

Suzman steadfast on Terrorism Act criticisms

CRITICISM of the Government over the detention of people under the Terrorism Act was "absolutely valid" even though the Potgieter Commission had reported to the Government and amendments to South Africa's security laws were expected next year, Mrs Helen Suzman said today.

Mrs Suzman crossed swords with the president of the Incorporated Law Society of the Transvaal, Mr J. E. Knoll, who claimed in a statement yesterday that calls for a commission of inquiry were premature because aspects of the matter may already have been covered by the Potgieter Commission report (which has not yet been made public).

She said she had criticised the basic act, and did not depart from her criticisms, because all her fears and accusations had been proved justified by events.

The bulk of public criticism had been directed at the length of time people were being held without being charged and at the complete secrecy of police operations, at the fact that relatives had difficulty finding out what had happened to detainees, and had arisen from the grounds for the gravest suspicion on the police methods of interrogation which the authorities had done nothing to allay.

"Perhaps the worst feature of the affair has been the utter indifference with which the authorities have treated public

disquiet," she said.

As for amendments to the security laws, she said the sine qua non of amending legislation should be the removal of powers of detention without trial, except in times of a declared emergency.

"Unless that is done, none of the other safeguards will make any difference."

There was always the temptation for the police to bypass the normal processes of justice by taking a man and holding him until he told them what they wanted to hear.

Even if detainees were held under the General Law Amendment Act of 1966, they could only write to a judge, not see him. Mrs Suzman also said she doubted that the police went to any effort to inform detainees of any rights they may have.

She also came out strongly today in favour of the call by a member of the SA Indian Council, Mr I. F. H. Mayel, in The Star yesterday for the Government to set up a representative Indian body with executive powers, although she did not necessarily feel that the detention of a number of Indians recently showed there had been subversive political agitation from that group.

(See Page 9)

Security report: PM to decide

Pretoria Bureau

NO decision has yet been reached regarding the date for the release of the Potgieter Commission's report on their inquiry into State security. Nor has it been decided which sections will be made public.

A spokesman for the Department of the Prime Minister in Pretoria said today that when a decision was taken the Prime Minister, who appointed the commission, would disclose any information that could be disclosed.

PUBLIC CONCERN

This follows a statement here last night by the president of the Incorporated Law Society of the Transvaal, Mr J. E. Knoll, who said that early publication of portions of the report could do something to allay public concern regarding detention without trial.

Mr Knoll also made it clear in his statement that detention without trial was foreign to the South African system of law, except, possibly, in circumstances of great danger to the public safety. Such measures could never be accepted with any equanimity by any lawyer.

"The Transvaal Law Society cannot but uphold the view that access to the courts should be unrestricted and that a detained person's access to his legal advisers should be equally unrestricted," he said.

LET JUDGES VISIT THEM— DUGARD

THE clause of the Terrorism Act providing for detainees to be visited by a magistrate once a fortnight "if circumstances permit" seemed to give no protection at all to a detainee, Professor John Dugard of the University of the Witwatersrand said today.

It would be interesting to know how often magistrates actually visited detainees, what they discussed with them and what powers they had to prevent detainees from being maltreated, Professor Dugard said.

NOT COMPELLED

"Section Six of the Terrorism Act does not compel magistrates to visit detainees. It provides only for detainees to be visited by magistrates once a fortnight 'if circumstances permit'."

Moreover, one must remember that a magistrate would not be visiting a detainee in his judicial capacity, but in his administrative capacity as a senior civil servant.

"What is required is a visit by an independent person such as a judge of the Supreme Court."

Referring to a statement by the president of the Incorporated Law Society of the Transvaal, Mr J. E. Knoll, that the publication of parts of the Potgieter Commission's report on the safety of the State might do something to allay

public concern, Professor Dugard said:

"One should not be too optimistic. As far as I am aware, the commission did not make a study of the methods of interrogation by the security police in the light of the deaths of detainees."

He believed that all lawyers should press for a full inquiry into these methods of interrogation and for the total repeal of Section Six of the Terrorism Act.

(See story on page 9)