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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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\* Also issued as A/5957.

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LETTER OF TRANSMITTAL

10 August 1965

Sir,

I have the honour to send you herewith the report adopted unanimously on 10 August 1965 by the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.

This report is submitted to the Security Council in pursuance of operative paragraph 5, sub-paragraph (b), 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, Sir, the assurances of my highest consideration.

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

Sir Roger Jackling  
President of the Security Council  
United Nations  
New York

/...



## Introduction

1. The Special Committee on the Policies of Apartheid of the Government of the the Republic of South Africa, established by General Assembly resolution 1751 (XVII) of 6 November 1962, has the mandate under General Assembly resolutions 1761 (XVII) and 1978 A (XVIII) "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 30 November 1964, Mr. Marof ACHKAR (Guinea) was Chairman of the Special Committee, and Mr. Fernando VOLIO Jiménez (Costa Rica) Vice-Chairman. Mr. Ram C. MALHOTRA (Nepal) resigned his office as Rapporteur on 18 March 1965. On 6 May 1965, the Special Committee elected 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, with Mr. E.C. ANYACKU (Nigeria) as its Chairman.

4. The following representatives served on the Special Committee during the period from 30 November 1964:

ALGERIA	Representative:	Mr. Tewfik BOUATTOURA
	Alternate	
	Representatives:	Mr. Hadj Benabdelkader AZZOUT Mr. Abderrahmane BENSID
COSTA RICA	Representative:	Mr. Fernando VOLIO Jiménez
	Alternate	
	Representatives:	Mr. José María AGUIRRE Mrs. Emilia BARRISH
GHANA	Representative:	Mr. Alex QUAISON-SACKEY
	Alternate	
	Representative:	Mr. Joseph Benjamin PHILLIPS
GUINEA	Representative:	Mr. Marof ACHKAR
	Alternate	
	Representative:	Mr. Cheik Omar MEAYE

HAITI	Representative:	Mr. Carlet R. AUGUSTE
	Alternate	
	Representatives:	Mr. Raoul SICLAIT Mr. Alexandre VERRET Mr. Léonard PIERRE-LOUIS
HUNGARY	Representative:	Mr. Karoly CSATORDAY
	Alternate	
	Representatives:	Mr. Arpád PRANDLER Mr. Imre BORSANYI
MALAYSIA	Representative:	Mr. Radhakrishna RAMANI
	Alternate	
	Representative:	Mr. ZAIN Azraai bin Zainal Abidin
NEPAL	Representative:	Mr. Padas Bahadur KUMARI (from October 1954)
	Alternate	
	Representatives:	Mr. Ram C. MALHOTRA (until March 1965) Mr. DEVEIDRA Raj Upadhyaya
NIGERIA	Representative:	Mr. S.O. ADEBO
	Alternate	
	Representatives:	Mr. E.C. ANYAOKU Mr. J.D.O. SOKOYA
PHILIPPINES	Representative:	Mr. Privado G. JIMENEZ
	Alternate	
	Representative:	Mr. Hortencio J. BRILLANTES
	Advisers:	Mr. Virgilio C. MANAGAS Mr. Antonio J. UY
SOMALIA	Representative:	Mr. Hassan Nur ELMI (until April 1965) Mr. Abdulrahim A. FARAH (from July 1965)
	Alternate	
	Representatives:	Dr. Ahmed M. DARMAN Mr. Abdullahi E. HAJI (until July 1965)

5. On 16 June 1965, the Special Committee submitted a special report to the General Assembly and the Security Council.<sup>1/</sup>

6. On 10 August 1965, the Special Committee decided unanimously to submit the present report on developments since 30 November 1964 to the General Assembly and the Security Council.

7. The report is divided into three parts. The first part contains a brief review of the work of the Special Committee in pursuance of its mandate under

1/ A/5922-S/6453.

General Assembly resolutions 1761 (XVII) and 1978 (XVIII). The second part is devoted to an analysis of the main elements of the present situation in South Africa and an indication of the need for urgent and decisive international measures. The third part contains the recommendations of the Special Committee. A review of developments in the Republic of South Africa since the report of 30 November 1964, and a list of documents issued by the Special Committee, are annexed to the report.

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

9. The Special Committee wishes to record again its gratitude to the Secretary-General for his unflinching interest in its work and for his invaluable assistance in the discharge of its mandate. It also wishes to express its appreciation to Mr. Vladimir P. Suslov, Under-Secretary for Political and Security Council Affairs until July 1965, and to Mr. M.A. Vellodi, Deputy to the Under-Secretary, for their assistance and co-operation.

10. Finally, it wishes to express its appreciation to Mr. Enuga S. Reddy, the Principal Secretary, for continued outstanding service to the Committee, and to the other members of the Secretariat assigned to the Committee who discharged their duties with remarkable efficiency and devotion.

Part I

REVIEW OF THE WORK OF THE SPECIAL COMMITTEE

A. Report of 30 November 1964<sup>1/</sup>

11. On 30 November 1964, the Special Committee submitted a report to the General Assembly and the Security Council in which it reviewed the main developments relating to the racial policies of the Government of the Republic of South Africa since its report of 13 September 1963<sup>2/</sup> and made a number of recommendations.

12. The Special Committee stated that the situation in the Republic of South Africa had greatly deteriorated during the period under review and constituted a serious threat to the peace in terms of Article 39 of the Charter. It, therefore, recommended that the General Assembly should, at the earliest practicable date, record the conviction of the large majority of Member States that the situation in the Republic of South Africa constituted such a threat, thus calling for mandatory measures provided for in Chapter VII of the Charter of the United Nations, and invite the Security Council to take the necessary action without delay to resolve the situation.

13. Noting that economic sanctions were the only available means for a peaceful solution of the situation in South Africa, the Special Committee recommended that the General Assembly and the Security Council decide on total economic sanctions against the Republic until the South African Government agreed to comply with its obligations under the Charter of the United Nations. It submitted several specific measures in this connexion for the consideration of the General Assembly and the Security Council.

14. The Committee expressed grave concern over reports that South Africa had further expanded its military and police forces and that, despite the resolutions of the Security Council and the General Assembly, it had been able to import large quantities of military equipment and receive co-operation from some States in the military field. It recommended that the General Assembly and the Security Council

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1/ A/5825-S/6073.

2/ A/5497-S/5426.

should request all States to implement the relevant resolutions fully; prohibit the provision of technical assistance or capital for the manufacture of arms and ammunition in South Africa; prohibit any assistance for the manufacture in South Africa of aircraft, naval craft or military vehicles; deny training facilities to members of the South African armed forces; and refrain from joint military exercises with the South African armed forces.

15. In view of the massive repression of the opponents of the policies of apartheid during the past year, the Special Committee recommended that all States and organizations be invited to contribute generously for relief and legal assistance to persons persecuted for their opposition to the policies of apartheid and to their families.

16. The Special Committee referred to numerous allegations of ill-treatment and torture of opponents of the policies of apartheid in police custody and in prisons in South Africa, and recommended that an international commission composed of eminent jurists and prison officials be set up to investigate the situation.

17. The Special Committee also made recommendations concerning the dissemination of information to promote awareness of the dangers of the policies of apartheid and support for the United Nations activities on this question. Finally, it suggested that its membership be enlarged to include permanent members of the Security Council and the present major trading partners of South Africa, and to ensure a wider geographical distribution in its membership.

#### B. Programme of work of the Special Committee

18. Soon after the conclusion of the nineteenth session of the General Assembly, which was unable to consider and act upon the Special Committee's report of 30 November 1964, the Committee resumed its plenary meetings and decided to redouble its efforts in view of the continued deterioration of the situation in the Republic of South Africa.

19. The Special Committee felt that with the conclusion of the work of the Expert Committee of the Security Council at the end of February 1965, and in view of the constant deterioration of the situation in South Africa, it was essential that the United Nations should take decisive action, with no further delay, to resolve the

situation. In its efforts towards assisting the General Assembly and the Security Council to take such action, the Committee gave special attention to certain important aspects of the situation:

- (a) the increased military and police build-up in the Republic of South Africa, with the co-operation of certain other Powers;
- (b) the increase in investments by foreign-owned corporations in the Republic of South Africa;
- (c) the repressive measures against the opponents of the policies of apartheid;
- (d) relief and legal assistance to persons persecuted by the South African Government for their opposition to the policies of apartheid and to their families; and
- (e) dissemination of information to promote awareness of the dangers of apartheid and support for the United Nations activities on this question.

20. The first two aspects were covered in detail in a special report submitted by the Special Committee on 16 June 1965, which is briefly reviewed in the next section. A brief review of the Committee's consideration of the other aspects follows.

C. Report of 16 June 1965 to the General Assembly and the Security Council<sup>3/</sup>

21. Reviewing the situation after the submission of the report of February 1965 by the Expert Committee of the Security Council,<sup>4/</sup> the Special Committee considered that in view of the continued intransigence of the South African Government and its intensification of the policies of apartheid, decisive mandatory measures, under the provisions of Chapter VII of the Charter, should be taken without delay. It reaffirmed its conviction that economic sanctions were the only effective peaceful means available to the international community to resolve the situation in the Republic of South Africa.

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<sup>3/</sup> A/5932-S/6455.

<sup>4/</sup> S/6210 and Add.1.

22. The Special Committee deplored the fact that since General Assembly resolution 1761 (XVII) of 5 November 1962, and even during the deliberations of the Expert Committee, the major trading partners of the Republic of South Africa had greatly increased their trade with South Africa and investments in South Africa and 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.

25. In a report to the General Assembly and the Security Council on 16 June 1965, the Special Committee submitted detailed information on the build-up of military and police forces in the Republic of South Africa and on recent investments by foreign-owned corporations in the country, and made the following recommendations:

"24. The Special Committee recommends that the Security Council and the General Assembly urge the major trading partners of the Republic of South Africa, in particular those among them who are permanent members of the Security Council, to cease immediately all relations which encourage the South African Government to persist in its disastrous racial policies, and join in measures, under the auspices of the United Nations, to secure an end to the policies of apartheid and to promote progress towards a non-racial society which would guarantee human rights to all the people of the country, irrespective of race, colour or creed.

"25. The Special Committee recommends that, as a first step to follow upon its resolutions, the Security Council call upon all States urgently to take, under Chapter VII of the Charter, the following measures to stop encouragement to the South African Government to pursue its present racial policies:

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

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

"(c) 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;

"(d) Cease export of arms and ammunition, aircraft, naval craft and other military vehicles to South Africa, as well as machinery for their manufacture in South Africa;

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

"(f) 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; and

"(g) Recall the chiefs of their diplomatic and consular missions in South Africa.

"26. The Special Committee further reaffirms its recommendation that the Security Council decide on total economic sanctions against the Republic of South Africa until the South African Government agrees to comply with its obligations under the Charter of the United Nations and promptly institute the measures indicated in its report of 30 November 1964 to persuade the South African Government to take steps to comply with the resolutions of the General Assembly and the Security Council.

"27. In conclusion, the Special Committee considers it essential to emphasize that the United Nations faces an inescapable challenge to its authority and a serious threat to the peace in consequence of the constant defiance of the principles of the Charter by the Government of the Republic of South Africa. In view of the grave consequences of the continued aggravation of the situation and the solemn responsibilities vested in the Security Council and the General Assembly, it is essential that decisive action be taken with no further delay. The Special Committee expresses the hope that members of the Security Council, particularly the permanent members, will assume their responsibilities and obligations under the Charter and take the action which is required by the Charter and which is essential to preserve the authority of the United Nations and to forestall a dangerous conflict."

24. In a statement on 17 June<sup>5/</sup> on the occasion of the publication of the report, the Chairman of the Special Committee emphasized that it was a call for action made to the Security Council and the General Assembly, to the permanent members of the Security Council who have a sacred responsibility for the maintenance of peace, to the major trading partners of South Africa who hold the key to a peaceful solution



of this grave problem and to all people of goodwill who need to exert their maximum efforts to avert a catastrophe. This report, he noted, affirmed the Special Committee's conviction, based on a serious study of the problem that all other means to deal with the situation in South Africa had been exhausted and that the United Nations faced the inescapable and imperative duty to take decisive mandatory action under Chapter VII of the Charter.

D. Repressive measures in the Republic of South Africa

25. During the period under review, the Special Committee was gravely concerned over the continued and intensified repression against opponents of the policies of apartheid in the Republic of South Africa: the staging of numerous trials, some under retroactive legislation, and the imposing of harsh sentences under arbitrary and racist laws; the ill-treatment and torture of political prisoners; the continued serving of house arrest and banning orders; and other methods of intimidation against organizations and individuals opposed to racial discrimination.

26. The Committee was particularly concerned over the continued imposition of death sentences and the carrying out of executions in defiance of resolutions of the Security Council.

27. On 8 March 1965, the Special Committee's attention was drawn to the death sentences passed on Messrs. Samuel Jonas, Molate Petse and Daniel Ngodeni on 25 February 1965. They had been charged in the circuit court at Graaff-Reinet with the murder of Mr. Sipo Mange in Port Elizabeth on 12 May 1963, two days before Mr. Mange had been scheduled to appear as a State witness in a sabotage trial. The three men had pleaded not guilty. The attention of the committee was also, drawn to the news that on 1 March 1965 the Appeal Court at Bloemfontein had rejected an appeal made by Mr. Frederick John Harris who had been sentenced to death on 6 November 1964. (The case of Mr. Harris, former Chairman of the South African Non-Racial Olympic Committee, had been reviewed in the Committee's report of 30 November 1964.)

28. On 9 March 1965, the Special Committee issued the following Press communiqué on these developments and communicated it to the Secretary-General for transmission to the Government of South Africa:

"At an extraordinary meeting held today, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa noted with grave concern and indignation that the South African Government is continuing trials of opponents of apartheid for their membership in and support of organizations opposed to apartheid or for acts resulting from their opposition to apartheid. Severe sentences are being imposed on the accused under arbitrary laws, which violate the fundamental principles of justice and human rights and which are designed to impose the policies of apartheid and to suppress all opposition to it.

"The Special Committee views with great indignation particularly that death sentences were passed on 25 February 1965 on three Africans from Fort Elizabeth - Mr. Samuel Jonas, Mr. Molate Petse and Mr. Daniel Ngodeni - and that the appeal against the death sentence on Mr. Frederick John Harris, former chairman of the South African Non-Racial Olympic Committee, was rejected on 1 March 1965. The Special Committee restates its view that these men and other opponents of apartheid who are continually brought to trial under different charges in South Africa are not criminals but true patriots of South Africa who are the victims of an oppressive régime which has denied to them all avenues for political discourse.

"These trials and sentences are in open defiance of repeated resolutions of the General Assembly and the Security Council, in particular the Security Council resolutions S/5761 and S/5773 of 9 and 13 June 1964 urging the South African Government to renounce the execution of persons sentenced to death for acts resulting from their opposition to the policies of apartheid, and grant an amnesty to all persons imprisoned, interned or subjected to other restrictions for having opposed the policies of apartheid.

"These trials and sentences, moreover, are leading to a further aggravation of the situation in South Africa and make a peaceful settlement ever more difficult.

"The Special Committee, therefore, again urgently demands that the South African Government desist from its present course in compliance with the resolutions of the General Assembly and the Security Council.

"The Special Committee urgently appeals to all States and especially the major trading partners of South Africa, organizations and individuals to utilize all their influence to persuade the South African Government to comply with these resolutions and to renounce the executions and arbitrary trials.

"The Special Committee wishes to draw the attention of the Security Council, and particularly of the permanent members of the Council, to the fact that these sentences can only further aggravate an already grave political situation in the Republic of South Africa."

29. On 7 April 1965, the Committee took note with indignation that Mr. Harris had been executed on 1 April, and that Mr. Washington Bongco, a member of the regional committee of the African National Congress at East London who had been sentenced to death in 1964, had been executed in February 1965. These executions brought the total of executions of opponents of apartheid since the beginning of 1963 to fifty-two.

30. The Chairman stated that with the series of executions in defiance of world opinion, the Pretoria regime was leading the Whites on a suicidal path. He warned that it would soon be too late to save peace and to ensure justice in South Africa, and that the policies and actions of countries which were directly or indirectly helping the Verwoerd Government to continue its crimes against the South African people were not only undermining the United Nations, but were creating the conditions for a racial war on the African continent.

E. Relief and legal assistance of persons persecuted by the South African Government for their opposition to the policies of apartheid and to their families

1. Appeal to Member States and organizations

31. It may be recalled that on 26 October 1964 the Special Committee had issued an appeal to Member States, through the Secretary-General, and also to appropriate organizations, recalling General Assembly resolution 1978 B (XVIII) of 16 December 1963 and requesting them to contribute urgently and generously to existing voluntary organizations providing relief and legal assistance to persons persecuted by the South African Government for their opposition to the policies of apartheid and to their families.<sup>5/</sup>

32. In response to this appeal, the Government of India announced a contribution of \$5,250 in November 1964 and the Government of Sweden announced a contribution of \$200,000 on 29 January 1965.

33. Information received by the Special Committee during the year indicated an acute and urgent need for greater contributions to ensure legal representation for the accused in the numerous political trials in progress and relief to their dependents. Tens of thousands of women and children were in desperate need as the breadwinners in their families had been jailed. The Special

Committee drew attention to these needs at its meetings, and the Officers of the Committee met with the Secretary-General on 23 April 1965 to seek his good offices in promoting wider contributions.

34. In response to the efforts of the Special Committee, supported by the Secretary-General, a number of other States have announced pledges or contributions as follows:<sup>1/</sup>

10 June 1965:	Netherlands, 100,000 Dutch guilders (\$27,760)
15 June 1965:	Pakistan, 23,800 rupees (\$5,000)
16 June 1965:	Denmark, 250,000 Danish kroner (\$37,000)
13 July 1965:	Greece, \$1,000
6 August 1965:	Philippines, \$2,500

2. Hearing of the Rev. Canon L. John Collins

35. On 7 June 1965 the Special Committee granted a hearing to the Rev. Canon L. John Collins, Chairman of the Defence and Aid International Fund for Southern Africa.<sup>2/</sup>

36. The Rev. Canon Collins emphasized the importance of General Assembly resolution 1970 E (XVIII), praised the efforts of the Special Committee, and said:

"To put matters right in South Africa requires political action on a big scale. And, in a country where the victims of this policy, the vast majority of its citizens, are disenfranchised and persecuted under minority laws and enactments which make it an offence against the State even to wish to establish a non-racial society under a constitution which gives equal rights and responsibilities to citizens irrespective of race or colour, there is little if any likelihood of effecting the necessary political changes by normal, democratic, internal political processes. In such a situation it seems probable that only external pressures and the threat or execution of internal revolution will bring about the desired result. It might appear, therefore, to those Member States of the United Nations who wish to see the policy of apartheid abandoned by South Africa, that the Defence and Aid Fund (and other such organizations) can be no more than a palliative, valuable and, indeed, essential as such, but unable to play any decisive part in bringing about what the civilized world looks for namely, a peaceful but revolutionary change of policy in South Africa.

<sup>1/</sup> A/AC.115/L.134, L.135, L.142, L.144 and L.143.

<sup>2/</sup> The Defence and Aid Fund, affiliated to Christian Action, London, had been established in 1956 to provide legal aid for the 156 persons arrested in South Africa in 1956 and charged in the abortive "treason trial". It has since continued to provide assistance to the victims of persecution in South Africa. The Defence and Aid International Fund for Southern Africa was established in 1966. The Defence and Aid Fund, London, and the International

"I believe it would be wrong to suppose that the work done by the Defence and Aid Fund is no more than a palliative. I think that, as well as bringing aid to the persecuted victims of unjust legislation and oppressive and arbitrary procedures, and relief to their families and dependants - and that thoroughly worthwhile job we have done now for many years, and will continue to do until the non-Whites in South Africa are politically, socially and economically free men and women - the Defence and Aid Fund has played, and continues to play, a vital role in bringing about those political changes so desired by all the people of goodwill. And of much importance, in my opinion, is the fact, that the contribution of Defence and Aid in this respect fosters the morale of the internal resistance; for, if the necessary political changes are to be brought about with the minimum of violence - and no sane person could wish otherwise - it is the resistance movement inside South Africa, the front line of the struggle for freedom, which alone can give to South Africa the ability to become a non-racial society based upon a free and democratic way of life. I am encouraged in this opinion by the constant emphasis placed by the non-White South African political organizations upon the importance of the Defence and Aid Fund in their struggle. ...

"Legal defence achieves far more, I think, than a bare recital of the statistics of those defended would indicate. First and foremost it builds and sustains the morale of the people in the face of deliberate government policy to break their spirit and to force them into docile acceptance of apartheid policies. The mass arrests, the multiplicity of new laws, and the serving of banning orders have this one common aim, namely, to silence completely all effective opposition. But, because people are defended in open court, because abuses and malpractices - often sanctioned by the South African Government - are subjected to the harsh glare of court proceedings, the Government is continually defeated in its efforts to cow the people. ...

"The ninety-day law has been suspended; electric shock torture has been forbidden. We believe that it is because of the constant publicity given to these evils by the Defence and Aid lawyers that this has happened. Defence and Aid lawyers brought applications to court alleging torture of ninety-day detainees even though they knew that they could not win; for although the court rejected their applications, the publicity had an effect on the Government that we cannot fully estimate."

37. Canon Collins continued that the recent legislation, and the continuation of political trials, including trials of prisoners under new charges and new retroactive laws, made it clear that there was to be no let-up in the persecution of the opponents of apartheid. Appealing for greater contributions, he estimated that not less than £75,000 would be needed in the next twelve months, and perhaps very much more, for legal defence and that not less than £150,000 a year would be required for relief of dependants of prisoners, who number about 15,000 to 20,000.

38. He reported that the Defence and Aid International Fund had recently taken on a new responsibility of helping political prisoners to enrol for correspondence courses, and of assisting the education of their children. The Fund was earnestly seeking funds for this type of work.

F. Dissemination of information to promote awareness of the dangers of apartheid and support for United Nations activities on this question

39. Considering the problem of apartheid as a matter of concern to all humanity, the Special Committee has always emphasized the need for 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.

40. In its report of 30 November 1964, the Special Committee recommended that the General Assembly and the Security Council:

"Invite Member States to encourage and provide facilities for the widest dissemination of information to promote awareness of the dangers of the policies of apartheid and support for the United Nations activities on this question; invite the specialized agencies to take concerted and active measures, in co-operation with the Secretary-General and the Special Committee, to promote the dissemination of such information; request the Secretary-General to encourage international organizations to disseminate such information; and allocate adequate budgetary and other support for the efforts of the Special Committee in this field." 9/

41. The Special Committee gave further attention to this matter during the period under review.

42. On 19 April 1964, acting on proposals presented by the representative of Nigeria, and enthusiastically supported by all the members, it agreed on the following measures:

(a) The Special Committee should publish a popular booklet explaining in detail the patient efforts of the United Nations to resolve this problem and the urgent need for effective measures and arrange to distribute it widely in various languages.

(b) The Secretariat should be requested to publish a monthly news bulletin of developments relating to apartheid for distribution to members of the Special Committee, as well as other Member States, specialized agencies and non-governmental organizations.

(c) Outstanding scholars should be invited to contribute to a symposium on the nature and implications of apartheid in South Africa.

(d) The United Nations should issue a stamp, possibly on the next United Nations Day, depicting its concern with apartheid and encourage Governments to do so.

(e) The United Nations should prepare radio and television scripts on apartheid and the work of the Special Committee for distribution around the world.

(f) The United Nations should prepare special posters on apartheid and make them available to Member Governments and organizations.

(g) The United Nations should prepare special displays of documents on this matter. Such displays and other materials prepared for enlightening world opinion on the subject should be boldly exhibited at the United Nations Headquarters and at the Organization's information centres around the world.

(h) Media of information, educational institutions, foundations and other non-governmental organizations should be invited to inform the people of the dangers of apartheid and the steps to be taken to eliminate the dangers by ending the policy of apartheid.

(i) Specialized agencies should be requested to co-operate fully in these efforts, particularly UNESCO.

(j) Seminars should be held under the United Nations Advisory Service Programme on this problem.

(k) These efforts by the United Nations and other agencies should be co-ordinated with the three-year educational programme planned in connexion with the celebration of the International Year of Human Rights in 1968. In view of the explosive nature of the question of apartheid and the urgent need for action to secure abandonment of that policy, it would be appropriate that, as a matter of priority, the activities planned for 1966 be specially devoted to emphasizing this subject. Moreover, the International Conference on Human Rights, planned for 1968, should place particular emphasis on the urgency and gravity of the problems of apartheid and racial discrimination.

43. The Officers of the Special Committee and the Chairman of the Sub-Committee on Petitions consulted with the Secretary-General and Secretariat officials concerned with the matter, and received assurances of co-operation.

44. On 13 May 1965, the proposals of the Special Committee concerning seminars on apartheid and the International Year for Human Rights were communicated, through the Secretary-General, to the Economic and Social Council.<sup>10/</sup> Subsequently, the Special Committee was informed of the readiness of the Government of Brazil to invite the United Nations to organize an international seminar on apartheid in Brazil in 1966.<sup>11/</sup>

<sup>10/</sup> E/4055.

<sup>11/</sup> A/AC.115/SR.67 - see Part III, paragraph 17.

45. The Special Committee also decided to hold consultations with representatives of non-governmental organizations in order to consider ways to promote dissemination of information.

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

46. The Sub-Committee on Petitions submitted six reports during the period under review drawing the attention of the Committee to a number of petitions and memoranda received from organizations and individuals concerning the situation in South Africa.<sup>12/</sup>

47. The Special Committee heard two petitioners on the recommendation of the Sub-Committee.

1. Hearing of Mr. A.B. Ngcobo

48. On 19 April 1965, the Special Committee heard a statement by Mr. A.B. Ngcobo, Treasurer-General and member of the national executive of the Pan Africanist Congress of South Africa.

49. Mr. Ngcobo said the story of his country was not only a story of grief, want, hunger, homelessness, a story of torture, endless persecution and prosecution but also a story of heroes, past and present, and of service, sacrifice and suffering. Recalling the great historical figures who had fought against foreign domination and had chosen to die on their feet than to live on their knees, he referred to Mr. Robert Sobukwe, President of the Pan Africanist Congress, as "another name with as great a potential". Mr. Sobukwe, he said, was confined to Robben Island prison under clause 4 of the General Law Amendment Act of 1963 although his earlier three-year sentence had been completed. Mr. Sobukwe was the only man held and imprisoned without trial under that clause. He urged the Special Committee to take steps to secure the release of Mr. Sobukwe, as well as numerous other political prisoners in South Africa. He drew the attention of the Committee to a number of persons who had been arrested and charged with sabotage and recruiting of people for training in sabotage, and thus faced a penalty of from five years' imprisonment to death. Since March 1965, he said, the Government had executed more than fifty persons sentenced to death on charges which arose from their opposition to government policies.

50. He said that the White population of South Africa was arming itself to the teeth and preparing for a war of extermination. He suggested that an investigation



be made in order to determine whether the record of the South African Government in administering the policies of White supremacy did not come under the provisions of the Genocide Convention, which had been unanimously adopted by the United Nations General Assembly on 6 December 1948 and made it an international crime in peace or in war for a nation or its leaders to commit or attempt to commit the crime of genocide.

51. The petitioner criticized the United Kingdom authorities in the High Commission Territories - Bechuanaland, Basutoland and Swaziland - for harassing South African political refugees, thus aiding and abetting the South African Government in perpetrating its inhuman policies. In this connexion, he appealed to the Special Committee to intervene with the United Kingdom authorities to repeal the "Prevention of Violence Abroad Proclamation" promulgated in the three territories, which had been used to harass the refugees.

52. Finally, he requested the Special Committee's intervention in favour of six South Africans from the cast of the play "Sponono" who were facing deportation proceedings in the United States.

53. The Special Committee drew 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 to the statement of Mr. Ngcobo concerning the persecution of South African refugees in Basutoland, Bechuanaland and Swaziland.<sup>15/</sup>

54. The Special Committee was subsequently informed that the deportation proceedings in the United States against the six South Africans had been suspended.

## 2. Hearing of the Reverend Canon L. John Collins

(See section E above).

## H. Other activities of the Committee

### 1. Commemoration of the anniversary of the Sharpeville incident

55. On 18 March 1965, the Special Committee held a special meeting to commemorate the anniversary of the Sharpeville incident of 21 March 1960. Members deplored that five years after the massacre of peaceful demonstrators at Sharpeville and the

Security Council resolution of 1 April 1960 demanding the abandonment of apartheid, <sup>14/</sup> the South African Government was still pursuing with increasing ruthlessness the same repressive racial policies. The Special Committee observed a minute of silence in memory of the victims of the Sharpeville massacre.

2. Commemoration of the anniversary of Freedom Charter of 1955

56. The Special Committee also held a special meeting on 21 June to mark the tenth anniversary of the adoption of the "Freedom Charter" by a conference of people of all racial groups in South Africa, held in Kliptown on 26 June 1955. Members noted that the anniversary was being observed in many countries to draw attention to the question of political prisoners in South Africa. Noting the coincidence of this anniversary with the twentieth anniversary of the United Nations, they called for urgent efforts to end racism in South Africa.

3. Education and training programme for South Africans abroad

57. The Secretary-General kept the Special Committee informed of the progress concerning the establishment of the education and training programme for South Africans abroad in pursuance of operative paragraph 11 of the Security Council resolution (S/5773) of 18 June 1964. The Secretary-General announced on 7 July 1965 that a limited number of fellowships and grants would be provided during academic year 1965-66 for qualified candidates and that the programme was expected to be in full operation by the beginning of 1966.

58. The Special Committee assured the Secretary-General of its co-operation in connexion with this programme, while noting that the programme should in no way divert attention from the essence of the problem of apartheid and the efforts to put an end to it.

4. Request to the United Nations Educational, Scientific and Cultural Organization for a study

59. On 20 April 1965, the Special Committee decided to request the United Nations Educational, Scientific and Cultural Organization, through the Secretary-General of the United Nations, to prepare a study of the effects of apartheid in the fields of education, science and culture. The Committee was informed in June that the Executive Board of the UNESCO had approved the study and that work on it had begun.

Part II

THE SITUATION IN THE REPUBLIC OF SOUTH AFRICA AND THE NEED  
FOR URGENT AND DECISIVE INTERNATIONAL MEASURES

60. In its reports to the General Assembly and the Security Council, the Special Committee has stated its deep conviction that the situation in the Republic of South Africa constitutes a serious threat to the peace in terms of Article 39 of the Charter and that decisive mandatory measures under Chapter VII of the Charter should be taken without delay to resolve the situation. The Special Committee has emphasized the grave international implications of the continuance of the situation in South Africa and called for energetic action by the Security Council and the General Assembly, by specialized agencies and other international organizations, by States and by world public opinion.

61. The Special Committee wishes to restate, in brief, the principal elements of the present situation in South Africa which underlay the recommendations of the Special Committee.

a. Origin of concern of the United Nations

62. In signing the Charter of the United Nations two decades ago, Member States, fully aware that racism constitutes a serious menace to international harmony and peace, undertook the solemn obligation to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. This solemn obligation was elaborated and reaffirmed in the Universal Declaration of Human Rights and the Declaration on the Elimination of all forms of Racial Discrimination.

63. In resolution 105 (I) adopted at the first session on 19 November 1946, the General Assembly of the United Nations declared that "it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination", and called on "the Governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end".

64. From its inception, the United Nations has been constantly concerned with the racial policies in South Africa where the Government showed no

willingness to end the legacy of severe discrimination against the non-white people who constituted a large majority of the population and where racialism was the State policy. The non-white people of South Africa had patiently appealed to the Governments for many decades and had resorted to various peaceful means to induce them to abandon unjust and humiliating measures such as the denial of political rights and rights of landownership in most of the country, the restrictions on movement and residence, and a host of other measures. The Atlantic Charter, the United Nations Charter and other wartime declarations gave them the hope of redress of grievances and recognition of equality, and encouraged the spread of non-white political organizations, but the Government showed no intention to abide by its solemn obligations.

65. The situation took a serious turn for the worse since 1948 when the National Party came to power by appealing to the racist prejudices of the White electorate. The new Government instituted a series of discriminatory laws and measures humiliating to the non-white people and implemented them with increasing violence against the growing resistance.

66. A few of the actions of the National Party Governments since 1948 are illustrative.

67. Soon after coming to power, the Government abolished the advisory Natives' Representative Council, partly elected on a restricted franchise by the Africans. Subsequently, in 1960, it ended the right of Africans, on a restricted franchise, to elect three Whites to the House of Assembly and four to the Senate.

68. It denied any representation for the population of Indian and Pakistani origin in the Parliament. <sup>15/</sup>

69. It separated the eligible Coloured voters from the common roll into a separate roll, and restricted their representation to four White members of the House of Assembly.

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<sup>15/</sup> By the Asiatic Land Tenure and Indian Representation Act of 1946, the previous Government of Gen. Jan Christian Smuts had offered token representation for Indians in conjunction with restrictions on landownership. The Indian community, however, demanded full franchise rights. In 1948, the new Government repealed the provision on representation.

70. Thus, instead of increasing the representation of non-Whites as a step towards equal rights, it virtually eliminated the token and indirect representation in Parliament which existed before 1948, except for the Coloured representation.

71. The Minister of Justice, Mr. B.J. Vorster, said on 13 May 1965:

"We have kept the Coloured representation there (in Parliament) as a historical fact that was forced on us ...

"In this Parliament which must decide the fate of the Republic of South Africa and its inhabitants, the White man, and the White man alone, will have the right to sit." 16/

72. On the excuse of eliminating points of "friction" between the racial groups, the Government proceeded to enact a host of legislative and administrative measures from the Group Areas Act of 1950 to the Bantu Laws Amendment Act of 1964 and the Proclamation R26 of 1965.

73. The Group Areas Act of 1950, specifically condemned by the General Assembly, was designed to impose residential segregation in all urban areas. Under this act, separation has been ordered by the Government, often against the wishes of municipal authorities and in the absence of any demand from the residents, in hundreds of established multi-racial communities where there had been little evidence of friction or conflict. Tens of thousands of families of non-Whites have been forcibly uprooted from their homes and businesses and made to move to the outskirts of cities and towns. Whites are rarely affected as they have political rights and Government bodies are responsive to their views. Almost invariably the non-Whites are moved out of the central and most desirable parts of cities and towns, even if they had resided there for generations and even if they had settled earlier than the Whites. They are relocated in locations divided on racial and tribal lines and separated from each other by buffer zones, and obliged to commute long distances to work. Businesses of numerous traders have been ruined and livelihoods jeopardized.

74. As Mr. L.C. Gay, United Party member of Parliament, said in the House of Assembly on 18 March 1965, with reference to the Group Areas Act:

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16/ Cape Times, 19 May 1965.

"There is probably no piece of legislation on the Statute Book which has resulted ... in a greater sense of frustration and human heartbreak than this piece of legislation." 17/

75. Under the Population Registration Act of 1950, the entire population of South Africa was classified by race and sub-group. Numerous persons were forced to undergo humiliating tests for the purpose of such classification. Thousands have been subjected to embarrassment and suffering, as different members of families were classified under different racial groups, or persons were separated from their communities and obliged to accept lower standards of living because of classification in a "lower" category. This Act and its implementation created tremendous bitterness, particularly in the Coloured community.

76. Under the Prohibition of Mixed Marriages Act of 1949, marriages between Whites and non-Whites were made illegal. Under the Immorality Amendment Act of 1950 carnal intercourse between Whites and non-Whites was prohibited and subjected to heavy penalties.<sup>18/</sup> Police snoop into the private lives of people and hundreds of persons are charged in courts every year. Many couples who had lived together for years have been forcibly separated.

77. The pass laws and influx control measures, which restrict movement of Africans outside the reserves and are deeply resented by them, have been made more stringent and extended to African women. A thousand Africans a day are arrested and hauled to court for failure to produce passes. Over five million convictions have taken place under the pass laws during the regime of the National Party in a country where the total African population, including children, is thirteen million.

78. Reservation of skilled jobs to Whites, already in force in the mining industry, was extended to other occupations by the Industrial Conciliation Act of 1956. Trade unions are segregated by race and African trade unions denied registration. African workers are prohibited from strikes, with the threat of heavy penalties (a fine of \$1,400 or three years' imprisonment or both). The earnings of the African workers are determined not by collective bargaining but by the whims of the Government officials.

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17/ House of Assembly Debates, 13 March 1965, Col. 3045.

18/ The original Act of 1927 applied to intercourse between Africans and Whites.

79. Under the recent education laws, the non-Whites are denied the right to study in established universities and schools, and are confined to separate inferior schools organized on a racial and tribal basis.

80. Such measures, which violate the fundamental principles of the Charter and all concepts of justice and morality, could not but cause widespread anguish, resentment and bitterness.

81. Non-White political leaders and organizations have repeatedly appealed to the Government to desist from its course and patiently pursued all peaceful and legitimate means to register their protest against its policies.

82. Notable in this respect was the "Campaign of Defiance of Unjust Laws" launched on 26 June 1952 by the African National Congress, the South African Indian Congress and other organizations. Within a few months, over eight thousand persons of all racial groups courted imprisonment by publicly contravening selected discriminatory laws and regulations to draw the attention of the people of South Africa and the world to the injustices to which the non-Whites had been subjected and to seek an end to such injustices.

83. The course followed by the Government was so patently contradictory to its obligations under the Charter, the grievances of the non-Whites were so justified, and the danger of tension and conflict so great that the General Assembly of the United Nations began consideration of the situation at its seventh session in 1952 under an agenda item proposed by Asian-African States entitled: "The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa".

B. Ruthless repression of legitimate protest

84. It was characteristic of the attitude of the South African Government that it reacted to the peaceful protests of the people, who risked terms of imprisonment to draw attention to their legitimate grievances, by suppressing

the campaign by drastic repressive legislation unknown in any civilized society. The Criminal Law Amendment Act of 1953 provided a maximum penalty of 600 Rand (€640) or three years' imprisonment or ten lashes, or a combination of any two of these for offences committed by way of protest, or in support of any campaign for the repeal or modification of any law. It rendered it an offence to advise, encourage or incite anyone to commit such an offence or solicit or accept any financial or other assistance for organized protest or resistance against the laws of the country; the maximum penalty is 1,000 Rand (€1,400), or five years imprisonment or ten lashes. The penalty imposed for a second or subsequent conviction must include whipping or imprisonment. Corporal punishment may be applied to women.

85. The Public Safety Act of 1953 authorized the Governor-General (now State President) to proclaim a State of Emergency in the country as a whole or in specified areas and proclaim emergency regulations. The maximum penalties for contraventions of such regulations are 1,000 Rand (€1,400) or five years' imprisonment.<sup>19/</sup>

86. Year by year, as the Government proceeded with further measures of discrimination and humiliation, and as opposition and resistance continued, the measures of repression increased in scope and severity so that the rule of law has been made a mockery and all avenues for peaceful protest, and all legal means for obtaining redress of grievances and recognition of equal rights, have been denied to the non-Whites.

87. Hundreds of non-White leaders, as well as Whites who advocate equality of rights to all persons irrespective of race, have been served with banning orders prohibiting them from attending gatherings, confining them to magisterial districts or even to their flats, and preventing them from communicating with other "banned persons". Their writings cannot be published or disseminated in any form. Even official documents of the United Nations containing statements by the banned persons are prohibited. No grounds are given for such restrictions and no provision made for recourse to courts. Through these bans, the Government sought to paralyse the leadership of all non-White political organizations and trade unions, as well as White and multiracial organizations advocating equal rights for all the inhabitants of South Africa.

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<sup>19/</sup> The Act was invoked in most of the country in 1960 after the Sharpeville incident. Emergency regulations have been in force in the Transkei since 1960.



88. Numerous opponents of apartheid have been taken to courts under drastic repressive laws and a number banished by arbitrary decrees.

89. Such repression greatly increased in the aftermath of the massacre of sixty-eight peaceful demonstrators against pass laws in Sharpeville in March 1960, which provided the world with dramatic evidence of the widespread disaffection and tension in the country.

90. Though the Security Council, urgently convened after the Sharpeville incident, called on 1 April 1960 for an abandonment of apartheid and the liberation of prisoners, the Government followed a contrary course in utter defiance of its obligations under the Charter and the authority of the Security Council. It banned the principal African organizations, declared a State of Emergency and sought to control the situation by the show and use of massive power.

91. Many non-White leaders and White proponents of equality became convinced that the Government was determined not to allow any possibility for change towards a non-racial society by peaceful and legal means and that their only recourse was a resort to clandestine and violent means.

92. Since December 1961, there have been numerous incidents of violence and sabotage organized by underground movements in South Africa. These were apparently designed, in their initial stage, mainly to draw the attention of the world to the crisis in South Africa. The organizers took precautions to avoid loss of life and to prevent their acts from leading to racial strife.

93. The Government met these clandestine activities with ever more ruthless repression and show of force. The General Law Amendment Act of 1962 (Sabotage Act) provided drastic penalties, including death, for acts of sabotage, defined arbitrarily and widely, and placed the onus of proof largely on the accused. The General Law Amendment Act of 1965 authorized the Government to detain anyone for ninety days at a time for interrogation, and to detain for a year at a time anyone who completed a prison sentence for political offences. The General Law

Amendments Acts of 1963 and 1964 created retroactive offences. The Criminal Law Amendment Act of 1965 authorized the Government to deny bail to persons accused of political offences for three months and to detain and hold incommunicado, for six months at a time, persons who are likely to be witnesses in security trials.

14. As indicated in this and earlier reports of the Special Committee, not only are the laws drastic but their implementation has been vindictive and ruthless. Non-White leaders and other opponents of apartheid are constantly harrassed and intimidated. They are subjected to inhuman treatment in prisons, including prolonged periods of solitary confinement, physical violence and torture for no greater reason than suspicion that the victims may have some knowledge of a political offence. Over fifty persons have been executed since the beginning of 1963 on charges arising from acts committed as a result of opposition to apartheid.

15. Such measures may appear to succeed temporarily in suppressing resistance, but cannot eliminate it so long as racial oppression continues. For, as Mr. Ronald Butcher, a former Progressive Party member of Parliament, said in Durban on 24 October 1964 sabotage was an inseparable part of government-without-consent.<sup>20/</sup>

16. Unwilling to reconsider and revise its policies in the face of continued resistance of the people despite the ruthless repressive measures and the revulsion of world opinion, the South African Government has tremendously expanded its military and police forces to suppress the resistance.

17. The military budget has been increased from \$61,027,000 in 1960-61 to \$521,160,000 in 1965-66.<sup>21/</sup> The police budget has been increased during the same period from \$50,680,000 to \$72,508,800.

18. The Government seeks to be able to put 250,000 well-trained and well-armed men in the field without delay, and to train every able-bodied White man. Enormous amounts have been spent for equipping the armed forces and for the manufacture of arms and equipment in South Africa. The police force has been

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<sup>20/</sup> Cape Times, 26 October 1964.

<sup>21/</sup> In addition, for 1965-66 a large sum under the Defence Special Equipment Account is provided, particularly for the purchase of expensive equipment.

reinforced by a reserve of nearly 20,000 consisting mainly of Whites. Research is being conducted on poison gas, chemical weapons and rockets.

C. Danger of violent conflict and its international repercussions

99. The actions of the present Government have greatly added to the legacy of injustice, bitterness and tension in South Africa. The drastic repressive legislation, the ruthless measures against opponents of racial discrimination and the tremendous military and police build-up are graphic evidence of the increase of tension in South Africa and the growing danger of a violent conflict.

100. Mrs. Helen Suzman, Progressive Party member of Parliament, warned in the House of Assembly on 28 January 1965: "We are sowing a legacy of hatred for ourselves which we may be able to weather, but which ... our children will certainly not be able to weather." 22/

101. Sir De Villiers Graaff, leader of the Opposition, said at Caledon on 23 March 1965: "There is more bitterness against the White man than ever before in our history." 23/

102. The Special Committee has repeatedly emphasized the great international dangers of a violent conflict in South Africa and drew attention to the observations on this matter by the Secretary-General and other eminent world statesmen.

103. A racial conflict in South Africa, and indeed the continuance of the present situation, will not only have the most serious consequences in South Africa, but cannot but affect the peace of the world. The people of Africa and Asia, who are bound by ties of kinship with the non-White people of South Africa, and all the peoples of the world who detest racialism, cannot remain unconcerned while rampant racial oppression continues in South Africa but will feel increasingly compelled to lend appropriate assistance to the legitimate struggle of the South African people for their dignity, and for the inalienable rights recognized in the Charter of the United Nations. Moreover, the present efforts of the South African Government to build up a powerful striking force to enforce and

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22/ House of Assembly Debates, 28 January 1965, Col. 200.

23/ Cape Times, 24 March 1965.

secure the policy of racial discrimination against non-Whites are increasingly regarded by the neighbouring independent countries as threats to their own security. 104. A racial conflict in South Africa, moreover, may have serious and incalculable repercussions in all parts of the world where White and non-White people live together and affect relations between States.

105. The Special Committee notes that the South African Government has, in defiance of numerous resolutions of competent United Nations organs, stubbornly refused to take steps to grant independence to the people of the Mandated Territory of South West Africa. It has steadily strengthened relations with the Government of Portugal and the authorities in Southern Rhodesia in a joint effort to prevent the achievement of independence by colonial peoples in Southern Africa and to oppose their inalienable right to self-determination, in violation of the United Nations Charter and in defiance of the decisions of the competent United Nations organs. These policies and actions of the South African Government greatly increase the threat to the peace in Southern Africa.

D. Need for international action and the objectives of the United Nations

106. Having studied the various aspects of the situation in the Republic of South Africa in accordance with its mandate, the Special Committee is convinced that effective and urgent international action is essential to avoid a racial conflict in South Africa with such grave international dangers.

107. The South African Government has followed a consistent policy which eliminates all possibility of peaceful change by the South African people. Effective franchise is restricted to Whites. The Government has fanned racist prejudices in the White population to rally support for its policy. Selfishness, complacency or fear of retribution within the White minority have strengthened its position. Both the main White parties in South Africa stand for racial discrimination, differing largely in form, and the categorical opposition to racialism repeatedly expressed by non-Whites is ignored and suppressed. The few Whites who advocate non-racialism have been subjected to arbitrary and ruthless repression and intimidation.

108. The Special Committee has, therefore, concluded 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. The Special Committee feels that such action is essential and urgent in the interests of the international community, as well as all the people of South Africa.

109. The Special Committee notes that the United Nations Charter has provided adequate means to deal with the situation, notably the provisions of Article 41 concerning measures not including the use of armed forces, given the necessary agreement among States. It feels that such non-military measures, to be decisive, must be mandatory and universally applied and must be taken under Chapter VII of the Charter.

110. The Special Committee wishes to emphasize that, in taking such measures, the United Nations would serve the legitimate interests of all the people of South Africa, including the White minority whose present course is short-sighted and suicidal.

111. As it has noted in the past, a hopeful and positive element in the present situation is the adherence of the non-White organizations and leaders to the policy and ideal of non-racialism despite the provocation of racist oppression by the Government of the White minority.

112. The "Freedom Charter", adopted in 1955 by a conference of a number of organizations, including the African National Congress, reads:

"We, the people of South Africa, declare for all our country and the world to know:

"That South Africa belongs to all who live in it, black and white, and that no Government can justly claim authority unless it is based on the will of all the people; that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

"That our country will never be prosperous or free until our people live in brotherhood, enjoying equal rights and opportunities;

"That only a democratic State, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief."

113. Mr. Robert Mangaliso Sobukwe, leader of the Pan Africanist Congress, stated on 4 April 1959 at Orlando Township:

"Freedom of the Africans means freedom of everyone, including Europeans in this country ... People will live and be governed as individuals, and not as sectional groups ... We believe that everyone prepared to accept and give loyalty to Africa is an African."

114. Mr. Nelson Mandela, a leader of the African National Congress and the underground Umkonto We Sizwe, stated at the Rivonia trial:

"I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and achieve. But if needs be, it is an ideal for which I am prepared to die."<sup>24/</sup>

115. The United Nations has repeatedly made it clear that its objective is the establishment of a non-racial society in South Africa. In its resolution S/5471 of 4 December 1965, the Security Council stated that the present situation in South Africa should be resolved "through full, peaceful and orderly application of human rights and fundamental freedoms to all inhabitants of the territory as a whole". The Group of Experts appointed in pursuance of that resolution made recommendations on methods of achieving that purpose through consultations of all the people of South Africa.

116. If the South African Government and the White minority in South Africa are willing, within a reasonable time, to reconsider their course and accept the objective stated above, there is no doubt that the non-White people of South Africa will welcome discussions on the modalities of change and the international community will be ready to provide all appropriate assistance to facilitate a peaceful transformation and ensure the security and legitimate interests of all the people of South Africa.

117. The measures recommended by the Special Committee are designed not for the purposes of punishment or revenge, nor to ruin the economy of South Africa, but for the positive aim of persuading the White minority to seek a peaceful settlement and avert a catastrophe.

E. The propaganda of the South African Government

118. The Special Committee notes that the South African Government has chosen to reject meaningful consultations with the majority of the South African people, and co-operation with the United Nations, on specious and unacceptable grounds, and has launched a propaganda campaign to mislead and deceive the world. It has attempted, by fraudulent arguments and assertions, to convince the uninformed that its objective is not racial discrimination, but the unlimited, though separate, development of the various "racial" or "ethnic" groups in South Africa.

119. The South African Government argues that the establishment of a democratic system of government and the granting of equal rights to all citizens in South Africa would mean the extinction of the "White nation".<sup>25/</sup> The security and survival of the "White nation" in its view, can only be ensured by White domination,<sup>26/</sup> and means to defend and perpetuate such domination are therefore justified.

120. Prime Minister Dr. Verwoerd said at an election rally at Germiston on 22 March 1965:

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25/ Prime Minister Dr. Verwoerd said at Heidelberg on 21 November 1964:

"There is no alternative choice, no hope of compromise ... It is not because we are not a decent people. It is merely that no nation can be expected to commit suicide." New York Times, 22 November 1964.

26/ Speaking in the House of Assembly on 25 January 1965, Prime Minister Dr. Verwoerd stated:

"Reduced to its simplest form the problem is nothing else than this: We want to keep South Africa White ... 'Keeping it White' can only mean one thing, namely, White domination, not 'leadership', not 'guidance', but 'control', 'supremacy'. If we are agreed that it is the desire of the people that the White man should be able to continue to protect himself by retaining White domination ... we say that it can be achieved by separate development." House of Assembly Debates, 25 January 1965, col. 242.

"Whatever disagreement there might be between the English- and Afrikaans-speaking sections of the population there was one fundamental part of policy, which decided all and that was: 'Who will rule this country in future - the Whites or the Blacks?'. 27/

121. The ruling National Party's answer was clearly stated by the Minister of Finance Dr. Dönges, at a rally in Cape Town on 23 March 1965: its policy was "White baaskap over White South Africa and its corollary, Black baaskap over Black South Africa, ultimately. 28/

122. The Government has proceeded arbitrarily and unilaterally to divide the South African people into a "White nation" and eight African "nations", as well as the Coloured and Indian groups. The people concerned have never been consulted on this division.

123. The Government has decided that the "White nation" of three million will have domination over the whole of South Africa at present and will eventually seek perpetual domination over six-sevenths of the country, with whatever "minority rights" it may choose to give to the two million Coloured people and the Indians. The eight African "nations" will have domination over the patchwork of over 200 African reserves, which cover less than one-seventh of the country and are inhabited by less than 40 per cent of the African population, when the African people are ready, in the estimation of the White Government, to assume control. The majority of the African people who live and labour outside the reserves will have no political rights: they will be regarded as transients or aliens who are there merely to sell their labour. 29/

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27/ Cape Times, 23 March 1965.

28/ Ibid., 24 March 1965.

29/ The Deputy Minister of Bantu Administration and Development, Mr. M.C. Botha, told the House of Assembly on 7 May 1965:

"... in terms of our policy we say the Bantu may be present in the White areas to offer his labour but not for the sake of enjoying all sorts of privileges such as citizenship rights, political rights, social integration, etc.; we are adamant on that." House of Assembly Debates, 7 May 1965, Co. 5571.

The Government argues that these transients would have political rights in their "homelands", as it chooses to call the reserves, even though they may be born in the urban areas, worked there, and had no connexions with the reserves. But, as Mr. J.M. Connan, a United Party member of Parliament, rightly observed on 25 February 1965: "It is like asking Dr. Verwoerd to vote in Holland." Cape Times, 24 February 1965.



124. The Government's policy implies that the "White nation", a minority, may assume for itself the right to dispose of the destiny of a country which has been built by the labour of people of many racial origins. It may decide to appropriate for itself the fruits of the labour and the heritage of all the people by granting a sham "independence" to Africans in tribal reserves to which they are confined and which can never become truly independent.

125. It puts down by fire and sword any resistance to this unjust calculation. It threatens that, if the non-Whites resist this plan of "separate development", they may even be deprived of the few amenities which they may expect in return for their labour. It hopes by intimidation and repression to stop all resistance and rally a few people who may lose all hope and accept the small mercies from the Government rather than claim their inalienable rights.

126. The Government has proceeded to make these plans for the future of South Africa without even consulting with the non-White majority of the population.<sup>30/</sup> Indeed, it has eliminated the possibility of consultation in Parliament, refused all other means of genuine consultation and rejected the invitation of the Security Council on 18 June 1964 to accept the main conclusion of the Group of Experts 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"

127. The policy of the South African Government is, in effect, based on the assumption that African people of South Africa, who constitute a great majority of the population, are colonial subjects of the White nation and its Government. The Government claims, moreover, that the African people, who constitute a majority in every province of the country - in the urban and rural areas as well as the reserves - belong only to the more than 200 scattered reserves. It claims, finally, the right to "lead" the African people to "independence" at its own

30/ Whenever the non-Whites had a chance to express their views, however, they totally rejected apartheid and racial discrimination. For instance, African votes elected opponents of apartheid to Parliament before the representation of the few African voters by Whites was abolished in 1960.

The voters in the Transkei election in 1965 and in subsequent by-elections rejected candidates favouring apartheid.

The Cape Coloured voters in the provincial elections of 1965 showed their opposition to discrimination by voting for Progressive Party candidates.

Even the Government admits that it could not persuade any representative Indian leaders to join its Indian Council.

discretion and with utter disregard to the principles of justice and the norms established by the United Nations. Indeed, it seeks to confine the Africans into restricted areas, which it fraudulently calls "States", which will be no more than sources of cheap labour and where any resistance can be decimated. Such a vicious form of colonialism within one's own country can only be characterized as the racialism which led to the horror of the Second world war and which is the direct antithesis of the Purpose and Principles of the United Nations.

F. Efforts of the United Nations to resolve the situation

128. The plans of the South African Government, utterly contradictory to the principles of the United Nations Charter, could not but shock the conscience of humanity. World opinion could appreciate that the elimination of the legacy of racial discrimination might pose some difficulties and that the White minority might legitimately seek some assurances in the process of peaceful change to a non-racial society. But the attitude of the Government that it would not even consult the majority of the people, and its efforts to impose by force an utterly unjust settlement, could not be accepted by the world. It was clear, moreover, that the actions of the Government increased tensions and tended to precipitate a conflict which held grave dangers within and beyond the borders of South Africa.

129. Abhorrence of the policies of South African Government by world opinion has been reflected in numerous declarations by Governments, in statements and resolutions at inter-governmental and non-governmental organizations, humanitarian assistance to victims of apartheid and the boycott campaign which spread around the world since 1960.

130. The people of South Africa and world opinion looked for decisive action to the United Nations in view of the solemn commitments of its Charter. For, contrary to the assertions of the South African Government, the Charter does not prescribe the rule of non-intervention in the face of racist policies and actions threatening the peace and security of the world. Its foundation is, in

fact, the determination to concert efforts to dissolve such threats to peace before they assume more alarming proportions.

151. The United Nations made numerous appeals to the South African Government to desist from its unjust policies. The South African Government, however, rejected these appeals and intensified repression and discrimination.

152. Since 1960, when the Security Council began consideration of the question, it has been recognized that the situation in South Africa constitutes a menace to international peace and security and that effective measures were required to persuade the South African Government to abandon its policies. At the fifteenth and sixteenth sessions in 1961, the General Assembly, by overwhelming majorities recommended that all States take separate and collective action, in conformity with the Charter of the United Nations, to bring about abandonment by the Government of the Republic of South Africa of the present policies of racial discrimination. Further, at the seventeenth session, by resolution 1761 (XVII) of 6 November 1962, the General Assembly requested Member States to take the following measures, separately or collectively, in conformity of the Charter, to bring about the abandonment of the racial policies of the South African Government:

- "(a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;
- "(b) Closing their ports to all vessels flying the South African flag;
- "(c) Enacting legislation prohibiting their ships from entering South African ports;
- "(d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;
- "(e) Refusing landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of South Africa."

133. The Security Council adopted four resolutions in 1963 and 1964 calling again urgently for an end to the policies of apartheid and repression against opponents of the policies of apartheid, and solemnly requesting 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.

134. These resolutions have not had the desired effect and the situation has continued to worsen in South Africa.

135. The Special Committee has stated in its reports that the primary responsibility for the failure of the efforts of the United Nations must be borne by the major trading partners of South Africa, including several permanent members of the Security Council. They have opposed timely and adequate action by the United Nations for many years. They advocated limiting international action to appeals and placing reliance on a change of heart within the White minority in South Africa, a course which proved totally ineffective and unrealistic. By maintaining and often strengthening political, economic and military relations with the South African Government, they have encouraged the latter to persist in its policies in the confidence that effective action would not be taken. They have failed to implement the provisions of General Assembly resolution 1761 (XVII): some have even failed to comply fully with the solemn and unanimous requests of the Security Council for an end to all forms of military co-operation with the South African Government. They have resisted proposals to define the situation in South Africa as falling within the purview of Chapter VII of the Charter and requiring action under that Chapter.

136. In this connexion, the Special Committee expresses alarm at the reports that the Government of France, a permanent member of the Security Council, has continued and increased the supply of military equipment to the South African Government thus failing to comply with solemn and unanimous requests of the Security Council, contained in its resolutions of 7 August and 4 December 1963 and 18 June 1964, and that it has sought to benefit by replacing the traditional suppliers of arms who have announced compliance with the arms embargo.

137. It expresses serious concern over reports that the Republic of South Africa has received assistance in the establishment of an aircraft industry, for military and police purposes, from Italy, the United Kingdom and the United States; that the United Kingdom has granted licences for the supply of trucks to the South African Government for military use; and that Japan is contemplating sale of arms to it.

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It has also noted with serious concern that international corporations, owned by interests in the United Kingdom, the United States and other countries, are greatly increasing their investments in the Republic of South Africa and assisting the latter to develop its military power, to promote self-sufficiency and to overcome the effect of economic measures taken at great sacrifice by many countries and to resist international economic sanctions. It notes, further, that several countries, including some which had not had large trade with South Africa in the past, have greatly increased their trade in the past few years despite the provisions of General Assembly resolution 1761 (XVII), as shown in the table below concerning three countries which have made the most rapid gains:

<u>Country</u>	<u>Trade with South Africa</u>		<u>Percentage increase</u>
	(Exports plus imports)		(1964 over 1959)
	1959	1964	
	(in millions of dollars)		
Germany, Federal Republic of	185	312	69
Japan	83	234	182
Italy	66	121	83

Source: Republic of South Africa. Statistical Year Book, 1964 and Monthly Abstract of Trade Statistics, January-December 1964.

138. The Special Committee has given earnest attention to the reasons given by certain States in justification for their opposition to economic sanctions. It feels, however, that difficulties should not deter the international community from essential and imperative action, that States should be prepared to show a spirit of co-operation and sacrifice for the solution of this grave problem and that technical problems of implementation should be referred for international solution rather than used as excuses for inaction. It has noted the argument, advanced especially by those who profit from their relations with the South African Government, that economic sanctions would hurt the non-Whites more than the White minority. It considers that this fallacious argument is not worthy of serious attention, particularly as this attitude of ostensible solicitousness has been rejected by the leaders of the non-White people who have themselves advocated economic sanctions.

139. The Special Committee has repeatedly expressed the hope that the major trading partners, including certain Great Powers, will soon recognize the wider dangers of the reluctance to join in decisive action, both to international peace and to the authority and prestige of the United Nations. It has repeatedly expressed its earnest hope that they would assume their great and special responsibilities to put an end to the reign of racism in South Africa and thus avert the menace of a wider racial conflict with all its incalculable consequences.

G. Call for urgent and decisive international measures

140. The Special Committee considers that the extreme gravity of the situation in the Republic of South Africa, and its grave international repercussions, call for urgent and decisive international measures under the auspices of the United Nations. Such measures are essential if the oppressed people of South Africa, as well as all those who support their legitimate efforts to gain the rights recognized in the Charter, are not increasingly to lose faith in the ability of the United Nations to fulfil the solemn commitments of its Charter, and become convinced that only resort to armed struggle, with assistance outside the purview of the Organization, would be effective.

141. The Special Committee considers that the situation requires concerted action, in their fields of competence, by the Security Council and the General Assembly of the United Nations, the specialized agencies, regional and other inter-governmental organizations and non-governmental organizations.

142. The Special Committee considers it essential to emphasize again that such international measures should be universal and designed solely to secure the objectives indicated earlier. They should not be influenced by interests or desires of other nations, or other extraneous factors such as the "cold war".

143. The primary purpose of the international measures should be the speediest achievement of an end to racial discrimination in South Africa, through consultations among all the people of the country to decide their own destiny. For this purpose, it is essential, on the one hand, to make it clear to the White minority and its leaders that their present course is unacceptable and would be counteracted by the denial of all benefits of international co-operation, and, on the other, to provide encouragement and assistance to all forces and trends favouring an end to racial discrimination.

144. It should be borne in mind that the present Government of the Republic of South Africa makes no valid claim to speak or act for all the people of South Africa, as its declared policy is to retain all political control with the White minority, to refuse to consult the African majority on the destiny of the country and to dispose of the future of the African people as colonial dependents belonging only to the reserves.

145. In view of the growing danger of bitterness and hatred provoked by the policies of the South Africa Government, the Special Committee feels that the active participation of States which have traditionally had close relations with the South African Government in the implementation of measures, under the auspices of the United Nations, is of particular importance.

146. The Special Committee considers that assistance to the victims of persecution and oppression in the Republic of South Africa by the international community serves not only a worthy humanitarian purpose but also counteracts the growth of bitterness and hatred.

147. The Special Committee attaches the greatest importance to the widest dissemination of information on the situation in South Africa to the peoples of the world, and to measures to encourage world public opinion to attempt, in appropriate ways, to persuade the White minority in South Africa to abandon its present course.

148. The Special Committee re-states and elaborates in the next Part of this report its recommendations to the General Assembly and the Security Council for action to resolve the situation in South Africa and to promote widest support for such action.

149. The Special Committee expresses the earnest hope that the Security Council and the General Assembly would be enabled to decide on and implement effective measures in this Year of International Co-operation so that international co-operation may be strengthened by positive action to eliminate the incalculable dangers of racism in South Africa and so that the people of the Republic of South Africa may be enabled to play their rightful role in Africa and the world.

Part III

RECOMMENDATIONS TO THE GENERAL ASSEMBLY  
AND THE SECURITY COUNCIL

150. In submitting its recommendations to the General Assembly and the Security Council, the Special Committee considers it essential to stress that urgent and decisive action is imperative, and that further delays or ineffective resolutions are 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.

151. In this connexion, the Special Committee recalls 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, has led to continuous and rapid aggravation of the situation in South Africa. The developments of the past year show that the South African Government was 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 reflected little likelihood of effective economic sanctions in the near future because of the continued opposition of certain Great Powers and major trading partners.

152. The Special Committee, therefore, considers 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, is indispensable to reverse the tragic course of events and move towards a solution.

A. Economic sanctions and related measures

153. In its previous reports, the Special Committee affirmed its firm conviction, and recommended that the General Assembly and the Security Council recognize that the situation in the Republic of South Africa constitutes 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 recommended total economic sanctions against the Republic of South Africa, until the South African Government agrees 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.

154. Without prejudice to such decisive action, the Special Committee has 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."

155. The Special Committee also considered that the following partial measures are 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 consular missions in the Republic of South Africa; and

(i) Grant the right of asylum to refugees from the Republic of South Africa.<sup>31/</sup>

156. The Special Committee 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 13 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,

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<sup>31/</sup> The Special Committee wishes to express grave concern over reports concerning the harassment of South African refugees in colonial territories neighbouring

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.

157. The Special Committee wishes to emphasize that these specific measures should not be regarded as substitutes for total economic sanctions, but should be seen as first steps in the context of a determination to impose total economic sanctions if necessary.

158. The Special Committee recommends, 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 actions 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 5 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.

Relief and assistance to victims of racial discrimination and repression

159. While calling for a denial of economic and technical assistance and other benefits of international co-operation to the South African Government, the Special Committee made it clear that this should not preclude humanitarian assistance to the victims of apartheid. The Special Committee considers that appropriate assistance to the oppressed people of South Africa, including all opponents of racial discrimination, is a duty of the international community fully consistent with the purposes and principles of the United Nations. The Special Committee wishes to emphasize 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.

150. By resolution 1970 B (XVIII) of 16 December 1967, adopted on the recommendation of the Special Committee, 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. In response to this resolution and the subsequent appeal by the Special Committee, several Member States have made contributions to organizations providing such relief and assistance. The Special Committee feels that these States deserve commendation for their contributions.

151. The Special Committee feels that in view of the growing repression against the opponents of the policies of apartheid in South Africa, and, consequently, the great need for funds for adequate legal aid to the victims of repression, relief for their dependants and assistance for refugees, a further appeal should be made for larger contributions from all States, organizations and individuals.

152. The Special Committee feels that, without prejudice to direct contributions to organizations engaged in providing legal aid and relief, consideration 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.

153. The Special Committee suggests 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.

154. The Special Committee suggests 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.

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165. The Special Committee has followed the efforts of the Secretary-General toward the establishment of an education and training programme for the purpose of arranging for education and training abroad for South Africans in pursuance of Security Council resolution S/5775 of 18 June 1964. It commends the programme as an expression of international concern over racial discrimination and repression in the Republic of South Africa, and of a desire to assist in the promotion of equal opportunities for South Africans irrespective of race. It hopes that the programme would receive generous support from Member States.

166. While attaching great importance to the above programmes of a humanitarian character, designed to assist the victims of racial discrimination and repression in the Republic of South Africa and to express international concern over the situation, the Special Committee wishes to emphasize that they should supplement and not be substituted for effective action to resolve the situation in the Republic of South Africa.

C. Dissemination of information

167. The Special Committee has 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 made recommendations on this matter in the report of 30 November 1954, and suggested a number of specific measures on 19 April 1965.<sup>32/</sup>

168. In this connexion, the Special Committee recalls that it had stated in its report of 30 November 1954:

"The Special Committee regards it as crucial for the future of the United Nations and for amicable race relations all over the world that there should be the widest awareness of the dangers of racialism in South Africa and of the imperative need to promote an end to racial discrimination. It considers it essential that every effort should be made to counteract racist propaganda conducted by the South African Government and its defenders. It regards it as imperative that those interests which profit from racial discrimination and oppression in South Africa should be exposed fully to the pressure of public opinion....

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<sup>32/</sup> See part I, section F above.

"The Special Committee attaches the greatest importance to the above measures because of its conviction that the United Nations should play a positive and active role on this question as it affects the purposes and principles of the Organization and its authority.... The United Nations must actively show that the policies of apartheid threaten to bring about a disastrous and widespread conflict and make clear that the United Nations seeks the security and prosperity of all the people of South Africa, including the White people, in a non-racial society."

169. The Special Committee wishes to express its appreciation to the Secretary-General for his co-operation in this respect. It recommends that the measures suggested by the Committee be endorsed by the General Assembly and the Security Council, and that adequate and special provision be made in the budget for their implementation.

170. The Special Committee notes 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, as part of the proposed programme for the observance of the twentieth anniversary of the Universal Declaration of Human Rights. Considering that the holding of such a seminar would be appropriate and highly desirable, it recommends that the invitation be accepted and that the necessary funds be authorized and provided.

D. Promoting consultations among South Africans

171. The Special Committee recalls the following suggestions in its report of 30 November 1964:

"The Special Committee recalls the recommendation of the Group of Experts that the Security Council should invite all concerned to communicate their views on the agenda for the National Convention, fully representative of all the people of South Africa, to set a new course for the future, which was suggested by the Group. The Group recommended that such an invitation should be addressed to all representative groups including political parties, Congresses at present banned under the Unlawful Organizations Act, and other South African organizations such as the Churches, Universities, Trade Unions, Associations of Employers, Chambers of Commerce, Bar Associations, Institutes of Race Relations, the Press and all other representative groups.

"In view of the refusal of the South African Government to entertain this suggestion of the Group of Experts, the Special Committee feels that the United Nations should promote consultations and discussions among all available groups, particularly those subscribing to the purposes and principles of the Charter, regarding the future of the country. The Special Committee has been in contact

with many representative South African organizations and prominent South African nationals, and feels that these contacts should be further extended and efforts made to promote consultations and discussions suggested above. The Special Committee feels, moreover, that the United Nations should seek the assistance and advice of international organizations concerned with race relations in promoting such consultations and discussions." 33/

E. Investigation of the treatment of prisoners

172. The Special Committee expressed grave concern in its reports over the numerous charges of ill-treatment and torture of opponents of the policies of apartheid in police custody and in prisons in South Africa. In its report of 30 November 1964, it recommended an impartial international investigation into the charges.

173. Information received by the Special Committee since 30 November 1964 has given rise to even greater concern and the Special Committee, therefore, considers that action should be taken urgently on its recommendations:

"(a) That an international commission composed of eminent jurists and prison officials be set up to investigate charges of torture and ill-treatment of prisoners in South Africa;

"(b) That this Commission be authorized to investigate the affidavits by former prisoners, interview present and former prisoners and look into the conditions in the prisons, and report as soon as possible; and

"(c) That the Government of the Republic of South Africa be invited to provide facilities for such an impartial investigation."

F. Promoting action by inter-governmental and non-governmental organizations

174. The Special Committee attaches great importance to co-operation by the specialized agencies of the United Nations, and by regional and other inter-governmental organizations, in the United Nations efforts to resolve the situation in South Africa. It has taken note of the actions taken by a number of specialized agencies, as well as regional and other inter-governmental organizations, with regard to the policies of apartheid of the Government of the Republic of South Africa. It has noted with appreciation the co-operation extended to the Special Committee by several specialized agencies in response to General Assembly resolution 1978 A (XVIII).

33/ A/5825-S/6073, paragraphs 636-637.

175. The Special Committee considers 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, is of crucial importance. Meanwhile, the Special Committee has recommended that all international agencies, in particular the specialized agencies, including the International Bank for Reconstruction and Development and the International Monetary Fund, take all necessary steps to deny economic and technical assistance to the Government of the Republic of South Africa without precluding, however, humanitarian assistance to the victims of the policies of apartheid.

176. The Special Committee feels 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.

177. The Special Committee considers that regional agencies can play an important role in this respect. It appreciates the co-operation offered to the Special Committee by the Organization of African Unity and has closely followed its efforts with regard to the situation in South Africa. It has taken note of the opposition to the policies of apartheid and racial discrimination expressed by the Organization of American States.

178. The Special Committee considers it desirable that the specialized agencies, as well as regional and other inter-governmental organizations, be encouraged to make concerted efforts on this question in co-operation with the Secretary-General and the Special Committee.

179. Considering that the problem of apartheid 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 considers it most essential that the United Nations actively encourage and assist non-governmental organizations to develop their activities against apartheid.



G. Budgetary and other support for the efforts of the Special Committee

180. The Special Committee wishes to stress the importance of adequate budgetary and other support to enable the Special Committee to accomplish the task assigned to it by the General Assembly, particularly in view of the enlargement of its mandate at the eighteenth session, the increasing gravity of the situation in South Africa, and the responsibilities of the Committee in connexion with the recommendations made in this report. Such support is particularly crucial to enable the Special Committee to follow constantly the situation in South Africa, to collect and to promote dissemination of relevant information, and to encourage concerted efforts by the specialized agencies, regional and other inter-governmental organizations, Member States and non-governmental organizations.

181. While expressing its great appreciation to the Secretary-General for his co-operation in pursuance of the request to him in General Assembly resolution 1978 A (XVIII) "to furnish the Special Committee with all the necessary means for the effective accomplishment of its task", it considers 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.

H. Membership of the Special Committee

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

ANNEX I

REVIEW OF DEVELOPMENTS IN THE REPUBLIC OF SOUTH AFRICA  
SINCE THE REPORT OF 30 NOVEMBER 1964

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## I. INTRODUCTION

1. Some of the main developments in the Republic of South Africa during the period since 30 November 1964 concerning the policies of racial discrimination and repression of opponents of these policies, and their repercussions, are briefly reviewed in the following pages. They indicate that the Government of the Republic of South Africa has shown no intention to abide by the resolutions of the General Assembly and the Security Council, but continues vigorously to pursue racial policies condemned by the General Assembly and the Security Council.
2. A few significant developments concerning the attitude of the South African Government may, however, be noted, before reviewing the specific measures adopted in various fields.
3. When the Special Committee adopted its report of 30 November 1964, there had been some signs in the South African Press and official statements that the South African Government was concerned over the international reactions to its policies and was inclined to make some readjustments in propaganda or certain minor gestures of response to world opinion. Among the causes of its concern may be noted the world-wide reaction to the execution of Mr. Vuyisile Mini, Mr. Wilson Khayinga and Mr. Zinakile Mkaba; the world trend toward "liberalism" as reflected in the elections in the United Kingdom and the United States of America, and the arms embargo by the new United Kingdom Government; the prospect of General Assembly action on the recommendations of the Special Committee; and the expectation of further international measures following the report of the Expert Committee of the Security Council.
4. To meet this situation, a proclamation was issued on 30 November 1964 that section 17 of the General Law Amendment Act of 1965, providing for detention of persons for ninety days at a time, which had caused wide international concern and was condemned by the Security Council, would be suspended on 11 January 1965.
5. Statements by Government leaders reflected a new propaganda line, described by a South African newspaper as a "soft sell" tactic of emphasizing the "liberal" aspects of apartheid.<sup>1/</sup> The statement by the South African Foreign Minister in the general debate at the nineteenth session of the General Assembly was illustrative.

<sup>1/</sup> The Star, daily, Johannesburg, 22 December 1964.

6. Another statement which attracted considerable attention in South Africa was an address by Mr. J.J. Fouché, Minister of Defence, at Dingmanstat, Natal, on 16 December 1964, which did not depart from the essence of the Government's policy but gave some new emphases. He said that South Africa was today in the centre of a world flood of contemporary liberalism which was lapping its shores. It could not swim directly against the stream of world opinion: to do so would mean suicide. If the world accepts that all people are basically equal, and are entitled to equal spiritual and other opportunities, South Africa could not oppose the world. In any case, it was a basic truth and South Africa, as a Christian democratic nation, did not have the conscionable right to revolt against it. Such a revolt would amount to a denial of God's creation.

7. Reiterating the attitude of his Government that though this truth of basic equality might be easily implemented in the context of a homogeneous nation, it was quite different in the case of a heterogeneous population as that of South Africa where there was a difference as regards philosophy of life, standards of civilization and colour, Mr. Fouché added:

"... the differences between the population groups should be recognized and we should aim at giving full recognition to the basic equality of all people and to creating opportunities for all groups to enjoy full human rights. We must accept the basic principle held in the world that all people are entitled to equal opportunity, but there is the world of difference between equality and sameness. ...

"If we want to be realistic we must follow a policy which is acceptable to world opinion, but we must apply it in such a way that it ensures the future security of both Whites and non-Whites. This can only happen if we carry out our two-stream policy geographically and constitutionally."

8. Mr. Fouché continued that several factors would determine whether there was time to "sell" the policy to the outside world. Outside pressure would be increased if the Government could not prove that it was its policy "to develop our non-White states and to lead them to freedom". South Africa's prosperity and the value of her trade would buy time. If the country was not defeated through trade boycotts, only armed intervention remained and he thought it unlikely that any country would want to make war on South Africa "so long as we act humanely and with determination".

War in South Africa could lead to world conflict and it would take years for any state using conventional weapons to defeat South Africa.

"If we make an honest attempt not to swim against the stream of world opinion, but only to seek a solution on lines different from those currently supported by world opinion, I believe we will have the time to sell our policy to the outside world and even to certain African States."

"The creation of sovereign States within South Africa's borders", he said, would enable South Africa to make a "goodwill break-through to the black State of Africa".<sup>2/</sup>

9. Although this statement provoked more questions than it answered, it brought a feeling that the Government's policy may perhaps move towards less rigidity.

10. Also typical of the new propaganda line was an article by Dr. Carel de Wet, the South African Ambassador to the United Kingdom, in Diplomatist, London, in which he insisted that "the White Africans of South Africa" were as African as Black South Africans.<sup>3/</sup> This article attracted particular notice as it departed from the familiar theme that South Africa was an "outpost" of European or Christian civilization.

11. This "liberal" line was short-lived, however, as a number of subsequent developments apparently emboldened the South African Government, particularly: (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

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<sup>2/</sup> South African Digest, Pretoria, 25 December 1964; Southern Africa, London, 25 December 1964.

<sup>3/</sup> He wrote: "We are indigenous people of Africa... I am an African as much as any Black man can claim to be.

"My mother tongue is Afrikaans, the only 'European' language to have originated in Africa. ...

"In fact, we are the first African people south of the Sahara to win our independence from a colonial Power.

"My people fought two wars of independence. In the annals of history our nationalism will be recorded as one of the very first that proved too strong, too insistent for the colonial overlord." Cape Times, 5 January 1965.

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 reflected little likelihood of effective economic sanctions in the near future.

12. Meanwhile, in South Africa, the ruling National Party was also encouraged by the results of the provisional elections of March 1965 in which it made substantial gains at the expense of the United Party.<sup>4/</sup>

13. Thus, in February 1965, the Government ordered strict segregation in public entertainment and sports. In the subsequent months, it pushed drastic new repressive legislation, in some respects worse than the suspended 90-day detention provision. It denied permission for planes from the United States aircraft carrier Independence to land on South African soil unless non-Whites were excluded from the crews, and announced that the employment of non-White scientists at the United States space-tracking stations would not be allowed. It encouraged public demonstrations against countries which contributed, in pursuance of General Assembly resolution 1978 B (XVIII), for the relief and assistance of families persecuted for their opposition to the policies of apartheid.

14. Another significant development during the period was a statement by Prime Minister Dr. Verwoerd, in the House of Assembly on 7 April 1965, clarifying the Government's racial policy.

15. Dr. Verwoerd reaffirmed that the flow of Africans from the reserves (which constitute less than 13 per cent of the territory) to the "White areas" (rest of the country) should be stopped and the reserves developed to accommodate not only the natural growth of the African population in those areas, but also those Africans who would eventually move back from the White area. The trend toward an increase of the number of Africans in White areas might be reversed by 1978, through mechanization and automation, and by 2000, there would be equal numbers of Whites and Blacks in "White" South Africa. The Government's aim, he said, was physical separation as far as possible, but politically complete separation.

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<sup>4/</sup> The National Party increased its representation in Provincial Councils from 110 to 119, while the United Party's strength dropped from 62 to 50. The results reflected particularly a substantial increase in the votes of English-speaking Whites to the National Party.

On the other hand, in the two Coloured constituencies of the Cape Province, the Progressive Party, contesting for the first time, won sweeping victories. This was seen as reflecting disillusionment of the Coloured people with the United Party and their total rejection of the Government's policy.

16. While the Africans would have the opportunity to attain sovereignty in their "homelands",<sup>5/</sup> Dr. Verwoerd continued, the Coloured people and the Indians would have only separate residential areas in the "White State" and be given certain minority rights. The Government was prepared to grant them bodies, parliamentary in character, which would exercise control over all matters which affect them as a group. For the rest, they would be subject to the authority of the State which would be controlled fully by the Whites.

17. In other words, the Coloured and Indian people, who constitute almost two-fifths of the non-African population, would be entitled only to some local authority powers under White control.

18. Dr. Verwoerd stated that the Government would retain the representation of the Coloured people by four Whites in Parliament. These Whites, however, should not be members of any party but should be people who knew something about the affairs of the Coloured people and wanted to represent their interests. White parties should not interfere in the election of the representatives of the Coloureds.<sup>5/</sup>

19. In other words, the so-called "four stream" policy of unlimited development of the Whites, Africans, Coloured people and Indians has been clearly explained to mean: (i) domination in 87 per cent of the country by Whites who constitute one-fifth of the population; (ii) eventual sovereignty over 15 per cent of the country to Africans who constitute seven-tenths of the population; and (iii) some local authority powers, under White domination, to the Coloured people and Indians who constitute over a tenth of the population.

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<sup>5/</sup> These homelands, it may be noted, are now unable to support even 40 per cent of the African population of the country.

<sup>5/</sup> This comment was apparently provoked by the victory of the Progressive Party in recent elections among Coloured voters to the Cape provincial council on a platform opposing apartheid.



## II. MEASURES OF RACIAL SEPARATION AND DISCRIMINATION

20. The efforts of the South African Government to separate the people of different racial origins and reduce interracial contacts, which involved severe discrimination and humiliation to the non-Whites, have continued without let-up during the period under review. Significant new measures have been taken during the year to impose the policies of apartheid. Some of the more important developments are briefly reviewed here.

### A. Denial of rights of freedom of movement, residence and employment to Africans

21. The Bantu Laws Amendment Act of 1964, which was analysed in the Special Committee's report of 30 November 1964, came into force on 1 January 1965. This Act deprived the Africans of the few remaining rights of movement, residence and employment outside the reserves and reduced them to the status of aliens who are allowed to stay temporarily because of the need for their labour. It was designed to enact the policy of the Government which was explained by the Deputy Minister of Bantu Administration and Development, Mr. M.C. Botha, in the House of Assembly on 7 May 1965, as follows:

"... in terms of our policy we say the Bantu may be present in the White areas to offer his labour but not for the sake of enjoying all sorts of privileges such as citizenship rights, political rights, social integration, etc; we are adamant on that. And if the number of Bantu increase on this basis under our policy their presence will not constitute a danger to us." 7/

22. The legal position of the Africans, after the enforcement of the Bantu Laws Amendment Act of 1964, is described in a note by the International Commission of Jurists which is annexed to this review.<sup>8/</sup>

23. The purpose of the Government to deprive the urban Africans of all security is achieved particularly by "endorsing out" African unemployed, and their dependants,

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7/ House of Assembly Debates, 7 May 1965, col. 5571.

8/ See Appendix I.

to the tribal reserves with which they may have little contact. In the Western Cape, such expulsions have become part of the Government's declared objective of reserving the area for Coloured, rather than African, labour. Tens of thousands of Africans are expelled every year, at the cost of immense suffering, insecurity and humiliation.

24. Meanwhile, the demand for African labour in urban areas has continued to increase with economic expansion and the number of Africans in these areas has continued to increase. The expulsions are not meant to prevent the increase of African labour but to deny it security. Labourers are expelled with their families but allowed to return only as single men on limited contracts. The African population thus becomes rotating and migrant, denied all stability and family life in the so-called "White State".

25. The Minister of Bantu Administration and Development, Mr. Ge Jet Nel, said in reply to a question in the House of Assembly on 20 April 1965, that 73,400 African men and women had been endorsed out of seven major urban areas in 1964, but 144,500 had been admitted into those areas. The figures for the first three months of 1965 were 17,600 and 36,100 respectively.<sup>9/</sup>

26. In the Cape Town municipal and Cape divisional areas which form part of the Western Cape, expulsions increased from 3,863 in 1963 to 4,370 in 1964.<sup>10/</sup> A significant feature of these expulsions is that the majority affected are women, although there is already a serious disproportion between African men and women in the Western Cape.<sup>11/</sup> Meanwhile, more African men were admitted to the area as single labourers, as the Government appears to have discovered that unemployed Coloured labour was not sufficient to fill the needs.

9/ House of Assembly Debates, 20 April 1965, cols. 4429-30.

10/ Ibid., 2 February 1965, col. 392-395.

11/ According to the 1960 population census, 70,587 African men and 22,719 African women lived in the Cape Peninsula and thirteen adjoining districts. Ibid. From the Cape Town municipal area, 1,070 men and 2,053 women were endorsed out in 1965, and 1,876 men and 1,565 women in 1964. Ibid. According to the "Black Sash", a women's organization engaged in assisting Africans caught in the maze of regulations, hundreds of African women go to the Peninsula from the Transkei without permission to find work, to look for their husbands, for medical services or to get money. Often they find that their husbands have taken up with other women. They are invariably "endorsed out" immediately although in some cases of hardship they were given an extension. Cape Times, 25 April 1965.

27. The Minister of Bantu Administration and Development, Mr. De Wet Nel, stated in Cape Town on 25 May 1965 that though the Government's policy was the removal of Africans from the Western Cape, and the ultimate reservation of the area for Coloured or other labour, the immediate emphasis was not on removal.

"For although the ultimate aim is replacement, which amounts to removal, the immediate aim is the implementation of departmental policy, namely the use of single migrant labourers on a contract basis where the need for this exists." 12/

28. As Sir De Villiers Graaff, the leader of the Opposition, noted:

"The number of Bantu in the Western Cape is increasing. All that is happening is that the Bantu are being endorsed out from time to time with the result that you have an ever changing Bantu population. ...The population is rotating; it is not getting fewer." 13/

29. The Prime Minister, Dr. Verwoerd, explained in the House of Assembly on 7 April 1965:

"Political separation is the essence of the matter. It is in fact essential for us to get physical separation, but physical separation is the secondary object, not the primary." 14/

The Government, he said, recognized that the flow of Africans into the "White area" would continue because of economic development, but hoped that the introduction of mechanization and automation in industry would enable it to decrease the flow by 1978. 15/

30. In other words, the policy is to benefit increasingly from African labour while maintaining African labourers migrant and insecure so that they can be denied any claim to rights in the "White area".

31. The immense suffering inflicted on Africans has not moved the Government which is determined to impose a unilateral solution on the non-Whites. Particularly serious

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12/ Ibid., 26 May 1965.

An official of the Department of Bantu Administration and Development explained that any unemployed African could be expelled "home" to the Transkei. If he wished to return to Cape Town, he had to register as a work-seeker and arrive under contract. He may then stay for a year, unless an extension is granted in order to finish a specific job. After returning "home" he may reapply for the job: he is likely to obtain employment because of the scarcity of labour in Cape Town. Ibid., 23 April 1965.

13/ House of Assembly Debates, 7 April 1965, col. 4170.

14/ Ibid., 7 April 1965, cols. 4176-7.

15/ Ibid.

perhaps is the effect of this policy on African women. As Mrs. Margaret Ballinger, a leader of the Liberal Party who had served for twenty-three years as a representative of the Africans in Parliament, said on 12 May 1965:

"When I see the lives that African women have to live, I am terribly thankful I am not an African. ...

"When I think of what this system means to the African woman, I am aghast. The idea that a worker does not belong to the area in which he - or she - works. ... is a denial of Christianity and all our Western values...

"The problem of the African women should be a burden on the conscience of all of us." <sup>16/</sup>

#### B. Residential segregation in urban areas

32. Measures for residential segregation in urban areas, notably the Group Areas Act, are being implemented actively even in communities where there has been no friction or conflict and where the residents did not seek separation.

33. The Minister of Planning stated on 9 March 1965 that 765 group areas had been proclaimed by that time. <sup>17/</sup> Between 9 March and 23 July 1965, twenty-two group areas have been proclaimed and others are under investigation. Tens of thousands of non-Whites have been uprooted from their homes and businesses in these urban areas and forced to move into segregated locations.

34. The recent case of Simonstown is typical. Proposals to make the town White, except for very small areas for the Coloured residents, evoked protests from all sections of the Simonstown community who preferred the status quo. <sup>18/</sup> The Municipal Council opposed the proposals and stated that there had been traditional harmony among all racial groups. <sup>19/</sup> Appeals were made to the Group Areas Board when it met in Simonstown in January 1965, a memorandum was sent to the Minister of Planning, and a petition was signed by 937 residents opposing the proposals. <sup>20/</sup> Yet, on

<sup>16/</sup> Cape Times, 13 May 1965.

<sup>17/</sup> House of Assembly Debates, 9 March 1965, cols. 2482-83.

<sup>18/</sup> Cape Times, 1 and 29 December 1964.

<sup>19/</sup> Ibid., 29 December 1964.

<sup>20/</sup> Ibid., 1, 5 and 19 January 1965.

8 July 1965, it was disclosed that the Minister of Bantu Administration and Development had ordered the Simonstown Municipality to remove all Africans from the town and demolish the sixty-year old Luyolo location.<sup>21/</sup> The feelings of the 1,600 African residents of the location were summed up by Mr. Anthony Dhlamini who told the Cape Times: "The people are crying".<sup>22/</sup>

35. The arbitrary powers of the Government to segregate racial groups were considerably increased by new legislation promulgated in 1965, the Group Areas Amendment Act and the Community Development Amendment Act.

36. The Group Areas Amendment Act provides for investigations to be carried out by police instead of by group area inspectors, and extends investigations even to "suspected" offences. Any member of the police is now empowered to enter premises, without a warrant and without previous notice, at any time and to "make such examination and inquiry as may be necessary". Refusal "without sufficient cause" to answer fully and satisfactorily questions put by the police acting under the powers provided for in the Act carries penalties of a fine up to two hundred rand (\$280) or one year's imprisonment or both.<sup>23/</sup>

37. The Group Areas Amendment Act also eliminates the provision in the original Act requiring the approval of both Houses of Parliament for proclamation of group areas after 7 July 1965.

38. In this connexion, Mr. L.C. Gay, United Party member for Simonstown, said during the debate in Parliament:

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<sup>21/</sup> Ibid., 9 July 1965.

<sup>22/</sup> Ibid., 10 July 1965.

<sup>23/</sup> During the debate in the Parliament, the Minister of Planning said that though the Act of 1957 provided that a group area inspector may be accompanied by a member of the police, it had not laid down that the inspector should not be a member of the Police Force. House of Assembly Debates, 19 March 1965, col. 3162.

Mr. R.G.L. Hourquebie, a United Party member, said that the new provision "introduces a criminal atmosphere where such an atmosphere should not exist". Ibid., col. 3132.

Mr. C. Barnett, Coloured Representative, called for the deletion reference to "suspected" offence, as that would make the provision a "Gestapo clause". He said that "it is sufficient if there is an offence or an alleged offence. It is not right if a policeman walks by and enters your house and says that he suspects an offence is being committed." Ibid., col. 3106.

"In other words, when the original Act was framed it was assumed that within fifteen years the whole scheme would be more or less tidied up and that any new area to be proclaimed a group area would have to be submitted to Parliament for approval. That is a customary parliamentary safeguard to protect the interest of any section of the community of the Republic but the Bill before the House abolishes that safeguard. In other words, one can almost say that this particular section of the amending Bill makes the proclamation of group areas a permanent institution in the law of the country. ..." 24/

39. Senator R.D. Pilkington-Jordan, also of the United Party, said in the Senate on 5 May 1965 that "for fifteen miserable years ... elements of the population of the Republic have lived on the brink of a volcano", not knowing "whether an eruption might not precipitate them violently out of their homes they have occupied for generations or from the business areas in which they conducted business or carried on professions for a similar period". And now "this cruel uncertainty of the past is to be perpetuated into the future. We have not yet reached the end of the course bestrewn with so much cruelty, with so much misery, so much acute unhappiness". He added that the Bill continued "the process of making Coloureds and Indians social lepers". 25/

40. The Community Development Amendment Act extends the powers of the Minister of Community Development under the Group Areas Act.

41. Various other measures are enforced to supplement residential segregation in order to separate the racial groups.

42. A significant development in this respect is the decision to bring into force on 1 July 1965 the "one-servant law", the provisions of Section 9(2)(e) of the Native (Urban Areas) Consolidation Act, 1945, as amended in 1963. White house-holders in urban areas are now required to obtain a permit if they wish to have more than one living-in African servant. 26/

45. Though the Minister of Bantu Administration and Development, Mr. De Wet Nel, explained on 22 March 1965 that one of the main purposes of this measure was to eliminate "slum" conditions in the backyards of houses in the cities, 27/

24/ Ibid., 13 March 1965, col. 3046.

25/ Senate Debates, 5 May 1965, cols. 2736-38.

26/ Licensing regulations for African servants who sleep-in at hotels and other such places came into force at the end of 1964.

27/ Cape Times, 25 March 1965.

Opposition spokesmen and the press have indicated that the Government's purpose was to make the cities whiter at night. Many of the half a million domestic servants in South Africa are affected by the regulation: they would be required to travel long distances to and from work at considerable cost in fares and their working day would become longer. Married couples and families who have lived together in servants' quarters may be separated.

44. The intention of the Government is ultimately to prohibit the presence of Africans overnight in any White urban area.

45. A former mayor of Pretoria, Professor P.J. Van der Walt, has pressed for a ban on living-in servants in the proposed township of Sterrewag, Pretoria. Speaking at a public meeting in Pretoria on 22 April 1965, he said that Africans had their own areas and it was only just that the cities should be given back to their rightful owners. "We must make Pretoria White".<sup>28/</sup>

46. Apartheid is being extended increasingly to beaches. A Beach Apartheid Commission of the Department of Community Development held hearings in March and April 1965 to set aside separate beaches for different racial groups in the Cape Peninsula. From the experience of the implementation of the Group Areas Act, it may be expected that the Coloured and African people, who constitute a majority in the area, would be restricted to inferior facilities.

47. The Government has insisted on providing separate civic buildings for different racial groups. A proposal to establish an opera house in Cape Town has been postponed, as the Provincial Administrator ordered that it be for Whites only.<sup>29/</sup> Grave concern has been expressed that separate facilities would be too costly or unfair, and that the policy would have serious consequences on the cultural life.

48. Under the Group Areas Act, separation in cinema theatres, restaurants, clubs and tearooms has already been enforced by defining "occupation" as including attendance at such places, unless the owners obtain special permits to cater to

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<sup>28/</sup> The Star, daily, Johannesburg, 23 April 1965.

<sup>29/</sup> Cape Times, 15 January 1965.

more than one racial group.<sup>30/</sup> Drastic new steps have been taken to extend such separation to other entertainment and sports. These are reviewed in the next section.

C. Apartheid in entertainment and sport

49. The Government has proceeded during the year to extend strict apartheid into attendance at entertainment and sport.

50. Moves in this direction began with measures to counteract the insistence of foreign artists to perform before mixed audiences.<sup>31/</sup> Prime Minister Dr. Verwoerd stated at a Nationalist Party Congress at Bloemfontein on 27 August 1964 that South Africa was "not prepared to be dictated to by artists from abroad as to how we conduct our own affairs".

51. Though there was no statutory authority for separation in the field of entertainment, restrictions on foreign artists were soon enforced by the denial of visas and other means.

52. On 16 December 1964, the British variety singer Miss Dusty Springfield was ordered to leave South Africa within twenty-four hours after she had appeared before a multi-racial audience in Cape Town despite warnings from the Government "to observe our South African way of life in regard to entertainment".<sup>32/</sup> Her

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<sup>30/</sup> The Group Areas Act of 1950, regulated occupation of property in group areas. The courts defined occupation as meaning habitual physical presence for a substantial period of time. An amendment Act passed in 1957 gave the President power to issue proclamations extending the scope of the Act to attendance at cinema and theatre performances, restaurants, clubs and other places of entertainment.

<sup>31/</sup> The Musicians' Union of the United Kingdom had banned appearances by its members in South Africa. As a result, the projected visits of several groups like the Rolling Stones, Hollies, the Searchers, the Swinging Blue Jeans and the Roulettes had been cancelled. Cape Times, 2 December 1964.

Equity - the actors' union in the United Kingdom - had adopted resolutions annually for several years that any member visiting South Africa must give an agreed number of performances to non-Whites, and wherever possible to non-segregated audiences, and that the performances must be given, if separate, in the same theatre. As a result of this clause, non-Whites had been admitted to A.C.T. theatres in South Africa. Ibid., 17 December 1964.

<sup>32/</sup> Ibid., 24 December 1964 and 9 January 1965.



contract had provided that she would not sing before segregated audiences in South Africa.<sup>33/</sup>

53. A popular singer, Mr. Adam Faith, left for South Africa from London on 24 December to fulfil a four-week contract for fifty performances.<sup>34/</sup> Unable to obtain permission, despite an appeal to the Minister of the Interior, to appear before multi-racial audiences even in Cape Town and Port Elizabeth where concerts had traditionally been held for multi-racial audiences, he broke his contract and left South Africa on 9 January 1965 because "my conscience as an artist has made me follow this course".<sup>35/</sup>

54. Meanwhile, the Government denied visas to other foreign artists, including Louis (Satchmo) Armstrong.<sup>36/</sup>

55. These incidents provoked considerable excitement and strong protests, especially in the Cape where multi-racial audiences were traditional. The Government, however, was adamant.

56. The Minister of the Interior, in a statement in the House of Assembly on 26 January 1965, issued a warning against multi-racial audiences at entertainment and sports, and said:

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<sup>33/</sup> Cape Times, 16 December 1964. Before her departure, she condemned harassment by Interior Ministry officials and said: "This is a police state and I am sorry I came here in the first place. ... I will advise them (the British Unions - Equity, the Variety Artists' Federation and the Musicians' Union) that it would be better to stop British artists coming here in the future, much as I dislike doing it." Ibid., 17 December 1964.

<sup>34/</sup> Ibid., 24 December 1964. The South African Consulate-General in London at first insisted on a declaration that he would not play to mixed audiences as a condition for a visa, but subsequently, on 22 December, granted an unconditional visa. The Government, however, obtained an undertaking from the South African sponsors of the tour that the audiences would be segregated. Ibid.

<sup>35/</sup> Ibid., 9 January 1965. When Mr. Faith tried to leave South Africa on 8 January, he was served with a warrant in connexion with a claim for damages for breach of contract. He left the next day after providing security, and subsequently paid 20,000 rand (\$28,000).

<sup>36/</sup> Ibid., 2 December 1964.

"In those cases where a presentation, for example of a White rugby match, does not lend itself to a repetition, or in those areas where the non-White national groups are present in small numbers only, there is no objection to the White national group, if it should please them to do so and it is in accordance with their customs up to the present, as an interim measure, I repeat an interim measure of which the termination rests with the discretion of the Minister of the Interior, to allow members of the other national groups to a hall or place where they assemble, but in such cases it is expected that separate sections of the hall or meeting place with separate entrances and other facilities be reserved for the non-White national groups, and that all other necessary arrangements are made to eliminate friction between the national groups." 27

57. Mr. Marais Viljoen, Deputy Minister of the Interior, told the House of Assembly on 29 January 1965:

"It must be understood once and for all that the Government frowns on multi-racial audiences."

The admission of artists from abroad was at the discretion of the Minister of the Interior and he was not disposed to grant visas to people who wished to enter the country to undermine the Government's policy of separate development. Undertakings not to perform before multi-racial audiences had been demanded from certain foreign artists and their South African promoters, he said, not by virtue of any statutory authority but because of the Minister's discretion to admit people into the country. 28

58. On 12 February 1965, the Government took a major step in implementation of its policy by issuing Proclamation R-26 of 1965, under the Group Areas Act, defining "occupation" in a controlled or group area as including presence

"for the purpose of attending any place of public entertainment or partaking of any refreshments ordinarily involving the use of seating accommodation as a customer in a licensed restaurant, refreshment or tea room or eating house, or as a member of or guest in any club (save as a representative or guest of the State, a provincial administration, a local authority or a statutory body) ..." 29

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57/ House of Assembly Debates, 26 January 1965, col. 19.

58/ Ibid., 29 January 1965, col. 242.

59/ Government Gazette Extraordinary, 12 February 1965.

59. Dr. Verwoerd said in Parliament on 7 April 1965 that the permit system was designed to ease the transition period until full separate facilities were available.<sup>40/</sup>

60. Since most of South Africa outside the African reserves constitutes either a group area or a controlled area, the proclamation in effect required permits for mixed audiences at any public place of entertainment. Anyone who contravenes the provisions of the proclamation by organizing or attending any public function is liable to a maximum fine of four hundred rand (R400) or two years in gaol or both. The responsibility for deciding whether a particular function requires a permit is left to the organizers.

61. The Minister of Community Development, Mr. Botha, explained on 12 February that the term entertainment should be understood in the broad sense, including sport, but not political meetings. All decisions on permits would be taken in the light of the policy statement made by the Minister of the Interior on 26 January.<sup>41/</sup>

62. In a joint statement on 15 March 1965, the Ministers of Bantu Administration and of Community Development told sports and entertainment promoters that they must apply for multi-racial audience permits two weeks in advance of the function.

"The policy is that sports clubs and promoters of boxing and wrestling matches and the like can organize matches or tournaments or fights only for a group in whose group area it will take place.

"Whites, for instance, will not be allowed to organize matches, fights or tournaments for Whites in Bantu residential areas and vice versa.

"Permission for a limited number of helpers and promoters will be considered in the light of circumstances in each case."<sup>42/</sup>

63. The wide discretion assumed by the Government under the proclamation has been utilized to prevent as much interracial contact as possible. No reasons for refusal of permits are given, but the decisions indicate that the proclamation was not intended only to limit multi-racial audiences. It has been invoked to

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<sup>40/</sup> House of Assembly Debates, 7 April 1965, col. 4244.

<sup>41/</sup> Cape Times, 13 February 1965. See paragraph 55.

<sup>42/</sup> Ibid., 15 March 1965.

prevent sport competitions between Whites and non-Whites (such as occasional cricket matches in Western Cape), and multi-racial dances, as well as non-White events in White group areas and vice versa.<sup>43/</sup>

64. A few decisions under the proclamation are illustrative. The Department of Planning laid down on 18 February 1965 that separate entrances and seating accommodations must be provided for non-Whites at the concerts of the Cape Town municipal orchestra which had traditionally been played to multi-racial audiences. It also ordered that separate toilet facilities and booking offices should be built within three months. After making representations in vain that it be allowed to continue to hold its concerts without compulsory segregation, the City Council decided on 26 April to defy the order and fight a test case.<sup>44/</sup> The next day, however, the Minister of Planning, Mr. Haak, warned that the Government would not deviate from its policy and that it would introduce legislation, if necessary, to prohibit mixed audiences.<sup>45/</sup>

65. As the City Council defied the conditions of the permit, the Government countered with a proclamation on 11 June 1965 designating the whole of central Cape Town a White area. The Council subsequently decided by 17 votes to 14, to comply with the conditions of the permit in view of the new legal situation.<sup>46/</sup>

66. In April 1965, the Government gave a permit to the Rhodes University at Grahamstown to allow Coloureds and Indians to attend sports functions at the University, but refused permission to allow Africans.<sup>47/</sup> Also in April, the Department of Community Development granted the Western Province Rugby Football Union a permit for the Newlands rugby ground with two conditions attached: a six-foot high division, preferably of netting wire, must be constructed to divide the White and non-White enclosures, and an effective division must be rigged upon the playing field between White and non-White children.<sup>48/</sup>

<sup>43/</sup> Ibid., 31 March 1965.

<sup>44/</sup> It had been advised by a senior counsel that it would not be violating the law by ignoring the conditions attached to the permit of 18 February.

<sup>45/</sup> The Star, daily, Johannesburg, 27 April 1965.

<sup>46/</sup> Cape Times, 25 June 1965.

<sup>47/</sup> Ibid., 4 May 1965. More than three hundred university students protested the ban at a meeting on 3 May. Ibid.

<sup>48/</sup> Ibid., 14 April 1965.

67. The Government imposed conditions on the annual performance of Handel's "Messiah" by the Bantu Music Society in the Johannesburg City Hall in May. The organizers had arranged a matinee for a non-White audience and an evening performance for Whites. The Government refused permit for the matinee and for a White orchestra in the evening. The choir had to sing with the accompaniment of only an organist who was given special permission to appear.<sup>49/</sup>

68. A fund-raising bazaar held on 1 May 1965 for the St. Frances Primary School for Coloured children in Simonstown was also subjected to official restrictions. White and Coloured members of the St. Frances Church had traditionally co-operated in organizing the bazaar. When the principal applied for permits for Whites to attend, it was refused. The Government excluded even the rector and the two assistant priests of St. Frances Church, but reversed this decision on 28 April. The only other Whites permitted to attend were the member of Parliament for Simonstown and four judges of shows.<sup>50/</sup>

69. Also in May, the Government refused permission for Africans to attend sports fixtures at the Rand Stadium, Johannesburg, organized by the Southern Suburbs Club, although the promoters had provided separate enclosures. It indicated that when provincial and national sport was played, each application for African spectators would be treated on merit.<sup>51/</sup>

70. The Minister of Bantu Administration and Development said in the House of Assembly on 14 May 1965, in answer to a question, that he had not received any complaints in writing in regard to the presence or the behaviour of non-White groups at soccer matches at the Rand Stadium. Permission had been refused for attendance of Africans as

"... recreation facilities for Bantu are provided in urban Bantu residential areas, and there is no need to encourage their attendance at ordinary and club matches outside such areas."<sup>52/</sup>

71. The Government refused a permit to the Cape regional committee of the South African Red Cross to hold a multi-racial pageant of the Junior Red Cross at Maynardville, Cape Town, in May, to celebrate the anniversary of the founder

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<sup>49/</sup> Ibid., 25 and 27 May 1965.

<sup>50/</sup> Ibid., 3 May 1965.

<sup>51/</sup> Ibid., 11 May 1965.

<sup>52/</sup> House of Assembly Debates, 14 May 1965, col. 5984.

of the movement, M. Henri Dunant. After repeated appeals, the Minister agreed to separate shows by Coloured and White school children at different times, if the audience was separated by race and used separate toilet facilities. The pageant was postponed to September.<sup>53/</sup>

72. The effect of the new proclamation was to end the "Cape liberal tradition" and deprive the middle-class Coloured people of Cape Town of the few places of entertainment they enjoyed. African sport fans were even more seriously affected. The non-Whites were deprived of the possibility of watching overseas artists and groups as they can ill afford the high prices to arrange separate performances even if permission were obtained. They had already been confined to separate cinemas, where films are usually exhibited long after the first-runs in White areas.

73. Moreover, the proclamation led to grave concern that it would jeopardize the continuation of cultural and sports activities which have depended partly on non-White patronage. Mr. Vivian Granger, general manager of the National Football League, said in Johannesburg on 14 March 1965 that the ban on non-White spectators at major grounds of soccer would mean that professional football in South Africa was "finished" as non-Whites accounted for a large percentage of the gate-money.<sup>54/</sup> Mr. Victor Justin, writing in the Cape Times of 1 May 1965, said that "the remarkable progress modern jazz has made in South Africa would suffer a setback" as "jazz in the Republic, like jazz in the United States, depends for its life blood on its multi-racial character".

74. The proclamation and its implementation led to strong protests in South Africa. Major Piet Van Der Byl, United Party member of Parliament and a former Cabinet Minister, charged in the House of Assembly that "petty apartheid" measures touched the pride, self-respect and ego of non-Whites and this they would "never forget or forgive". He added:

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<sup>53/</sup> Reuters, 6 May 1965.

<sup>54/</sup> Cape Times, 15 March 1965. It was reported that in a recent soccer match when the Arcadia Football Club scored its first goal, the cheering outside the stadium rang louder than inside. Excluded African fans had taken positions in trees and other vantage points. Christian Science Monitor, Boston, 4 May 1965.

"Frankly, were I a Coloured man and I was humiliated, as they have been, I'd have a burning hate that would last forever." 55/

75. Mrs. Helen Suzman, Progressive Party member of Parliament, charged:

"It is just the sort of thing which will infuriate people of colour all over the world, because it is an affront to human dignity." 56/

She said in the House of Assembly on 1 April 1965 that "we are adding to the legacy of bitterness and hatred and mistrust in this country to a degree we never had before".

"This country is deliberately adding insult upon insult to the non-Whites. The result is that thousands upon thousands of innocent non-Whites who have been enjoying themselves in their leisure hours following innocent pursuits, are now denied these facilities ... it is not true to say, ... that adequate facilities exist in their own area. They do not. Not even the beginnings of adequate facilities are there and there can be no way in which theatre, drama and international sporting events or sporting events of any magnitude can be carried out in their own areas. I say that there is no end to the abysmal stupidity of White South Africa." 57/

76. In March 1965, the Student Representative Council of the University of Cape Town decided that no further dances be held on the campus until they were open to students of all races. 58/

77. Mr. J. Tyers, Chairman of the Amenities Committee of the Cape Town City Council, said on 8 March 1965:

"They (the Government) particularly want to ram apartheid down Cape Town's neck because of our more tolerant approach to racial questions.

"But this apartheid is sticking in our gullets." 59/

78. Mrs. Eulalie Stott, a Cape Town City Councillor, protested against the proclamation and said in a statement on 21 April 1965:

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55/ House of Assembly Debates, 1 April 1965, cols. 3863 and 3865.

56/ Ibid., 6 April 1965, col. 4145.

57/ Ibid., 1 April 1965, col. 3841.

58/ Cape Times, 4 March 1965. Some Coloured and other non-White students are admitted to the University by special permission of the Government until separate institutions are available.

59/ Ibid., 9 March 1965.

"Gone is the 'right' of both White and non-White citizens to attend any public performance anywhere, whether they be of a musical, dramatic art, sporting or other cultural or recreational nature. Gone is the 'right' of White and non-White citizens to attend entertainments by performers who are not of the same racial group as the audience.

"An Indian businessman can no longer be sure of having White friends to his daughter's wedding. The non-White parents of children attending a nursery school where the warden is White have no longer the 'right' to invite him." 60/

79. At a huge multi-racial protest meeting in Cape Town on 26 April 1965, organized by the Black Sash and attended by about 1,500 persons, a resolution was adopted that the proclamation had brought "dishonour and shame on the Whites, and is unjust and insulting to the non-Whites of South Africa". Mrs. M.G. Roberts, regional chairman of the Black Sash, denounced the proclamation as "a barbarous measure imposed on civilized South Africans for barbarous ends and by barbarous means". Mr. Uys Krige, prominent Afrikaans poet and writer who left his sick-bed to address the meeting, deplored the new measures and said that hate was growing in South Africa. Referring to the Government's attitude to the Coloured people, who form the majority in Cape Town, he added:

"A man would in time forgive almost anything. But one thing he will not forgive you.

"And that is that you wound him in his pride, that you offend him in his dignity, that you damage him in his sense of worth as a man.

"Just keep on doing it, just keep on doing it for long enough and he, perhaps the meekest and mildest of men, will in the end kill you for it." 61/

80. The Anglican Archbishop of Cape Town, the Most Reverend Selby Taylor, wrote in the diocese's official journal Good Hope that the regulations about mixed gatherings had the effect of making

"... ordinary human contacts between people of different races even more difficult than they were in the past. ...

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60/ Ibid., 22 April 1965.

61/ Ibid., 27 April 1965.



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"But these barriers to human contact are a much more serious matter than the impoverishment of our culture, for the lack of knowledge of one another's problems, needs and aspirations is deepening the rift which already divides the different groups.

"It may even be argued that this is the aim of this policy. If this is indeed so, then we are creating for our children and our children's children a task which will make our present problems appear to be insignificant." 62/

81. On 25 July 1965, the Cape Synod of the Methodist Church, condemned the proclamation as "an unwarranted interference in the rights of individuals to cultivate friendship and associate freely with each other in entertainment, sport and social life", and as a violation of the spirit of the Christian gospel. 63/

#### D. Other developments

82. A number of other developments concerning racial separation and discrimination may be briefly noted.

83. The Indian Education Act was enacted in 1965 providing for the transfer of the control of Indian education from the provincial governments to the central government and the implementation of stricter segregation. 64/

84. The Government has been adamant in refusing permission to African businessmen to build any more shops or cinemas in the "White area". 65/

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62/ Ibid., 26 April 1965.

63/ Ibid., 24 July 1965.

64/ African and Coloured education had already been separated.

65/ The Johannesburg City Council has failed in persuading the Government to allow African businessmen to build shops and cinemas in Soweto, the African area of the city with a population of 500,000. The Deputy Minister of Bantu Administration and Development told the Council that African entrepreneurs should invest in the African "homelands" and that refusal of further trading rights outside the reserves was "to ensure enduring racial harmony and a prosperous future for each race group". The Star, daily, Johannesburg, 12 January 1965.

85. The so-called "Immorality Act" which prohibits carnal intercourse between members of different racial groups continues to be enforced without any consideration for the consequences. On 9 March 1965 the Minister of Justice stated that 790 persons had been prosecuted under the Act in 1964 and 382 convicted. 66/

86. On 19 March 1965, Mr. Jacob Leher Rudman, a White, and Miss Francis Mowing, a Chinese woman, were convicted on the charge of violation of the Act on 29 August 1964. The couple had been living together for eighteen years, since before the Immorality Act, in White areas without any complaints, and have four children ranging in age from two to fourteen years. After the conviction, Mr. Rudman asked:

"If we separate now, what will happen to our children? They attend private White schools and have never questioned the difference in colour between us."

Miss Mowing asked:

"What will happen to the children if they keep prosecuting us and give us further sentences, which could come into operation over periods of months at a time?"

After their first appearance in Court, both lost their jobs. 67/

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66/ House of Assembly Debates, 9 March 1965, cols. 2481-82.

67/ Cape Times, 20 March 1965. The couple cannot get married because mixed marriages are legally prohibited.

In another case in 1965, Miss Sophie Mgcina, star singer of the film Dingaka, was given a sentence of six months' imprisonment suspended for three years. Ibid., 22 May 1965.

### III. REPRESSIVE MEASURES AGAINST OPPONENTS OF APARTHEID

87. In the addendum to the report of 30 November 1964, the Special Committee dealt in detail with the harsh and arbitrary repressive measures instituted by the South African Government against opponents of the policy of apartheid. During the period since that report, the South African Government has continued such measures despite claims that the underground movements had been suppressed.
88. On 30 November 1964, the Minister of Justice announced that the application of Section 17 of the General Law Amendment Act of 1963, which provided for detention without trial for ninety days at a time, would be suspended as of 11 January 1965, but that it would be brought into force at short notice whenever necessary. Some of the detainees were released by 11 January 1965, but many were charged under various repressive laws.
89. Four new repressive laws were enacted in 1965. One of these, an amendment to the Criminal Procedure Amendment Act of 1958, is similar to and, in some respects, worse than section 17 of the General Law Amendment Act of 1963: it allows the Government to detain any person "likely to give material evidence for the State" in certain specified offences for a period of up to six months at a time.
90. A large number of new trials were instituted under the repressive laws. Several prisoners were tried on new charges and or under the retroactive General Law Amendment Act of 1964 before they completed their sentences on earlier charges.
91. Despite the world-wide condemnation of executions of persons for offences arising from opposition to apartheid, Mr. Washington Bongco was executed in February 1965 and Mr. John Harris on 1 April 1965. Several other persons were sentenced to death in recent trials.
92. Reports concerning the treatment of political prisoners continue to cause serious concern.
93. More opponents of apartheid have been restricted by house arrest orders and bans against public activities.
94. Information on these developments is briefly reviewed in this note.

A. New repressive legislation

95. Four drastic repressive laws, enacted in 1965, are reviewed below. The Government justified these laws on the ground that South Africa was not living in normal times and that a new and more serious phase of sabotage may be expected. It has also indicated that further repressive legislation would be passed in the future.

1. Suppression of Communism Amendment Act

96. The Suppression of Communism Amendment Act<sup>68/</sup> authorizes the Minister of Justice to prohibit the publication of statements or writings by any person who had been resident in South Africa and is now living overseas.

97. It renews for another year the Minister's power to detain people convicted of certain offences after their prison sentences for certain offences expire. This provision, originally included in the General Law Amendment Act of 1965, has been popularly known as the "Sobukwe clause" as only Mr. Robert Mangaliso Sobukwe, leader of the Pan Africanist Congress, had been detained under it,<sup>69/</sup> but it may be applied to others.

98. The Act also makes it an offence for any person to "be in possession" of anything indicating that he is, or was before the commencement of the Act, an officer, office bearer or member of an unlawful organization or that he was or is in any way associated with it. (In the past only the carrying or displaying of such material evidence was made punishable.) The inadvertent possession of an old document or newspaper or photograph may become an offence under this Act.

99. Following opposition inside and outside the Parliament,<sup>70/</sup> the Minister of Justice agreed to hold over certain other provisions of the original bill till next year in order not to prolong the parliamentary session. One of these clauses

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<sup>68/</sup> Text in Government Gazette Extraordinary, 22 June 1965.

<sup>69/</sup> Mr. Sobukwe served three years' imprisonment in the aftermath of the Sharpeville incident of 1960. The Government continued to keep him in detention since May 1965 on Robben Island.

<sup>70/</sup> The United Party and the Progressive Party opposed the bill.

provided for the barring from the legal profession of attorneys and advocates listed as Communists, and those convicted of certain offences. Another clause would have empowered the courts to confiscate printing presses used to publish the statements of prohibited people, or other articles used in the commission of certain offences.

100. Another provision in the original bill would have authorized the Attorney-General to prohibit the publication in South Africa of any statement by anyone outside South Africa who, in his opinion, "has encouraged the achievement of any of the objects of Communism" or "has engaged in activities which are furthering or may further the achievement of such object".

101. The provision regarding advocates and attorneys, which would make it even more difficult for political prisoners to obtain proper legal assistance, has aroused concern in South Africa and abroad.

102. On 9 June 1965, Mr. Douglas Shaw, Q.C., issued a statement on behalf of the Cape and Natal Bars, criticizing the provision on the grounds that it restricts the discretion of the Courts and makes a very serious inroad into long-established principles governing admission to and expulsion from the profession. It added:

"We believe that the effect of the Bill, if passed into law, may be to inhibit the proper performance by members of the legal profession of their duty fearlessly to present the interests of their clients no matter how unpopular their clients' cause and no matter how powerful or influential the opposition may be.

"The independence of the profession is essential to enable its members properly to carry out their duties. It has been built up over many years under the present system of supervision by the courts.

"We believe that the departure from that system which will be effected if this Bill passes into law cannot but prejudice the independence of the profession with serious consequences to the proper administration of justice." 71/

105. The General Council of the Bar of South Africa decided in June 1965 to make further representations to the Minister of Justice with a view to suggesting possible amendments to the proposed provision. 72/

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71/ Cape Times, 10 June 1965.

72/ Ibid., 21 June 1965.

104. The International Commission of Jurists expressed alarm over the intentions of the Government. It said:

"Another matter giving cause for alarm, particularly to the Commission which is constantly alert to uphold the freedom of the legal profession, is the stated intention of the Government to introduce legislation preventing 'Communists' from practising as advocates. In view of the extraordinarily wide definition given to 'Communism' by the Suppression of Communism Act, 1950, as amended, this would mean in effect that any advocate seeking to oppose the policies of the Government in the racial field runs the risk of being debarred from practice. If a Bill of this nature is introduced, it will be possible to disbar practising lawyers on the grounds of their political beliefs and actions even if those beliefs or actions in no way affect their professional conduct or integrity. The threat to the independence of the legal profession, and in particular to those who undertake the defence in political trials, is obvious. South African lawyers can be confident that the protests which they will undoubtedly make against such a proposal will be supported by members of the legal profession throughout the world." 73/

## 2. Criminal Procedure Amendment Act

105. The Criminal Procedure Amendment Act empowers the Attorney-General to order the arrest of people "likely" to be State witnesses in certain classes of offences and hold them incommunicado for up to six months at a time. The Minister of Justice told the Senate that it was "possible, but not probable" that detained witnesses might be held in solitary confinement. 74/

106. Another provision empowers the Attorney-General to refuse bail in cases of certain offences, including political offences. The Minister of Justice accepted a United Party amendment that if no evidence had been led against the accused within a period of ninety days after his arrest, he may, on notice to the Attorney-General, apply to a judge to be released on bail: the judge, sitting in chambers, may order his release on bail on terms and conditions he may lay down.

107. The United Party voted against the bills as the Minister of Justice refused to accept certain amendments. 75/ The lone member of the Progressive Party in Parliament, Mrs. Helen Suzman, totally opposed the bill.

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73/ Bulletin of the International Commission of Jurists, Geneva, April 1965.

74/ Senate Debates, 16 June 1965, col. 4536.

75/ It proposed, for instance, that detained witnesses should be enabled to apply to a judge of the Supreme Court for the withdrawal of the detention order.

108. During the debate, Mr. M.L. Mitchell, a United Party member, described the detention-of-witnesses clause as worse than the suspended ninety-day clause which, unlike the present legislation, was "put on a temporary basis", to lapse after a year unless renewed.<sup>76/</sup>

109. Senator Jordan, also of the United Party, said that innocent people would be affected by the detention clause and it was entirely wrong to treat them in the manner envisaged in the bill. The powers the Minister was seeking, he said, were "an admission that it is no longer possible to govern in accordance with civilized standards".<sup>77/</sup>

110. Mrs. Helen Suzman said that it was tragic that the Government was not only destroying the last vestiges of the right of habeas corpus, but seeking to detain even witnesses against whom no charges had been made.<sup>78/</sup> She said that holding a man incommunicado in solitary confinement was one of the most devastating forms of mental torture. Moreover, those dealt with under security regulations had often lost their jobs, and had been endorsed out of their homes and subjected to other harassment.<sup>79/</sup> She added the new provision would affect the whole character of the free judiciary, one of the essential qualities of a democratic country.<sup>80/</sup>

### 3. The Official Secrets Amendment Act

111. The Government introduced an amendment to the Official Secrets Act of 1956 to extend its provisions to police activity and widen its coverage.

112. The original act prohibited disclosure of information about any military matter: the amendment referred to "any military or police matter". Moreover, while the original act was limited to disclosure for a purpose prejudicial to the State, the amendment also included disclosure in a "manner" prejudicial to the State. The motive of the person who published the information would no longer serve as a defence against conviction. Maximum penalty for transgression is a term of seven years' imprisonment or a fine of 1,500 Rand (\$2,100), or both.

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<sup>76/</sup> House of Assembly Debates, 15 June 1965, col. 8254.

<sup>77/</sup> Senate Debates, 16 June 1965, col. 4535.

<sup>78/</sup> House of Assembly Debates, 14 June 1965, cols. 8117-8118.

<sup>79/</sup> Ibid., col. 8117.

<sup>80/</sup> Ibid., 15 June, col. 8243.

113. In his explanatory statement on 5 April 1965 in the House of Representatives, the Minister of Justice stated that, in view of what had been happening in South Africa in recent years, in regard to certain matters, "one can hardly draw a dividing line between police matters and military matters".<sup>81/</sup>

114. The United Party opposed the bill on the ground that it would give the Minister of Justice much wider powers than were needed for the safety of the State and that the freedom of the Press could be affected. It stated that it would support the bill if it was amended so as to define "police matters" to deal only with the safety of the State, that is, the duties of the police in the preservation of internal security.

115. Mr. H. Tucker, a United Party member, said that the amendment covered information which might be communicated quite inadvertently and which might not relate to the safety of the State. Noting that the original act had placed the onus of proof on the accused, on the question whether his purpose was prejudicial to the safety or interests of the State, he said that the amendment would add considerably to the burden on the accused.<sup>82/</sup>

116. Mr. Mitchell, a United Party member, noted that the bill dealt with "any police matter" and said:

"Any matter is a police matter today. Group areas is a police matter. Bingo is a police matter... attending rugby at Newlands without a permit is a police matter." <sup>83/</sup>

He added that it was difficult in South Africa to distinguish between what matters were police matters and what were not, as there was not a sector of everyday life which did not, in one way or another, concern the police.<sup>84/</sup> He charged the Minister of Justice with leading South Africa into the road of a totalitarian State by such measures.<sup>85/</sup>

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<sup>81/</sup> Ibid., 5 April 1965, col. 4061.

<sup>82/</sup> Ibid., col. 4054.

<sup>83/</sup> Cape Times, 6 April 1965.

<sup>84/</sup> Ibid.

<sup>85/</sup> House of Assembly Debates, 21 April 1965, col. 4565.



117. Mrs. Helen Suzman, Progressive Party member, opposed the bill on the grounds that the onus on newspapermen in terms of the bill was too great, that there was no definition of what was meant by a "police matter" and that heavy penalties were provided. She said that if the bill was passed, South Africans would no longer be able to argue abroad that there was still some form of freedom of the Press in the country. The immediate reaction abroad to a bill of this nature would be that all news of importance from South Africa had had to be smuggled out of the country.<sup>86/</sup>

118. The bill was also strongly opposed by Mr. George Oliver, who said in his presidential address to the annual congress of the South African Society of Journalists on 10 April that it could curtail the freedom of the Press drastically. If the Press were barred from reporting such matters of vital interest as irregular police activities, South Africa would become "a land of rumours and whispers". Noting that during the past decades the Government had by degrees whittled away the wide enjoyment of freedom to report on matters of national interest, he described the bill as "ominous" and as likely to have a more profound curtailing effect on the freedom of the Press than the Prisons Act, the Riotous Assemblies Act, the various General Law Amendment Acts or any of the other restrictive laws under which the journalists had to operate.<sup>87/</sup>

119. Contact, a Liberal monthly of Cape Town, noted in April 1965 that the Official Secrets Amendment Act would make the police immune from the restraint of public exposure when they embark on increasing raids on houses, and questioning or otherwise harassing of people. It added:

"The political police could, for example, invade the offices of a newspaper or a political organisation every day for a month, could disrupt its work and terrorise its members or workers. No reason need be given for the raids. Without permission they could not be reported. Even to say they had occurred could be regarded as communicating information relating to a police matter. An exaggeration? Perhaps. But we still remember the Minister's blithe assurances when he introduced the General Law Amendment Bill of 1963 with its '90-day' clause.

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<sup>86/</sup> Cape Times, 6 April 1965.

<sup>87/</sup> Ibid., 13 April 1965.

"It was the steady disclosure of what was being done to people in terms of that clause which contributed to its suspension at the beginning of this year. The slightest hint of trouble could bring it back into operation. Then we will really learn what is meant by 'any police matter' in the amended Official Secrets Act.

"The right to detain - without any revealing appearances in court - will conceal the names and the numbers of those arrested by the political police. Men and women will simply vanish as they did during the 1960 emergency. Only their closest relations will know what has happened to them, and they will have to keep quiet.

"News will pass in whispers and rumour will follow rumour. Those most anxious to know what is happening will, no doubt, devise an effective 'grapevine'. The rest of South Africa will wait; never knowing how much is revealed in the occasional official statement. Fearful and suspicious, it could be stampeded by suggestion into accepting a minor disturbance as cause enough for a full-scale emergency with all the extra powers this would give the Minister of Justice and those around him."

120. The Minister of Justice stated that the purview of the amendment was meant to be wide and that it was designed to vest the Government with an extended power to cope with internal disturbances.<sup>89/</sup>

121. The Minister indicated that South Africa had now entered the third and most critical stage of sabotage activity. It had been carried out, in the first stage, by people who were generally untrained and who relied primarily on their numbers, and, in the second stage, by semi-trained, and in certain instances by "reasonably well-trained" persons, relying less on number and more on their ingenuity. In the third and final stage, with which the proposed legislation was designed to cope, sabotage might be carried out by White as well as African professionals, who had

89/ Giving specific examples of contingencies in which the legislation would be useful, he said: "During the Poqo troubles, for example, we found sketches, etc., of police stations, notes in regard to the strength of the police and in regard to weapons and ammunition in their possession. These people could not be charged under the principal Act, because it does not refer to police matters. It is expected that in future... I do not want to say too much about it at this stage... we will probably come across more of these things..."

"In combating... subversive elements, it may, e.g., be necessary for the police to have a concentration of men at some spot in order to surprise these elements at a given moment. If one does not have this legislation, and such information should reach a newspaper which is not concerned about the safety of the State, there is nothing to prevent it from publishing that information, to the detriment of the safety of the State." House of Assembly Debates, 5 April 1965, cols. 4062-4063.

undergone training abroad, primarily in African countries.<sup>89/</sup> "Taking into account the fact that one knows what the attack will be," he told the Senate, "it would amount to irresponsibility if we did not provide for the necessary protection against them in anticipation".<sup>90/</sup>

122. After the Minister agreed to an amendment to define "police matters" as those "relating to the preservation of the internal security of the Republic and the maintenance of law and order by the South African Police", the United Party agreed to support the bill.<sup>91/</sup>

123. Mrs. Helen Suzman, the Progressive Party member, maintained her opposition to the bill on the ground that the amendment accepted by the Minister still left the definition of a "police matter" far too wide.

124. It may be noted that the Minister of Justice indicated before the adoption of the bill that it was only a prelude to more stringent legislation. He said:

"If honourable members now envisage that still further legislation will be passed to assist in this regard, then they are quite correct. It will come. It will come as often as it may be necessary. I intend taking the necessary measures to perform my duties to the best of my ability, and this Government will not hesitate for a moment to take the necessary powers to combat those violent elements."<sup>92/</sup>

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<sup>89/</sup> Ibid., 21 April 1965, col. 4589; Senate Debates, 10 May 1965, cols. 2931-2932.

<sup>90/</sup> Senate Debates, 10 May 1965, col. 2934.

<sup>91/</sup> The text of amended section 2 reads as follows:

"(2) (a) Any person who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war or any military or police matter and who publishes it or directly or indirectly communicates it to any person in any manner or for any purpose prejudicial to the safety or interests of the Union, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand five hundred rand or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.

"(b) for the purpose of paragraph (a) 'police matter' means any matter relating to the preservation of the internal security of the Union or the maintenance of law and order by the South African Police." Government Gazette Extraordinary, 4 June 1965, p. 92.

<sup>92/</sup> House of Assembly Debates, 21 April 1965, cols. 4589-4590.

#### 4. Police Amendment Act

125. The Police Amendment Act, promulgated on 23 June 1965, authorizes the police to search any person, place or vehicle without warrant at any place within one mile of any border between South Africa and any foreign State or territory, and seize anything found by them.<sup>93/</sup> It also provides that anything found by the police on the person or in any place within the said area may be seized.

126. Under the principal act of 1956, the police could search a person without warrant only if they had reasonable ground to believe that an offence had been committed or was being committed.

127. Explaining the purpose of the new legislation, the Minister of Justice, Mr. Vorster, said:

"The reason why I have introduced this Bill is to strengthen our existing security measures even more. As I have said on previous occasions we will eventually have to deal with infiltration of well-trained saboteurs ... These saboteurs are sent to South Africa to do the work for which they have been trained in other territories and so it is absolutely necessary that our police should have this power in order to protect the lives and safety of our people.

"... The purpose of the search is to ascertain whether the person is a danger to the State; whether he is a person who has been trained elsewhere for subversive purposes; whether he ... and this is more important ... has anything on his person or in a vehicle by means of which harm or damage can be caused to the inhabitants of the Republic or their property.

"... [it] is to give the police the power to combat as effectively as possible the danger of the infiltration of well-trained professional saboteurs who have received their training in the various training camps of Africa."<sup>94/</sup>

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<sup>93/</sup> The relevant subsection of the Act reads as follows: "Notwithstanding anything to the contrary in any law contained, any member of the Force may, in the performance of the functions referred to in section five, search without warrant any person, premises, other place, vehicles, vessel or aircraft, or any receptacle of whatever nature, at any place in the Republic within a distance of one mile of any border between the Republic and any foreign State or territory and seize anything found by him upon such person or upon or at or in such premises, other place, vehicle, vessel, aircraft or receptacle." Government Gazette Extraordinary, 23 June 1965, p. 4.

<sup>94/</sup> House of Assembly Debates, 7 June 1965, col. 7297.

128. Unlike the three measures discussed earlier, this bill did not meet with opposition from the United Party. Most of the Opposition members who spoke during the debate supported it on the ground that South Africa is not at the moment living in normal times. Welcoming the support of the Opposition, the Minister of Justice stated:

"I would ask the ... Opposition when it comes to other safety measures which will be debated in this House, in good time, to employ that same yardstick, namely the yardstick that we are not living in normal times and that in the next two years, Sir, we will certainly, as far as saboteurs coming into this country, not be living in normal times." 95/

5. Public protests against the new laws

129. These bills also evoked strong opposition from opponents of apartheid outside Parliament.

130. The South African Institute of Race Relations, in a statement on 14 June 1965, said that it was appalled at the new bills which were open to grave abuse, which not only deprived the courts of judicial discretion but outraged civil rights and the accepted concepts of the rule of law, and which were tantamount to the reintroduction, with certain modifications, of the abhorrent 90-day law. It added

"The assumption of these increased powers is symptomatic of the unacceptability of Government policy and the Institute cannot see any lasting racial accommodation being arrived at by such means." 96/

131. In a statement on 15 June 1965, the Christian Council of South Africa protested most vigorously against the new bills and expressed deep concern at the further inroads into individual freedom and the departure from the rule of law inherent in them. 97/

132. At a large protest meeting held in Cape Town under the auspices of the Progressive Party on 17 June 1965, the following resolution moved by former Chief Justice A. van de Sandt Centlivres was adopted:

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95/ Senate Debates, 10 June 1965, col. 4086.

96/ Cape Times, 15 June 1965.

97/ Ibid., 16 June 1965.

"We, citizens of Cape Town, firm in our conviction that good government demands respect for the rule of law, record our protest against the Criminal Procedure Amendment Bill and the Suppression of Communism Amendment Bill at present before Parliament, which made further inroads on the rule of law; a rule which is the hallmark of both Roman-Dutch and English law.

"These bills threaten the liberty of the individual; they undermine the authority of the courts; they place unwarranted powers in the hands of the Ministers and State officials; they are destructive of freedom itself.

"We believe that lasting peace for our country and real progress for all the citizens of our nation can be secured only by government based on the consent of the governed. To the attainment of this end we pledge ourselves." 98/

155. At this meeting, Mr. J. Hamilton Russell, former member of Parliament and co-chairman of the 90-day Protest Committee, said:

"It is quite incredible that this Government, already armed to the teeth and loaded with every powerful weapon any police state could want even in time of war, should now take yet more far-reaching powers to enable it to dragoon more harshly the distressed peoples of South Africa, to force the fatal dogma of baaskap apartheid down their throats ...

"In the two Bills against which we protest Mr. Vorster has taken the rule of law, torn it to shreds and scattered it in the grave of justice."

Mrs. Helen Suzman, Progressive Party member of Parliament, stated that the clause to detain witnesses was designed to obtain evidence for the State under duress - "and one can imagine how reliable such evidence will be". The Anglican Dean of Cape Town, the Very Rev. E.L. King, described the new legislation as "wickedness writ large" and added:

"We are told that this legislation is to deal with threats to our country, but the only threat as I see it is reaction to the abnormal and abhorrent policies of our Government. There are no threats to South Africa that do not find their ultimate menace in these policies." 99/

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98/ Ibid., 17 and 18 June 1965.

99/ Ibid., 18 June 1965.

E. Suspension of Section 17 of the General Law Amendment Act of 1963 (90-day clause)

134. On 30 November 1964, it was announced that section 17 of the General Law Amendment Act of 1963, providing for detention of persons for 90 days at a time, would be suspended on 11 January 1965. The Minister of Justice made it clear that he would not hesitate to reimpose the section should circumstances warrant such action.

135. The announcement was greeted with relief by opposition leaders in South Africa, who noted, however, that the provision remained on the statute book.<sup>100</sup>

136. It may be recalled that the actions taken by the Government under this section had led to strong condemnation in South Africa and abroad, including specific criticism by the Security Council.

137. Even supporters of the ruling National Party had felt uncomfortable at the use of the section. Their feelings were reflected in the comment of Die Burger, a National Party newspaper in Cape Town which supported it, on 1 December 1964:

"If a list has to be compiled of the actions of our Government that aroused vehement reaction abroad and harmed the name of South Africa, then the ninety day clause will feature very high on it. Similarly, if a list has to be compiled of measures which this Government took which have made the ordinary South African feel unhappy, this same clause would also be among the first. It should be added that, if the Government has to compile a list of measures which it took unwillingly, this step would again be well to the fore...

"It was not a pleasant spectacle to see this clause in action. People were spiritually maimed by it and they will long carry the traces of it...

"The whole of South Africa hopes that a period has come to an end and that the ninety-day clause will henceforth be nothing more than an unpleasant memory." <sup>101</sup>

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<sup>100</sup>: The Minister of Justice, Mr. B.J. Vorster, said on 16 January 1965 that the 90-day clause had been suspended as it was no longer necessary. Now agitation had begun among certain ministers of religion, politicians and newspaper editors for the scrapping of the 90-day clause from the Statute Book. "The Government has no intention of removing it from the Statute Book. And the Government will not hesitate to reimpose it if the safety of the State is threatened." Cape Times, 18 January 1965.

<sup>101</sup>: Translation in Ibid., 2 December 1964.

139. As indicated in the previous section, however, the 90-day clause has now been replaced by an even more stringent legislation. The experience of the implementation of the 90-day clause may, therefore, be recalled.

140. Some details on the implementation of this clause during the twenty months of its operation were given by the Minister of Justice to the House of Assembly on 29 January 1965, in reply to a series of questions by the Progressive Party member, Mrs. Helen Suzman.

(a) The number of persons detained and the number of detainees charged was as follows:<sup>102</sup>

	Number detained					Number charged				
	Total	Adult		Juvenile		Total	Adult		Juvenile	
		Male	Female	Male	Female		Male	Female	Male	Female
White	102	75	27	0	0	40	30	10	0	0
Indian	78	74	4	0	0	26	25	1	0	0
Coloured	58	45	10	3	0	27	10	5	3	0
Bantu	857	808	35	14	0	482	469	7	6	0
TOTAL	1,095	1,002	76	17	0	575	573	23	9	0

140. It will be seen that the detainees represented all the racial groups in South Africa. Only a little over half the detainees - 575 out of 1,095 - were charged in court with offences.

(b) The seriousness of the charges varied, from murder and sabotage to membership in banned organizations, rendering assistance to persons to leave the country without valid passport, and possession of banned literature.<sup>103</sup>

(c) Of the 575 detainees charged, only 272 had been convicted: 210 had been discharged and 93 were still awaiting trial.<sup>104</sup>

(d) Of the detainees, 241 gave evidence for the State in criminal proceedings.<sup>105</sup>

<sup>102</sup> House of Assembly Debates, 29 January 1965, col. 252.

<sup>103</sup> Ibid., col. 252.

<sup>104</sup> Ibid., col. 252.

<sup>105</sup> Ibid., col. 252.



(e) The detainees included twenty-six persons who had been held as suspects in connexion with certain offences but detained under section 17 in order to ascertain whether the offences had any relation to political offences mentioned in section 17. None of these was charged with any offence referred to in section 17.<sup>106/</sup>

(f) Seven persons detained in terms of section 17 had made complaints about the manner in which they had been interrogated. The complaints had been investigated by the South African Police and referred to the Attorney-General concerned for investigation. No person detained in terms of section 17 had been detained for more than forty-eight hours before being interrogated.<sup>107/</sup>

(g) The duration of detention of the detainees was as follows:<sup>108/</sup>

	<u>Adults</u>	<u>Juveniles</u>
Less than 30 days	285	2
30-59 days	286	14
60-89 days	360	1
90-179 days	134	0
180 days or more	<u>13</u>	<u>0</u>
	1,078	17

141. While the Government claimed that the law had not been implemented arbitrarily, that only persons with a knowledge of illegal activity had been detained and that they had been promptly interrogated, numerous cases have come to light of arbitrary punishment of persons innocent even under existing repressive legislation.

142. Illustrative is the case of Mr. Sholto Cross, a 22-year-old student, who was detained for 154 days without any charges against him or even a demand that he give evidence against others. Mr. Cross told the court in Pretoria that he had

<sup>105/</sup> Ibid., cols. 256-57.

<sup>107/</sup> Ibid., cols. 255 and 266. These assertions are contradicted by numerous statements by ex-detainees. Cape Times (11 January 1965) noted that two men had died while being held - one hanged himself in his cell and the other fell from a seventh-floor interrogation office - and about fifteen persons were known to be suing the Minister of Justice for damages for ill-treatment.

<sup>108/</sup> Ibid., col. 267.

been kept in a ten-foot by ten-foot cell and was allowed no visitors during the entire period of detention, nor any reading matter except the Bible.

"My moods fluctuated. I developed a rash and had headaches. I was not able to think rationally and had nightmares. I felt a desire to escape."

He was charged with attempting to escape after 120 days of detention, and given a suspended sentence.<sup>109</sup>

145. It may be noted that persons may still be detained indefinitely without charges under the terms of Proclamation 400 of 1960 (the Transkei Emergency Regulations) which remains in force in the Transkei. In reply to questions by Mrs. Helen Suzman, the Minister of Justice told the House of Assembly that seventy-six persons had been detained under the provisions of this proclamation in 1964 and that ten persons were still being detained. The duration of detention of these persons was as follows:

One month or less	44 persons
Over one month but less than three months	12 persons
Three months or over	20 persons <sup>110</sup>

<sup>109</sup> The Star, Johannesburg, 18 December 1964; Rand Daily Mail, Johannesburg, 19 December 1964.

<sup>110</sup> House of Assembly Debates, 29 January 1965, cols. 255-56.

J. Political trials and sentences

144. The series of political trials begun early in 1963, under various security laws, continued during the period under review, and the number of executions, death sentences and sentences of imprisonment are mounting.

145. Brief particulars concerning the outcome of political trials in the period since the Special Committee's report of 30 November 1964 are given in Appendix II to this review. The particulars, however, are not complete as they are based on press reports in a few South African papers and as not all the numerous trials have been reported.

146. A striking feature of the recent situation in South Africa is the great increase in the number of prisoners in the country.

147. According to a statement by the Minister of Justice, in reply to a question in the House of Assembly on 9 March 1965, the daily average of prisoners in South Africa has increased as follows:<sup>111</sup>

1948	-	25,027
1958	-	44,437
1963	-	66,575
1964	-	70,351

148. A substantial percentage of these prisoners had been convicted under laws designed to suppress opposition to apartheid, while many others had been jailed under racially discriminatory legislation such as the pass laws. The sentences under security laws to suppress the anti-apartheid movement have been extremely harsh.

149. The Evening News, Port Elizabeth, reported on 16 March 1965 that a survey of records at all divisions of the Supreme Court in South Africa had disclosed that between February 1963 and December 1964 no fewer than 305 South Africans had been charged with sabotage. Of these, 262 had been found guilty and 38 not guilty. The case against five others had been withdrawn. Those found guilty had been sentenced to a total of 2,797 years' imprisonment. Eleven had been sentenced to

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<sup>111</sup> House of Assembly Debates, 9 March 1965, cols. 2472-73. This increase is particularly striking as the changes in the liquor laws, which were the cause of a large number of arrests in the past, have greatly reduced imprisonment under these laws since 1962.

death and fifteen to life imprisonment. While most of the accused were Africans, many Indian and Coloured people and at least twenty Whites had been involved.<sup>112/</sup>

150. The Minister of Justice told the House of Assembly on 20 April 1965, in reply to a question, that 2,436 persons had been charged with sabotage and other subversive activities, during the period between 1 February 1963 and 31 December 1964, under section 21 of the General Law Amendment Act of 1963, the Suppression of Communism Act of 1950, the Public Safety Act of 1953 and the Unlawful Organizations Act of 1960. Charges had, however, been withdrawn against 639. Of the rest, 1,308 had been found guilty, 244 had been found not guilty and the cases against 195 had not yet been disposed of. Two hundred and thirty of the convicted persons had appealed: 111 had their convictions set aside and 49 had their sentences reduced. The appeals of four persons had not yet been decided.<sup>113/</sup>

151. A number of African juveniles were among those involved in these trials. The Minister of Justice told the House of Assembly on 23 March 1965 that forty-nine Africans under the age of twenty-one were then serving sentences under the Unlawful Organizations Act of 1960 and forty-eight under the "Sabotage Act" (section 21 of the General Law Amendment Act of 1962). Eight of these were under eighteen years of age. The sentences of imprisonment ranged from two years to life.<sup>114/</sup>

152. A particularly grave development in the recent period has been the passing of death sentences for political offences and the swift executions of those convicted.

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<sup>112/</sup> Quoted in Spotlight on South Africa, Dar es Salaam, 2 April 1965.

<sup>113/</sup> House of Assembly Debates, 20 April 1965, cols. 4428-29.

<sup>114/</sup> Ibid., 23 March 1965, cols. 3254-55.

153. According to the Minister of Justice, 299 persons had been sentenced to death in 1963 and 1964, and 205 of these had been hanged.<sup>115</sup> A substantial percentage of these executions were for offences committed with a political motive, namely the desire to end apartheid, under new laws providing death penalty for a wider range of offences. According to the information available to the Committee, fifty persons had been executed in 1963 and 1964<sup>115</sup> and two others (Mr. Washington Bongco and Mr. Frederick John Harris), in 1965 for such offences.

154. Some aspects of the recent political trials and the harsh sentences deserve notice.

155. Not only are persons prosecuted and sentenced under arbitrary laws placing the onus of proof on the accused on many questions, but numerous persons are arrested, detained and taken to courts, and thus forced to spend long periods in gaol, even though there is not sufficient evidence to convict them under the harsh legislation now on South Africa's statute books.

156. The figures given by the Minister of Justice on 20 April 1965, cited above, indicate that of the 2,237 persons charged with subversive activities, the cases against whom had concluded, no less than 1,044 had been acquitted.

<sup>115</sup> Ibid., 6 April 1965, col. 4036.

Spotlight on South Africa, Dar es Salaam, commented on 30 April 1965:

"South Africa must have one of the highest execution rates in the world - if not the highest in proportion to its population...

"Whilst most countries are in the process of reducing the number of crimes for which the death sentence is applicable, or abolishing it altogether, South Africa is following a contrary course. In fact South Africa has a growing list of crimes for which the supreme penalty is applicable. These are: Murder, treason, rape (and in recent years) sabotage and robbery with aggravating circumstances.

"The attitude to human life which leads to nearly 100 hangings every year cannot be separated from the attitude which led to the murder of 68 people within the space of a few seconds at Sharpeville. The increasing number of political executions will no doubt send the figures soaring even higher. This slaughter must stop!"

<sup>115</sup> These include 47 persons condemned for offences connected with "Pogo" or the Pan Africanist Congress - listed in document A/AC.115/L.125 - and three leaders of the African National Congress (Mr. Vuyisile Mini, Mr. Wilson Khayinga, and Mr. Zinakile Mkaba) executed on 6 November 1964.

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157. Second, most of those convicted were not charged with any acts of violence, but of belonging to the principal anti-apartheid organizations banned by the Government, attempting to leave South Africa without valid travel documents which are usually denied to non-Whites and to all opponents of apartheid, and possession of banned literature (including old newspapers or clippings from newspapers which have since been banned), or technical and inconsequential violations of arbitrary banning orders served by the Government on opponents of apartheid. According to information provided by the Minister of Justice on 12 February 1965 concerning the convictions of ex-detainees, the great majority were convicted under such charges. <sup>117/</sup>

158. Third, the mass trials, the staging of trials at distant places, the bans on many lawyers who had been active in the anti-apartheid movement and the prolonged periods of imprisonment prior to trials have made proper defence of the accused, even under the arbitrary laws, extremely difficult. The Government has frequently utilized testimony of witnesses kept under detention without trial and assured of release only by giving evidence for the State.

159. Fourth, in numerous cases, the defence has charged and led evidence that the accused or the State witnesses had been subjected to prolonged periods of solitary confinement and even physical violence.

160. Fifth, a number of witnesses who refused to testify against their colleagues and leaders despite the threats and pressures have been given harsh sentences.

161. Sixth, a grave new feature of the recent trials is the prosecution of political prisoners, before or immediately after the completion of their sentences, on new charges, often under retroactive legislation enacted recently.

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117/ House of Assembly Debates, 12 February 1965, cols. 746-47. The number of persons convicted under various charges was as follows:  
(a) Murder - 4; (b) sabotage and conspiracy to commit sabotage - 89;  
(c) membership in a banned organization or promoting its objects - 192;  
(d) undergoing military training abroad and conspiring to undergo military training - 22; (e) leaving South Africa or attempting to leave South Africa without valid travel documents or assisting persons to leave South Africa without valid travel documents - 16; (f) arson and malicious injury to property - 5; (g) incitement - 1; and (h) possession of banned literature - 2. In most cases of sabotage, according to evidence in trials, strict precautions had been taken to avoid injury to persons.

162. Mr. Robert Harold Strachan, who had been sentenced to three years' imprisonment in 1962 under the Explosives Act, was again brought to trial in March 1965 under the Sabotage Act for the same offence. He was found not guilty and discharged.

163. Fourteen Africans who finished two-year sentences in March 1965 on charges of having left the country without passports were charged, immediately after completion of sentences, under the General Law Amendment Act of 1964 which makes it a retroactive offence to leave the country for military training. They were convicted to terms of imprisonment of seven to eight years each.

164. Dr. Masilamoney Pather, a Port Elizabeth medical practitioner who was due to be released on 15 May 1965 after serving a nine-month sentence on the charge of holding a meeting of an unlawful organization on his premises, was on that day charged under the Suppression of Communism Act.

165. The trials during the period under review indicate that the Government's purpose is to intimidate all opponents of apartheid (a) by harsh punishment, including death, of those who have engaged in sabotage or in furthering the aims of major anti-apartheid organizations; (b) by constantly and vindictively harassing leaders of the anti-apartheid movement, and subjecting them to mental and physical torture in order to break their spirit; and (c) by utilizing threats and force to compel participants in the clandestine movement, as well as all those who may be aware of it, to betray their friends, colleagues and leaders.

166. It is noteworthy, however, that despite the pressures, threats and violence, a large number of accused and witnesses have stood by their convictions and refused to seek comfort and freedom by betraying their friends, colleagues and leaders. It is also noteworthy that in numerous trials, large numbers of persons have attended the courts and expressed solidarity with the accused at the risk of actions against themselves.

D. Ill-treatment and torture of prisoners

157. In the report of 30 November 1964, the Special Committee reviewed numerous reports of ill-treatment and torture of prisoners and affidavits by former prisoners which indicated that violence against political prisoners and suspects, as well as those suspected of knowledge of political offences, was very widespread. The Special Committee recommended an international investigation into the situation.

158. The Special Committee has since received a great number of extremely alarming reports on the matter.<sup>117</sup> A number of recent publications contain documented charges concerning the conditions in prisons.<sup>119/</sup>

159. The Rand Daily Mail and the Sunday Times of Johannesburg have recently published a series of articles by Mr. Robert Harold Strachan, a former prisoner, and by ex-warders in prisons, which indicate not only the existence of brutal ill-treatment but also persecution of warders who opposed such ill-treatment in violation of prison regulations.

170. On numerous occasions, the accused in political trials and their defence counsels have charged in courts that the accused and witnesses had been subjected to mental and physical torture.

171. The fact that these charges concern prisons in several parts of the country seemed to indicate that such treatment of political prisoners and suspects was condoned and encouraged by the Government.

172. The Minister of Justice, however, continued to deny the allegations and has, instead, taken vindictive actions against the complainants and the Press. The Rand Daily Mail was twice searched by the police in connexion with its articles on prison conditions and was threatened with libel suits as well as prosecution under the Prisons Act.<sup>120/</sup> Mr. Robert Harold Strachan was placed under house arrest soon after he wrote articles on prison conditions. Mr. Jonahhes A. Theron, a prison warden, was suspended from service and confined to his home after he gave information to the Press concerning electric shock tortures at the Cinderella Prison in Boksburg.<sup>121/</sup>

<sup>115</sup> See, for instance, documents A/AC.115/L.106, 110, 116, 123 and 137.

<sup>116</sup> For instance, Suzanne Cronje, Witness in the Dark: Police Torture and Brutality in South Africa (Christian Action, London), 1964; A South African, Prisoners of Apartheid, (Christian Action, London), 1965; and Mrs. Ruth First, 117 Days: An Account of Confinement and Interrogation Under the South African Ninety-Day Detention Law (Penguins, London), 1965.

<sup>120</sup> The New York Times, 2 August 1955.



E. House arrests and banning orders

173. The arbitrary powers of the Minister of Justice to issue house arrests and banning orders have continued to be used widely to silence and harass opponents of apartheid.
174. The recent banning and house arrest orders were directed particularly against trade unionists and leaders of the Liberal Party.
175. A number of leaders of the South African Congress of Trade Unions and the Federation of Free African Trade Unions of South Africa were banned or placed under house arrest and thus prevented from holding office or continuing organizing activities.
176. A series of bans and house arrests has been imposed on leaders of the Liberal Party. By June 1965 the total number of Liberal Party members banned came to thirty.<sup>122</sup> Seven of these - including Mr. Barney Zackon, chairman of the Cape Western Region, and Mr. David Craighead, national vice-chairman and Transvaal chairman - had been banned in 1965; two had also been placed under house arrest.
177. The Cape Executive of the Liberal Party charged in March 1965:

"It is quite clear that, afraid of the ideas for which the Liberal Party stands, but reluctant to ban the party as a whole, the Government is attempting to cripple it by silencing many of its more effective members." <sup>123</sup>/

178. The recent house arrest and banning orders served on Mr. Robert Harold Strachan would seem to indicate that the Government is also using its arbitrary powers to prevent publication of information on such matters as the conditions in the prisons and dissemination of information already published.
179. The bans are vindictive and imposed arbitrarily, often against persons acquitted by the courts.
180. For instance, Mr. Frederick Praeger, a photographer of Johannesburg, was acquitted in 1964 in a sabotage trial but was served with a 24-hour house arrest order in March 1965, effective for five years. He was not allowed to receive

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122/Cape Times, 4 June 1965.

123/Quoted in editorial of Cape Times, 11 March 1965.

visitors. He had to obtain special permission to leave home, to get a haircut on 20 April and to get married on 21 April. Permission had to be obtained for his fiancée to visit him to discuss marriage plans and to live with him. No reception could be held as he was prohibited from attending gatherings.<sup>124</sup> Mr. and Mrs. Prager subsequently left South Africa on an exit permit which prohibits them from returning to the country.

131. Mr. Denis Brutus, a teacher and former Chairman of the South African Non-Racial Olympic Committee, was placed under house arrest on being released after serving eighteen months of imprisonment.

132. A number of those banned or placed under house arrest have been prosecuted on charges of contraventions of the orders. As the orders were so vague that even lawyers found it difficult to interpret them and as many alleged contraventions were minor, the courts have often imposed suspended sentences.

133. A new development during the year was the use of banning orders to implement the announcement by the Minister of Justice in September 1964 that "listed" Communists would be prohibited from teaching in South African universities after 1 January 1965.<sup>125</sup>

134. In December 1964, the Minister served severe banning orders on Professor Edward Roux of the University of Witwatersrand and Professor Jack Simons of the University of Cape Town.

135. Professor Edward Roux, one of South Africa's leading scientists, was head of the Department of Botany at the University of the Witwatersrand. In 1963, when he had reached retirement age, he had been asked by the University to remain for a further five years. He is widely known for his research on fossil pollen deposits, the spread of weed-type trees and the restoration of vegetation on old lands. He had resigned from the Communist Party in 1956. Though listed as a Communist, he had been granted a passport to go abroad on scientific work. The banning order prohibited him from entering any educational institution or teaching

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<sup>124</sup>/New York Times, 22 April 1965.

<sup>125</sup> The Communist Party had dissolved itself in 1950, before it was banned under the Suppression of Communism Act. The list of persons who had been members of the party was compiled by the Liquidator of the Communist Party.

anyone, publishing any writings on any subject, attending any gathering or talking or writing to any banned person. He was also confined to the Johannesburg magisterial district.

135. Professor H.J. Simons, an authority on African Studies, had taught at the University of Cape Town for 27 years. He was a member of the Communist Party until it disbanded prior to the promulgation of the Suppression of Communism Act in 1950. Under the banning order, he was restricted to the magisterial district of Cape Town, and prohibited from teaching or instructing anyone, except his own children, in any subject, from attending any meetings or writing on any subject.

137. The bans aroused strong protests at the Universities of Witwatersrand and Cape Town on the grounds that they were repugnant to the rule of law, harmful to the reputation of South Africa and its universities, and designed to curtail the right of universities to appoint and dismiss their own staff. Protests were made by the Student Representative Councils and Lecturers' Associations at both universities. Protest meetings were attended by more than 2,000 students at the University of Witwatersrand and over 1,000 at the University of Cape Town.<sup>125</sup>

138. In a statement on 25 December 1964, the vice-president of the National Union of South African Students expressed shock at the summary actions against the two professors and charged that the Minister of Justice was "prostituting the principle of university autonomy." He added:

"In 1959 the principle that universities should have the right to choose whom they would teach was invaded. Now the related principle that the universities should have the right to decide who should teach has been corrupted...

"If Mr. Vorster possesses any new information about these academics who no longer belong to the now-banned Communist Party, why does he not charge them and bring them to court?" <sup>127</sup>

139. The Minister of Justice declared, however, that he was not prepared to reconsider the cases of Professors Simons and Roux. <sup>128</sup>

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<sup>125/</sup> Cape Times, 21 December 1964, 4 January 1965, 24 February 1965, 19 March 1965, 12 and 15 April 1965.

<sup>127/</sup> Ibid., 24 December 1964.

<sup>128/</sup> The Star, daily, Johannesburg, 13 April 1965.

190. Subsequently, on 20 May 1965, Professor Simons left South Africa to take up a senior research fellowship at the Manchester University. He had been given an exit permit which prohibits his return to South Africa.<sup>129</sup>

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<sup>129</sup> Cape Times, 21 May 1965.

F. Intimidation

191. Finally, reference may be made to some other measures of intimidation against organizations and individuals opposed to racial discrimination.

192. In March 1965, Mr. Aubrey Apples, a member of the Pretoria Committee of the Liberal Party, was warned by the Chief Magistrate of Pretoria to "desist from activities furthering the aims of communism".<sup>150</sup> Mr. C.K. Hill, a member of the National Executive of the Liberal Party, charged that the party's mail in Natal had been tampered with and that members in rural areas had been "repeatedly molested" by the Security Police.<sup>151</sup>

193. Mr. Alan Paton, national President of the Liberal Party, charged on 10 July 1965 that there was a clear plan on the part of the Government to cripple the party by banning its leaders and by the technique of intimidation.<sup>152</sup>

194. Mr. S.M. Pholotho, Organizing Secretary of the South African Congress of Trade Unions, charged in April 1965 that the Special Branch visited the SACTU offices almost daily. Pamphlets on trade union matters had been confiscated.<sup>153</sup> Security Police raided the SACTU office on 28 April 1965 and took away about 200 documents including bank statements and cheque-books.<sup>154</sup>

195. The National Union of the South African Students was repeatedly attacked in Parliament by the Minister of Justice as "damnable and detestable" and threatened with repressive action.<sup>155</sup> The Minister, however, refused the demand by NUSAS that he institute a judicial inquiry into the workings of the organization. Illustrative of the intimidation against the NUSAS was the raid by thirty

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<sup>150</sup>/Cape Times, 16 March 1965.

<sup>151</sup>/Ibid., 19 March 1965.

<sup>152</sup>/Ibid., 12 July 1965.

<sup>153</sup>/Rand Daily Mail, Johannesburg, 2 April 1965

<sup>154</sup>/Cape Times, 29 April 1965. Mr. Pholotho and several other officials of the SACTU were subsequently banned.

<sup>155</sup>/The National Union of South African Students (NUSAS) has opposed apartheid, especially in education. Chief Luthuli is its honorary President.

The Minister of Justice and other Government spokesmen have often violently denounced the NUSAS because of its opposition to apartheid and because certain of its former officers had been involved in sabotage activities.

policemen on a party for delegates at its congress on 16 July 1965, held in a private apartment in Cape Town.<sup>136/</sup>

196. In May 1965, the office of the Christian Institute of South Africa in Johannesburg and the home of its director, Rev. Beyers Naude, were searched by the Security Police. Rev. Naude was subjected to humiliating treatment.<sup>137/</sup>

The police seized a copy of a theological magazine published by the Institute and a copy of the report of the United Nations Expert Group on South Africa, entitled A New Course in South Africa, published by the United Nations in 1964.<sup>138/</sup>

197. On 7 July 1965, Security Police conducted a two-hour search of the Athlone Advice Office in Cape Town, noted the names of Africans who had come for advice and took away a number of files and documents. The Athlone Advice Office had been established some years ago, under the joint auspices of the Black Sash and the South African Institute of Race Relations, to help Africans "bewildered by the maze of laws surrounding their lives". Run by White voluntary workers, it has conducted its work openly, welcomed visitors and performed a humanitarian service. The raid was seen by the organizers of the office as intended for intimidation.<sup>139/</sup>

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<sup>136/</sup> Cape Times, 17 July 1965.

<sup>137/</sup> Sunday Times, Johannesburg, 23 May 1965.

<sup>138/</sup> House of Assembly Debates, 1 June 1965, cols. 6824-26.

<sup>139/</sup> Cape Times, 8 July 1965.

IV. MILITARY AND POLICE BUILD-UP

158. Details on the continuing build-up of military and police forces in South Africa, and on the co-operation received by the South African Government in this field from other States, were given in the Special Committee's report of 16 June 1965.<sup>140</sup> Some details on the 1965-66 budget are noted here.<sup>141</sup>

159. The 1965-66 defence budget, 229,400,000 Rand (\$321,160,000), is approximately the same as that for the previous year, but the Minister of Finance stated that the actual expenditures would be "substantially higher" due to purchases of "important items of special nature".<sup>142</sup> The estimates for police have risen from 51,792,000 Rand (\$72,508,800) to 56,358,000 Rand (\$78,901,200).

160. The Permanent Force is being increased from 14,926 to 18,137. The police force is to be increased from 29,646 to 31,398.<sup>143</sup>

201. A significant feature of the estimates is the fact that the estimates for the manufacture of ammunition and for the acquisition of "bombs, ammunition and pyrotechnics" alone amount to 41,206,000 Rand (\$99,688,400) or one and a half times the total defence budget for 1960-61, the year of the Sharpeville incident when the recent military expansion began.

202. The following table shows the items on which the largest increases are planned.

	<u>1964-65</u>	<u>1965-66</u>
Manufacture of munitions	42,034,000 Rand (\$58,847,600)	52,069,000 Rand (\$72,896,600)
Army stores, services and equipment	14,770,000 Rand (\$20,678,000)	18,504,000 Rand (\$25,905,600)
Aircraft, aircraft stores, services and equipment	15,008,000 Rand (\$21,011,200)	17,849,000 Rand (\$24,988,600)
Naval stores, services and equipment	6,803,000 Rand (\$9,524,200)	10,260,000 Rand (\$14,364,000)

<sup>140</sup>/ A/5932 - S/6453.

<sup>141</sup>/ Republic of South Africa. Estimates of the expenditures to be defrayed from Revenue Account during the year ending 31 March 1966.

<sup>142</sup>/ House of Assembly Debates, 24 March 1965, col. 3327.

<sup>143</sup>/ Most of the projected increase is in the number of Whites in the police force which will rise from 14,862 to 16,221. The number of non-Whites in the force will increase from 14,784 to 15,177.

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V. SOME REPERCUSSIONS IN SOUTH AFRICA AND ABROAD

203. Some of the repercussions of the policy of racial separation and discrimination, and repression against opponents of apartheid, may be briefly noted.

204. Though there has been a lull in acts of sabotage or violence by opponents of apartheid during the past year, all available evidence, including statements of many South African observers, points to a continued and rapid growth of bitterness and tension as a result of the Government's policies and actions.

205. Mr. J.D. du P. Basson, a United Party Member of Parliament, warned on 2 April 1965, referring to "the ugly, petty spirit of racism that has been cultivated by this Government":

"I say we and our children will still be called upon to pay the price for this; our children will have to pay a terrible price for these things which are taking place today under this Government." 144/

206. He added on 17 June 1965:

"In regard to race relations the position is deteriorating more and more and the tension is continually becoming worse as a result of the actions of the Government. Mr. Speaker, the safety of our country is in such jeopardy that we have to pass new far-reaching laws year after year in order to control the position." 145/

207. The Anglican Archbishop of Cape Town, the Most Reverend Robert Selby Taylor, said on 2 December 1964 that there was "a deepening rift" in South Africa as a result of ruthless and un-Christian legislation. 146/

208. The Roman Catholic Archbishop of Durham, the Most Reverend Denis Hurley, said on 13 January 1965:

"So day by day the rift grows deeper, the situation becomes more and more irremediable, anger grows in the hearts of non-Whites, only to be matched by the stubborn determination of the Whites not to yield an inch.

"Every warning that can be given has been given over and over again. There is nothing new to be said.

144. House of Assembly Debates, 2 April 1965, col. 3944.

145. Ibid., 17 June 1965, col. 3514.

146. Cape Times, 3 December 1964.



"The situation seems beyond human control, beyond human hope. By all the rules of human behaviour, by every lesson drawn from human history a situation so full of bitterness can only end in tragedy." 147

209. The Government itself has indicated, in proposing more drastic repressive legislation this year, that South Africa was not living in normal times and that greater threats to its security may be expected. The Minister of Justice said on 27 February 1965 that saboteurs were being trained in other African countries and that the Pan Africanist Congress was reappearing in some places. 148/ He told the House of Assembly on 11 June 1965 that South Africa had

"now entered the final phase as far as acts of sabotage are concerned, in that we will be dealing with trained saboteurs who come to South Africa after having received most detailed instruction in sabotage."

He disclosed that recently 135 persons had been arrested while on their way out of the country to be trained as saboteurs, and eighty-five on their return after training. 149/

210. Opposition to the Government's policies continues to be expressed in South Africa by opposite parties, the English language Press, the churches and several organizations, such as the National Union of South African Students, and the "Black Sash" (women's organization), and a number of individuals.

211. Though continued uncompromising opposition to apartheid and support for full equality of all men reflects the strength of conviction and the courage of a number of individuals and organizations, the Government's position within the White electorate appears to have become stronger. Not only has the Opposition United Party supported many of its measures and stressed its adherence to a policy of discrimination, but the Government has significantly increased the percentage of its vote in the last provincial elections.

212. Mr. C.W. Eglin, Cape Provincial Chairman of the Progressive Party, recently noted that South African public opinion was reacting with apathy towards the ending of the rule of law.

"It is as if no more shock is possible - as if we have been shocked and re-shocked until we no longer respond."

Recalling that the doctoral dissertation of Prime Minister Dr. Verwoerd had been on the blunting of emotional reactions - based on experiments which proved that

147/ Ibid., 19 January 1965.

148/ House of Assembly Debates, 5 April 1965, col. 4589.

149/ Ibid., 11 June 1965, cols. 7916-18.

stimuli, when repeated, produced a gradual diminution of response as the person had become inured or immune - he added:

"So it is with the South African people today. There was a time when the concept of gaol without trial would surely have shocked almost all of us. Now it is a commonplace. Once, we would have recoiled from the thought that the whim of a politician could deprive a man of his livelihood. Today, this is so well accepted that it probably qualifies to be called a South African tradition." <sup>150</sup>

213. In the atmosphere thus created, extremely disturbing trends have appeared. Illustrative are the numerous cases of attempted violence or threats against opponents of apartheid by private individuals, with no intervention by the security forces; and the unruly demonstration against the Netherlands Embassy in protest against the decision of the Netherlands Government to contribute for the relief of persons persecuted for opposition to apartheid and their families.

214. Meanwhile, the situation in South Africa has continued to be of wide concern to world public opinion. Specialized agencies of the United Nations have continued to express their abhorrence of racial discrimination in South Africa. <sup>151</sup> Member States of the United Nations have continued to express grave concern over the situation in South Africa and some have taken new measures pursuant to the decisions of the General Assembly and the Security Council. <sup>152</sup>

215. National and international non-governmental organizations and movements have expressed their concern over the situation and called for effective action by Governments and the United Nations. They have undertaken such activities as:

- (a) boycott of racially separated South African sports teams in many countries;
- (b) boycott of South Africa by artists, writers, actors and singers, in the United Kingdom, United States and several other countries;

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<sup>150</sup> Cape Times, 17 June 1965.

<sup>151</sup> The eighteenth World Health Assembly, on 20 May 1965, decided to recommend an amendment to the constitution of the World Health Organization to provide for the expulsion or suspension from the organization of a member which "ignores the humanitarian principles and objectives laid down in the Constitution and deliberately practises a policy of racial discrimination".

The fifteenth session of the Assembly of the International Civil Aviation Organization in Montreal adopted a resolution in July 1965 condemning the policies of apartheid of the Government of the Republic of South Africa and appealing to all nations to take action to persuade it to abandon its policies.

<sup>152</sup> Specific measures taken by States are summarized in document A/AC.115/L.143.

- (c) boycotts of South African goods by city councils and universities in the United Kingdom and Scandinavian countries;
- (d) anti-apartheid letters to citizens in South Africa by students in Denmark;
- (e) picketing of business concerns which have invested in South Africa and of South African consulates, and trade and tourist offices in the United States;
- (f) appeals on specific issues such as the demand for ending restrictions on Chief Albert Luthuli, by the Swedish section of the Amnesty International, Swedish Members of Parliament and 100 Nobel Peace Prize winners;
- (g) dissemination of information on the situation in South Africa;
- (h) collection of funds for aid to victims of apartheid; and
- (i) establishment of anti-apartheid movements.

216. A notable development in this connexion was the establishment, in April 1965, of a committee in Denmark to collect funds to support a more militant fight against apartheid in South Africa, including sabotage and other forms of violent action.<sup>153</sup>

217. To counter the continued and growing international opposition, the South African Government has expanded its overseas propaganda campaign, with the support particularly of business interests trading with or having investments in South Africa. It has spent large sums for advertising abroad.<sup>154</sup> It is setting up four new transmitters, each of 250 kilowatts, in order to greatly expand external broadcasting services.<sup>155</sup>

218. Expressing increasing confidence that effective and universal economic sanctions are unlikely, the Government has, on the other hand, projected the idea of increasing co-operation in southern Africa with the proclaimed intention of promoting a "Common Market". The donation of grain to a political party leader in Basutoland for distribution to the needy, the approval for the recruitment of mercenaries for Congo (Leopoldville) and the refusal of permits to Opposition leaders in Swaziland to pass through the Republic of South Africa are seen as

<sup>153</sup>/ Cape Times, 22 and 23 April 1965.

<sup>154</sup>/ Particularly large sums were spent on full-page advertisements in British and American newspapers in March-April 1965.

<sup>155</sup> House of Assembly Debates, 23 March 1965, col. 3239; Cape Times, 22 April and 6 May 1965.

designed to promote this objective. Particular importance is attached in this respect to the growing co-operation with the Government of Portugal and the authorities in Southern Rhodesia.

219. In this connexion, it may be noted that Foreign Minister Dr. Hilgard Müller told the House of Assembly on 11 June 1965 that the Government had decided to allocate 500,000 Rand (\$700,000) for secret aid to foreign countries in order to improve relations with them.<sup>156/</sup>

APPENDIX I

NOTE BY THE INTERNATIONAL COMMISSION OF JURISTS ON THE  
RESTRICTIONS IMPOSED ON THE MOVEMENT AND RESIDENCE OF  
NON-WHITES IN THE REPUBLIC OF SOUTH AFRICA

Since the publication of the Report of the International Commission of Jurists on South Africa and the Rule of Law in 1960, the restrictions imposed on the movement and residence of non-whites, described in that Report as "the most basic, and at the same time perhaps the most resented, application of apartheid", have been considerably extended, notably by the Bantu Laws Amendment Act, 1964, which came into force on 1 January 1965. The result of this most recent legislation is to deprive native Africans (who are now referred to in legislation as Bantu, a term which will be used in this article to avoid confusion) of any remaining security they had in both urban and rural areas outside the Bantu reserves. The cumulative effect of the restrictions introduced over the years may best be demonstrated by outlining the position as it now is after the entry into force of the 1964 Act.

1. IN URBAN AREAS

Entry and residence

A Bantu may only enter and remain in an urban area for more than seventy-two hours if

- (a) he has since birth resided there continuously;
- (b) he has worked there for one employer for at least ten years or resided there lawfully and continuously for at least fifteen years and is not employed outside the area and has not been sentenced to a fine of more than 100 Rand or more than six months' imprisonment;
- (c) he has been granted permission by labour officer;
- (d) he or she is the wife, unmarried daughter or son under taxable age of a Bantu within category (a) or (b) and ordinarily lives with him.

The onus of proving that he falls within one of the above categories is on the Bantu concerned. (Natives (Urban Areas) Consolidation Act, 1945, as amended.)

Even if he is lawfully resident in the area a Bantu may be required to take up residence in a location, native village or native hostel, which need not itself be in the urban area in which he lives and works. (Ibid.)

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### Employment

A Bantu may only ask employment through the labour bureau for the area in which he wishes to work. The labour officer in charge of a labour bureau is given extensive powers over all Bantu within his area. In particular he may:

- (a) grant or refuse permission to be in the area;
- (b) refuse to sanction the employment or continued employment of, say, Bantu in his area and cancel his contract of employment on a number of grounds, including the fact that "such employment or continued employment impairs or is likely to impair the safety of the State or of the public or of a section thereof or is likely to threaten the maintenance of public order, provided the Secretary (for Bantu Administration and Development) concurs in such refusal or cancellation";
- (c) offer him alternative employment in his own or any other area;
- (d) "With due regard to his family ties or other obligations or commitments" order a Bantu and his dependants to leave the area;
- (e) refer him to a Bantu aid centre (which is dealt with below).

In addition to the above, a labour officer has the powers of a peace officer under the Criminal Procedure Act, 1955, i.e. the powers of arrest and search of a police officer, including the power to arrest a person obstructing him in the execution of his duty and a person who refuses to give his name and address.

These provisions now extend even to those persons who were until January 1965 entitled to live in an urban area by reason of birth or long residence there, so that a Bantu who was born and has all his life lived and worked in an urban area is now subject to the constant insecurity created by the knowledge that permission for him to work in the area of his birth may be withdrawn if he loses his job, or his contract of employment may be cancelled on one of a wide number of grounds and an order made for him to leave the area. Some protection against an arbitrary decision is given to such Bantu in that in their case an order has to be confirmed by the Chief Bantu Affairs Commissioner; but since a person aggrieved by a decision of a labour officer may in any event appeal to the Commissioner, Bantu born and long resident in urban areas are now virtually placed in the same position as those who have only recently come from the reserves.

A final point that should be noted in this connexion is that appeal against the decision of a labour officer only suspends the operation of that decision if the Chief Bantu Affairs Commissioner so orders. Thus, the appellant might find himself uprooted and removed from his home while his appeal against the decision that he should move is still pending.

### Removal

In addition to the power of a labour officer to order a Bantu to whom he has refused permission to be in an urban area or whose employment he has refused to authorize to leave the area, the following provisions enable Bantu to be removed from an urban area.

1. S.6, Bantu Laws Amendment Act, 1967. Subject to certain exceptions, if a Bantu lives in an urban area and there is no location, native village or native hostel in which he can conveniently be accommodated, having regard to his place of employment, he may be required to remove to a reserve.
2. Bantu aid centres, a new institution established by the 1964 Act. While they are said by the Government to be designed to help Bantu to find suitable employment, the provisions governing their establishment and functions make them sound much more sinister. They are managed by an officer appointed by the local authority who may exercise the powers of a court under S.352 of the Criminal Procedure Act, 1955 (i.e. he may postpone decision or suspend the enforcement of his decision and impose conditions with which the Bantu concerned must comply under threat of enforcement of the decision), and who is deemed to be a peace officer for the purposes of that Act, and thus endowed with the powers of arrest that have been described above.

Further, the Bantu affairs commissioner may hold court in an aid centre, and S.27 of the Criminal Procedure Act 1955 applies to them as if they were police stations (i.e. persons brought to an aid centre must be treated as persons brought to a police station on arrest without warrant).

It is not surprising that in these circumstances the Act contains the warning that "nothing in this section is to be construed as authorizing the detention of a Bantu in an aid centre".

The following categories of Bantu may be admitted to an aid centre:

(a) Those referred to it by a labour officer who has refused them permission to be or work in an urban area.

(b) Those charged with an offence against the Native Labour Regulation Act, 1911 (such offences include breach of contract of employment), the Natives (Urban Areas) Consolidation Act 1945, or the Natives (Abolition of Passes and Consolidation of Documents) Act, 1952, either on conviction or on mere arrest on such a charge.

(c) Those requesting admission.

Once a Bantu has been admitted to a centre, or is detained in a police station on a charge under one of the above Acts, the officer managing the centre has the following powers:

(a) to place the Bantu in employment;

(b) to repatriate him and his dependants to his home or last place of residence;

(c) to send him to a settlement, rehabilitation scheme or any other place.

3. On conviction of an offence against the Natives (Urban Areas) Consolidation Act, 1945, a Bantu may, instead of being referred to a Bantu aid centre, be removed from the urban area together with his dependants under powers conferred by that Act as amended by the 1964 Act. Pending his removal, he may be detained in a prison or police cell.

4. Idle and undesirable persons. A Bantu may at any time be arrested on suspicion of being an idle and undesirable person, and then if, on being brought before a Bantu affairs commissioner, he is unable to give a good and satisfactory account of himself, he may find one of the following orders made against him:

(a) that he be removed to his home or to a place specified by the commissioner;

(b) that he be detained in a retreat or rehabilitation centre;

(c) that he be detained for up to two years in a farm colony, refuge, rescue home or similar institution established or approved under the Prisons Act;

(d) that he be sent to a rural village, settlement or rehabilitation scheme or other place established or approved under any law within a reserve, and be detained and work there;

/...



(e) he may be given the option of taking up employment proposed to him by the commissioner, and may be detained in custody until he is taken to the place of such employment;

(f) if he is between the ages of 15 and 19 he may be sent home to his parents or detained in an institution established by law for a specified period. The dependants of a Bantu may be removed with him. While he is given a right of appeal, an appeal does not operate as a suspension of the order unless the Bantu affairs commissioner so orders.

"Idle and undesirable person" includes persons who persistently fail to work (even though they have adequate means), who have repeatedly been dismissed from employment, who through their own fault fail to maintain their dependants or who beg or who have been convicted of any one of a variety of offences involving intoxicating liquors or drugs, violence, sabotage or incitement to commit offences by way of protest against any law or in support of any campaign for the repeal or modification of any law. Thus after a person has served his sentence on conviction for an offence of this nature, he may still find himself subject to proceedings as an idle and undesirable person.

## 2. IN RURAL AREAS

### Residence

The presence of Bantu in white farming areas is governed by Chapter IV of the Native Trust and Land Act, 1936, which is substantially amended by the 1964 Act. The principal categories of Bantu residing in white farming areas are:

Bantu employees, who are employed in farming operations or domestic service by the owner of the land on which they live;

Labour tenants, who in exchange for the right to occupy land perform domestic or farming services for the owner;

Squatters, i.e. occupants of land who are neither tenants nor employees and in respect of whom the owner has not got written permission from the Secretary for Bantu Affairs and Development for them to be present;

Wives and dependants of the above.

Registers are kept of the first three categories, and by the 1964 Act control over them is strengthened and provision is made for the gradual elimination of labour tenants and squatters.

### Removal

The ultimate object is that only those Bantu shall remain in white farming areas who are necessary to provide domestic and farming labour for the white farmers. In addition to the provisions designed to terminate progressively all labour tenancies and to remove all squatters, there are now two methods of removing Bantu more rapidly from these areas.

#### (a) On conviction of an offence

Both owner and occupier are guilty of an offence if Bantu who are not by the Act authorized to live in a white farming area "congregate or reside" on land in such an area. On conviction the court may order the ejection and removal of the Bantu and his dependants to a place named in the order. Even if the court does not make such an order the Bantu affairs commissioner may step in and remove him and his dependants to his home or last place of residence, to a rural village, settlement, rehabilitation scheme, institution or other place. Pending his removal he may be detained in prison or in a police cell. The Bantu concerned may be compelled to pay the costs of this forcible removal. Even then he may not have reached the end of his journey, for if the Bantu affairs commissioner for the area to which he has been removed is satisfied that there is no suitable accommodation for him, or that he can be more suitably accommodated elsewhere, or that there is no employment for him in the area, the commissioner can remove him to "a suitable place".

#### (b) By control boards

Labour tenant control boards have long been established. They are now joined by Bantu labour control boards, which supersede the former in the areas in which they have been established.

If such a board suspects that there are too many labour tenants or Bantu employees, as the case may be, on any particular land, it may hold an inquiry - at which the owner of the land, but not the Bantu whose home and livelihood are in question, must be given an opportunity to be heard - and may fix the maximum number of Bantu who may reside on the land. The owner must then reduce his tenants or employees to that number within a period of twelve months. The Board is given power to cancel contracts of employment extending beyond that period with the Bantu employees, labour tenants and members of their families.

No provision is made in the Act for any assistance to the Bantu who are thus to be uprooted from their homes without even being heard - unless they are held to come within the category of "persons aggrieved" by a decision of a board, who are given a right of appeal to the Minister. If they fail to find somewhere to go within the prescribed time they presumably become guilty of an offence under the Act and subject to its provisions for compulsory removal.

The attitude of the Government to the relative rights and interests of the white and Bantu population is neatly illustrated by the provisions of S.53 ter of the Native Trust and Land Act, 1955, as inserted in that Act by the 1964 Act:

If in the opinion of the Minister

(a) the congregation of Bantu on any land or the situation of the accommodation provided for Bantu on any land or the presence of Bantu in any area traversed by them for the purpose of congregating upon any land, is causing a nuisance to persons resident in the vicinity of such land or in such area, as the case may be, or

(b) it is undesirable, having regard to the locality of any land, that Bantu should congregate thereon, he may prohibit the owner from allowing Bantu to congregate or reside thereon.

Before making such a prohibition the Minister must advise the owner of the land, but not the Bantu affected, of his intention, and allow him, but not the Bantu, to make representations.

\* \* \* \* \*

The legal powers vested in the Government and local authorities for complete separation of residence now seem to be complete. They can take steps whenever they deem it desirable to remove an unwanted Bantu from an urban area, to restrict severely the number of Bantu resident on white farms, and to secure their removal from those areas in the white farmlands where their presence may disturb white residents.

The indications are, however, that the Government is not yet satisfied: separation of residential areas is not enough. It has recently introduced the first measure under which it can legally restrict contact between the racial groups in the spheres of sport and entertainment where mixed participation has so far been lawful even if not usual in practice. Under a recent proclamation it is necessary to obtain a permit from the regional representative of the Department of Community Development or the Department of Planning before any public function at which members of more than one race may be present can be held. Such functions include church fetes, agricultural shows, banquets, and horseracing meetings, the cinema, the theatre and sports meetings. Both organizer and those who attend a meeting for which a permit has not been obtained are liable to a maximum fine of R400 or two years' imprisonment or both. It is not necessary to obtain permits for private parties unless they are held at clubs which are specifically referred to in the proclamation. None the less, the mixing of the races at such private social gatherings is frowned upon, and considerable anxiety is felt as to the length to which the Government may go in seeking to limit still further all contacts between the races. That this anxiety is not restricted to opposition elements is shown by a decision of the Cape Town City Council on 26 April 1965 to disregard the requirement that permits must be obtained for racially-mixed audiences and to continue to allow non-segregated audiences at concerts by the municipal orchestra in the City Hall. It is reported that only four members voted against the decision. The Minister of Planning demonstrated his determination to enforce government policy by announcing the next day that he would prosecute the City Council for failure to comply with the requirement, and that if the courts uphold the City Council's contention that there is no law compelling it to do so the Government would consider introducing legislation to make mixed entertainments illegal.

APPENDIX II

REVIEW OF RECENT POLITICAL TRIALS IN THE REPUBLIC OF  
SOUTH AFRICA SINCE NOVEMBER 1964

(This note contains information on the outcome of the political trials in the Republic of South Africa since the Special Committee's report of November 1964, and brief particulars regarding the charges, as reported in the South African Press. The list is not complete as information is not available on a number of other cases.)

1. On 18 November 1964, Mr. Joseph Tswele, an African, was sentenced to six months' imprisonment, suspended for three years, on a charge of breaking the house arrest order. (Mr. Tswele said that he had gone to see his wife who had been seriously ill in hospital. He had not applied for permission as the magistrate's court was not open on week-ends. He was not aware that he could approach the police for permission but he would have been breaking the restrictions if he had gone to the police station.)
2. Also in November 1964 in Johannesburg, Messrs. Julius Mkumbuzi, Bishop Denga, Godfrey Lupondwana and Mkunzi Makelon were acquitted on the ground that there was insufficient evidence. They had been charged with conspiring, from May 1960 to April 1964, to acquire, possess and use explosives, to organize boycotts and strikes and to recruit young men for military training outside the Republic. Among the alleged co-conspirators listed were Mr. Walter Sisulu and others accused in the Rivonia trial.
3. Also in November 1964 in Somerset East, Mr. Wellington Mbopa was sentenced to eleven years' imprisonment on the charge of belonging to the banned African National Congress.
4. On 1 December 1964 in Pretoria, three members of the "African Resistance Movement" were sentenced to imprisonment on charges of sabotage. Mr. Bertram Martin Hirson, physics lecturer at the University of Witwatersrand, was sentenced to nine years' imprisonment. Mr. Raymond Eisenstein and Mr. Hugh Francis Lewin, journalists, were sentenced to seven years' imprisonment each. Another accused, Mr. Frederick Praeger, photographer and a leader of the Liberal Party, was acquitted.

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5. On 2 December 1964 in Cape Town, four Coloured men were sentenced to terms of imprisonment ranging from five to twelve years on charges of attempted and contemplated acts of sabotage and the possession of explosives. Mr. Sedick Isaacs, a school teacher, was sentenced to twelve years' imprisonment. Mr. Achmed Casseim and Mr. James Marsh, both high school students, and Mr. Abdurrahman Abrahams, a stores clerk, were sentenced to five years' imprisonment each. The appeals of Messrs. Isaacs, Casseim and Abrahams were dismissed by the Appeal Court in Bloemfontein on 2 June 1965.<sup>1/</sup>

6. On 5 December 1964 in the Circuit Court in Graaff Reinet, five Africans from the Port Elizabeth district were sentenced on charges of sabotage. Mr. Boyze was sentenced to ten years' imprisonment for throwing a petrol bomb into the offices of the Sundays River Irrigation Board at Sunderland and cutting telephone wires. He was also ordered to pay a compensatory fine of 858 Rand to the Irrigation Board and 1,212 Rand to the Department of Posts and Telegraphs. Mr. Ngqondela was sentenced to five years' imprisonment for cutting telephone wires, and ordered to pay a compensatory fine of 10 Rand. Mr. Daweti, Mr. Zweni and Mr. Maliwa were sentenced to seven years' imprisonment for cutting telephone wires. (Mr. Daweti was already serving a fourteen-year sentence for sabotage.)

7. On 8 December 1964 in the Pretoria Supreme Court, Mr. Morris Matsimela, an alleged member of the Umkonto We Sizwe (Spear of the Nation), was sentenced to seven years' imprisonment on the charge that he had taken part in the bombing of the office of the Minister of Agriculture, Economics and Marketing in Pretoria in February 1963. Mr. Matsimela, who had been under detention under the ninety-day clause, had refused at an earlier sabotage trial "to give evidence against my leaders".

8. On 9 December 1964 in Johannesburg, Mr. Charlton Ntuli and Mr. Lenek Loabele, alleged members of the Umkonto We Sizwe (Spear of the Nation), were sentenced to five years' imprisonment each. They were alleged to have laid fifteen explosives on a railway line in June 1964, one of which exploded. The principal evidence against them was given by an unidentified witness and alleged accomplice, Mr. A, who said that he was a former regional committee member of the Umkonto and that he had enrolled both men into the movement, instructed both men to take part in certain acts of sabotage and had given them dynamite.

<sup>1/</sup> See paragraph 59.

9. On 17 December 1964, in the East London Regional Court, ten Africans were sentenced to one year imprisonment on the charge of membership in the Fort Hare branch of the African National Congress. Four who pleaded guilty of furthering the aims of a banned organization were sentenced to another two years. Nine of the men were former students of Fort Hare University. Two of the accused had been brought from Robben Island where they were serving gaol terms for sabotage: Mr. Andrew Masondo, who is serving twelve years' imprisonment and Mr. Rex Lupendwana, who is serving five years.

10. On 18 December 1964 in the Goodwood Regional Court, Mrs. Blanche La Guma was cautioned and discharged for possessing four pages of a 1957 copy of the newspaper New Age, which was banned in 1962. The paper contained an article on nursing by Mrs. La Guma. Her husband, Mr. Justin Alexander La Guma, was found not guilty of the same charge. (Mr. La Guma, a Coloured journalist, is under 24-hour house arrest. He had been given a suspended sentence of one month for possessing Fighting Talk, another banned periodical. Mrs. La Guma, a midwife, is banned under the Suppression of Communism Act.)

11. Also on 18 December 1964 in Johannesburg, Mrs. Mary Moodley, a fifty-year-old Coloured woman, her daughter, Mrs. Joyce Kathleen Mohamed, a typist, and Mrs. Christina Deborah Thibela, an African woman, were fined and given suspended sentences for assisting political fugitives - including Mr. and Mrs. Lionel Bernstein and Mr. and Mrs. Reginald September, Dr. Graham Meidlinger, Mr. Oswald Dennis and Mrs. Moodley's son Vernon - to leave the country illegally. Mrs. Moodley was fined 200 Rand and sentenced to four months' imprisonment, suspended for three years. Mrs. Mohamed and Mrs. Thibela were each fined 100 Rand and sentenced to three months' imprisonment, suspended for three years. On 24 December 1964, the three women again appeared in the Johannesburg Regional Court on three separate charges of a similar nature and pleaded guilty. Mrs. Moodley and Mrs. Thibela were each fined 50 Rand (or twenty-five days). Mrs. Mohamed was fined 150 Rand (or seventy-five days).

12. Also on 18 December 1964 in Pretoria, Mr. John Sholto Cross, a 22-year-old student, was sentenced to two months' imprisonment, suspended for three years, for attempting to escape from custody while held under ninety-day detention. Mr. Cross told the court that he was kept in a 10 foot by 10 foot cell and he

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often burst into tears. The whole time he was under detention he was allowed no visitors and only had a Bible to read. "My moods fluctuated. I developed a rash and had headaches. I was not able to think rationally and had nightmares. I felt a desire to escape." At the time of the offence Mr. Cross had spent about 120 days in gaol without being charged or tried. He was then held for a further thirty-four days before being released from ninety-day detention.

15. Also on 18 December 1964 in Johannesburg, five alleged members of the high command of the Umkonto We Sizwe (Spear of the Nation) were sentenced to terms of imprisonment ranging from twelve years to life. Mr. Wilton Mkwazi, a leader of the African National Congress and a prominent trade unionist, was sentenced to life imprisonment. Mr. Ian David Kitson, a White engineer, was sentenced to twenty years' imprisonment; Mr. Laloo Chiba, an Indian, to eighteen years; Mr. Edward Matthews, a White bookkeeper, to fifteen years; and Dr. Sathyandranath Ragunnan Maharaj, an Indian, to twelve years.

14. On 22 December 1964 in Port Elizabeth, Mr. Mahlubi Livingstone Mrvetyana, a student who had been offered a scholarship to study law at the University of London, was sentenced to four years' imprisonment on the charge of distributing strike pamphlets of the African National Congress in Uitenhage.

15. Also in December 1964 in East London, five men from Middledrift Village, Cape, were sentenced to one year's imprisonment each for being members of the banned African National Congress and attending its meetings in 1962.

16. On 5 January 1965 in the Cape Town Regional Court, two banned persons, Miss Amy Rietstein, a nursery school teacher, and Mr. Henry John Holmes, a driver, were each sentenced to twelve months' imprisonment for contravening the provisions of the banning orders. All except seven days of each sentence was conditionally suspended for two years. Miss Rietstein had failed to report to the police station on one day. Mr. Holmes had failed to notify the Security Police of a change of address.

17. Also on 5 January 1965 in Johannesburg, charges under the Suppression of Communism Act against Mr. Paul Joseph and Mr. Cyril Solomon Jones, both former detainees, were withdrawn. Mr. Jones had been under detention from June 1964.



18. On 6 January 1965 in Cape Town, Mr. Arthur McDillon, a prison warder, was sentenced to three years' imprisonment on the charge of assisting five prisoners accused of sabotage to escape from prison.<sup>2/</sup>

19. On 18 January 1965 in the Durban Regional Court, during the trial of Mr. Kesval Moonsamy on charges under the Suppression of Communism Act, three State witnesses, Messrs. Subramoney Govender, Ganesan Naicker and Basil Weach, were each sentenced to one year's imprisonment for refusing to answer questions. The magistrate said that the refusal to give evidence might result in the total sabotage of the trial and the acquittal of a man who might be guilty of serious offences. Mr. Govender had refused to take the oath: he said that he did not intend to give evidence against his friend and that his evidence might conflict with the statement he had made to the police while under detention and make him liable to the charge of perjury. Mr. Naicker and Mr. Weach had both taken the oath but refused to answer questions relating to communism. Appeals to the Supreme Court were dismissed in April 1965.<sup>3/</sup>

20. Also in January 1965, in Klerksdorp, Mr. Abdul Haffjee was fined 100 Rand (\$140) or 100 days' imprisonment for smuggling a letter in a packet of biscuits to his brother who was under detention. The letter sought to dissuade the prisoner from threatened suicide.

21. On 8 February 1965 in Cape Town, Mr. Ebrahim Saterdien, a Malay under week-end house arrest, was sentenced to thirty days' imprisonment for contravening the banning order by absenting himself from his home. He had pleaded guilty and said he had gone to a bar for forty-five minutes to have a drink as he had financial problems.

22. On 12 February 1965 in Port Elizabeth, five Africans - Messrs. Stanley Marwanga, Templeton Thonjeni, Clifford Hollo, Gullford Patsha and Canzibe Ngixiki - were sentenced to four years and six months' imprisonment each on three counts arising from the Port Elizabeth bus boycott of January 1961. They had been in custody

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<sup>2/</sup> Two others accused with Mr. McDillon of conspiracy were acquitted on 11 January 1965. Charges were earlier withdrawn against a fourth accused.

<sup>3/</sup> See paragraph 45.

since May 1964 and had been charged in November 1964 of five counts of arson and one of contravening the Suppression of Communism Act.<sup>4/</sup>

23. On 23 February 1965 in Graaff Reinet, three Africans - Mr. Samuel Jonas, Mr. Molate Petse and Mr. Daniel Ngondeni - were sentenced to death on charge of participation in the murder of Mr. Sipo Mange, a State witness, on 12 January 1963.

24. On 24 February 1965 in Cape Town, Mrs. Francina Mamfanya, an African woman, was acquitted of the charge of contravening the banning order served on her in April 1961. She was charged with attending a funeral on 9 January at which African National Congress songs were alleged to have been sung. The Judge said there was discrepancy in the evidence of the two African Special Branch men who were at the funeral.

25. On 1 March 1965 in Bloemfontein, the Appeal Court dismissed the appeal of Mr. Frederick John Harris against the death sentence imposed on him on 6 November 1964 in connexion with the bomb explosion in the Johannesburg station in July. (Mr. Harris was executed on 1 April 1965).

26. On 9 March 1965 in Johannesburg, Mr. Cyril Solomon Jones, a 47-year-old bookmaker, was found guilty of taking part in the activities of the Communist Party. He had admitted being in possession of 647 communist publications. The judge held that the large number of publications found in his possession indicated that they were for distribution. He sentenced Mr. Jones to twelve months' imprisonment, eight months suspended for three years. Mr. Jones was released on a bail of 1,000 Rand after his counsel gave notice of appeal.

27. On 9 March 1965 in Johannesburg, nine African prisoners in the Leeuwkop prison were sentenced on the charge of membership in the Pan-Africanist Congress. Four of them were also convicted of a second count of furthering the aims of the organization. Messrs. Petros Motswane, Hector Kula, Jeremiah Maekisane and Gideon Mzimba were sentenced to six years' imprisonment each on the two counts. Basi Motlounge, Aaron Sakude, Kain Moraladi, Zitha Ngobese and Philemon Mcoo were sentenced to three years' imprisonment each on the first count.<sup>5/</sup>

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<sup>4/</sup> Seven persons had been charged in November; two had apparently been acquitted.

<sup>5/</sup> It was alleged that the prisoners contemplated an escape from prison and a flight from South Africa to train in guerrilla warfare.

28. On 16 March 1965 in Cape Town, the Supreme Court set aside the sentences of seventeen Africans who had been sentenced in August 1964 for terms of imprisonment ranging from three to six years for membership in the banned African National Congress and for taking part in its activities. The sentences of three others were reduced and the appeals of three were dismissed. The prisoners had been convicted in the Magistrate's Court for their activities in the African Youth League, alleged to be a front for the African National Congress. The Supreme Court held that the State had failed to establish beyond a reasonable doubt that the Youth League was the same organization as the ANC or a branch or limb of the ANC. The seventeen whose sentences were set aside were: Lucas Pala; Melford Stuurman; Lizo Mtoto; Howard Marawu; Douglas Manqina; Joseph Sono; Moffat Futege; Mrs. Mildred Lesia; Mountain Qumbela; Basil Mpololo; Elijah Izoa; George Ngqunge; Joseph Ndabezitha; Dwashu Mqikela; Christmas Tinto; Simon Kamlashe; and Bernard Huna. The sentence of Mr. Albert Koko, who attended meetings as an ordinary member, was reduced to eighteen months. The sentence of six years on Mr. Jackson Tayo was confirmed on the ground that "he was a member of the militant wing of the A.N.C. and in fact received instructions in bomb-making". Most of the prisoners had been arrested in 1963 and had been in jail since.<sup>6/</sup>

29. On 17 March 1965 in Durban, Mr. Ganger Ponnen, a former detainee under the ninety-day clause, was sentenced to twelve months' imprisonment for refusing to answer questions on 10 March 1965 at the trial of Mr. M.L. Mdingi on charges under the Suppression of Communism Act. Bail was allowed pending an appeal.

30. On 18 March 1965 in Pretoria, Mr. Brian Sidney Bouwers, a nineteen-year-old Coloured man from Cape Town, was sentenced to two years' imprisonment on the charge of leaving South Africa without a permit, and fined 60 Rand (or ninety days) for giving a false name and address to a police officer. Mr. Bouwers had pleaded guilty to both counts. He had stated, in investigation, that he had left South Africa in October 1964 in order to go to the United Kingdom. He had not applied for a passport, feeling that an application was useless because of his activities. He had been betrayed to the police in Zambia and sent back to the Republic as a prohibited immigrant.

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<sup>6/</sup> Of these, Mrs. Mildred Lesia and five others were on bail. Mr. Huna and ten others who were in jail on Robben Island were released on 23 March. Cape Times, 17, 23 and 24 March 1965.

31. On 22 March 1965 in Grahamstown, Mr. Lungile Robert Hodi of Duncanville Village, East London, was sentenced to five years' imprisonment on a charge of sabotage and one year on a charge of membership in "Poqo", a banned organization. The sentences are to run concurrently. The State charged him with conspiracy to commit armed insurrection, sedition, public violence and murder of Whites and members of the police force in East London.
32. On 25 March 1965 in Bloemfontein, the Appeal Court dismissed the appeals of Dr. Neville Alexander and ten others who had been convicted on charges of sabotage for terms of imprisonment ranging from five to ten years.
33. Also on 25 March in Pretoria, Mr. Patrick Bephela was sentenced to ten years' imprisonment on the charge of having trained abroad in guerrilla warfare and sabotage in order to further the aims of the African National Congress.
34. On 22 March 1965 in Pretoria, the appeal of Mr. Alphonse Jacquesson of Krugersdorp against the sentence of three months' imprisonment of which two months were suspended for three years for contravening the banning order served on him prohibiting attendance at gatherings, was dismissed. He was alleged to have played bridge with three friends in November 1964.
35. On 29 March 1965 in Johannesburg, Mr. Dayah Gopal was sentenced to one month imprisonment, suspended for three years, for being in possession of three copies of New Age, a weekly which had been banned and ceased publication.
36. Also in March 1965, in Humansdorp, twelve Africans were acquitted of charges of membership in the banned African National Congress, furthering its aims, collecting funds for the organization and allowing their premises to be used for illegal meetings.
37. Also in March 1965 in Grahamstown, five Africans - Messrs. Mbuyiselo Vikilahle, Elliot Stadi, Charlie Mbekela, Veli Ngwenya and Joseph Booi - were sentenced to six years' imprisonment each on charges of burning down four schools in Kwazakele location, Port Elizabeth, on 31 March 1960. The men were all members of the African National Congress and were alleged to have decided to burn down the schools as a protest against the Bantu Education Act, the legislation forcing African women to carry passes and the declaration of the State of Emergency in 1960. Four years of each sentence was to run concurrently with the sentences they were already serving. Sentences on two other accused - Messrs. Edward Ngoyi and

Mr. Henry Fazzi - were postponed until a record of their previous convictions was available. (Mr. Fazzi was serving a twenty-year sentence on Robben Island.)

38. Also in March 1965 in Pietermantsburg, Mr. Jerry Kumalo was acquitted on charges of having taken part in the sabotage activities of Umkonto We Sizwe in the Durban area.

39. On 1 April 1965 in Bloemfontein, the Appeal Court dismissed the appeal of Mr. Louis Marius Schoon, Mr. Michael Ngubeni and Mr. Raymond James Thoms against the sentence of twelve years' imprisonment imposed on each of them, for attempted sabotage.

40. On 5 April 1965 in Bloemfontein, the Appeal Court dismissed the appeal of Mr. Jakob Lebone against a five-year prison sentence on the charge of throwing a petrol bomb at a municipal bottle store in Naledi, Johannesburg, on 30 July 1965. (The Rand Supreme Court had found earlier that Mr. Lebone, an uneducated African, was a pawn who had been drawn into the matter by others and had imposed the minimum sentence under the Sabotage Act.)

41. On 13 April 1965 in Johannesburg, twelve persons were sentenced to terms of imprisonment ranging from one year to five years on charges of membership in the Communist Party. Mr. Ivan Frederick Scherbrucker and Mr. Eli Weinberg were sentenced to five years each; Mrs. Esther Barsel, Mr. Norman Levy, Mr. Lewis Baker and Miss Jean Middleton to three years each; Miss Anne Nicholson, Mr. Paul Henry Trewhela, Miss Sylvia Neame, Miss Florence Duncan and Mrs. Molly Irene Doyle to two years each; and Dr. Constantinos Gazidis to one year. Another accused, Mr. Hymie Barsel, was acquitted. The principal accused, Mr. Abram Fischer, had gone underground. (Six of those convicted - Mr. Scherbrucker, Mr. Weinberg, Mr. Levy, Mr. Baker, Mrs. Barsel and Mrs. Doyle - have noted appeals.)

42. On 14 April 1965 in Pretoria, six prisoners - Messrs. Victor Mahlangu, Isak Masigo, Cylion Mabaso, Corry Tyini, Joel Leballo and Phineas Mtotywa - were sentenced to death on the charge of murdering a fellow convict because they believed him to be an informer who had given secrets of their group, the Pan Africanist Congress, to prison authorities. A seventh accused, Mr. Clement Mthemba, was found not guilty and discharged. <sup>7/</sup>

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<sup>7/</sup> The Appellate Division of the Pretoria Supreme Court dismissed the appeals of the six men on 2 August 1965.

43. On 23 April 1965 in the Cape Criminal Sessions, Mr. Acting Justice Tebbut and two assessors found Mr. Sammy Petersen to be mentally disordered and unfit to stand trial on a charge of sabotage and committed him to prison pending the State President's decision. The State alleged that Mr. Petersen placed an electric-light bulb filled with inflammable fluid in a telephone booth at the Cape Town post office and set it alight.
44. On 28 April 1965 in Cape Town, Mr. Leo Sihlali, former President of the Non-European Unity Movement, was sentenced to two and a half years' imprisonment and Mr. Louis Mtshizana, an attorney, to four and a half years' imprisonment on charges of contravening the terms of banning orders served on them and attempting to leave South Africa without valid travel documents.
45. Also in April 1965 in the Pietermaritzburg Supreme Court, the appeals of Messrs. Jack Govender, Basil Weach, "Coetzee" Maicker and Eric Singh against sentences of one year's imprisonment each, imposed after a summary trial for refusing to give evidence in the political trial of Mr. Moonsamy and others, were dismissed.<sup>8/</sup>
46. On 7 May 1965 in Humansdorp, Mr. Tommy Charlieman, an African trade unionist from Uitenhage, was found guilty of belonging to the banned African National Congress and sentenced to a total of eight years' imprisonment.
47. On 17 May 1965 in Cape Town, Miss Ethel Anne Tobias, a social worker and former editor of the Liberal newspaper Contact, was sentenced to two months' imprisonment, suspended for three years, for contravening the banning order served on her by attending a braai (barbecue) with two friends. The judge held that the braai constituted a gathering which she was prohibited from attending under the banning order.
48. On 18 May 1965 in Cape Town, Mr. Samuel Malkison, a 69-year-old bookkeeper, was sentenced to thirty days' imprisonment, suspended for two years, on the charge of being in possession of back copies of two journals, New Age and Fighting Talk, as well as a map from New Age. The journals had been banned subsequently. Mr. Malkison said that he had kept copies of these journals before they had been banned and had destroyed them after the bans, but had overlooked some copies because of the confusion of the literature in his room.

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<sup>8/</sup> See paragraph 19.

49. On 21 May 1965 in Pietermaritzburg, Mr. Robert Harold Strachan was found not guilty of charges of sabotage and acquitted. (He had completed a sentence of three years' imprisonment and had been brought to trial before his release.)
50. On 24 May 1965 in Port Elizabeth, Canon James Calata of St. James Mission, aged 80, was sentenced to one year's imprisonment on the charge of failing to report to the police as required under the banning order served on him. All but four days of the sentence was conditionally suspended. Canon Calata is a former secretary-general of the African National Congress and had been charged and acquitted in the treason trial of 1965.
51. Also in May 1965 in Port Elizabeth, Mr. M. Magxaki and Mr. Douglas Mtalana were both found guilty of five counts under the Suppression of Communism Act and sentenced to ten and nine years' imprisonment, respectively.
52. Also in May 1965 in the Grahamstown Supreme Court, ten men alleged to be members of the Pan Africanist Congress were acquitted and thirteen found guilty of sabotage. Those convicted received sentences ranging from five to fifteen years' imprisonment. Mr. Harry Mathebe, described as leader of the movement, was convicted on four counts of plotting violence and taking part in the activities of the PAC and "Poqo", and was sentenced to fifteen years' imprisonment.
53. Also in May 1965 in Grahamstown, Mr. Terence Beard, a leader of the Liberal Party, was convicted of having attended a social gathering in contravention of a banning order. He had been in the kitchen of a house where a party was being held. He was sentenced to one year's imprisonment, suspended for three years.
54. Also in May 1965 in Zeerust, Mr. Theo Moutse pleaded guilty to the charge of having been in possession of a banned publication - South Africa Yesterday and Tomorrow, the Challenge to Christians, by Bishop Ambrose Reeves. He was cautioned and discharged.
55. Also in May 1965 in Cape Town, Mr. Elijah Loza, an African trade union leader, was sentenced to one month's imprisonment, suspended for a year, on the charge of contravening the house arrest order served on him. He told the Court that he had misunderstood the order and had left the house on a Sunday to report to the police.
56. Also in May 1965 in Addo, Mr. Gladman Bekwayo was sentenced to five years' imprisonment under the Suppression of Communism Act. He had been detained in prison without trial since July 1963.
57. Also in May 1965 in the Pietermaritzburg Supreme Court, thirteen Africans were sentenced on the charge of leaving the country for the purpose of military training. (They had finished serving sentences of two years' imprisonment each for having left

the country without passports, and had been charged again immediately under the General Law Amendment Act of 1964 which is retroactive and provides for sentences of five years' imprisonment to death penalty for leaving the country for military training.) Eleven of the accused were sentenced to eight years' imprisonment each and two to seven years' each. Another accused was acquitted.

58. Also in May 1965 in Durban, Mr. Stephen Dhlamini was sentenced to two years' imprisonment on the charge of membership in the illegal Communist Party. He had been in prison serving a sentence of four years' imprisonment for membership in the banned African National Congress.

59. On 2 June in the Bloemfontein Appeal Court, the appeal of three Coloured persons, Messrs. Sedick Isaacs, Abdurakman Abrahams and Achmed Cassiem who were sentenced for sabotage in the Cape Town Supreme Court on 2 December 1964, was dismissed. Mr. Isaacs had been sentenced to twelve years' imprisonment and the other two to five years each.<sup>2/</sup>

60. On 15 June 1965 in the Cape Town Magistrates' Court, charges under the Sabotage Act were withdrawn against two Coloured men, Mr. Isak Vallie and Mr. Abdurahman Jattiem. The charge against a third man, Mr. Suleiman Ismail Vallie, was altered to one of unlawful possession of explosives and attempting to defeat the ends of justice. He pleaded not guilty and was remanded to 29 June 1965.

61. On 29 June 1965 in Cape Town, Mr. Mountain Quimbela was sentenced to six months' imprisonment, suspended for three years, on the charge of contravening a banning order served on him in 1963. The State alleged that he had taken work at a factory though the order had prohibited him from working in any factory. The defence stated that Mr. Quimbela had been detained under the ninety-day law in June 1963 immediately after the banning order had been served on him, and had been kept under detention until December 1964. The order had been taken away from him before imprisonment and had not been returned after his release. He had requested a copy of the banning order in January 1965 and was informed that the matter was receiving attention. He had taken up employment when the order had not been returned.

62. In June 1965 in the Rand Criminal Sessions, Mr. Henry Makgothi and Mr. Samson Fadana were sentenced to six years' imprisonment each and Mr. Michael Mahlangu to five years on the charge of encouraging men to go to Tanzania to train as freedom fighters.



63. On 7 July 1965 in Johannesburg, Mr. Gerald Anthony Doyle, senior lecturer in psychology at the University of Witwatersrand, was sentenced to twelve months' imprisonment for contravening the terms of a banning order. All but five days of the sentence were conditionally suspended for three days. Mr. Doyle had been served with a banning order on 8 February 1965 prohibiting him from attending meetings or leaving the magisterial district of Johannesburg, and requiring him to report every Monday to the police station. He had failed to report on 3 May.

64. On 22 July 1965 in Humansdorp, Miss Sylvia Brereton Neame was sentenced to four years' imprisonment on the charge of belonging to the banned African National Congress, furthering its aims and contributing to its funds. She was already serving a two-year sentence under the Suppression of Communism Act.<sup>10/</sup>

65. On 29 July 1965 in the Port Elizabeth Regional Court, ten Africans were sentenced to a total of fifty-one years' imprisonment on the charge of contravening the Suppression of Communism Act.

66. On 30 July 1965 in Johannesburg, five African men - Messrs. Malifane Mosiwa, Piet Letsoalo, Johannes Nkosi, Nosh Masango and Johan Nchepe - were sentenced to six years' imprisonment each on charges of belonging to the Pan Africanist Congress and taking part in its activities. A sixth man - Mr. Piet Lawrence - was sentenced to three years' imprisonment on the main charge. The accused were already serving terms of imprisonment ranging from five to eighteen years on other charges. They were accused of forming a cell in the Leeuwkop prison, with plans to smuggle arms into jail in order to escape, and to invade South Africa from Basutoland.

67. In July 1965 in Johannesburg, Mr. Louis Mtimkulu was sentenced to three years' imprisonment for being a member of the banned Umkonto We Sizwe (Spear of the Nation) and another two years for furthering its aims. The main evidence against him was a letter dated 12 December 1962 which he was alleged to have written to the Minister of Justice. Signed from Umkonto We Sizwe, it read in part: "I am writing on behalf of my fellow oppressed Africans that you had better make it a point to relax this Sabotage Bill of yours or otherwise you are looking for trouble."

68. Also in July 1965 in Pretoria, Mr. Peace Mhlombi, a Johannesburg labourer, was sentenced to eighteen months' imprisonment for leaving South Africa without a valid passport. He was alleged to have been a member of the Pan Africanist Congress.

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<sup>10/</sup> See paragraph 41.

69. On 6 August 1965 in Johannesburg, eleven African men - Messrs. Jerry Rasefate, Ismael Matlatsi, Jonas Odire, Francis Serame, David Khula, Isaac Moeletsi, Zachariah Ntuli, Johannes Senokoane, Skidmore Senoamadi, Absolom Moengre and Sijon Mhlapo - and three Coloured men - Messrs. Mack Williams, Willie Jacobs and George Smith - were sentenced to six years' imprisonment each on charges of belonging to the banned Pan Africanist Congress at Leeuwkop prison and furthering its activities. The accused were said to have planned to overpower the wardens, supply prisoners with arms, break out from prison and then kill Whites and bomb industries in an attempt to bring the Government to its knees. Imposing the maximum sentence, the magistrate said:

"You had your plans very carefully worked out and were a great threat. You worked up the emotions of men in one of the largest prisons in the Republic.

"When they left in a year or two, they could have infected others."

ANNEX II

List of documents of the Special Committee  
27 November 1964-August 1965

Reports of the Special Committee

- A/5825 and S/6073 Report to the General Assembly and the Security Council, adopted on 30 November 1964.
- A/5932 and S/6453 Report to the General Assembly and the Security Council, adopted on 16 June 1965.

Documents of the Special Committee

- A/AC.115/L.102 Statement by M. Marof Achkar, Chairman of the Special Committee, at the fifty-third meeting on 30 November 1964.
- A/AC.115/L.103 and Corr.1 Index of Communications from States on the Policies of Apartheid of the Government of the Republic of South Africa.
- A/AC.115/L.104 Report of the Sub-Committee on Petitions.
- A/AC.115/L.105 Letter dated 4 December 1964 from Mr. Irving Brown, representative of the International Confederation of Free Trade Unions, New York.
- A/AC.115/L.106 Affidavits by prisoners in South Africa concerning ill-treatment in prison, transmitted by letter dated 25 November 1964 from Mrs. Ruth First, London.
- A/AC.115/L.107 Letter dated 8 January 1965 from the Permanent Representative of the People's Republic of Albania.
- A/AC.115/L.108 Letter dated 28 December 1964 from the Permanent Representative of the Mongolian People's Republic.
- A/AC.115/L.109 Report of the Sub-Committee on Petitions.
- A/AC.115/L.110 Letter dated 18 November 1964 from Mr. Jeremy Thorpe, M.P., honorary secretary of the World Campaign for the Release of South African Political Prisoners, London.

- A/AC.115/L.111 Letter dated 22 December 1964 from the World Campaign for the Release of South African Political Prisoners, London.
- A/AC.115/L.112 Letter dated 29 January 1965 from the Permanent Representative of Sweden.
- A/AC.115/L.113 Letter dated 5 February 1965 from the Permanent Representative of the Philippines.
- A/AC.115/L.114 Report of the Sub-Committee on Petitions.
- A/AC.115/L.115 Letter dated 9 February 1965 from the Permanent Representative of Guinea.
- A/AC.115/L.116 Memorandum dated December 1964 from the World Campaign for the Release of South African Political Prisoners, London.
- A/AC.115/L.117 Memorandum dated 19 January 1965 from the Defence and Aid Fund, London.
- A/AC.115/L.118 Memorandum dated 8 March 1965 from the Alexander Defence Committee, New York.
- A/AC.115/L.119 Letter dated 17 March 1965 from the Permanent Representative of Hungary.
- A/AC.115/L.120 Statement by Mr. Fernando Volio Jiménez, Acting Chairman of the Special Committee, at the fifty-sixth meeting on 18 March 1965.
- A/AC.115/L.121 Report of the Sub-Committee on Petitions.
- A/AC.115/L.122 Letter dated 30 March 1965 from Mr. George Houser, Executive Secretary of the National Conference on South African Crisis and American Action, held in Washington, 21-23 March.
- A/AC.115/L.123 Statement dated March 1965 from the World Campaign for the release of South African Political Prisoners, London.
- A/AC.115/L.124 Report of the Sub-Committee on Petitions.
- A/AC.115/L.125 Statement by Mr. A.B. Ngcobo at the fifty-eighth meeting on 19 April 1965.

- A/AC.115/L.126 Statement by Mr. Achkar Marof, Chairman of the Special Committee, at the fifty-ninth meeting on 20 April 1965.
- A/AC.115/L.127 Resolution adopted by the Council of Ministers of the Organization of African Unity at its fourth ordinary session at Nairobi, Kenya, 26 February-9 March 1965, on "Apartheid and racial discrimination in the Republic of South Africa".
- A/AC.115/L.128 Letter dated 29 April 1965 from the Permanent Observer of the Federal Republic of Germany to the United Nations.
- A/AC.115/L.129 Statement by Mr. Achkar Marof, Chairman of the Special Committee, at the sixty-fifth meeting on 18 May 1965.
- A/AC.115/L.130 Letter dated 19 May 1965 from the Permanent Representative of Czechoslovakia.
- A/AC.115/L.131 Note on the build-up of military and police forces in the Republic of South Africa.
- A/AC.115/L.132 Statement by the Reverend Canon L. John Collins, Chairman, Defence and Aid International Fund for Southern Africa, at the sixty-second meeting on 7 June 1965.
- A/AC.115/L.133 Note on recent investments by foreign-owned corporations in the Republic of South Africa.
- A/AC.115/L.134 Letter dated 10 June 1965 from the Permanent Representative of the Netherlands.
- A/AC.115/L.135 Letter dated 15 June 1965 from the Permanent Representative of Pakistan.
- A/AC.115/L.136 Statement by Mr. Fernando Volio Jiménez, Acting Chairman of the Special Committee, at the sixty-fifth meeting on 21 June 1965.
- A/AC.115/L.137 Report of the Sub-Committee on Petitions.
- A/AC.115/L.138 Letter dated 7 April 1965 from the Pan-Africanist Congress (South Africa), Maseru, Lasothe.
- A/AC.115/L.139 Communication dated 18 May 1965 from the South African Committee of Gothenburg, Sweden.

A/AC.115/SR.62

A/AC.115/SR.63<sup>1/</sup>

A/AC.115/SR.64

A/AC.115/SR.65

A/AC.115/SR.66

A/AC.115/SR.67

A/AC.115/SR.68<sup>1/</sup>

Hearing of Petitioners

58th meeting<sup>2/</sup>

19 April 1965, Mr. A.B. Ngcobo, Treasurer-General of the Pan-Africanist Congress.

62nd meeting<sup>3/</sup>

7 June 1965, the Rev. Canon L. John Collins, Chairman of the Defence and Aid International Fund for Southern Africa.

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1/ The summary records of the 63rd and 68th meetings are restricted, as these meetings, devoted to the consideration of reports by the Special Committee and to the organization of its work, were closed.

2/ A/AC.115/L.125.

3/ A/AC.115/L.132.

