

THE BLACK SASH - CAPE WESTERN REGION

REPORT ON LANGA COMMISSIONER'S COURT - 1982

9 Young
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Once again we have battled to fill the court observer's roster on a daily basis, but one cannot emphasise enough the importance of our presence there. Whilst some visitors find the proceedings totally abhorrent, others see it as a fascinating experience. The following are good reasons for this essential aspect of our work:

1. Remind ourselves of the effects of apartheid on the daily lives of others.
2. Remind others of the nature of our influx control and pass legislation by alerting the press for publicity.
3. Monitor court procedure and remarks made by the Commissioners.
4. Watch out for wrongful prosecutions.
5. Record information about the accused. This is kept for research purposes. An M.A. student in the Law faculty at UCT has written a thesis on the ROLE AND OPERATION OF INFLUX CONTROL IN THE WESTERN CAPE, sampling 10% of a year's total arrests, and found our court records helpful.
6. Liaise with the Athlone Advice Office, particularly drawing their attention to remanded cases for which we can offer to stand bail.
7. Making oneself available outside the court to relatives and dependents of the accused and offering them defence for the accused. This is perfectly legitimate as we are not paid employees of a legal firm.
8. Creating a "white" presence in court seems to encourage the officials to conduct proceedings in a decent manner. Our Advice Office interpreters have stressed the very real difference this presence makes.
9. Our presence can also offer other assistance. For example, during November an accused was in acute distress and collapsed outside the court. An ambulance was called at the insistence of our observers who felt those in charge would have been quite content to leave the sick woman in a heap on the stone floor.
10. The final reason for our presence is to accompany members of the public, particularly foreign visitors to South Africa. This has become a popular stop on the Sash's alternative tourist attractions itinerary to the fairest Cape.

The following are some of the highlights during 1982:

March was an eventful month in the Langa court. We heard Section 22 of the Admission of Persons to the Republic Regulation Act being invoked for the first time; the court was bombed on Sunday,

21st, the anniversary of Sharpeville (21.3.1960), but needless to add it was business as usual on Monday morning; and one marvels at the tenacity of those determined to remain in the Western Cape. An unfortunate woman, who was arrested for the fifth time, had the maximum sentence imposed upon her: R90 on Section 10(4), R20 on Section 15(1), and 60 days imprisonment with no option of a fine on the latter.

Following the Nationalist Party's congress in East London during September where delegates called for stricter influx control in the Western Cape, October saw the effects of this in the war waged against Black people here. In less than a month, nearly 2,000 were arrested in pass raids and fined more than R40,000 in the Langa courts. This resulted in a Commissioner of the Department of Co-operation and Development acting as prosecutor and magistrate in separate cases in the Langa court on the same day. An eminent Professor of Law described this as "grossly irregular", whilst the Commissioner for the Administration Board said it was "quite normal". Unsophisticated people would see the magistrate in the same light as the prosecutor; therefore justice must not only be done, it must be seen to be done.

The only crime of these people is to have fallen foul of Nationalist ideology. Yet at that same congress in East London Dr Piet Koornhof, Minister of Co-operation and Development, stated that influx control by present measures had no hope of success. He admitted that the Government had tried unsuccessfully to override economic laws with parliamentary ones. In reply to a question in the House last week, Dr Koornhof said the Western Cape Administration Board received a total of R629 370 from fines imposed for offences relating to influx control and identity documents in 1982. Persecuting "illegals" seeking work because they cannot support their families in impoverished rural areas provides no solution the pass laws and influx control must go.