

Dearest Ben - how it is at last.

Best love

Jul.

After all that, the nub of this letter: On 10 September 1970, in the House of Assembly, Helen Suzman asked the Minister of Justice, PC Pelser, how long he intended keeping Bob Sobukwe under restriction. Pelser replied Bob could not be allowed to go free altogether as long as he persisted in his attitudes.

I am very keen to get the text of what Pelser said, either a photocopy of the page or even a scrawled note of the couple of sentences he probably uttered.

Apart from the date, I know that he spoke at night, as it would be somewhere towards the end of that day's Hansard.

Much love,

Angela

Supreme Court that he was amazed at the opposition by the State in the magistrate's court to the bail application. Further, and I am quoting from the *Cape Times* of the 8th July, he said "I am amazed that the State took this attitude in the magistrate's court. I am somewhat shocked by it."

Now I come to the issue concerning his consulting his attorney. This prominent man, after the samples were investigated in the detectives' offices and after he had helped to sort the samples and to make a stocklist of them, was taken into custody in Caledon Square. His tie, money, watch and his briefcase were removed and he was put in a cell. At "lunch" of the same day that he was taken into custody, he asked the warder who served him with lunch, if he could see his attorney, but he was refused. When "dinner" was served in Caledon Square at 3.30 in the afternoon, he again asked if he could see his attorney and he was told that it was not possible. The next day his wife called at Caledon Square and also his attorney who asked to see him. His wife and the attorney were denied the right to see the accused. The following afternoon, the 4th July, he appeared in the magistrate's court under the charge that I have mentioned. After his court appearance where bail was successfully opposed by the State he was fingerprinted, put into a cell with convicted men, and was afterwards taken to Roeland Street in a "Black Maria".

For the first time that afternoon, on the 4th July, was he allowed to see his attorney in Roeland Street. I would like to draw the hon. the Minister's attention to what happened to this man when he was in Roeland Street gaol. He was escorted into a large office and his particulars were noted in a book. After an hour he was led into another large room together with other prisoners. Several warders were present. He was told to strip completely. Apart from searching his clothing very carefully, the warder also searched the naked men, even to the point of lifting their genitals to search for hidden objects. He states:

The warder who searched me was a short young man who tried to provoke me into hitting him by reading aloud personal mail that I had from my wife and my daughter in my pockets.

I have a full statement here from him which I would like to hand over to the Minister.

But let us come to the next day, which was Saturday. On Saturday he was kept in a cell. The following day was Sunday, and that morning there was a church parade. Each day, at breakfast, an announcement was broadcast that anyone wanting medicine, could obtain it by queueing at the iron gate which closes off the open end of the remand yard. Of course he was curious and applied for medicine. Do hon. members know what happened to this man who had potentially harmful drugs in his possession as an area manager of his com-

pany for which he was charged. On the one side of the gate was a biggish man in a convict's uniform. The accused was later told that he was a long-term prisoner. His pockets were bulging with bottles of pills of various types. The man in front of him asked for and received a few lubricum without specifying his complaint. He, in turn like manner, requested phenobarbitone, which is a very addicting drug, which was given to him. There was no doctor present or any type of examination performed. To the best of his knowledge, the convict doing the distribution had no training in the use of these drugs whatsoever. [Time expired.]

*The MINISTER OF JUSTICE: Mr. Chairman, I am rising in order to reply at once to the hon. member for Simonstown. My Department is only implicated in this case as regards the fact that bail was not granted. This is completely within the discretion of the presiding judicial officer. The accused followed the correct course in appealing to the Supreme Court. His application to the Supreme Court was a lawful one.

Mr. J. W. E. WILEY: A week later.

*The MINISTER: Yes, that is the course of justice. One cannot do anything about it. It is within the discretion of the presiding judicial officer to grant bail when an appeal is made against the judgement. As regards the question at the prison itself, this is something I should like to investigate if the hon. member would just furnish me with the particulars. Other than that my two Departments are not concerned with the case at all.

A very interesting discussion took place here to-night. If it had not been for the fact that it was getting late, I would have wanted to sit back to see how the matter would develop further. The question at issue is bilingualism in hotels. For the very reason that I appreciate that the hotel trade is experiencing great difficulty in obtaining competent and bilingual people at all times, I made the concession to them that a bilingual person did not necessarily have to be present in the reception hall; they merely had to ensure that there was on the premises a person who could be called at any time to attend to any person insisting on being served in either English or Afrikaans. I want to point out that I receive many complaints, which I then refer to the National Liquor Board of inquiry. The complaints are not so much that hotels do not have a bilingual person at the desk. The complaints I received, arise when an Afrikaans-speaking person enters an hotel and insists on being served in Afrikaans. This is something I cannot take amiss of such a person. If he wants to do this, he is entitled to do so. This is a bilingual country. But when an Afrikaans-speaking person does this, he is looked at as though he was dragged in by a cat. The appeal I want to make, is that when a person

arrives at a hotel and insists on being served in Afrikaans, and an immigrant lady or an English-speaking lady is on duty at the desk, she should then, in as courteous manner, ask that somebody else be sent to attend to that person. The visitor should not be treated in such a way as though he is not entitled to it. I think this is fair. Furthermore, I want to say that I recently read a circular that was sent out by Fedhasa to all their members. In that circular this requirement for classification was very pointedly brought to their notice. I hope and trust that in future there will not be any cause for complaints again.

The hon. member for Houghton asked me a few questions. I shall deal with the question of legal aid first. The Legal Aid Board was established last year already. A director was appointed and agreement was reached on a scheme. At the moment the director is engaged in arranging legal aid in the various centres. There is every reason to believe that the scheme will be put into operation shortly. Last year R50,000 was appropriated for this purpose, because we realized that it would not be possible for the scheme to come into operation immediately. The whole amount of R50,000 was not used; part of it was not spent. This is now being added to the R150,000 which is being appropriated this year. That is how the matter stands at the moment.

As regards Sobukwe, I want to say that we have restricted him in Kimberley. He was granted a house in Kimberley and an allowance of R100 per month until such time as he could earn his own keep again. We realized that we could not put him in a place where he did not want to be and then simply leave him there, without some means of gaining a livelihood or an income. After he had received the allowance of R100 for three months, he was offered employment at R60 a month. He turned up his nose at that and was not prepared to accept the position at R60 a month. It was not, as the hon. member said, the Herizog Party which forced me to do this, but it was because he did not want to accept this employment that I reduced his allowance by R60 a month. For three months this was the position, and then an offer of R1,200 a year was made to him. That he declined as well, and then we decided to take away his allowance completely. Subsequent to that he registered with an attorney, and my information is that financially the attorney was not in a position to pay him. Very recently he applied for assistance once again, and we immediately made two offers to him. There was one position with a salary of R1,200 a year, and a fortnight later another position with a salary of R1,380 a year was offered to him.

Mrs. H. SUZMAN: What sort of job was that?

*The MINISTER: This position is in the Department of the hon. the Minister of

Bantu Administration and Development. The hon. member also wanted to know from me whether we were going to detain him like that for ever. I cannot give the hon. member a reply to that, except that I can tell her that we cannot release him or lift the restriction on him as long as there is no change of heart on his part. That is certain. And that is a reply which I gave the hon. member over the years when he was still being detained on Robben Island. As long as Sobukwe persists in holding the convictions he does, we simply cannot allow him to be set free altogether.

Mrs. H. SUZMAN: How are you going to decide?

*The MINISTER: I am sorry, but I cannot give the hon. member a reply. However, we are in contact with him. Then I just want to refer to the two Indians to whom the hon. member referred earlier on and whom I could not call to mind immediately. If my memory serves me correctly, the one was called Chothia; I cannot remember the other one's name. During the interrogation of Imam Haron it appeared that large amounts of money were leaving the country for the purpose of training terrorists. It appeared that this person and the person who was being detained along with him, could quite possibly have been involved in this matter. For that reason they were detained in terms of the Terrorism Act. However, when the matter was examined more closely, the Police were faced with the difficulty that they could not bring the witnesses here from countries abroad in order to prosecute them in terms of that Act. Subsequently he was arraigned in terms of the exchange control regulations.

The hon. member for Durban (North) wanted to know from me whether I was now acting as the Attorney-General in so far as the Terrorism Act was concerned. The reply to that is: "No, I do not."

*Mr. M. L. MITCHELL: Why not?

*The MINISTER: Because I do not have the power to act as the Attorney-General.

*Mr. M. L. MITCHELL: That is your duty.

*The MINISTER: No, it is not. In terms of the Terrorism Act the Commissioner of Police has certain powers. I, too, have a power in terms of that Act, i.e. that I may release people. However, by no manner of means does this mean that I may act as the Attorney-General. If it appears that a person has to be detained, the Commissioner of Police has every right to do so. I cannot query that. However, he is obliged to notify me immediately of the detention of such a person and the reasons for the detention of that person. This he does. He tells me what he presumes to have happened and that he needs the person for further interrogation. The local

Sobukwe has not changed—Pelser

APR 11 1970

THE ASSEMBLY. — The position of Robert Sobukwe, former leader of the banned Pan-Africanist Congress, who has been refused permission to leave South Africa to take up a university post in the United States, was raised in the House last night.

Mr. Sobukwe spent almost 10 years on Robben Island, three of them serving a prison sentence, the rest in special post-sentence detention — and after his release last year was confined to Kimberley.

Mrs. Helen Suzman last night asked the Minister of Justice to say whether Mr. Sobukwe was to be held under these conditions for ever, or

whether he would at some stage be allowed to leave the country and lead a normal life.

"You can't surely punish him in perpetuity," she said. "That was not the sentence imposed on him by the courts."

The Minister replied that Mr. Sobukwe could not be allowed to go free altogether as long as he persisted in his attitudes and did not change them.

Mr. Sobukwe had been offered a job at R60 but had refused it. He had subsequently been offered a job at R100 a month but had refused this too.

He had also been offered other jobs at R1 200 a year and more than R1 300 a year but had refused these also.

Chapter 31
11/51

Let's go
jail
11/1/89

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