoners of ill-treatment by the Security Branch. The Gosschalk case has been referred to above.^{125/}

163. Another case was initiated by Miss Stephanie Kemp, a twenty-five year-old physiotherapist, who sued the Minister of Justice and a Security Branch detective, for 2,000 Rand (\$2,800) for assault during detention in July 1964.^{126/}

164. She alleged that she had been subjected to excessively prolonged interrogation, denied food for an unreasonable length of time and kept standing for several hours. Moreover, the detective had struck her blows on the face with his hands, grabbed her hair and pulled her to the ground, and banged her head repeatedly on the floor, thereby rendering her semi-conscious.

"As a result, Miss Kemp suffered shock, injuries, exhaustion, hunger and bodily injuries, more particularly bruising of the face and head, hair pulled out of her head, extreme tenderness of the bridge of the nose and stiffness of the neck and body."^{127/}

165. Before the case came up for hearing in the Cape Supreme Court, the State settled her claims by agreeing to pay 1,000 Rand (\$1,400) and all court costs "without admitting the liability, and to put an end to the litigation".^{128/}

166. The State also settled out of court the claims of Mr. Alan Keith Brooks who filed a suit for damages against the Minister of Justice for alleged assault during detention in 1964. He was released from prison on 21 June 1966 on condition that he left the country within three days.

^{124/} Cape Times, 26 May 1966.

^{125/} See paragraph 70.

^{126/} She was subsequently convicted of membership in an unlawful organization, the African Resistance Movement, and served a year in prison.

^{127/} The defendants denied the allegations, but admitted that the detective had "lawfully inflicted a single blow in the face to pacify her as she had become hysterical during interrogation". They admitted bruising the left eye as a result of the blow.

^{128/} Miss Kemp left South Africa on 31 August to marry Mr. Albie Sachs, a banned advocate, who had left earlier on an "exit permit".

167. The case of Mr. Zepth Mothopeng, who sued the Minister of Justice for 5,000 Rand, (\$7,000) however, came before the Pretoria Supreme Court for trial in August 1966. Mr. Mothopeng claimed that, during his detention, in October 1963, he had been assaulted by the police and subjected to electric shocks.^{129/} The defence called Mr. Goran Mbeki and Mr. Ahmed Kathrada, both sentenced in the Rivonia trial, as witnesses. The State denied the charges and the case was adjourned pending examination by doctors of the plaintiff's state of mind.

^{129/} Mr. Mothopeng, aged fifty-one, a leader of the Pan-Africanist Congress, was sentenced to two years' imprisonment in 1960. He was again arrested on 6 April 1963. When he was brought to trial on 7 August, the charges were withdrawn, but he was immediately detained under the "90-day law" and interrogated about his alleged connexions with Reverend Blaxall. He alleged that he had been assaulted and given electric shocks on 3 October, and forced to make a statement.

He is now serving a three-year sentence for belonging to the PAC and furthering its aims.

E. Banning orders and house arrests

168. The arbitrary powers of the Minister of Justice to issue banning and house arrest orders have continued to be used widely to silence and harass opponents of apartheid in what Mrs. Helen Suzman, Progressive Party member of Parliament, described as "scandalous abuse of unbridled power of the State to condemn people without trial to a twilight existence in their own country".^{130/}

169. Under the Suppression of Communism Act, the Minister is empowered to issue such orders if he is satisfied that the persons concerned "engage in activities which are furthering or may further the achievement of the objects of communism".^{131/} He is not required to give any particulars and the victim has no recourse to courts. The use of the powers by the Government appears to be based on the assumption that the purpose of the provision is to penalize opposition to apartheid by defining it as the furtherance of "the objects of communism".

170 As of 19 August 1966, banning orders, which had been published in the Government Gazette and the terms of which have not yet expired, restricted approximately 600 persons.^{132/} These include not only members of organizations which have been declared unlawful, but many who have been active in the Liberal Party, the National Union of South African Students, the District Six Defence Committee, the South African Institute of Race Relations, the South African Indian Congress, the Coloured People's Congress and other lawful organizations which have, in one way or another, opposed the Government's racial policies. The functioning

^{130/} The New York Times, 13 May 1966.

^{131/} On 3 August 1966, the Minister of Justice, Mr. Vorster, defined the grounds for banning as even wider than the wide sweep of the law when he told the House of Assembly:

"...you restrict them [people] not necessarily because they have done something in the past, but because their associations, their actions and their utterances are such that they might lead to the achievement of the aims of communism."
House of Assembly Debates, 3 August 1966, col. 95.

^{132/} The Minister of Justice said that, as of 1 July 1966, there were in South Africa 453 persons on whom restrictions had been imposed. House of Assembly Debates, 3 August 1966, col. 95. Many other banned persons are outside the country and a few have died.

of these organizations has been greatly hampered or brought to a standstill because of these bans.^{133/}

171. The banning orders served recently are even more crippling and restrictive than those with which the process began, in that many embody provisions for house arrest.

172. Banning orders have been used to restrain a large number of persons who had completed prison sentences for political offences. Mr. George Edward Peake, a former Cape Town City Councillor, and Mr. Dennis Brutus, Chairman of the South African Non-Racial Olympic Committee, were served with banning and house arrest orders after release from a long period in prison. Many former members of the underground Popp have been banned after release.^{134/} Apart from inflicting additional punishment, these orders prevent publications of anything written or said by former prisoners.

173. Protest against banning has itself been penalized. Mr. C.K. Hill, a lecturer of mathematics at the University of Natal and a Liberal Party member, wrote an open letter to the Minister of Justice in February 1966 criticizing the banning of more than thirty Liberal Party workers for "open, legitimate activities alone" and the

^{133/} Banning orders, once issued, are rarely withdrawn. Recently, however, the Government withdrew or relaxed the banning orders on several Liberals. The orders on two lecturers at Rhodes University, Mr. Terence Beard and Mr. Norman Bromberger, were lifted by the Minister of Justice after discussion with the Minister of Education and the Vice-Chancellor of the University. Cape Times, 25 August 1966.

The Minister of Justice told the House of Assembly on 30 August 1966 that restrictions on forty-five persons had to date been withdrawn and that cases of all banned persons were under review. Cape Times, 31 August 1966.

In September, the banning orders on the following Liberals were reported to have been withdrawn: Mr. Hammington Majija, Mr. Elias Mngadi, Mr. Michael Ndlovu and Mr. Selby Msimang. The banning orders on Mr. Christopher Shabalala and Mr. Enoch Mnguni were partially relaxed. The banning orders on Mr. Thulani Gcabashe (son-in-law of Chief Luthuli), Mr. Prince Faya and Mr. Emah Sibisi were also withdrawn. The Star, weekly, Johannesburg, 17 September 1966.

^{134/} The Minister of Justice, Mr. Vorster, said on 3 August 1966: "Several dozens of these people (banned persons) are Poqos in whose case we deemed it advisable, after they had been released from prison, to keep them under observation for a period of two years and not five, as in the other cases, so that we could keep an eye on them in order to prevent any further acts of violence." House of Assembly Debates, 3 August 1966, col. 95.

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crippling or the constitutional activities of the Party by intimidation.^{135/}

Mr. Hill was himself served on 19 April 1966 with banning orders placing him under twelve-hour house arrest and restricting him to the magisterial district of Durban.^{136/}

174. Many of the recent banning orders, while imposing increasingly stringent restrictions on the victims, prohibit them from writing or transmitting any information. The Government's purpose in including this prohibition seems in part to prevent information reaching the outside world.

175. Mrs. Helen Joseph, the first person placed under house-arrest in South Africa and who has now been thus restricted for four years, was served in February 1966 with extensions to her banning orders. In terms of the extensions, Mrs. Joseph may not prepare, compile, print, publish, disseminate or transmit any publication or drawing. (She was reported to have completed her autobiography just before the extension of the ban and smuggled it to publishers in London). The new orders also prohibit Mrs. Joseph from entering a building in which there is a trade union: she was deprived of her job as welfare officer for the Transvaal clothing workers as her office was in a building which houses a trade union.^{137/}

176. The banning orders served on 15 February 1966 on Miss Mary Benson, a writer and petitioner before the Special Committee, prohibited her from taking any part in preparing or transmitting any publication.

177. In May 1966, Mrs. Winnie Mandela was served with an additional banning order prohibiting her from preparing, compiling, publishing, printing or transmitting any document, book, pamphlet, record, poster, photograph or drawing.^{138/}

178. In July 1966, Miss Gillian Gane, a student at the University of Witwatersrand, was served with a banning order prohibiting her from preparing matter for publication, attending any gatherings, giving educational instruction, taking part in the activities of any body, or entering any educational building or non-White area. She was also required to report weekly at the police station. She could not continue her studies in linguistics because of the prohibitions.^{138a/}

^{135/} Cape Times, 26 February 1966.

^{136/} Rand Daily Mail, Johannesburg, 20 April 1966. Mr. Hill's wife, who was associated with the Defence and Aid Fund, was already banned.

^{137/} Cape Times, 26 February, 1 and 2 March 1966.

^{138/} Rand Daily Mail, Johannesburg, 26 May 1966.

^{138a/} Sunday Express, Johannesburg, 17 July 1966.

179. Mr. Peter Brown, the former chairman of the Liberal Party, who was banned in 1964, was served with a further order, dated 5 April 1966, adding further restrictions prohibiting him from entering Coloured or Asiatic group areas, and from compiling, publishing or transmitting information or comment.^{138b/}

180. The arbitrary banning orders have made the life of the victims so difficult that several have been forced to leave South Africa on exit permits which prohibit their return.^{139/} Mr. and Mrs. Walter Hain, respectively former chairman and secretary of the Pretoria branch of the Liberal Party, left in March 1966. Both of them had been banned and Mr. Hain, an architect, had found it almost impossible to get commissions.^{140/} Miss Ann Tobias, former editor of the liberal fortnightly Contact, left on an exit permit to continue her studies in the United Kingdom: the banning order had prohibited her from entering any educational institution.^{141/}

Mr. Benjamin Turok, former member of the Cape Provincial Council and former secretary of the Congress of Democrats, who had been placed under house arrest immediately after he had completed serving a sentence under the "Sabotage Act", fled from South Africa early in January 1966, his wife left on an exit permit on 25 February 1966.^{142/}

181. Among other banned persons who have left on exit permits, in the past year, were Mr. Peter Hjul, a journalist, former chairman of the Liberal Party and of the Defence and Aid Fund in the Cape Western region; Mr. Barney Zackon, Mr. Hjul's successor as chairman of the Liberal Party in the Cape Western region;

^{138b/} Cape Times, 12 May 1966.

^{139/} In answer to a question by Mrs. H. Suzman, the Minister of the Interior, Mr. P.M.K. Le Roux, said on 5 August 1966 in the House of Assembly that thirty-seven exit permits had been issued in 1965 and twenty-one in the first six months of 1966, as follows:

	<u>1965</u>	<u>1966</u> (first six months)
Whites	21	11
Asiatics	1	3
Coloureds	7	6
Bantu	8	1

House of Assembly Debates, 5 August 1966, col. 264.

^{140/} Cape Times, 15 March 1966.

^{141/} Ibid., 16 March 1966.

^{142/} Ibid., 17 January 1966 and 26 February 1966.

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Mr. Alex La Guma, a writer and journalist; Mr. Dennis Brutus, a poet and President of the South Africa Non-Racial Olympic Committee;^{143/} Mr. Albert Louis Sachs, an advocate and former Deputy Chairman of the South African Defence and Aid Fund;^{144/} and Miss Gillian Elsie Jewell, former lecturer of French at the University of Cape Town.^{145/} Mr. Bernard Gottschalk was reported to have applied for an exit permit. Many others are reported to be unable to leave because of the lack of means.

182. Special mention may be made of a few recent banning orders which show that the net is covering wider segments of the opposition to apartheid.

183. On 14 October 1965, the Government served banning orders on Mr. C.M.C. Ndamse, educator and supporter of "separate development". Educated in South Africa and the United States, he had been a lecturer at Fort Hare College until he was dismissed from this post by the Bantu Education Department for alleged "insubordination". Shortly thereafter, he was appointed by the Transkei Government as lecturer at Jongelizwe College for sons of chiefs and headmen and the Transkei Public Service Commission recommended him for the post of professional assistant in the Transkei Department of Education. He was, however, served with a banning order which, among other things, restricted him to Umtata and prohibited him from entering schools, colleges and universities.^{146/} After representations by the Transkei Government, it was revealed in May 1966 that the South African Government had agreed to change the restriction order so as to allow Mr. Ndamse to take up another post in the Education Department.^{147/}

184. On 18 March 1966, Mr. J.C.M. Mbata, a field officer of the South African Institute of Race Relations and secretary of the Bantu Welfare Trust, was served with a five-year banning order which effectively prevented him from continuing his work. The Minister of Justice, Mr. Vorster, refused the request of a distinguished deputation to relax the terms of the order. The South African Institute of Race Relations issued a statement recording its solemn protest against "a system which

^{143/} See paragraph 83; also A/AC.115/L.181.

^{144/} See paragraph 58.

^{145/} Miss Jewell and her fiancé, Mr. David Jack Tarshish, were both banned. The law forbids banned persons from communicating with each other.

^{146/} The Star, daily, Johannesburg, 16 December 1965.

^{147/} Cape Times, 3 May 1966.

strips a man of his life's purpose, and denies him the right to use the qualifications which it has taken him a lifetime of application to acquire, without laying any charge against him, without informing him of the reasons for his restriction, and without giving him any opportunity to be heard".^{148/}

185. Mr. Ian Robertson, President of the National Union of South African Students (NUSAS), was served with banning orders on 11 May 1966. This was generally seen as a vindictive act because of the decision of NUSAS, under his leadership, to invite United States Senator Robert F. Kennedy to lecture in South Africa. The banning order provoked protests by students throughout the country,^{149/} and by the Chancellor of the University of Cape Town, ex-Chief Justice A. van de Sandt Centlivres, the leaders of all opposition parties and prominent members of the community.^{150/} A protest march was staged by 2,000 students and lecturers at the University of Cape Town on 13 May,^{151/} and later those at Witwatersrand and Natal Universities.^{152/} Many student organizations abroad joined in protests to the Minister of Justice.

186. On 25 May 1966 a deputation from NUSAS presented a memorandum and a 4,000 signature petition to the Minister of Justice calling on him to charge or release Mr. Robertson. In a statement issued after the interview, the NUSAS stated that the Minister did not contest the fact that the activities of NUSAS fell "wholly within the law". He said that Mr. Robertson did not have to be a communist to be banned, and rejected the request that Mr. Robertson be given an opportunity of defending himself in a court of law and of refuting whatever allegations had been made against him.^{153/}

187. The matter was raised in Parliament on 2 August 1966 when the leader of the Opposition, Sir De Villiers Graaff, demanded that Mr. Robertson be brought to trial if he was guilty of any offence.^{154/} Mr. Vorster replied by asking

^{148/} Ibid., The restrictions on Mr. Mbata were partially relaxed in September 1966 and he applied for a passport to accept a position in Zambia. The Star, weekly, Johannesburg, 24 September 1966.

^{149/} Cape Times, 12 May 1966.

^{150/} Ibid., 13 May 1966.

^{151/} Ibid., 14 May 1966.

^{152/} Ibid., 25 May and 2 June 1966.

^{153/} Ibid., 26 May 1966.

^{154/} House of Assembly Debates, 2 August 1966, col. 28.

Sir De Villiers if he knew what Mr. Robertson had done in Swaziland and Basutoland, with what overseas organizations he had sought liaison, and that "he served on the committee of a communist front organization, Defence and Aid".^{155/} Describing the Minister's reply as "one of the flimsiest and most fatuous" she had ever listened to, Mrs. H. Suzman told the House of Assembly that Mr. Robertson had paid two "entirely innocent" visits to Basutoland and that he had never been to Swaziland. Mr. Robertson had acted as the liaison, ex officio, for NUSAS on Defence and Aid Fund, when it was a legal body. Mrs. Suzman added that the Minister had "run out of communists" and was "using his extensive powers to intimidate citizens who have no connexion whatsoever with communism".^{156/}

188. The harassment of banned persons for petty and innocent infringements of banning orders continues. The Minister of Justice, Mr. Vorster, told the House of Assembly on 8 February 1966 that twenty-two persons had been sentenced to imprisonment for failure to report at police stations in terms of their banning orders. In twenty cases the sentence had been suspended in whole or in part. The sentences had ranged from four days' imprisonment to two years' imprisonment.^{157/}

189. One of those sentenced recently for infringement of banning orders was Dr. G.M. Naicker, President of the South African Indian Congress, who was sentenced to fourteen months' imprisonment for entertaining Mr. and Mrs. Alan Paton to dinner and for failing to notify the police of the change of address early this year. (He had been evicted from the house he had occupied for thirty years because the area had been proclaimed White.) All but four days of the sentence were suspended.^{158/}

^{155/} House of Assembly Debates, 3 August 1966, cols. 97, 98.

^{156/} Ibid., cols. 145-8. On 4 August, Mr. Vorster told the Press that he had intended to say Bechuanaland and not Swaziland. Later the same day Mr. Robertson's father said that his son had never been to Bechuanaland. Cape Times, 5 August 1966.

Mr. Robertson has since left for the United Kingdom for further studies, under a bursary offered to him by the British National Union of Students.

^{157/} House of Assembly Debates, 8 February 1966, col. 1005.

^{158/} Natal Mercury, Durban, 31 August 1966.

F. Banning of the South African Defence and Aid Fund

190. Not content with the mass of repressive laws and vengeful acts against the opponents of apartheid, the South African Government has proceeded to undermine legal assistance to the victims by a proclamation on 18 March 1966 declaring the South African Defence and Aid Fund an unlawful organization in terms of Suppression of Communism Act.^{159/}

191. Immediately after the proclamation, police raided the offices of the Fund and of the Christian Council for Social Action, Port Elizabeth, which provided relief to dependents of prisoners, as well as the homes of a number of persons associated with these organizations. A senior magistrate, Mr. D.P. Wilcocks, was designated as the liquidator of the Fund.

192. The South African Defence and Aid Fund had come into existence after the Sharpeville massacre of 1960 when an appeal was launched by a committee under the chairmanship of the Bishop of Johannesburg, the Right Rev. Ambrose Reeves, to help the bereaved and the injured. Soon after, the Government declared a state of emergency and arrested nearly 20,000 persons - 1,900 political detainees and about 18,000 Africans who were rounded up as "idlers" - and the Fund reorganized itself so that it could help prisoners and their families who suffered because of discriminatory laws or arbitrary action by the authorities. The needs for such relief increased steadily as the Government proceeded with more and more repressive measures. The Fund performed a significant humanitarian service which was otherwise unavailable.^{160/}

^{159/} Proclamation R-77 of 1966, signed by the State President on 10 March and published in the Government Gazette Extraordinary on 18 March. The Chairman of the Special Committee commented on the ban in his statement at the meeting on 7 April 1966. (Text in document A/AC.115/L.170).

^{160/} The Government provided pro deo defence only for persons charged with offences which could carry death penalty. Other organizations such as Legal Aid did not extend help to persons facing political charges or had ceased to function for lack of funds.

193. Though the effectiveness of the Fund was increasingly limited by the growing arbitrariness of the repressive legislation and restriction of judicial discretion, its activities were greatly resented by the Government since legal defence of the accused helped to restrain the police and exposed their worst abuses. The Government, therefore, sought to paralyse the activities of the Fund by the use of its arbitrary powers.

194. In June 1965, after the announcement of the decision of the Netherlands Government to make a contribution to the Defence and Aid International Fund for Southern Africa, London, in response to the appeal of the Special Committee, the Government launched a violent attack on the Fund. It served banning orders on several of the officers and staff of the South African Defence and Aid Fund, which had received contributions from the London Fund as well as from other sources, though it was a completely independent body which made its own decisions on the use of its resources.^{161/}

195. The proclamation banning the South African Fund was apparently resorted to when these arbitrary measures did not succeed in intimidating all those connected with the Fund.

196. In a statement on the proclamation, the Minister of Justice, Mr. Vorster, alleged on 18 March 1966 that the South African Defence and Aid Fund was not an independent organization but a branch of the Defence and Aid Fund of Christian Action, London. He alleged further that the Fund in South Africa was connected with the Communist Party and was supported by the communists, and that it had made its finances available to the African National Congress and the Communist Party, both outlawed in terms of South African law. It was, he said, striving to bring about social, economic and political change in the Republic even at the cost of using violence. The Minister relied largely on a sworn statement signed on 1 October 1964 by a former member of the South African Communist Party who had become a State witness in political trials after a long period of detention.

^{161/} In June 1965, Mr. J.W. Blundell, Chairman of the Western Cape Branch of the Fund, was deported. In July, Mrs. Laura Hitchins, secretary of the Johannesburg branch and Mr. Andrew Chamile, an African attendant in the branch, were banned. (Mr. David Craighead, chairman of the Johannesburg branch, had been banned in May.) In October, Mrs. Jean Farre Hill, associated with the Durban branch, was banned.

197. The allegations of the Minister and the arbitrary ban were denounced by responsible officials of the Defence and Aid Fund as slanderous.
198. Five prominent Cape Town citizens, who had been members of the Management Committee of the South African Defence and Aid Fund - Dr. R. Hoffenberg, Mr. Leo Marquard, Mrs. Moira Henderson, Mrs. R. Robb and the Rev. Victor Carpenter - issued a statement on 19 March 1966 denying the misuse of money and declaring that the Fund had only assisted in the defence of persons charged with criminal offences of a political nature, and had never made monies available to the African National Congress or to the Communist Party. They denied that the South African Defence and Aid Fund was a subsidiary of the Defence and Aid International Fund though it had admittedly received funds from the latter, as well as from other organizations such as the World Council of Churches, for the sole purpose of legal defence of political prisoners.
199. In a letter dated 22 April 1966 to the Chairman of the Special Committee, the Reverend Canon L. John Collins, Chairman of the International Defence and Aid Fund, said that the allegation of the South African Minister of Justice that the South African Defence and Aid Fund had made its finances available to the African National Congress and the Communist Party of South Africa, was slanderous.

"(a) On 20 March 1966, two days after Mr. Vorster had made this allegation, the Johannesburg Sunday Times quoted Mr. W.M. van den Berg, Attorney-General of the Cape Province in South Africa, as saying: 'There is nothing definite at this stage. If my suspicions are correct, certain aspects of the operation of the Fund may lead to action.' (in Court cases). In other words, the South African Government first declared the Fund guilty of malpractice and subversion and will now look for the evidence to justify this verdict.

"(b) The South African Government, though challenged to do so, has produced not one shred of valid evidence in a Court of Law to justify its calumnies against the Fund.

"(c) As President of the International Defence and Aid Fund and Chairman of the British Defence and Aid Fund, I offered to appear in Court before any High Court Judge or Judges and to submit to cross-examination covering the use of the Fund's monies, but I have so far not been invited to do so.

"We feel that the statement made by Mr. W.M. van den Berg and these other two factors should be made known as widely as possible; they expose the deliberate lie told by the South African Minister of Justice for what it is." 162/

200. The South African Defence and Aid Fund and its chairman, Dr. Raymond Hoffenberg, applied on 1 May 1966 to the Cape Town Supreme Court for the setting aside of the proclamation on the grounds that it had referred to "the Defence and Aid Fund" and not to "the South African Defence and Aid Fund". They also asked the Court to order the Minister of Justice to show all documents relating to the appointment of a committee to prepare a factual report on its activities. They claimed that such a committee should have been established under the terms of the Suppression of Communism Act and was obliged to allow the Fund to be heard before any proclamation could be issued. The Minister of Justice said, in a replying affidavit, that he had appointed a Committee on 13 September 1965 to prepare a factual report. He admitted that the Fund was not notified of the appointment of the Committee, but claimed that he was under no legal obligation to do so. He refused to disclose documents relating to the appointment and functioning of the Committee on the grounds that publication would be "prejudicial to the public interest and inimical to the national security".^{163/}

201. On 16 May, the Court rejected the application of the Fund and Mr. Hoffenberg. It said the applicants were unable to controvert the statements of the Minister of Justice, that the Parliament had excluded the rights of the party concerned to be heard and that no question of mistaken identity had arisen as the intention of the Minister was clear.^{164/} The applicants have appealed against the judgement.

202. The Minister of Justice, however, described the Defence and Aid Fund in the House of Assembly on 3 August as "a communist front organization".^{165/} The former members of the Fund's Management Committee in Cape Town described the accusation as "flagrantly untrue" and challenged him to charge them before the court.

They added:

"We can only assume that Mr. Vorster is abusing his position as a Minister and hiding behind his privilege as a member of the House when he alleges that the Defence and Aid Fund was a 'communist front' organization and that those who worked with it were aware of this fact."^{166/}

^{163/} Cape Times, 3 May 1966.

^{164/} Ibid., 17 May 1966.

^{165/} House of Assembly Debates, 3 August 1966, cols. 97-98.

^{166/} Evening Post, Port Elizabeth, 6 August 1966.

203. Grave concern has been raised by the confirmation by Mr. C.J. Greeff, Secretary of Justice, in August 1966 that a list of office bearers, officers, members or active supporters of the South African Defence and Aid Fund was being compiled.^{167/} Such a list could include prominent liberals like Mr. Alan Paton and Mr. Leo Marquard, a number of clergymen, and many lawyers and other professional men. It could include numerous South Africans who contributed to the Fund. Under legislation on the statute books and the bills now before Parliament, the writings of listed men may not be published or quoted and they may not participate in public organizations. Moreover, "listed" lawyers would be debarred from practice, and this could nearly put an end to legal defence of victims of political persecution.

204. Meanwhile, to meet the criticism that the banning of the Fund was designed to deprive the opponents of apartheid of legal defence, the South African Government issued a background memorandum on 18 March claiming that a legal aid system organized by the Department of Justice in co-operation with the legal profession functioned in South Africa and that "legal assistance in both civil and criminal matters is given free of charge on a voluntary basis by South African lawyers. The system ensures that in all suitable cases indigent litigants and accused persons will receive legal representation". It added that at all centres "where there is an attorney or attorneys willing to assist, a legal aid bureau has been established". Centres without aid bureaux were served by adjoining bureaux. No distinction was made between political offences and other offences.^{168/}

205. Members of the South African legal profession and the Press, however, denied the claims of the South African Government and said that the system of legal aid existed mainly on paper. The income qualifications for obtaining free legal aid were so low that few people qualified to receive it. Those in need were often afraid of visiting the legal aid officer as he is a magistrate. Help for criminal cases hardly existed and there was even less help for political cases.

^{167/} Sunday Times, Johannesburg, 21 August 1966.

^{168/} Cape Times, 19 March 1966.

As the Department of Justice had withdrawn subsidies from the legal aid bureaux, offices had closed down in most centres of the Republic: those remaining open could now offer negligible assistance and only in the most trivial cases. Pro deo defence supplied at the expense of the Government was granted only in the Supreme Court in trials in which the death sentence may be imposed: even then an advocate alone is supplied and he is unassisted by an attorney. There was no system of pro deo defence in magistrates' or regional courts.^{169/}

206. The misleading nature of the Government's claim was further confirmed by a statement in the House of Assembly on 24 August 1966 by a National Party member, Mr. T.J. Kruger, who said that the present facilities for legal aid in civil cases were limited to people who owned almost nothing. He proposed the appointment of a commission to investigate the possibility of establishing a legal aid fund and the extension of pro deo aid.^{170/}

207. Faced with the exposure of the facts, and criticism at home and abroad, the Government is reported to have made a limited provision for legal aid in political cases in the Eastern Cape where, as indicated earlier, the Government has instituted numerous political trials. Government spokesmen also stated that they had no objection to the provision of legal assistance to accused.

208. However, in June 1966, Mr. J.N. Oberholzer, Deputy Secretary for Justice, claimed that it would be "paradoxical" for the State to provide legal aid that would "undo" the work of the police.^{171/} In a report tabled in the House of Assembly on 23 August 1966, the Department of Justice stated that no obligation rested on the State to ensure that all indigent accused were defended by advocate or attorney, and that legal aid in all criminal cases would "undermine the administration of justice" and "be completely inconsistent with the general juridical and social pattern of the country".^{172/}

209. In view of this attitude of the Government, the provision of limited legal aid through magistrates has aroused suspicion that it is meant to deprive the accused of the right to seek counsel of his own choice and to justify harassment

^{169/} Cape Times, 19 March 1966; Sunday Express, Johannesburg, 20 March 1966.

^{170/} House of Assembly Debates, 24 August 1966, cols. 1331-33.

^{171/} Reference in the editorial in The Star, weekly, Johannesburg, 11 June 1966.

^{172/} Cape Times, 24 August 1966.

of voluntary organizations interested in providing legal aid. The Evening Post, Port Elizabeth, reported on 30 July 1966 that none of the fifty-one accused in the sixteen political trials which had taken place in Humansdorp this year, on charges of activities in the African National Congress, had accepted the State's offer of pro deo defence.^{173/}

210. Meanwhile, the Defence and Aid International Fund, London, has announced that it is continuing legal assistance through available legitimate channels and would continue such assistance. The Reverend Canon L. John Collins, chairman of the Fund, told the International Seminar on Apartheid in Brasilia:

"How Defence and Aid operates is a question about which, particularly since the banning of the Defence and Aid Committees in South Africa, we need to be cautious; during this Seminar it is imperative that I should neither say nor imply anything that might assist the South African Government in its effort to hinder our work.

"But there are certain things I would like to say: First, there is, I hope, little need for me to emphasize that the Defence and Aid Fund is a properly constituted body and that its accounts are properly audited and open for inspection by any who may wish to see them. Secondly, I wish to give a categorical assurance that the banning of the Committees in South Africa, though it has created difficulties, has in no way stopped the Defence and Aid Fund from functioning. And thirdly, and equally categorically, let me add an assurance that we still function through channels that are legal not only outside but also inside South Africa.

"The time may come in South Africa, as it came in nazi Germany, when it will no longer be possible to provide, through normally legitimate channels, any proper legal defence for those accused of political offences or any aid for their impoverished families... But, until there remains no further possibility of any proper defence of victims of apartheid in the South African Courts of law, Defence and Aid will continue to function within the law." ^{174/}

^{173/} Two Port Elizabeth lawyers who were to have defended the accused withdrew after the banning of the South African Defence and Aid Fund. The Sunday Times of Johannesburg quoted the Attorney-General of the Eastern Cape as admitting that not all political accused who could not afford their own defence made use of the opportunity now provided by the State.

^{174/} Seminar document WP/EX/6.

IV. THE BUILD-UP OF MILITARY AND POLICE FORCES

211. The massive build-up of military and police forces in South Africa, initiated in 1960, has continued during the period under review.

212. South African officials have been claiming tremendous advances in the building up of the Defence Force as the best trained and equipped in Africa.

213. The Minister of Justice, Mr. Vorster, claimed on 8 March 1966 that the South African Police alone could clean up any trouble from an African State "before breakfast".^{175/}

214. The Minister of Defence, Mr. Fouché, declared on 14 March 1966:

"We know exactly what military preparedness the African States have reached and I can assure you they have no hope in heaven if they attack us." ^{176/}

215. Military leaders have, in this connexion, emphasized the danger of a conflict with an internal and/or external enemy and claim that the Defence Force can meet such a danger.^{177/}

216. In an address on 8 October 1965, Commandant-General R.C. Hiemstra said that during World War II, and again during the Korean War, South Africa's military thinking was consistently confined to her forces taking part in a major conflict as a component of allied forces on which she could depend for logistic support and the necessary hardware. A threat against her internal security either from within or without was hardly ever given a thought; neither was it considered likely that she might have to fight alone. The rapid acquisition of independence by the African States and world reaction to a "minor incident" like Sharpeville changed all this. He continued:

^{175/} Rand Daily Mail, Johannesburg, 9 March 1966.

^{176/} Cape Times, 15 March 1966.

^{177/} On 8 December 1965, in Pretoria, Brigadier D.A. du Toit, Chief Commandant of the Tactical Group, said that people who thought South Africa was not threatened and that their houses need not be defended, lived in an insane paradise. South Africa, he said, was living in difficult times.
Rand Daily Mail, Johannesburg, 9 December 1965.

"To complicate matters, we were soon faced with an arms embargo, fairly completely enforced by most of our erstwhile friends.

"We had to turn our minds to the establishment of a local munitions industry, and in a broader field to counter measures for a possible complete economic boycott. Time was against us.

"Time may still be against us, but I am glad to say that we have succeeded in a large measure to bridge the gap.

"On the Air Force alone some 200 million Rand (\$280 million) was spent on new equipment. Of what was available to us we have purchased the best and most modern that money could buy, in quantities that we could afford.

"We bought Mirage all-weather fighters, Canberra medium bombers, Buccaneer maritime strike aircraft, Hercules C130 transports, Alouette and Westland Wasp helicopters, Cessna light reconnaissance aircraft and jet trainers, the majority of which are to be manufactured in the country.

"As far as ammunition is concerned, we shall soon be manufacturing in the country about 140 different types of ammunition.

"There are still some gaps to be bridged. It may cost us some tens of millions more, but I am confident that with what we've got we should be able to give a very good account of ourselves against any comer." 178/

217. In a radio broadcast on 13 December, he claimed that the Defence Force was reasonably well prepared for any type of aggression, but changes in training might have to be made to meet the threats of guerrilla warfare. 179/

218. On Republic Day, 30 May 1966, the Government arranged a massive display of the defence forces: 16,500 troops and airmen took part and 190 aircraft including Buccaneer strike aircraft, as well as Vampire, Sabre and Mirage jets - flew in various formations. The equipment displayed included Centurion and Comet tanks, Panhard and Ferret armoured cars, Bofor and Oerlikon anti-aircraft guns, and Green Archer and Fledermans radar equipment.

A. The Emergency Planning Bill

219. The Emergency Planning Bill which was first introduced in 1965 and reviewed in the Special Committee's report of June 1965, 180/ was reintroduced in the Parliament and read for the third time in the House of Assembly on 11 August 1966.

178/ Cape Times, 9 October 1965.

179/ Rand Daily Mail, Johannesburg, 13 December 1965.

180/ See S/6453-A/5932, annex I, paras. 42-46.

220. The bill, described as designed to create machinery for protecting the civilian population in times of national disaster, is applicable not only in relation to war but also in case of any other disaster such as sabotage or revolt. It provides for the establishment of the Directorate of Emergency Planning in the Ministry of Justice, and regional controllers in the thirteen so-called target areas in the Republic,^{181/} responsible for the protection of strategic industries and trades and for training people in specialized tasks. It provides for calling up persons for compulsory training in case enough volunteers are not forthcoming for such tasks as fire-fighting. Every able-bodied man and woman from seventeen to sixty-five who has not had military training and who does not fall under specified categories of public service, will be liable to be called up for compulsory training. The bill also entitles the Minister to provide for the "continuation of... government" if necessary.

221. The leader of the Opposition, Sir de Villiers Graaff, supported the bill though he doubted whether the legislation was necessary in view of the powers the Government had under existing legislation. He did not agree that the Department of Emergency Planning should fall under the Ministry of Justice or that the bill should be in operation even when no state of emergency existed. He was unhappy that the regulations to be made under the bill by the Minister were in no way subject to review by Parliament or any other body.^{182/}

222. Opposing the bill, Mrs. H. Suzman, the Progressive Party member, said that it conferred on the Minister unqualified powers of interference with the daily life and the property rights of citizens and, indeed, with the national economy; and that it did not define the powers of the Minister in respect of any emergency; and that it did not provide any safeguards in respect of the duration of any period during which emergency powers may be taken by him. She also objected to the "blanket powers of conscription" which the Minister may apply without even having to declare a state of emergency.^{183/}

^{181/} The bill was subsequently amended in the House of Assembly to apply to South West Africa.

^{182/} House of Assembly Debates, 8 August 1966, cols. 333-38.

^{183/} House of Assembly Debates, 8 August 1966, cols. 352 and 356.

223. Cape Times commented on 5 August 1966:

"... What sort of emergency are we thinking of? Typhoons, tornadoes, tidal waves, earthquakes, volcanic eruptions and other natural disasters are so improbable that they can be dismissed. The greatest risk is clearly of war and insurrection. Here is something concrete to think about and it immediately suggests interesting questions. If there is an invasion how rigidly are we going to cling to apartheid? Will African and Coloured doctors and nurses be allowed to help White casualties and vice versa? Will mixed ambulances be allowed? Or mixed air-raid shelters? Getting our minds clear on questions like these should probably be the starting point of emergency planning. An enemy could so easily make use of inter-racial tensions. He could bomb Soweto and cause chaos on the Rand; or he could bomb the White areas of Johannesburg and shower revolutionary leaflets on Soweto."

B. Expansion of military and police forces

224. The budget for 1966-67, introduced in the House of Assembly on 17 August 1966, provides for a defence expenditure of 255.9 million Rand (\$358.3 million). The estimates show an increase of 25 million Rand (\$35 million) for the Defence Special Equipment Account, used for major purchases abroad. The Minister of Finance, Dr. Donges, announced increased expenditure on new aircraft, radio and radar units, and added:

"The verdict of the International Court on the South West Africa case may perhaps have reduced the immediate danger of military action against the Republic, but it has not lessened the malevolence of those who wish to bring about the Republic's downfall and we would be foolish and unworthy of our trust if we were to relax our vigilance or our preparedness."

He expressed the hope that "the great increase in defence expenditure has now come to an end and that it should be possible to stabilize this expenditure at roughly the same level, i.e., with only normal increases from year to year".^{184/}

225. Meanwhile, the command of the defence forces has been reorganized in view of the expansion of the Defence Force,^{185/} and all branches of the military and the police have been strengthened. Some of the recent developments in this connexion may be noted.

^{184/} Ibid., 17 August 1966, col. 900.

^{185/} Statement by the Minister of Defence, 6 December 1965.

226. The training of the defence forces is planned to be increased. The need of the Defence Force administration, Combat-General C.H. Hartzenberg, announced on 18 December 1965 that from next year the professional training of yourn Permanent Force officers would be increased to four years, instead of one to three years.^{186/} The Minister of Defence, Mr. Fouche, said on 14 March 1966:

"In four or five years' time every youth in the country who is capable will undergo military training.

"At the moment it is not physically possible, but there has been tremendous expansion. Military training in 1964 was thirty-two times greater than in 1960."^{187/}

His successor, Mr. Botha, appealed to employers on 19 August 1966 to encourage their workers to serve for more than the required four years in the Citizen Force.^{188/}

227. Mr. Botha announced in the House of Assembly on 29 September 1966 that he would introduce legislation next year to abolish the ballot system now used for the Citizen Force and introduce compulsory military training for all medically fit young male citizens, except those who joined the Permanent Force, the Police or the Prisons Department. (Such a move, according to the Defence Department spokesman would increase the number of Citizen Force trainees by about 50 per cent.) He was in favour of extending the training period of members of the Citizen Force and Commands.^{189/}

228. The Air Chief of Staff, Combat-General H.J. Martin, said on 6 February 1966 that the Air Force might soon be activating air bases built during the Second World War as new aircraft were being acquired.^{190/} A strategic new airfield was opened in August 1966 at Nalspruit on the northern border of South Africa. South African Air Force aircraft will use the field in the course of border patrols.^{191/} Earlier, in November 1965, South Africa's first early-warning radar

^{186/} Cape Times, 20 December 1965.

^{187/} Ibid., 15 March 1966.

^{188/} Ibid., 20 August 1966. Mr. D.W. Botha was appointed Minister of Defence on 4 April 1966 succeeding Mr. J.J. Fouche.

^{189/} Ibid., 30 September 1966.

^{190/} Cape Times, 7 February 1966.

^{191/} South African Digest, Pretoria, 2 September 1966.

defence system, engineered by the Marconi Company, came into operation. The station at Devon covers about 60,000 square miles in the Transvaal and is part of a network which will eventually cover the country. The system gives warning of the approach of hostile aircraft hundreds of miles from the country's borders.^{192/}

229. The Navy Chief of Staff, Vice-Admiral H.H. Biermann, announced in June 1966 that a larger harbour and a new headquarters building would be built for the Navy at Simonstown. These extensions, he said, were necessary in view of the great expansion of the Navy in the past five years.^{193/}

230. A naval tactical school for training officers and ratings in anti-submarine tactics, built at a cost of 150,000 Rand (\$210,000), is expected to be finished in August 1966. It is reported to have "very, very secret" equipment.^{194/}

231. The Minister of Defence, Mr. Botha, told the House of Assembly on 4 October 1966 that a second naval base would be established at Durban, but not before 1968.^{195/}

232. In August 1966, a spokesman of the Commandant-General's office disclosed that a new army combat group, known as the "Task Force", had been formed on the instructions of the Supreme Command.

233. Its strength was not disclosed for security reasons, but the spokesman stated that it would comprise some of the best-trained troops who would be equipped with the most modern weapons available and assured of full and adequate air support in any emergency. The unit would be available for any eventuality in any area.^{196/}

234. It was reported on 15 December 1965 that extensions to the Police College in Pretoria had been finished and that more than 2,000 police trainees could receive training there every year.^{197/}

235. Brigadier H. van den Bergh announced in May 1966 that the expansion of the Security Branch of the police was continuing. It had already trebled its strength in the past three years.^{198/}

^{192/} The Star, weekly, Johannesburg, 20 November 1965; South African Digest, Pretoria, 19 November 1965.

^{193/} South African Digest, Pretoria, 24 June 1966.

^{194/} Cape Times, 18 November 1965.

^{195/} Cape Times, 5 October 1966.

^{196/} Sunday Express, Johannesburg, 14 August 1966.

^{197/} Cape Times, 15 December 1965.

^{198/} Sunday Express, Johannesburg, 8 May 1966.

236. It was reported in August 1966 that about eighty white policemen from newly independent African countries had joined the South African police force in the past three years as a result of a special drive by the police force and the Department of Immigration. These included Mr. Victor J. Bissley, who had been a colonel in Ghana; Mr. David Joseph Parnell King, former Acting Assistant Commissioner of Police in Malawi; Mr. Michael Griffith, former captain in the Congo; and a former Assistant Commissioner of Police in Tanzania.^{199/}

C. Manufacture of arms and defence research

237. Government spokesmen have claimed great advances in manufacture of arms, ammunition and equipment in the country.

238. The Minister of Defence, Mr. Fouché, noted on 18 August 1965 that the amount spent on manufacturing of arms had increased from 315,225 Rand (\$441,315) in 1960-61 to 33,002,500 Rand (\$46,203,500) in 1964-65, and added:

"The experience of the past few years has given me such confidence in the capacity and adaptability of our industry that it is no longer a question of whether we can make a certain article but whether we can make it economically." ^{200/}

239. State President Swart said in his opening statement to Parliament on 21 January 1966:

"Defence research and development and the expansion of the South African munitions industry have assumed important proportions resulting in an ever-increasing measure of self-sufficiency." ^{201/}

240. Commandant-General Hiemstra said in Port Elizabeth on 16 March 1966 that South Africa would shortly be manufacturing about 140 different types of ammunition and bombs and was capable of manufacturing the whole range of infantry weapons and armour plating equal to the best quality produced overseas. It would not be long before South African-built jet trainers would be rolling off the assembly lines at

^{199/} South African Digest, Pretoria, 5 August 1966; Evening Post, Port Elizabeth 13 August 1966.

^{200/} Cape Times, 19 August 1965.

^{201/} Senate Debates, 21 January 1966, col. 11.

the 30 million Rand (\$42 million) Atlas factory, and the possibility of building her own naval craft, including submarines, would be within South Africa's reach in the foreseeable future. Referring to the great advances in South African manufacturing industries, he warned that, if necessary, manufactures of "ploughshares" could switch to making "swords". Every industrial concern in the country, he added, was potentially a member of the Defence Force, and every worker a soldier in civilian clothes.^{202/}

241. On 24 August 1966, the Minister of Defence, Mr. Botha, announced the establishment of a Defence Research Council which would combine the functions of the various existing bodies and would define research and development and determine the order of priorities; advise on financing of research and other projects; investigate progress reports and research results; advise on defence requirements and the desirability of local manufacture of any product as opposed to its importation; advise on stockpiling and control of essential supplies; determine the extent of the convertibility of industry in time of war; and examine any other matter referred to it by the Minister.^{203/}

242. The Minister of Planning, Mr. Haak, told the House of Assembly on 7 October 1966 that the Department of Defence had provided the Council for Scientific and Industrial Research with 10,220,600 Rand (\$14,308,840) for secret defence research projects during the current financial year.^{204/}

243. A demonstration flight of the Macchi MB 326 jet trainer assembled by the technicians of the Atlas Aircraft Corporation and renamed "Impala" was held at Ysterplaat airfield on 11 May 1966.^{205/} Manufacture of the aircraft at the company's factory was expected in 1967.^{206/} It may be recalled that the establishment of this factory had been made possible by foreign assistance.

^{202/} The Star, daily, Johannesburg, 17 March 1966.

^{203/} House of Assembly Debates, 24 August 1966, cols. 1328-1383.

^{204/} Cape Times, 8 October 1966.

^{205/} Cape Times, 12 May 1966.

^{206/} Ibid., 7 February 1966. The Impalas are to replace the Harvards of the South African Air Force as basic trainers.

244. It was reported, on 8 November 1965, that Bonuscor, which organized the Atlas Aircraft Corporation, had received a loan of 3,500,000 Rand (\$4,900,000) from Western European sources for this purpose.^{207/}

245. Major W.T.C. Rogerson, Managing Director of Mercantile Italo Britannica, Rome, and Sir Robert Foster, a director of the firm and a former Royal Air Force Chief Marshall, arrived in South Africa on 9 February 1966 to inspect the Atlas Aircraft Corporation factory and visit the Department of Defence. They stated that they would have talks with officials of the Atlas Aircraft Corporation on behalf of Piaggio, the Italian aircraft company which manufactures the British Bristol Siddely Viper jet engine under licence and will export it to South Africa.^{208/} They also planned to study South Africa's sales potential for Italian-built Agusta helicopters and Piaggio business aircraft.^{209/}

246. Workers for the Atlas Aircraft factory have been recruited in the United Kingdom and other countries.

D. Import of arms

247. The South African Government has claimed that it has been able to obtain substantial quantities of arms and equipment from abroad despite embargoes imposed by many States.

248. It has been receiving some arms and equipment ordered before the embargo. Seven of the sixteen Buccaneer aircraft ordered in the United Kingdom arrived in Pretoria on 3 November 1965.^{210/}

249. Moreover, press reports have indicated that licences for the export to South Africa of a substantial number of Macchi MB 326 jet trainer aircraft, some assembled and some unassembled, have been granted by Italy.^{211/} The first batch of

^{207/} The South African Financial Gazette reported in June 1966 that negotiations for a loan of about 20 million Rand (\$28 million) from Europe were in progress. A consortium of French banking and industrial interests said that it was willing to make capital available. Sud-Aviation of France was actively interested in the project as technical advisers and as a supplier of many of the plans and some of the equipment. South African Digest, Pretoria, 10 June 1966.

^{208/} The British arms embargo prevents export of these engines from the United Kingdom.

^{209/} Rand Daily Mail, Johannesburg, 10 February 1966.

^{210/} Cape Times, 4 November 1965. Another aircraft was lost at sea on the way to South Africa.

^{211/} The Star, daily, Johannesburg, 16 November 1965. See also paragraph 24. /...

the aircraft, fully assembled, are expected to arrive in South Africa about the end of 1966.^{212/}

250. On 12 March 1966, it was revealed by an official of the United States Department of Commerce in Washington that it had rejected along-pending application to ship \$1.5 million worth of aircraft to South Africa, as the proposed use would have been inconsistent with the United States commitments to the Security Council resolution of 7 August 1963. He described the aircraft as small and non-military.^{213/}

251. Commenting on this announcement, the Minister of Defence, Mr. Fouché, claimed on 14 May, "don't worry, we can buy this type of plane any afternoon" and "within three years we will be able to make them in our spare time". He said that during the past few weeks, he had been approached by representatives of three big Powers with offers of heavy armament.^{214/}

"If we want to buy submarines I can get as many as I can write cheques for. We cannot always buy the weapons we want, but we can always get a very good substitute." ^{215/}

252. The Daily Telegraph of London reported on 14 May 1966 that the South African Defence Force had ordered a number of Nort Transall freight planes and sixteen Super-Frelon helicopters from France at a cost of £50 million. The Transall has a range of 3,000 miles and can carry a payload of 32,000 pounds. The Super-Frelon can carry either a freight payload or thirty fully equipped men. It is said to be ideally suited for hunting guerrillas or bush warfare.^{216/} Brigadier P.M. Retief, Director of General Services of the South African Air Force, disclosed on 29 September 1966 that the first of the Super-Frelon helicopters, costing £500,000 each, would be delivered soon and that the Air Force expected to have them in operation early next year.^{217/}

^{212/} Ibid., 31 January 1966.

^{213/} Cape Times, 14 March 1966. These were reported to be Cessna aircraft. See also paragraph 40.

^{214/} The Star, daily, Johannesburg, 15 March 1966.

^{215/} Cape Times, 15 March 1966.

^{216/} The Star, weekly, Johannesburg, 14 May 1966. According to Southern Africa, London of 30 May 1966, the sixteen helicopters were estimated to cost £10 million: discussions were under way for the purchase of Transall aircraft. South Africa had already bought the naval version of the Super-Frelon.

^{217/} Cape Times, 30 September 1966.

253. The Guardian, London, reported on 1 September 1966, that the sale of three French Mystère-20 jet aircraft to the South African Air Force had been forbidden by the United States Government on the grounds that it would violate the United Nations embargo on selling military material to the South African Government. (The Mystère, an executive aircraft holding ten people, is built by Dassault and Sud-Aviation, but the two turbo-jet engines are supplied by General Electric, a United States company.) The order was said to be worth \$4.5 million. Dassault, the French firm which also makes the Mirage IV jet bombers of the French force de frappe, was reported to be intending to appeal against the ban on the grounds that the aircraft were not, strictly speaking, military material. South African pilots were being trained to fly the aircraft when the ban was reported.^{218/}

254. Press reports indicate that the Shackleton aircraft of the maritime group of the South African Air Force are due for replacement, but "South Africa has been unable to evade American interpretation of the United Nations embargo for the

^{218/} Earlier, on 8 August 1966, Southern Africa, London, reported that the three Mystères had been ordered at the end of 1965. These aircraft are manufactured mainly for "General Staff communications" and can also serve as trainers for navigators of the Buccaneer aircraft ordered from the United Kingdom.

The paper also reported that the United Kingdom had concurred in the sale of the Mystères fitted with Hawker Siddeley 125 engines. The Anglo-French version is cheaper, but has a somewhat lower cruising speed and carries only eight passengers.

purchase of Lockheed Orions and cannot buy the Breguet Atlantique because of its high proportion of United States avionics".^{219/}

E. Military co-operation with other countries

255. Reference may be made, in addition to the developments indicated earlier, to the continued visits of foreign naval vessels to South Africa. In December 1965, the Belgian naval training ship Kamina called at Cape Town and Durban on a goodwill

^{219/} Flying Review International, quoted in South African Summary, New York, 10 August 1966.

The position of the United States with regard to South African orders for aircraft was explained in a Congressional hearing on 2 March 1966 by Mr. Alexander Trowbridge, Assistant Secretary of Commerce, as follows:

"There have been a number of applications, Mr. Chairman, for permits to export aircraft to the Republic of South Africa. Licencing of military aircraft is under the jurisdiction of the Office of Munitions Control of the Department of State. Military aircraft are denied licences in accordance with the United Nations Security Council resolutions which have dealt with the questions of arms, ammunition, and military equipment. Most civilian aircraft is licensed for export by the Department of Commerce. In implementing the United Nations arms embargo, the Department of Commerce has denied licences for the sale of civilian aircraft to South Africa where it was determined that the aircraft would likely be used for military purposes. There have been other cases where the end use was of a purely commercial nature and the export has not been prevented....

"What we try to do to the best of our ability is to determine the end use of the particular item that is up before us for licensing, for permission or denial. We consult with our Embassy officials. We try to determine exactly what the circumstances are, who is going to operate it, or fly it, or, how it is going to be used. Where we see a clear use in defence terms, the presumption is for denial." (United States-South African Relations; Hearings before the Sub-Committee on Africa of the Committee on Foreign Affairs, House of Representatives, 89th Congress, 2nd session, part I, page 53.)

Mr. William E. Lang, Deputy Assistant Secretary of Defence for the African region, said on 8 March 1966:

"Another illustration would be the case where the South African Government sought to buy some Orion aircraft; these aircraft are specially configured with electronic equipment for antisubmarine warfare. From the defence viewpoint we considered it would be important for South Africa to have this capability, because of the submarine threat in the area. Yet we did not press this importance, when the State Department judged that it would be in our national interest not to sell the aircraft." (Ibid., p. 109.).

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visit to South Africa. It was reported to be the first ship of the Belgian Navy to call at South African ports.^{220/}

256. It has been indicated that the 1955 Agreement between the United Kingdom and South Africa concerning the Simonstown naval base may be revised. On 28 September 1966, the Minister of Defence, Mr. Botha, confirmed British press reports that the United Kingdom had informed the South African Government earlier this year of its intention to terminate the presence of the United Kingdom fleet in Simonstown for economic reasons, with the retention of certain privileges. He added that "in the light of these intentions of the British Government which have now been publicized, and in the light of the manner in which the British Government has honoured the spirit of the Simonstown Agreement, a revision of the Agreement has become essential."^{221/}

^{220/} Cape Times, 7 December 1965.

^{221/} Cape Times, 29 September 1966.

According to press reports, the United Kingdom would withdraw its only naval vessel, the frigate Puna, and possibly the headquarters staff of Commander-in-Chief, South Atlantic, Vice-Admiral John M.D. Gray. Frigates and submarines based in the United Kingdom would make periodic visits for the anti-submarine training of ships of South African Navy.

APPENDIX

REVIEW OF POLITICAL TRIALS IN THE REPUBLIC OF SOUTH AFRICA
SINCE 10 AUGUST 1965

1. On 13 August 1965 in Humansdorp, six persons were found guilty of being members of the banned African National Congress and taking part in its activities. Mr. James Tashaka was sentenced to three years and nine months imprisonment, and his wife, Hilda, and son, Patric, to three years each. Mrs. Florencia Tswana and Mr. Melford Fikile were sentenced to three years and three months each, and Mr. Pubane Hude to three years and nine months.^{1/}
2. On 19 August in Johannesburg, Mr. Joseph Gqabi was sentenced to ten years' imprisonment on charges under the Suppression of Communism Act, including one of inciting Africans to undergo military training outside South Africa. He was already serving a sentence for similar offences.
3. On 23 August in Pretoria, Mr. Cyril Solomon Jones won his appeal against a twelve-month sentence imposed upon him in February 1965 on the charge of contravening the Suppression of Communism Act by keeping under his control communist literature for the purpose of distribution.
4. On 25 August in Cape Town, Mr. Bethwell Booi was sentenced to 'twelve months' imprisonment for perjury. His evidence at the trial of Mr. A.S. Sishuba (acquitted of belonging to an underground organization, Pogo) conflicted with an earlier statement he made to the police.
5. On 31 August, the Pretoria Supreme Court dismissed the appeals of Messrs. I. Schermbrucker, E. Weinberg, N. Levy and L. Baker, and Mrs. E. Barsel and Mrs. M. Doyle against sentences imposed on 13 April 1965 on charges of membership in the Communist Party. All but Mrs. Doyle were given leave to appeal to the Appellate Division.
6. On 31 August 1965 in Johannesburg, Mr. Petrus Willem Letlalo, a seventy-six-year-old banned African, was found guilty of receiving visitors in contravention of the banning order. The magistrate cautioned and discharged Mr. Letlalo who had told the Court that the two visitors had come to his home with his son.

^{1/} In each case, the total sentences imposed were considerably heavier, but because portions will run concurrently, the maximum term to be served is three years and nine months.

7. On 1 September in Pretoria, Mr. Steve John Makgogo of Sekikhuniland was sentenced to twelve months' imprisonment for wearing the badge of the Communist Party. He told the Court that he had been threatened with death if he did not wear the badge.
8. On 7 September in Pretoria, Mr. Peter Metshane of Rustenburg and Mr. Mnyamane Hlaya of East London were sentenced to ten years' imprisonment each on the charge of leaving South Africa illegally from February to April 1964 and proceeding to Nanking for military training. The accused, alleged to have been associated with the African National Congress, were unrepresented and pleaded guilty.
9. On 8 September in Wolmaransstad, Mr. Dawood Cajee, a sixty-three-year-old Indian businessman, was acquitted on charges of contravening a banning order. The Court granted the defence application that the evidence of the two State witnesses was "utterly unreliable". One of them had testified that he had lied to the police for fear of being detained.
10. On 8 September in Humansdorp, Messrs. Diliza Makinana, Mqcini Luzipo, Temba Xandekano and Mkekeza Mnyamana were sentenced to thirteen years' imprisonment each on seven charges of contravening the Suppression of Communism Act. The charges included membership in the African National Congress and furthering its aims. Six years of each sentence will be served concurrently, reducing the gaol terms to seven years.
11. On 9 September, the Cape Town Supreme Court dismissed the appeal of Miss E.A.M. Tobias against a sentence of two months' imprisonment passed in May 1965 on the charge of breaking a banning order by attending a braaivleis or barbecue on Table Mountain with two friends. Leave to appeal was refused.
12. On 9 September in Addo, Mr. Tim Gqwakasa was found not guilty of charges of membership in the African National Congress and of taking part in its activities.
13. On 15 September in Port Elizabeth, Mrs. Zebia Notemba Mpenda, a nursing sister who had been in custody for eighteen months, was sentenced to eighteen months' imprisonment for having been a member of the African National Congress (A.N.C.), to twelve months for soliciting subscriptions for the A.N.C., to six months for allowing an A.N.C. meeting to be held in her house and to twelve months for displaying an A.N.C. symbol. Part of the sentences will run concurrently and in all she will serve two and a half years.

14. On 17 September in Grahamstown, Mr. Malgid Ntebli and Mr. Mxolist Jayiya were sentenced to five years' imprisonment each, and Mr. Xholisile Rhoxo and Mr. Lizo Sithoto to six years each, on charges of attempting to leave South Africa to undergo military training in Dar es Salaam on behalf of the African National Congress.
15. On 23 September in Port Elizabeth, thirty Africans were found guilty under the Suppression of Communism Act and were sentenced to a total of 123 years' imprisonment. The case arose from the alleged plans in 1964 of the underground Pogo organization to take over Molteno. Allegations by the accused that they had been assaulted, tortured and ill-treated by the police were rejected by the Court as deliberate lies.
16. On 30 September in Bloemfontein, Mr. Congress Xakana was sentenced to six years' imprisonment on a charge of sabotage. He was found guilty of throwing a piece of cast iron into the working parts of a conveyor belt at the railway workshop at Bloemfontein with intent to damage State property. He pleaded not guilty.
17. In September in Johannesburg, Mr. Ghana Mohamed, a banned person, won an appeal against a one-month sentence imposed on him for communicating with another banned person. The judge found no regulation placing the onus on a banned person to acquire a list of names of other banned persons.
18. In September, in Humansdorp, nine African men were sentenced on charges of belonging to the African National Congress and furthering its activities. Some of the prison sentences imposed will run concurrently with others. The total sentences they will serve are: Messrs. Mountain Mgalonkulu and Mzwandile Tshali, six years and three months; Messrs. Charlie Krisjin, Jackson Maseti, Michael Bikie, Philemon Buti and Sori Moses, six years and three months; Mr. Jackson Pendu, four years and six months; and Mr. Wellington Rulashe, five years and six months.
19. In September, the Bloemfontein Appeal Court dismissed with costs the appeal of Mrs. Lesley E. Schermbrucker against the judgement of the Transvaal Supreme Court on 6 October 1964, when it dismissed her application that her husband should be allowed to give evidence in person about maltreatment in detention. Mr. Justice Botha said in his majority judgement that a court order requiring the

personal appearance of a detainee would interfere with the manner of his detention prescribed by the General Law Amendment Act of 1963 and defeat the purpose of the Act.

20. In September the Grahamstown Supreme Court dismissed the appeal of Mr. Terence Beard against conviction and sentence on the charge of failing to comply with the terms of a banning order. The sentence was however reduced from twelve months' imprisonment suspended for three years to one month's imprisonment suspended for twelve months.

21. On 1 October in Johannesburg, Mr. Filisberto Taimo, a mine worker from Mozambique serving a sentence in Cinderella Prison, Boksburg, was sentenced to six months' imprisonment on a charge of giving false information about prison conditions.

22. On 1 October in Cape Town, the State withdrew charges under the Official Secrets Act against Mr. M. Brown, a white clerk, and Mr. R. Meisselheimer, a coloured student. They had been charged on 29 September 1965, and the former had been released on bail of 500 Rand, and the latter kept in custody. No reason was given for the withdrawal.

23. On 14 October in Johannesburg, Mrs. Diana Schoon was sentenced to twelve months' imprisonment for furthering the aims of the African National Congress by pasting up A.N.C. leaflets in Johannesburg on 21 March 1962. Ten months of the sentence was suspended for three years. Dr. Constantino Gazides and Miss Ann Nicholson, charged with Mrs. Schoon, were sentenced to twelve months, nine months of which will run concurrently with sentences they are now serving. In evidence, Detective-Warrant-Officer G.C. Ludi (Secret Agent Q018) said that he and the three accused had been members of the "Volunteers", a branch of the South African Congress of Democrats and had operated as a team in pasting up the leaflets.

24. On 14 October in Pretoria, Messrs. Johannes Mkize, John Mjaba, Simon Boloi, Alpheus Madumo, Jack Thebe, Stanley Sike, Paulos Seoto, Douglas Molife and Jerry Doods were sentenced to three years' imprisonment each for being members of the banned Pan Africanist Congress and furthering its aims. Mr. Alie Radebe was found not guilty and discharged. All the accused were convicts at Baviaanspoort Prison. The Magistrate, Mr. L. van R. Luyt, quoted Mr. Mkize as having said in

evidence: "God gave the country for everyone to enjoy. The White people have taken it and made a slave of me." He commented that statements such as these necessitated a serious view by the Court.

25. On 25 October in Cape Town, Mr. Pieter Hlatswayo and Mr. Mshyeni Gumby were sentenced to twelve years' imprisonment each and Mr. Eliphas Mashigo sentenced to ten years on the charge of sabotage. All three pleaded guilty. The case was a sequel to an escape of thirty-one convicts when they were being taken to prison. The State alleged that the prisoners had plotted to attack Ladysmith after escaping and that the plan had been engineered by the underground Pogo. Two years of the sentences of Mr. Mashigo and Mr. Hlatswayo are to run concurrently with sentences they are now serving.

26. On 25 October in Cape Town, charges of furthering the aims of communism were withdrawn against Messrs. Duncan O. Human, Albert H. Thomas and Achmat Osman. They had been in prison under the "no bail" clause (Criminal Procedure Act of 1965, section 6a.1).

27. On 27 October in Grahamstown, Messrs. Julius Matlalana, Kolisile Willem and Washington Magogongo were sentenced to five years' imprisonment each on charges of sawing off a telephone pole and cutting off telephone wires.

28. In October in Grahamstown, Mr. Titus Jobo of Port Elizabeth was sentenced to five years' imprisonment on the charge of sabotage. Four years will run concurrently with a sentence of eighteen years he is serving for similar offences. Mr. Jobo was found guilty of setting fire to the South Africa Wood Working Company's factory near Korsten on 24 October 1962, with the assistance of two other persons. The damage was estimated at £2,500.

29. In October in Grahamstown, Messrs. Gilbert Yonke, Mhleli Mngayi, Samuel Peter and Wilson Fanti were each sentenced to five years' imprisonment on the charge of sabotage. Two years of the sentences of Mr. Fanti and Mr. Peter will run concurrently with sentences they are serving for similar offences. They were charged with having set fire to and damaging a motor truck belonging to a Mr. Vasco da Gama Hlangwana, a former police sergeant, who had arrested people in Pondoland during political disturbances.

30. In October in Grahamstown, Messrs. Stanley Matcha, University of Tshavanduka, Peter Nongene, Mxolisi Magaba, Muyisile James Didiza, Clopas Ndunana, Ephraim Ndzenga and Makosi Nduno, all of Kwazakhele, Port Elizabeth, were found

guilty of sabotage and of belonging to an unlawful organization, and each was sentenced to five years' imprisonment on the first count and two years' imprisonment on the second count. The two sentences are to run concurrently.

31. In October in Cape Town, Mr. Mashack Mampunye was found guilty of taking part in underground Pogo activities and of being a member of the underground Pogo. He was sentenced to two years' imprisonment on the first count and to three years' imprisonment on the second count.

32. On 8 November, Mr. Isaac Heymann was sentenced to eight days' imprisonment and on 15 November to twelve months' imprisonment for refusing to give evidence for the State at the trial of four Africans charged in connexion with military training outside South Africa to further the aims of the African National Congress. Another State witness, Mr. Phillip Sello, who also refused to give evidence for the second time, was sentenced to twelve months' imprisonment.^{2/}

33. On 8 November in Johannesburg, a State witness was sentenced to eight days' imprisonment for refusing to give evidence at a trial in camera under the Suppression of Communism Act. (Publication of the name of the witness is prohibited.)

34. On 8 November in Pretoria, Mrs. Pixie Benjamin won her appeal against a sentence of six months' imprisonment imposed on her in August 1965 for being in possession of four copies of the banned journal, Fighting Talk. The Court ruled that her explanation that she did not know she had the journals should have been accepted.

35. On 8 November in Pretoria, Mr. Louis Mnimkulu won his appeal against a sentence of five years' imprisonment for membership in the African National Congress and Umkonto We Sizwe. The Court accepted his argument that documents relating to these organizations, some in his handwriting, which were found in his possession, were not proof of his membership.

36. On 9 November in Goodwood, Mr. Wilfred Cecil Joseph Brutus was sentenced to fifteen months' imprisonment for contravening his banning order by holding office in the South African Coloured People's Congress and by attending three gatherings. He was acquitted of the charge of attending a meeting and leaving the magisterial district of Wynberg.

^{2/} In October 1966 the Appeal Court in Bloemfontein set aside the one year sentence on Mr. Heymann but dismissed the appeal of Mr. Sello.

37. On 19 November in Pretoria, Messrs. Victor Mahlangu, Isak Masigo, Cylion Mebaso, Corry Tyini, Joel Leballo and Phineas Mtotyway were executed. They had been sentenced to death on 14 April 1965 on a charge of murder of a fellow long-term prisoner, Mr. Mhlonkonjo Madellala, in Baviaanspoort Prison. The men and their victim were alleged to be members of the Pan Africanist Congress group which operated in the prison. Mr. Madellala had allegedly divulged the secrets of their group. Leave to appeal to the Appellate Division was refused on 2 August 1965.
38. On 19 November in Johannesburg, Messrs. Shadrack Tangala, George Mogoro, and Jackson Fazile were convicted of attempting to leave the country to receive military training to further the aims of the African National Congress. Mr. Tangala was sentenced to seven years' imprisonment and Mr. Mogoro to six years. The Court found that Mr. Fazile also recruited men for military training and sentenced him to twelve years' imprisonment. A fourth accused, Mr. Nicodemus Twana, was found not guilty and discharged.
39. In November in Grahamstown, Mr. Ngaze Zweni was sentenced to seven years' imprisonment on a charge of helping people to undergo training which could further the aims of the African National Congress. Two years of the sentence are to run concurrently with a seven-year sentence Mr. Zweni is already serving for cutting telephone wires and for membership in the A.N.C.
40. In November in Cape Town, Mr. Mogomat Toufie Bardien was sentenced to three months' imprisonment for participating in the affairs of the South African Coloured People's Congress while under a banning order, and thirty days, suspended, for possessing copies of the banned publication, Fighting Talk.
41. In November in Grahamstown, the four-and-a-half-year sentence imposed on Mr. Louis Leo Mtshizana under the Suppression of Communism Act was reduced on appeal to three years.
42. On 2 December in Port Elizabeth, ten Africans were sentenced to four and a half years' imprisonment each for being members of the African National Congress and for their involvement in the 1961 strike by workers of the Port Elizabeth Bus Company. The trial opened on 27 July 1965.
43. On 14 December in Cape Town, twenty-two prisoners from Gamkaspoot Prison were sentenced to a total of 204 years' imprisonment on a charge of sabotage and escaping from custody. It was alleged by the State that the men, inspired by the

underground Pogo planned to attack the police station and people of Ladysmith and then flee to Basutoland. Messrs. John Sitole and Stanley Nduna were sentenced to twelve years' imprisonment on a charge of sabotage; Messrs. William Mbata, Joseph Culaya, Bangumosi Mabika, Jackson Gcebeni, David Pieterse, Government Handula, Richard Ndungwana, Alfeus Motji, Jackson Blaauw, Michael Nkosi, Joseph Ngwenya, Isaac Sobekwa, Tiba Gudle, Willie Nompondo, William Gcanga, Andries Mbanga and Thomas Bbolati were sentenced to ten years' imprisonment each on the same charge. Mr. Albert Boboyi was sentenced to four years' imprisonment and Messrs. Kolekile Mashalaba and Samuel Lekgowe to three years each for escaping from custody. Mr. Justice Diemont, in directing that part of his judgement be sent to the Commissioner of Prisons for a "long and careful" inquiry, said that "the evidence of callous treatment" of the prisoners "is strong".

44. On 15 December in Pretoria, Miss Sheila Weinberg, a nineteen-year-old student, who had been sentenced to eighteen months' imprisonment on 15 September on a charge of having taken part in the activities of the African National Congress and the underground Umkonto We Sizwe (Spear of the Nation), had twelve months of her sentence conditionally suspended upon appeal.

45. On 20 December in Durban, Mr. Rowley Lionel Arenstein was acquitted on six counts of contravening the Suppression of Communism Act. He was found not guilty on another count at the close of the State case earlier in the trial.

46. On 28 January 1966, in the Johannesburg Regional Court, Mrs. Leslie Schermbrucker was sentenced to 300 days' imprisonment for refusing to give evidence for the State on the previous day at the trial of Mr. Abram Fischer.

47. In January 1966 in Umtata, Mr. Ezra Mvuyisi Sigwela was found not guilty of a charge of carrying or displaying posters reading "South Africa on Trial", "Brute Force" and "Chapters in the March to Freedom". It was alleged that these indicated that he was, or had been, connected with the African National Congress. Mr. Sigwela is at present serving a prison sentence of fourteen months imposed on him on 26 November 1965, for being in possession of copies of New Age and Fighting Talk.

48. On 3 February in Cape Town, a charge against Dr. Geoffrey Dean of publishing false information about South African prison conditions was withdrawn. No reason was given for the withdrawal.

49. On 4 February in Cape Town, Mr. Kwedi Mkhaliapi was sentenced to twenty years' imprisonment, Mr. Jack Jaxa to seventeen years', Mr. Wilson Mketshane to eleven

years on the charge of conspiring with others to send people beyond the borders of South Africa for training in guerrilla warfare and sabotage. Another accused, Mr. Sokongo Muleka, was found not guilty and discharged.

50. In February in Krugersdorp, Mr. Frederick Neill was sentenced to twelve months' imprisonment, the entire term except for one day was suspended. He had been found guilty on a charge of not reporting his change of address to the Special Branch Police, which, as a listed communist, he was obliged to do.

51. On 23 February in the Welkom Regional Court, four of seven Africans charged with belonging to and furthering the aims of the banned Pan Africanist Congress were sentenced to a total of fifteen years' imprisonment. Mr. Henry Monyameng was sentenced to six years' imprisonment, Mr. Ernest Tengeni and Mr. Petrus Tsoa to four years each and Mr. Michael Molefane to one year. Messrs. Johan Monyameng, Elias Molefane and Simon Moreki were found not guilty and discharged.

52. On 8 March in the Grahamstown Magistrate's Court, Miss Gillian Gane, a former Rhodes University student, who had been living in Swaziland as a political refugee, was sentenced to three months' imprisonment, all of which except four days was suspended, for leaving South Africa without a passport.

53. On 21 March in Cape Town, the appeal of Miss Gladys Emma Lee, aged sixty-nine, against a suspended fine of 4 Rand (or twenty days) for obstructing the traffic was dismissed. She had displayed placards, one of which stated: "Verwoerd copies Hitler, Smith copies Verwoerd".

54. On 23 March, the Cape Town Supreme Court dismissed the appeal of Mr. Willem Jacobus Pock against a sentence of nine months' imprisonment imposed in November 1965 for being a member of the South African Coloured People's Congress in contravention of a banning order which forbade such membership.

55. On 26 March in the Humansdorp Regional Court, seven African men from Port Elizabeth were sentenced to three years' imprisonment each on a charge of membership in the banned Pan Africanist Congress, and one year each, suspended, on a charge of taking part in its activities.

56. On 29 March in the Cape Town Regional Court, Mr. Benjamin Joseph January was sentenced to six months' imprisonment, conditionally suspended for three years, on a charge of illegal membership of an organization. Mr. January was listed as a

communist in 1955 and, under the terms of the Suppression of Communism Act, listed communists are prohibited from membership of any organization. Mr. January told the Court that he had been secretary of the National Union of Laundry Workers since 1941. When, at the beginning of the year, he was told of the illegality of his position, he had resigned immediately and had since applied for his name to be struck from the list of communists.

57. On 31 March in the Grahamstown Supreme Court, the appeal of Miss Sylvia Neame was allowed and a four-year sentence imposed on her on 23 July 1965 in Humansdorp on charges under the Suppression of Communism Act was set aside.^{3/}

58. On 4 April in Pretoria, Mr. Joseph Tamsanqua Tsele was acquitted on a charge of breaking the house-arrest order served on him.

59. On 4 April in the Free State Supreme Court, Messrs. Amos Ndoni, Reginald Mbonya, Desmond Ncamane, Discipline Nkonyami and Vulindlela Manakosa were acquitted on appeal. They had been sentenced to a total of seven years' imprisonment each in November 1965 on charges of belonging to, contributing funds to and furthering the aims of the underground organization Pogo. Mr. Justice Klopper said:

"It seems to me that the State assumes that when accused are indicted as Pogos they must be guilty. All that remains is for evidence to be led and the court must do the rest."

60. In April in the Port Elizabeth Regional Court, Mr. Capetown Dlepu, Mr. Paulus Lusa and three others charged with incitement to commit public violence at a public meeting at the Ntolweni Location, Fort Beaufort, on 2 November 1965, were found not guilty and discharged. Mr. Lusa, aged seventy-eight, was brought from his hospital bed for the final hearing of the case. The Magistrate found that the State witnesses had contradicted each other to the extent that no reasonable man could fairly convict on their evidence.

61. On 3 May in the Umtata Supreme Court, Mr. Zantsi Kwegyir Mzimxa, an articulated clerk, was sentenced to twelve months' imprisonment, of which nine months were conditionally suspended, for being found in possession of copies of the banned publications, Fighting Talk and New Age.

3// She is still serving a two-year sentence imposed on her in a previous trial in April 1965 in Johannesburg, also on charges under the Suppression of Communism Act.

62. On 5 May at the Cape Town Criminal Sessions, fourteen Africans, who had appeared with sixteen others charged with sabotage, were discharged on the grounds that there was insufficient evidence against them. All the men were prisoners at Gamkaspoot and it was alleged that they had taken part in activities of the Pan Africanist Congress or Pogo. The acquitted men were Messrs. Mziwandile Booi, Miti Mahanga, Koko Kula, Vuyadi Mbakombe, Mpengwana Hagile, Tumata Matross, Jacob Lusekile, William Ngcenge, John Biyana, Mbeki Duma, Dambile Tokota, Buyana Gweba, Eafana Nzimande and John Gayi.
63. On 6 May in the Pretoria Supreme Court, Mr. Michael Dingake, a Bechuanaland national, and Mr. Isaac Heymann were sentenced to fifteen and five years' imprisonment respectively. They were both found guilty on charges of being members of the banned Communist Party. Mr. Dingake was also found guilty of having procured people for training and of obtaining information for the Communist Party, the African National Congress and Umkonto We Sizwe.^{4/}
64. On 9 May in the Pretoria Supreme Court, Mr. Abram Fischer, Q.C., was sentenced to life imprisonment on a charge of sabotage. In addition he was sentenced to twenty-four years' imprisonment on six charges under the Suppression of Communism Act; to three months on two charges of forgery; and fined 120 Rand (or six months' imprisonment) for contravening the Aliens Act.
65. On 11 May in the Humansdorp Regional Court, Messrs. Gerald Peter Nguna, Cecil Nagqabi, Alfred Mcosa, Baba Bolo and July Tungu were sentenced to four years' imprisonment each on charges of contributing to, or soliciting funds for, the banned African National Congress and allowing their homes to be used for A.N.C. meetings. The men were already serving sentences of two and a half to five and a half years' imprisonment for political offences.

^{4/} Mr. Dingake, a former leader of the African National Congress, had been arrested in Southern Rhodesia and transferred to South Africa by the Rhodesian police. He refused to plead or take part in the proceedings of the Court. On 18 July 1966, Mrs. I. White, United Kingdom Minister of State for Foreign Affairs, said in the House of Commons that the South African Government had not acceded to a request to release Mr. Dingake for deportation to Bechuanaland, and that "further representations" were being considered. In September, Mr. Heymann's application for leave to appeal was refused. Mr. Heymann is already serving a sentence of one year's imprisonment for refusing to give evidence in another political trial. (See paragraph 32)

66. On 18 May in the Pretoria Supreme Court, Mrs. Violet Weinberg, who had been detained under the 180-day clause on 8 November 1965, was sentenced to three months' imprisonment for refusing to give evidence in the trial of Messrs. Isaac Heymann and Michael Dingake. She alleged that a statement to the police had been extracted from her by improper methods.

67. On 23 May in the Cape Town Magistrate's Court, the charge of membership in a banned organization against Mrs. Jean Caroline Champion de Crespigny was withdrawn. Mrs. de Crespigny, who had been detained under the 180-day law, left South Africa on a British passport the next day.

68. On 25 May at the Cape Town Criminal Sessions, Mr. Fred Carneson was sentenced to a total of five years and nine months' imprisonment on charges under the Suppression of Communism Act. He was sentenced to eighteen months on the charge of membership in the banned Communist Party, four years for taking part in its activities and three months for being in possession of banned literature. (He had pleaded guilty to the charges of membership of the Communist Party and possession of banned literature.) He was found not guilty of charges of sabotage, of membership in the Central Committee of the Communist Party, of planning the activities of Umkonto We Sizwe and of planning acts of violence in the Transkei. Mr. Carneson told the Court that, while held incommunicado in the custody of the Security Police, he had "on three different occasions been subjected to well-practised, expertly applied methods of refined physical and psychological torture".

69. In May in Umtata, Mr. Zantsi Kweygir Mziba, an articled clerk, was sentenced to twelve months' imprisonment, of which nine months were conditionally suspended for three years, on charges of possessing, on 12 April 1965, a copy of Fighting Talk and one of New Age, two periodicals which have been banned. He had been in custody for five months before being released on bail of 400 Rand.

70. In May the Grahamstown Supreme Court reduced, upon appeal, the four-year sentence imposed on Mr. Nelson Pindani and the four-and-a-half-year sentence imposed on Mr. Samuel Majoni to three years' and to two and a half years' imprisonment respectively. They had been sentenced in Humansdorp on charges of being members of the banned African National Congress, contributing to and soliciting funds for the A.N.C. and allowing their homes to be used for A.N.C. meetings. The two-year sentence on a third man, Mr. Meglory Magwayi, was upheld. He had been convicted on two counts.

71. On 3 June in the Cape Town Criminal Sessions, seven prisoners - Messrs. Duismond Mpondo, Freddie Malvern, Anton Ciliza, Jack Zinga, Petrus Majala, Stanley Balasana and George Ngxali - were acquitted of charges of sabotage. The State had alleged that the men, and nine others who appeared with them, had taken part in the activities of the banned Pan Africanist Congress, or Pogo, and had attended meetings of Pogo. It had also been alleged that the men had conspired to attack and murder four other prisoners and their warders and escape.
72. On 10 June in the Grahamstown Supreme Court, Mr. Jackson Nkosiyanane and Mr. Nicodemus Nogcantsu, both members of the opposition Democratic Party of Transkei, were sentenced to seven years' imprisonment each on charges of plotting to kill Chief Kaizer Matanzima, Chief Minister of the Transkei. An application for leave to appeal was granted but bail was refused.
73. On 15 June in the Pietermaritzburg Supreme Court, the two-and-a-half-year sentence imposed on Mr. Robert Harold Lundie Strachan on 27 January on charges of publishing false information concerning prison conditions was reduced on appeal to eighteen months. The charges arose from articles published in the Rand Daily Mail in July 1965 concerning his experiences in prisons.
74. On 16 June at the Cape Town Criminal Sessions, five prisoners were sentenced to a total of forty years' imprisonment on charges of taking part in and attending the meetings of underground Pogo, and of conspiring to attack and murder four other prisoners and the warders and to escape. Mr. Alfred Bell was sentenced to twelve years' imprisonment, Mr. Xavier Matu to eight years', Mr. Douglas Zakumba to ten years', and Mr. Nosiko Charlie, who was found guilty of becoming a member of Pogo, to four years' imprisonment. Parts of these sentences are to run concurrently with sentences of imprisonment they are already serving.
- Mr. George Mrwentyana and Mr. Joseph Sentence were acquitted.
75. On 22 June it was disclosed in Cape Town that the suit of Mr. Alan Keith Brooks against the Minister of Justice for damages of 4,000 Rand for alleged assault in prison while under detention in 1964, was settled out of court. The terms of the settlement were not disclosed. Mr. Brooks was released from Roeland Street Jail on 21 June, nearly five months before he was due to complete his two-year sentence on the charge of membership in an unlawful organization, the African Resistance Movement. The release was conditional on his being out of the country by the next day.

76. On 22 June in Durban, Mr. Mthandazo Aaron Masango was sentenced to one year's imprisonment, of which all except four days was suspended conditionally for three years, for failing to report to the police in terms of a banning order.
77. On 24 June in the Goodwood Regional Court, Mr. Martin Masilo was sentenced to six years' imprisonment on charges of membership in the underground organization Pogo and of furthering its aims. Messrs. Justice Malusi, Simon Kandi and Mlandeli Tshomane were also sentenced to three years on each of the two counts, the sentences to run concurrently. Messrs. Douglas Dladla, Wilson Jena, Robert Mbohazi, Kleinbooi Mwali, Dick Faro Kumalo and eight others were each sentenced to three years' imprisonment. (In some cases a year of the sentences was conditionally suspended.) Fourteen others of the thirty-one men originally charged were found not guilty and discharged.
78. In June in the Grahamstown Supreme Court, Messrs. Zolile Samuel Pityana, Ernest Tshazibana, Jabulani Patrick Mkuzo and Velile Soyizwapi were each sentenced to five years' imprisonment on charges of belonging to the banned Pan Africanist Congress, going to Basutoland without valid travel documents and undergoing training for use in furthering the aims of the P.A.C.
79. In June, the Grahamstown Supreme Court refused an application by Dr. Masilamoney Pather for leave to appeal to the Appellate Division against further convictions under the Suppression of Communism Act.^{5/}
80. On 5 July in Cape Town, Mr. Zollie Malindi, who had spent more than two years in prison without any conviction, was acquitted of the charge of membership in the banned African National Congress.
81. On 5 July in the Goodwood Regional Court, Messrs. Mkotlane Yangaphi, Felinyaniso Njamela, Dwashu Nqikela, Zwelibagile John Caciso,

5/ Mr. Pather had served a sentence of three years' imprisonment, nine months of which were suspended, for allowing his home to be used for a meeting of the African National Congress in April 1961. After release, he was again sentenced on three charges - allowing his home to be used for a meeting of A.N.C. in 1961, allowing his home to be used for collection of A.N.C. funds in 1961, and contributing funds to the A.N.C. The Grahamstown Supreme Court, on 28 March 1966, dismissed his appeal against these further convictions on similar charges. The Defence Counsel, Mr. Isaacson, Q.C., argued that it was a sort of "refined cruelty" for a man to be charged and convicted and charged again after release.

Ntlokwebomvu Ngcwangushe and Bernard Huna were acquitted of charges of membership in the African National Congress, or alternatively of furthering the aims of communism. The magistrate, Mr. J.J. Slabbert, agreed that the defence had no prima facie case to answer.

82. In July in the Roodepoort Magistrate's Court, charges were withdrawn against Messrs. Vinod Patel, a student, Iqubal Ansary and Saleem Karodia, both teachers, Cassim Karodia and two school boys. The State alleged that they held an illegal meeting at the Roodepoort Asiatic School between 9 and 10 May this year. No reason was given for the withdrawal.

83. In July in Humansdorp, Messrs. Archibald Skefile, Sikumbuzo Mleve and Enoch Bombisca were each sentenced to four and a half years' imprisonment for subscribing to the African National Congress and holding A.N.C. meetings in their homes. Mr. Joseph Mpongoshe was sentenced to three years' imprisonment for subscribing to the A.N.C. The men had been brought to trial from Robben Island where they were serving three-year sentences imposed in 1964 for belonging to the A.N.C.

84. On 4 August in the Cape Town Regional Court, Mr. Dennis Wessels and Mr. Ahmed Osman were acquitted on appeal against six-month sentences imposed on them for refusing to testify in the trial of Mr. W.J. Bock who was appearing on charges under the Suppression of Communism Act. (Their legal representatives had told the court that their clients were unwilling to testify against Mr. Bock and asked leave to appear when the objections to giving evidence were heard. The public prosecutor objected to counsel appearing at the hearing of the objections on the grounds that the Criminal Code made no provision for a witness to be represented.) Giving judgement, Mr. Justice van Zyl said:

"Failure to allow audience through a legal practitioner to a person who objects to giving evidence in a criminal trial is a gross irregularity."

85. In August in the Johannesburg Regional Court, Mrs. Violet Weinberg and Mrs. Lesley Schermbrucker were each sentenced to two years' imprisonment on charges of taking part in the activities of the banned Communist Party.^{6/}
86. In August in the Durban Regional Court, Dr. Gangathura Mohambry Naicker, a medical practitioner and leader of the South African Indian Congress, was sentenced to two months' imprisonment for contravening a banning order prohibiting him from attending social gatherings by having Mr. and Mrs. Alan Paton to dinner at his home; and to one year's imprisonment for contravening another banning order by failing to notify the police of his change of address. All but four days of the second sentence was conditionally suspended. Bail was fixed at 100 Rand pending an appeal.
87. In August in Humansdorp, Messrs. Jackson Busakwe, Morris Maku, Aaron Mahantsa and Joel Hoyi were each sentenced to four and a half years' imprisonment on charges of contributing to, soliciting funds for and allowing their homes to be used for meetings of the African National Congress. In another trial, Mr. Washington Mabongo was sentenced to six years' imprisonment on similar charges. (All four men were, at the time, on Robben Island serving sentences. They were among seventy-four persons sentenced in Graaff Reinet in December 1964 on the charge of membership of the A.N.C.)
88. In August in the Grahamstown Supreme Court, Messrs. Eric Zuma, Llewellyn Yawa, Daniel Magongo, Milton Baleni, Alfred Zambetha, Matthew Mpolongwana, Amos Zembetha, Richard Klass, Arnold Nhanhana and Welcome Duru, each had their sentences reduced, on appeal, to one year's imprisonment. They had been sentenced in Port Elizabeth in September 1965 to four and a half years each on charges of having participated in the 1960 bus strike and of being members of the African National Congress.
89. In August, in an out-of-Court settlement, payment of 1,000 Rand was made by the South African Government to Miss Stephanie Kemp, in settlement of her suit against Mr. B.J. Vorster, Minister of Justice, and a security branch detective for alleged assault. Miss Kemp alleged that she had been beaten into semi-consciousness by a detective after her arrest in 1964.

^{6/} See paragraphs 135 and 155. Both Mrs. Weinberg and Mrs. Schermbrucker were already serving sentences for refusing to give evidence for the State. Their husbands were also serving sentences on political charges. Mrs. Weinberg's daughter, Sheila, had recently been released from prison after serving a sentence on charges of taking part in the activities of the African National Congress.

On 28 September, in Johannesburg, Mr. Albert Dhlomo was sentenced to six months' imprisonment for refusing to take the oath and give evidence in the trial of Messrs. Arenstein, Ernst and Finkelstein. Mr. Dhlomo, who had been detained under the 180-day law, alleged maltreatment by the Security Police during detention. He said he would be a traitor to his people if he gave evidence for the State.

On 9 September 1966 in Bloemfontein, Mr. Majesane Malafetsane Geelbooi, a Basuto national, was fined 50 Rand (\$70) for inviting farm labourers to destroy pass books, and sentenced to 18 months' imprisonment, of which 12 months were conditionally suspended, for burning the pass books of three.
