

HUMAN RIGHTS VIOLATIONS IN APARTHEID SOUTH AFRICA



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In 1982, the South African Government bought space in the *Wall Street Journal* for 13 ads at \$24,000 each. A similar series in the *Washington Post* cost between \$5,200 and \$7,200 an ad. All ads showed blacks and whites together in settings implying full equality, as lawyers, students, sportsmen. The ads are part of a sophisticated propaganda effort which is pushing "the changing face of South Africa."

What is not changing in South Africa is the white minority government's commitment to apartheid. This brief survey of human rights violations demonstrates that what is changing is only the particular methods employed to continue the policy of apartheid. The overwhelming majority of South Africa's people are victims of a racist system which inflicts deprivation, fear and oppression. Those who protest face detention, torture, imprisonment and even death.

POLITICAL CONTROL

In South Africa the ruling parliament is elected solely by white voters. Blacks*, who outnumber whites by five to one, are completely disenfranchised.

Under new constitutional proposals for a tri-cameral parliament, those designated as Coloureds and Indians will be given separate institutions with the whites retaining the monopoly of power. The white chamber will have the largest number of members and will dominate the process of electing a president who will have wide-ranging executive power. The African majority remains totally excluded from this new structure.

LAND

Eighty-seven percent of the land has been designated for whites. Whites determine what small areas within this territory may be occupied by Coloureds, Indians and Africans. The bantustans, which comprise the remaining 13 percent of the land allocated to Africans, are largely barren and poverty stricken. No African may purchase land outside the bantustans.

CITIZENSHIP

The minority government is committed to creating a South Africa with no African citizens. Although citizenship for black South Africans has always been precarious, what restricted rights did exist are being withdrawn. The land allocated to the African majority has been divided into ten isolated and fragmented bantustans or "homelands." Already South Africa has declared four of these bantustans "independent," thus stripping eight million people of their South African citizenship. The intention of the white government is to declare all the bantustans independent, arriving at a time when, by stroke of the white pen, every African will be a foreigner. These pseudo-states are recognized by no government on earth except the South African regime.

REMOVALS

The South African Government has embarked on a policy of massive forced resettlement. The number of black South Africans who have been driven from their homes, removed to less desirable locations, is about equal to the entire white population. During the 35 years the present government has been in power, three million Africans, 800,000 Coloureds and 400,000 Indians have been resettled, and two million more Africans will suffer a similar fate.¹ When people resist removals, their homes are simply knocked down or bulldozed or burned. Leaders who organize to resist these removals face imprisonment and even death.

* The South African Government divides the black population into three racial groups: Africans who number about 22 million, Coloureds (mixed race) 2.6 million and Indians 821,000. There are 4.5 million whites.



Millions of Africans are forced to become migrant workers, living away from home and family in single sex barracks-like hostels.

INFLUX CONTROL

The movement of Africans is strictly regimented by "influx control" which regulates who may enter "white" South Africa and under what conditions. The number of Africans allowed to remain in the white areas is determined by the needs of the white-owned economy. Unless Africans meet very rigid residence and employment criteria they can be "endorsed out." Africans who are not employed in the white-owned economy are regarded as "superfluous appendages," i.e. women, children, and old people, and are sent to the bantustans.

Millions of Africans are migrant workers who must leave their homes in the rural bantustans and travel alone to the cities, where they are employed on yearly contract. They are forced by this system to live much of their married life as if they were single, seeing their families for short visits only once a year. It is illegal for an African lacking the required permits of residence and employment to be in an urban area for longer than 72 hours.

PASS LAWS

The rigid system of labor control requires all Africans to carry passbooks which indicate where the individual can legally live and work. They must be kept up-to-date with regular endorsements and are subject on demand to scrutiny by the police. In 1982 more than 200,000 people were arrested under these laws, a twenty-percent increase over 1981.² A total of at least 6.1 million people were tried for pass law offences between 1967 and 1980.³

POLITICAL TRIALS AND IMPRISONMENTS

The right to protest against apartheid or to organize for fundamental change is explicitly prohibited by South African law. Under laws including the Public

Safety Act, the Suppression of Communism Act, the Unlawful Organization Act, the Terrorism Act, and the Internal Security Act, tens of thousands of people have been convicted of protesting, 44,300 between June 1976 and July 1979 alone.⁴ At the end of 1981, 520 people were being held as security prisoners, accused of trying to overthrow the state.⁵

The vast array of laws and the numerous political trials are attempts to convince the outside world as well as to satisfy an internal legalistic mentality that South Africa is indeed a nation ruled by law. In fact, the apartheid state is capable of total lawlessness, arbitrarily detaining and banning people when no grounds exist to bring them to trial.

DETENTIONS

Under South African law a person can be detained without being charged with any offence, and held incommunicado indefinitely. Detention is used to silence opponents of apartheid who have broken no law, and many disappear without any public report. For example, the press carried stories of six detentions during January 1983, while Government statistics put the number at 58. According to three private organizations—the Detainees Parents' Support Committee, the South African Council of Churches



Resistance to apartheid brings arrest. Demonstrations and outdoor meetings are usually illegal and even funerals are often banned.

and the South African Institute of Race Relations—264 people were detained in 1982. Of these, 107 were school children and students, 30 trade unionists and workers, 17 political and community leaders. 11

PRISON POPULATION

South Africa has the highest prison population in the world with 440 people jailed for every 100,000 of the population. The equivalent figure in the United States is 189. Forty percent of the African prison population consists of people who have violated the pass laws, thus committing "crimes" that only Africans can commit.⁶

clergymen, 10 lecturers and five journalists.⁷ More than 5000 people are known to have been detained over the last twenty years, some for as long as 90 or even 290 days.⁸ The overwhelming majority of these people have been released without charges ever being brought against them.

TORTURE

According to Amnesty International "all evidence indicates that torture is extensively inflicted on political detainees, and that the Government sanctions its use."⁹ Detainees are kept for long periods in solitary confinement. Direct torture includes beatings, breaking of teeth with pliers, electric shock to genitals and other sensitive parts of the body, sleep deprivation and other forms of physical and mental abuse. Former detainees testify that the physical and psychological effects of the torture are long-lasting, marking many for life.

Thozamile Gweta, president of the South African Allied Workers Union was detained seven times between November 1981 and May 1982. As a result of his treatment in detention, on February 12, 1982 he was admitted to a hospital suffering from headache and severe depression and anxiety. In 1981 his house had been burned and a second mysterious fire had killed his mother and uncle. When police fired on the crowd returning from the funeral of his mother and uncle, his fiancée Diliswa Roxiso was killed.¹⁰

DEATH IN DETENTION

Since 1963 fifty-nine people are known to have died in detention.¹¹ The police have not acknowledged responsibility for a single death. They reported that the deaths occurred by hangings, falling down long flights of stairs or out of a tenth-story window. Independent inquests have verified that brutal torture has driven some to take their own lives. In other cases, death came directly from injuries inflicted by the police.

Dr. Neil Aggett, secretary of the African Food and Canning Workers Union, was detained on November 26, 1981. On February 5, 1982 he was found dead, hanging from the grating in his cell in the John Vorster Square Prison in Johannesburg. During the seventy days of his detention, he was held for long periods in solitary confinement and subject to relentless inter-

rogation by several teams of interrogators. He complained to officials that he suffered assault, sleep deprivation and electric shock. He is the first white political detainee to die in detention.¹²

THE INTERNAL SECURITY ACT

The Internal Security Act of 1982 allows the government, without judicial review, to 1) Detain without trial or charge any person for any length of time. A detained person has no judicial recourse and can be held incommunicado, without access to a lawyer or family. 2) Prohibit the printing, publication or dissemination of any periodical or any other publication. 3) Declare unlawful any organization and dispose of its assets. 4) Conduct random police searches. 5) Curtail the travel rights of any person and restrict their rights of communication, association, as well as the right to participate in any activity. Further, it is illegal under this act to render assistance to any campaign, at home or abroad, that protests or seeks to modify or repeal any law.

Isaac Muofhe, a lay preacher in the Lutheran Church and former leader of the Black People's Convention, was detained on November 10, 1981. In excellent health at the time of his arrest, he died two days later in a police station in Venda, one of the "independent" bantustans. An inquest determined, in July 1982, that Muofhe had been beaten to death by two security policemen during interrogation. The policemen were charged with murder but were not found guilty, on a technicality, in the Supreme Court of Venda. The case illustrates how the bantustans carry out the practices of apartheid South Africa.¹³

BANNING

Banning is a uniquely South African way of silencing critics of the government. A banned person is restricted in movement, forbidden from publishing or being quoted, prohibited from attending or addressing any gathering and often restricted to a particular area. Banned people are usually unable to keep their jobs. For all practical purposes there is no appeal to the courts, and banning regulations are so vague that it is virtually impossible not to break them and be prosecuted for contravention of the banning order. Since June 1961, the Minister of Law and Order has banned more than 1,400 people.¹⁴

Organizations as well as individuals can be banned, making their existence illegal. The last big crackdown on black political organizations was in 1977 when 18 were forced out of existence. These included the Black People's Convention, the South African Students Organization, the Christian Institute of Southern Africa, and the Union of Black Journalists.¹⁵

PRESS CENSORSHIP

Over one hundred laws regulate the press, and the existence of such laws produces inevitable self-censorship.¹⁶ For example, it is now a crime under the

Inquest Act to report the death of a person in police custody without the "express written consent of the Minister of Justice." Statements by banned people cannot be published and information about banned organizations is unlawful if it can in any way be seen to further the aims of or defend the organization. It is a criminal offence to publish information about the source of South Africa's oil supplies. Under the National Key Points Act it is illegal to report on any incident at an installation which is a "key point," i.e. designated as vital to the security of the government, without the "express consent of the Minister of Justice."

Since 1977 four black newspapers have been closed down by the government and leading black journalists have been detained, banned and deported. South Africa bans books and other publications, and it is a criminal offence to be in possession of banned material. Between July 1981 and June 1982, 949 publications, or 52 percent of all publications coming before the censors, were banned.¹⁷

CONCLUSION

Violence in South Africa is an every-day fact for the vast majority of the population. People are constantly arrested for crimes only black people can commit. Violence will continue until the system of apartheid is destroyed. It is not a system that can be modified or reformed into acceptability because it is fundamentally and by definition racist. The only way to do away with the vast violations of human rights in South Africa is to do away with apartheid.

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NOTES

¹Star, Johannesburg, April 16, 1983; June 6, 1983.

²Star, Johannesburg, February 26, 1983.

³Calculated from annual statistics of prosecutions under the pass laws cited in Survey of Race Relations in South Africa, South African Institute of Race Relations, Johannesburg, for each of the years 1968 through 1981.

⁴Focus on Political Repression in Southern Africa. International Defence and Aid Fund, No. 35, (July-Aug) 1981.

⁵Focus, No. 37, (Nov-Dec) 1981.

⁶Sunday Times, Johannesburg, April 12, 1981.

⁷Focus, No. 46, (May-Jun) 1983.

⁸Focus, No. 35, (July-Aug) 1981.

⁹Political Imprisonment in South Africa. an Amnesty International Report, London, 1978, p. 56.

¹⁰Torture and Ill-Treatment of Detainees by the Racist Regime of South Africa in 1982. United Nations General Assembly Special Committee Against Apartheid. A/AC.115/L.586. (17 January) 1983, pp. 34-35.

¹¹Deaths in Detention and South Africa's Security Laws. Lawyers Committee for Civil Rights Under Law, Washington, DC 1983, p. 1.

¹²Deaths in Detention and South Africa's Security Laws. pp. 74-81.

¹³Deaths in Detention and South Africa's Security Laws. pp. 72-73.

¹⁴Focus, No. 35, 1981.

¹⁵The New York Times, October 20, 1977.

¹⁶Focus, No. 46, 1983.

¹⁷Star, Johannesburg, May 23, 1983.