

THE BLACK SASH - CAPE WESTERN REGION

NATIONAL CONFERENCE 1984

COURT OBSERVERS' REPORT FOR 1983

There is no set pattern in the arrests which lead to prosecution in the Langa Commissioners' Court. There is, however, a sad repetitive parade of defenceless black people: men, women and children. Sometimes the female prisoners cry, the men may shake, making a brave attempt to control their fear and anger. The children seem bewildered and frightened. What does a sixteen-year-old think when he comes face to face with justice, South African style?

Being a court observer is not a pleasant task, but it is performed by a small group of dedicated women to whom I would like to pay tribute. They are composed of Women's Movement and Black Sash members who go to the Commissioners' Court, week after week, year after year.

The 1983 statistics for Langa Commissioners' Court will be released soon. These are the number of pass offenders who appeared at Langa during this time and the amount in fines imposed, or days imprisonment. These will not be cold, lifeless figures; for those involved and for those who care, they represent much anguish and bitterness. This anecdote told me by an elderly woman outside the court sums it up: One night when I came to say my prayers, I said "Lord, forgive me for asking you this, but I come to you with bitterness in my heart. Didn't you perhaps make a mistake when you made us black?"

Miss M. N. went to Wynberg to do some shopping one Wednesday afternoon last year. Instead she spent the night in a police cell. Her crime? She forgot her pass at home.

Mrs S. X., a young woman, was charged under Section 10(4) of the Black (Urban Areas) Consolidation Act (No. 25 of 1945) which makes it an offence to be in the prescribed area for longer than 72 hours without permission. She stated in mitigation that her asthmatic husband was unemployed. "We are very poor," she said, "we struggle to get food."

Mr F. D. appeared on 10(4) and 15(1) charges. The latter charge is section 15(1) of the Black (Abolition of Passes and Coordination of Documents) Act of 1952, which makes it an offence not to be in possession of a pass, or to fail to produce one on demand. He defended himself with great courage and spirit. He had been remanded in custody for two weeks for identification and demanded to know why he had been imprisoned for this length of time. He stated that he had moved to Hout Bay in 1973, working as a fisherman. He was now a gardener because of ill health. When he claimed that he was assaulted in X police cells, Commissioner Fourie told him to confine himself to the 10(4) charge. He could lay a charge against the police once he had paid his fine or on release from prison.

Mr M. G. maintained throughout that he was not guilty of any crime - "I have been in Hout Bay since 1973 and I am not prepared to move from here because I have nowhere to go." He was fined R50 or 50 days imprisonment on the 10(4) charge; the previous two weeks' imprisonment being taken into consideration. He was cautioned and discharged on the 15(1) charge.

There are occasionally some lighter moments in the court. One memorable incident was when people from Disa River, Hout Bay, insisted on their right to legal representation. Commissioner Fourie asked, "Is your attorney going to fall from heaven?" The reply was, "No, he's from Nowbray" (i.e. Black Sash).

An accused is guilty until he proves himself to be innocent. Mr J. L. was remanded in custody by the State for a week. Earlier he had pleaded not guilty to being in the area illegally. When the Aid Centre at the court contacted the Administration Board, no file in his name could be traced. However, when he reappeared in court a second time, it transpired that 'someone' had misspelt his name and the State accepted that he was a legal resident of Cape Town. No apologies were extended to Mr J. L.

"I have come to my husband to conceive" is often heard as a plea in mitigation. It is a sad reflection of the destruction of family life amongst the black people. "You don't belong here . . . Thousands are born here, but they have no right to be here . . . South Africa has millions of people to care for, and it cannot care for people from another country." These words come from Commissioner Fourie in support of the 'Homelands' policy.

"It is through starvation that I am here" said one prisoner, speaking for thousands of others like himself.

Relatives of the prisoners and the prisoners themselves often express disbelief that the Pass Laws are still enforced so stringently in CapeTown. They believe that one day it will all come to an end. Let us hope that for the sake of peace in South Africa, that day is in the not too distant future.

Gill Land