

47.15.4

Memorandum

MOTIVATION FOR A CAMPAIGN OF NON-COOPERATION WITH THE
CONSCRIPTION SYSTEM

Despite the government having claimed, more than two years ago, to being committed to removing all discriminatory legislation from the statute books the whites-only call-up is still with us.

In the past there have been a number of stands taken by people who have refused to do military service. In 1987 there was a stand of 23 people, in 1988 153, and in 1989 771 people made public stands.

It is proposed that people who are not prepared to be conscripted into the SADF should engage in a campaign of non-cooperation with the call-up system. This would involve:

- * refusing to apply for deferment.
- * refusing to apply to the Board for Conscientious Objectors.
- * refusing to co-operate in any way with the call-up system.

It is proposed that for the purpose of publicising this campaign of non-cooperation we put together a register of those who are liable to do military service and who wish to participate in the campaign.

For this purpose we need to appoint a committee of people who would strategise as to how to give publicity to the campaign. We also need to appoint individuals or groups who would facilitate the collection of names in the different centres.

It would also possibly be worthwhile to get together a group of people to act as custodians of the register.

A. The Board for Conscientious Objectors

Subsequent to the 1992 Defence Amendment Act Section 72B of the Defence Act now provides that people with moral, ethical or religious objections to military service can apply to the Board for Conscientious Objectors. The Board may classify a person into one of three categories of conscientious objector.

If the Board recognises a person as a conscientious objector [in terms of 72D(1)(a)(iii)] they will be ordered to do a period of continuous community service roughly equal in length to one-and-a-half times the total period for which they may still be called-up to do military service. This community service is usually performed in a government department at army rates of pay.

A person who has been ordered to do community service and who refuses or fails to perform this community service can be sentenced to detention for a period which is equal to the period of community service which he still has to perform.

Who can apply to the Board?

The Board may recognise anyone, who has "sincere and deep-rooted" moral, ethical or religious objections to performing any (or any further) military service, as a conscientious objector. If you wish to receive further information about the Board you could write to:

The Board for Conscientious Objection
Private Bag X 20521
9300, Bloemfontein.
Telephone No: 051-7609617.

Objections to the Board.

The Board for Conscientious Objectors is essentially a component of the system of "whites only" conscription. Just as only "whites" are liable for military service, it is only "whites" who will have the need to, and can, apply to the Board. The Board is therefore a mechanism for maintaining the present, racially discriminatory, call-up.

People who are recognised as conscientious objectors by the Board are faced with having to do community service for a period one-and-a-half times the length of the military service they are still liable for. We feel however that it is our moral right not to do military service. This system is designed to deter people from objecting to military service and to punish those who do so.

3. "Refusal to render service".

Section 126A(1)(a)provides that any person who is liable for military service and who refuses to render such service is guilty of an offence. A person who is found guilty of this offence can be imprisoned for a period as long as the period of

community service to which he can be sentenced by the Board.

- in March 1990 the Appellate Division held that people who had been convicted of refusing to do military service could be sentenced to do terms of community service.

- the last people to be convicted for refusing to do military service were the Reverend Douglas Torr and Michael Graaf in the latter part of 1990. Michael Graaf, charged for refusing camps, was sentenced to 2400 hours community service. His case was on appeal when he received indemnity. Douglas Torr was initially sentenced to a years imprisonment. On appeal to the Supreme Court this was changed to 800 hours community service. Reverend Torr had not done any military service.

- if a court orders you to do community service this is different from being ordered to do community service by the Board for Conscientious Objectors. Community service which you are ordered to do by the courts, is performed over weekends or in the evenings. There is no remuneration but you are allowed to continue with your ordinary job.

- following the Supreme Court's judgement in the case of the Reverend Douglas Torr it appears to be unlikely that the courts will impose jail sentences on people who refuse to do military service. Part of the court's judgement reads that "a court considering an appropriate sentence should not approach the matter as if it is the Board acting within the confines of the Act. Sentencing is an individual matter which requires careful consideration of all circumstances without the specific limitations applied on the Board".

- it could be envisaged that the courts could look sympathetically at the argument that the entire call-up system (incorporating the Board) is racially discriminatory and that this in itself provides a valid motivation for not co-operating with it.

- one camper, Merrick Douglas, has been charged under s126(1)(a). His case, in the Randfontein Magistrates Court, has been remanded till the 3rd of August. Prior to Merrick Douglas, the last people to have been charged under this legislation had the charges withdrawn against them in June 1991.

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