

STATEMENT BY GEORGE M. HOUSER TO THE AD HOC WORKING GROUP OF EXPERTS
Established under resolution 2 (XXIII) and 2 (XXIV) of the Commission on Human Rights

Mr. Chairman:

I am glad for the opportunity to appear before you and the members of the Working Group of Experts to make a brief statement. I wish to make clear at the outset that I am not coming before you with any really new information. I have seen the documents your Ad Hoc Group has produced and also many statements and documents which have been submitted to you. This group of experts is not suffering from lack of information.

I appear before you to say essentially two things. First, the work you are undertaking within the United Nations structure is very important. There are few enough obvious and simple things which those of us from outside the southern African area itself can do about the tragic developments taking place there. One of the most essential tasks, however, is to keep the issues before the world. The work of this Ad Hoc group is helping to do this. In fact the United Nations, through the Committee of 24, the Special Committee on the Policies of Apartheid, and other agencies, is serving an indispensable function in this regard. I think that this aspect of United Nations work needs to be supported and the American Committee on Africa wants to contribute to this in any way it can. World opinion must constantly be aroused about the grave injustices, the extreme denials of human rights which are taking place in southern Africa. It is also apparent that the regimes in southern Africa themselves must pay heed to world opinion. If this were not the case, why does the South African government, why do the Rhodesian, why do the Portuguese, spend vast amounts on propaganda particularly in Western countries? The world must constantly be warned of the danger to peace and stability as long

as a white minority hangs on to political and economic control in southern Africa and uses all kinds of tactics to insure that the Black majority will never have a chance to play its rightful role in the country of its birth. We in the American Committee on Africa, and I know it is true of many other organizations both here and elsewhere, will continue to do all they can to support the fact finding functions of the many agencies in the United Nations, of which this is one, in publicizing the gross denials of human rights in southern Africa. Constructive thinking about ways in which we can do this publicity function better should be a major consideration of this committee.

The second thing that I wish to say will take slightly longer. It is appalling to hear analyses from time to time in relation to South Africa which conclude that things there are getting better. Prime Minister Vorster has tried to make the point that South Africa is now outward looking and that she is expanding her relations with other countries through trade, investment and technical advice; and through sports, cultural activities, and tourism. Primarily this expansion has been with other African states in southern Africa which have traditionally been economically dependent on South Africa and who have had very little choice as to how they can conduct their economic affairs independent of South Africa. There is also a continuing effort on the part of South Africa to expand trade and exchanges with the United States and some other Western countries. We are told that this "new look" in South Africa is a hopeful sign. We are told by many that this attempt at South African expansion means that the structures of apartheid will be weakened and there may be the possibility of peaceful and evolutionary change towards a democratic and equalitarian state in South Africa. The opposite is probably closer to the truth - the preservation of apartheid is the real motivation

for the new South African posture.

We here in the United States are particularly being told by some business men and some government officials that an expansion of trade and investment between Americans and South Africans is bound to influence the direction in which South Africa will move in her own race relations in the next few years. I have heard American bankers argue within the last few weeks here in New York that the policy of economic disengagement which our Committee is campaigning for, would ruin their opportunity to influence South Africa toward a diminution of apartheid measures. We in turn have argued that the increase of American investment and trade with South Africa has the end result of giving our people a false sense of South Africa's security and a vested interest in the status quo in the maintenance of a racist state. We further argue that as American trade and investment has grown since the Nationalist Party came to power in 1948, the political and social situation has worsened. Apartheid measures have grown more intense. The police state has become more totalitarian and more brutal. It is not events over just the last 20 years which bear this out, but events within the last year. It is within this context that I would like to refer very briefly to the information which has been coming to your attention and which you will be studying more intensely in the days and weeks ahead.

If things are getting better in South Africa, why has the government worked so hard to enact the recent General Laws Amendment Act which established the Bureau of State Security (BOSS) on June 30 of this year? This is a super secret agency whose budget will not be known by anyone other than the Prime Minister and the Security Officer who will serve as its director. Financial appropriation for its work will not be subject to approval by the Treasury. Even the principal white opposition party in South Africa did not vote against the measure in Parliament.

Clauses 10 and 29 of this Act have received particular publicity. Clause 10 bars the press or news media from using anything referring to the Bureau's activities that might be "prejudicial to security". A journalist might commit an offense by communicating matters which are being dealt with by BOSS although no one is permitted to really know what BOSS is dealing with. Under clause 29 of the Act a person under investigation is not permitted to give evidence in his own behalf if it is considered prejudicial to the interest of the state or public security for him to do so.

If things are getting better in South Africa, why within the last few weeks have there been perhaps 40 or more persons detained under the infamous Terrorism Act? These have included persons such as Mrs. Winnie Mandela, the wife of the renowned leader who is now serving a life sentence in Robben Island, Peter Magubane, a very well known photographer, and Miss Shanti Naidoo, an Indian woman. Why also are a new batch of trials under the Terrorism Act beginning? In Grahamstown 24 Africans went on trial on June 24. In Windhoek 8 Nambians appeared in court on May 26 and the trial was to begin formally on July 1. This apparently will be a repeat performance of the trial two years ago of more than 30 Nambians under the Terrorism Act most of whom received life sentences.

If things are getting so much better in South Africa, why then are the prisons so overflowing? An article in the Johannesburg Star of June 7 pointed out that there are twice as many persons in South African prisons as are in the British jails by absolute numbers, and proportionate to the population there are nearly six times as many people in prison in South Africa as in Britain. The statistics are that between July 1, 1967, and June 30, 1968, 635,000 of all races were in prison. Of this number 541,000 were Africans. There was a 10% increase in the

prison population in the year 1967-68 compared to the previous year. Just about half of the prison population were in for less than one month. Thus most of the prisoners were there because they had violated pass laws or for tax violations. These laws are ones particularly affecting the non-white population.

Why, if things are getting so much better in South Africa, is there such great brutality against political prisoners to force them to divulge what information they may have about political activities? There has been considerable publicity within the last few months beginning with the trial of Lawrence Gandar about treatment of political prisoners. Most of this information must have come to the attention of the Ad Hoc Group of Experts. In the case of Nicodimus Kgoathe, the South African authorities said that he had died in prison as a result of a lung infection and kidney failure. The post-mortem report said that death was caused by bronchial pneumonia. But a district surgeon before the Pretoria Inquest Court said that Mr. Kgoathe had marks on his body which could have been caused by a heavy stick or by wounds from a beating with a belt buckle. A prison official in court gave testimony that Mr. Kgoathe had slipped on soap while taking a shower and this had caused the marks on his body. Mr. Kgoathe died on February 4.

About June 1 this year Caleb Mayekiso died in prison. He was released only last year from a four year prison term and then was detained again on May 13 of this year. His wife testified that he was in the best of health at the time of his recent arrest.

James Lenkoe died on March 10 of this year having been arrested on March 5. The official version is that he committed suicide by hanging himself by his belt to the bars of his cell. At the inquest in Pretoria in May an expert pathologist from Cleveland, Ohio, testified that in his judgment Mr. Lenkoe died from electrocution based on analysis of a burn on his toe.

There are other cases that might be cited. It might be believable that prisoners could commit suicide out of pure discouragement and that other prisoners might die of natural causes including, I suppose, slipping on a piece of soap while taking a shower. However when one knows from a mass of evidence available the torture tactics which are used by the South African authorities against political prisoners, coupled with information by experts examining the bodies of deceased prisoners, it is possible to assume only that it is the rule rather than the exception for the prison authorities to use brutal methods with their prisoners. To substantiate this there is the evidence in the case of Mr. Desmond Francis. He lived through his ordeal by torture and has written in detail about the methods used against him. I am sure this evidence is in the hands of this Group and it is not necessary for me to repeat it. Suffice it to say that all sorts of brutal and uncivilized methods were used against Mr. Francis not only in South Africa, but in Rhodesia before he was turned over to the South African authorities. One can only be amazed that it was possible for anyone to have lived through these terrible experiences.

Finally I would ask if things can be so much better in South Africa when defense attorneys are subject to threat because of their activities on behalf of political prisoners. I am sure the news has reached this Ad Hoc Working Group about the intimidation against Mr. Joel Carlson, the distinguished attorney who has helped to defend many of those charged under the Terrorism Act and other repressive legislation in South Africa. Mr. Carlson has had his passport taken from him as of June 13 of this year. No reason has been given for this action. Through these tactics the government is warning any lawyer who would defend those who express opposition to repressive legislation that they too are in danger of suffering the consequences and even perhaps of spending a period of time in prison.

In the light of these acts of collective and individual repression and brutality in South Africa, it is essential that the United Nations and the Ad Hoc Working Group of Experts give as much public airing as possible to what is happening in South Africa and all of southern Africa. As has been pointed out time and again in these halls, the groundwork is laid for violence which will effect not only that limited geographical area of the world, but indeed all of the world. In addition to extending in any way possible its work in publicizing the injustices taking place in southern Africa, I have only two other proposals to make. First, it is essential that South Africa be challenged in its right to detain unnumbered political prisoners without giving any information as to their names or what they are charged with. There are many detainees under the Terrorism Act who are being kept incommunicado now. It is known that there are a large number of Namibians who have been in detention for perhaps two or three years. While it is possible for the International Committee of the Red Cross and some other international observers to visit prisons in South Africa as they do elsewhere in the world, their visits are limited to convicted prisoners. Those who are being detained under other laws in South African cannot be seen. Therefore, I would propose that the United Nations authorize the Secretary General to send a mission to visit South Africa to visit these detainees and report on their conditions.

Second, in a number of resolutions the General Assembly of the United Nations has declared that freedom fighters captured by the colonial and racist regimes in southern Africa should be insured prisoner of war treatment in accordance with the Geneva Conventions of 1949. The next international conference of the Red Cross is to be held in September in Istanbul, Turkey. I would suggest that the United Nations propose that this conference discuss the treatment of freedom fighters in southern Africa and take whatever effective measures may be possible to ensure

their treatment as prisoners of war. Perhaps through this Ad Hoc Working Group of Experts the proposal can be made that the United Nations draw attention of governments and Red Cross societies to the urgency of following through on this action.