

FRIDAY, OCTOBER 29, 1971

# An intolerable system

THE South African system of detention without warrant or trial has become a massive national liability. It is doing this country far more harm than any value it conceivably has on the security front. As part of the ordinary law of the land we have a system of detention in daily operation which is unheard-of in the Western world. Consider its terms. The Terrorism Act of 1967 empowers any commissioned police officer above the rank of Lieutenant-Colonel, if he believes a person to be a terrorist or withholding information relating to terrorists, to arrest, without warrant, and detain such person for interrogation for an indefinite period. The Act stipulates:

No court of law shall pronounce upon the validity of any action taken under this section, or order the release of any detainee.

No one except State officials has access to a detainee and, "if circumstances so permit", the detainee may be visited by a magistrate in private once a fortnight. This drastic measure eliminates all the ordinary safeguards of our system of justice; indeed, it stops our system of justice from operating. It puts detained people at the sole mercy of the State, in the privacy of a prison cell or interrogation room. In a war situation or bloody civil strife, as in Ulster, drastic temporary measures are justified—yet it is essential to have an independent review body and other safeguards such as access to legal representatives, as indeed applies in Ulster. Outside a declared and obvious state of emergency, such powers, even with the safeguards, are difficult to justify. They cut across everything free men have striven for against authority. The very presence of such a permanent measure on the statute book of South Africa is a cause of disquiet. The way it operates in practice is thoroughly alarming.

## The Imam case

Let us recall the events before the latest horror—the death fall of Mr. Timol in Johannesburg on Wednesday. Referring to the Imam Haron case, the Cape Times recalled in March, 1970:

Since the system of detention without trial or charge was introduced, 13 detainees have died while in gaol—seven have committed suicide; one cause of death was described as "unknown" (the fact was elicited in Parliament without details being given); in one the inquest magistrate was unable to conclude that any person was to blame; one was stated to be "natural causes"; in one, in which no inquest was held, a magistrate endorsed a post-mortem finding of natural causes.

The Imam's death stirred consciences, and the fast of Mr. Wrankmore quickened these feelings. The Imam case is still wide open, on any reasonable reading of the inquest record. A whole series of questions remain, covering the nature and duration of his

interrogation; the causes of his 28-odd bruises (the origin of some of which the inquest magistrate could not explain); the conundrum of two different sets of bruises acquired on separate occasions, yet only one fall down steps at Caledon Square; the strangely listless behaviour of the Imam in the closing days of his life; and a blank in the official record of his movements for two days before his fall down stairs.

## Before dawn

Last Sunday there were security police raids throughout the country, in which eminent churchmen, academics, professional and other people were dramatically knocked up before dawn and searched—with hardly a whisper of information from the authorities on what this is all about. Now comes the suicide of the recently-detained Mr. Timol. It is incumbent on the authorities immediately to find and to publish the reasons why he fell from a window at John Vorster Square, having been the exclusive guest of the security police up to that point. An independent tribunal headed by a member of the Bench of this land is needed to sift every shred of evidence about the movements and experiences of this man since his arrest last week. This is the absolute minimum required in this sickening affair.

But the authorities must go further if they want to dispel a growing feeling of suspicion and lack of public confidence. The whole system of detention without trial and warrant must be reviewed. Why is it necessary? What advantages can outweigh the enormous damage done this country?

As we have argued in these columns before, it is essential in the national interest that public confidence be harnessed in all aspects of the Republic's security effort. This becomes all the more necessary when the possibility is considered of a real deterioration in the security situation, as a result of guerilla threats in the North. The Government must act immediately to remove all disquiet from the public mind. Ultimately, the only guarantee of security is the consent and confidence of the governed. As it stands, the detention system militates against this country's own best interests. It shames and sometimes sickens South Africans who are every bit as patriotic, and as concerned about security threats, as Mr. Vorster. It discredits and imperils our land in a dangerous world.

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## Peace at last

THE Government has acted wisely in choosing the PAL television system for South Africa. Expert opinion has generally favoured PAL as against the French Secam, though there were rumours that the French-South African Bitrage deal might swing the Republic to the French system. In the eyes of technical and not political considerations have won the day, and for this the Government is to be complimented. Since the German-developed PAL is used in many West European countries, including Britain, there opens up a prospect of major new avenues of trade between South Africa and these countries. There will be a comparable amount

duced is rather uncertain. The recent world monetary crisis and the internal economic difficulties facing South Africa could delay it. The loan to finance TV in South Africa, which Mr. Piet Meyer has been seeking abroad, will not be easy to raise. Moreover, Mr. Riva of the GPO has come up with a completely new argument about whether television expenditure will hamper our telephone expansion programme. Whatever the outcome of this, the sound decision announced on Thursday by the Minister of National Education is a good start for the medium in South Africa.

On the fundamental question on the true