



Republic of South Africa

Ministry of Home Affairs
and of Communications

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1988 -03- 21

Ref.

Messrs Out of Step Publications
End Conscription Campaign
1 Rhodes View
435 Main Road
OBSERVATORY
Cape Town
7925

Dear Sirs

STATE OF EMERGENCY: SUBVERSIVE PROPAGANDA

I wish to inform you that I have examined a series of two issues of your periodical Out of Step under the powers vested in me by regulation 7A(1) of the Regulations published by Proclamation R.97 of 11 June 1987 as amended by Proclamation R.123 of 28 August 1987 and Proclamation R.7 of 15 January 1988. The issues examined by me are the following:

August 1987; and
November 1987.

Kindly take note of the fact that I am considering action under regulation 7A(1) to wit the issuing of a warning by notice in the Government Gazette in respect of your periodical. A prima facie indication of grounds of the proposed action are set out in the annexure hereto.

Should you wish to submit representations in terms of regulation 7A(4)(b) please note that such representations must be submitted to me in writing within a period of two weeks from the date of receipt hereof.

Yours sincerely

Staffel Botha

J C G BOTHA MP

ANNEXUREOUT OF STEP

Introductory note: The reports in the issues referred to hereunder are also subject to being considered conjointly by me and with due regard being had to the cumulative effect thereof, in the process of ascertaining that they constitute a systematic or repeated publishing of matter or a systematic or repeated publishing of matter in a way which has or is calculated to have the effect contemplated by paragraph (a) of regulation 7A(1) and whether the said effect such systematic or repeated publishing has or is calculated to have, is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency as contemplated by paragraph (b) of the said regulation.

1. In the August 1987 issue of the periodical Out of Step (OOS) the following matter is calculated to have the effect of stirring up or fomenting feelings of hatred or hostility in members of the public towards a security force or members of a security force (regulation 7A(1)(a)(iv)):
 - (a) In the report under the heading "Hell no, we won't go!" certain statements are made against the SADF which are calculated to have the above-mentioned effect;
 - (b) In the report under heading "Parents support ECC" the allegation that a person is turned "... into a killing machine ..." is calculated to have the above-mentioned effect;
 - (c) The report under the heading "Conscripts seek choices 'Old before their time'" alleges a harmful effect of conscription in such a manner that it is calculated to have the above-mentioned effect;

- (d) The effect mentioned above is also stirred up or fomented by the report under the heading "Namibian war gets dirtier" in so far as this report refers to COIN ("Our Business is Killing and Business is Good ... but its business hasn't changed much");
- (e) Under the heading "Comment" this publication published comment, concerning conscription and the SADF in a way which is calculated to have the above-mentioned effect; and
- (f) Under the heading "'SADF out!' say Namibians" certain allegations is published with regard to the SADF's activities in South West Africa which is calculated to have the above-mentioned effect.
2. In the August 1987 issue of this periodical (OOS) the cartoon on page 4 and the relevant comment (p.4) is calculated to have the effect of promoting the public image or esteem of an organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982) to wit the ANC (regulation 7A(1)(a)(v)).
3. In the November 1987 issue of OOS the following matter is calculated to have the effect of stirring up or fomenting feelings of hatred or hostility in members of the public towards a security force or members of a security force (regulation 7A(1)(a)(iv)):
- (a) On the front page under the heading "Lt Toms faces jail for refusing to serve camp" it is inter alia alleged that the SADF destroyed the community and occupy a clinic. These allegations are calculated to have the above-mentioned effect;
- (b) Under the headings on p.2 "MNR: a trail of terror" and "Zimbabwe's Agony" matter is published which is calculated to have the above-mentioned effect. In these reports it is, inter alia, stated that the SADF is, often, directly involved in the destabilization of, and supports massacre and mutilation in neighbouring countries;

- (c) The "Comment" on page 4 of this issue, inter alia the words "SADF service is better called Nationalist" serves as a further example of the systematic or repeated publication of matter, which is calculated to have the above-mentioned effect;
- (d) The report under the heading "Angolan war: No end in sight" on pages 4 and 5 is calculated to have the above-mentioned effect in so far as it alleges that the "... MNR is a group of rebels set up and organised first by the Rhodesian security forces ... and later by the SADF".
- (e) In the report under the heading "Optimism for new direction: ECC's Nic Borain speaks out" on page 6, this periodical continues its systematic or repeated publishing of matter which is calculated to have the above-mentioned effect in that it publishes allegations that the SADF is used "... to crash internal dissent ..." and is "... a tool for a political party ..."

C O P Y

MALLINICK, RESS, RICHMAN & CLOSENBERG INC.

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12 April 1988

Mr J.C.G. Botha, MP
The Honourable Minister
of Home Affairs & Communications
Hendrik Verwoerd Building
Parliament Street
CAPE TOWN
8001

**MET DIE HAND
BY HAND**

Dear Sir

**"OUT OF STEP" PUBLICATION - ALLEGATIONS OF SUBVERSIVE
PROPAGANDA**

We act for the End Conscription Campaign ("ECC") who have instructed that on 28 March 1988, they received your letter dated 21 March 1988.

We have been instructed by the ECC to make representations in terms of Regulation 7A(4)(b) of the Emergency Regulations published by Proclamation R.97 of 11 June 1987, as amended by Proclamation R.123 of 28 August 1987 and Proclamation R.7 of 15 January 1988.

With regard to your annexure which purportedly sets out a prima facie indication of grounds for proposed action under Regulation 7A(1), our client has instructed us to make the following representations. The numbering of the representations co-incides directly with the numbering of the respective allegations contained in your annexure.

Introduction

Before dealing with your specific allegations, we wish to draw your attention to the nature of the Out of Step publication. Out of Step serves as the mouthpiece of the Western Cape branch of the End Conscription Campaign, a legal organisation constituted as a voluntary association. Out of Step would consequently relate to the End Conscription

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- 2 -

The Honourable Minister of
Home Affairs & Communications

12 April 1988

Campaign, in the same way that the "Paratus" publication relates to the South African Defence Force. Both serve as mouthpieces for the respective organisations and are utilised to further the aims and objects of those organisations.

The major object of the End Conscription Campaign is to pressurize the Government to effect legislative change regarding the policy of compulsory military service. The object of the Out of Step publication is consequently to inform its readers of progress made in the campaign, and to engender further support for the objects of the campaign.

It is important to note that Out of Step has an extremely limited distribution. It is published approximately 4 times per year and, according to our instructions, the print order is only approximately 5000. Of these, only approximately 4000 copies of each issue have been distributed, of which 60% have been distributed at the University of Cape Town. We regard it as significant that the major portion of the readership is based at a tertiary educational institution, and can consequently be regarded as an intellectual and discerning readership. It would certainly be fair to say that the vast majority of the readership would be in a position to distinguish between fact and opinion.

We have been instructed further that the End Conscription Campaign and its Out of Step publication have taken pains to ensure that each issue has been legally checked by its lawyers. In this regard, it is significant to note that no legal prosecution has followed the publication of any issue of Out of Step, nor, according to our instructions, has any issue been restricted in terms of the Publications Act.

Paragraph 1.(a)

Your allegation makes reference to "certain statements which are calculated to have an effect as set out in Regulation 7A(1)(a) and (b)". The allegation does not set out which statements are calculated to have a prohibited effect. It is therefore difficult to reply to this allegation.

We would, however, mention that the statements referred to are part of a composite statement of belief made by 23 individuals who have publicly refused to serve in the South African Defence Force ("SADF"). The 23 individuals concerned are mainly university students of professional people already in practise. They are intelligent people whose beliefs are based on moral, legal and ethical grounds, the gist of which is reflected in their statement of belief. It is clear from the foregoing that the article is calculated to reflect the beliefs of these 23 individuals. The article is not calculated to have the effect as set out in terms of Regulation 7A(1) and (b). In support of this contention it is to be noted that nowhere in the statement of belief are

- 3 -

The Honourable Minister of
Home Affairs & Communications

12 April 1988

people encouraged to hate or to take a hostile attitude towards the SADF or any member thereof. In fact, the conclusion of the said statement contains a message of "peace and harmony". In addition, we wish to point out that none of the 23 persons concerned has been prosecuted as a result of the publication of the statement.

Paragraph 1.(b)

It is submitted that the quote referred to herein is taken completely out of context. The allegedly offending words are taken from one of three introductory paragraphs which reflect the type of problem commonly experienced by many young conscripts. The purpose of reflecting these problems is to enable parents reading the article to ascertain whether their conscripted sons are facing similar problems such that parents may feel the need to be part of the Parents Support Group structure. This is the intended effect of the quote you refer to. The article itself clearly contextualises these quotes in the first sentence of the fourth paragraph thereof, i.e. "these represent the experiences of conscripts whose parents eventually came together to form the ECC Parents and Supporters Group ("PSC)". This article is calculated to have the effect of encouraging mutual support amongst parents of conscripts by means of sharing experiences with like-minded people. It is not calculated to have the effect set out in Regulation 7A(1)(a) and (b).

Paragraph 1.(c)

It is submitted that this article is based on the experiences of a qualified conscription advice service counsellor. The article also quotes extensively from post-graduate research conducted at the University of Witwatersrand. The article is calculated to have the effect of highlighting the nature of moral and psychological problems being faced by conscripts.

It is conceded that the article paints a rather alarming picture about the psychological problems experienced by soldiers. However, it is submitted that the article is well researched and accurate. While the article deals only with the problems facing white conscripts, it nevertheless concludes by expressing concern for the "psychological casualties of the current intensifying civil war from both sides of the battleline". It is submitted that by concluding the article in this way, it cannot be said that the article is calculated to have the effect mentioned by Regulation 7A(1)(a) and (b), but rather that the tenor of the article is such that it is impliedly concerned about the effects of war per se.

- 4 -

The Honourable Minister of
Home Affairs & Communications

12 April 1988

Paragraph 1.(d)

It is submitted that the quote referred to is made possible by a rather perverse KOEVOET t-shirt slogan. Furthermore, that paragraph is followed by concrete examples of complaints made about alleged SADF and COIN atrocities. It is submitted that the KOEVOET/COIN reputation as a hardened and brutal force is a commonly-held perception by political allies and opponents of the South African Government in Namibia. The article concludes by calling for a political solution to the Namibian war by implementation of the UN Security Council Resolution 435, a solution which the State President, Mr P.W. Botha, has also been on record as supporting. In the light of the aforesaid, it follows that the article is calculated to emphasise the need for a peaceful solution in Namibia. The article draws attention to this need by reference to the grim spectre of war atrocities and troop losses on both sides. It is to be noted that the article quotes extensively from a rightwing publication, namely, the Aida Parker Newsletter. In conclusion therefore, the article is not calculated to have the effect as contemplated by Regulation 7A(1)(a) and (b); in fact, rather to paint a portrait depicting the tragedy of war and the need for a peaceful solution thereto.

Paragraph 1.(e)

It is submitted that this article is calculated to highlight the level of conflict in South Africa and Namibia. The reader's attention is drawn to the fact that the armed struggle against South Africa's occupation of Namibia is 21 years old. Furthermore, attention is drawn to the fact that two of the opposing forces in South Africa are both celebrating their 75th anniversaries, in a context where the ANC is still regarded as the most important force in black politics. The article goes on to impliedly draw links between the aforesaid and the dilemmas felt by many conscripts about service in the SADF.

This is the context in which the article calls for viable alternatives to participation in a war against fellow South Africans and South Africa's neighbours. The article is calculated to have the effect of drawing attention to the need for viable alternatives to military service. This type of call has been regularly made by many other organisations and parties both inside and outside Parliament, and amounts in effect, to the need for legislative, constitutional changes.

- 5 -

The Honourable Minister of
Home Affairs & Communications

12 April 1988

This interpretation is supported by the last paragraph of the said article where the stand taken by the 23 objectors is impliedly linked to the need for alternative service, as well as the need for the ending of war and violence in the region. The last paragraph should be seen in the light of the first two.

Paragraph 1.(f)

As with paragraph (a), it is difficult to respond to your comment about this article in that there is no specification of the offending "allegations". This article takes the form of an interview with an Advocate who is widely regarded as an expert on Namibian affairs. Advocate Lobowsky is clearly of the opinion that much of the blame lies with South Africa. However, in the last paragraph of the interview, he makes it quite clear that he does not see the war as a solution to the Namibian problem and that a peaceful negotiated solution is required. It is submitted that the article is calculated to have the effect of drawing the reader's attention to Resolution 435 and emphasising the need for a peaceful negotiated settlement in Namibia. Finally, it should be noted that the article takes the form of an interview which makes it clear that an individual's particular point of view is being reflected.

Paragraph 2

It is submitted that the positioning of the ANC cake and the person under the table is such that it cannot be said to promote the public image or esteem of such organisation. Rather, the cartoon is calculated to have the effect of drawing the reader's attention to the situation where despite 75 years of existence as a powerful black political force in the country, the ANC is still not recognised by the South African Government or the SADF. The ANC is clearly revealed as an underdog and an organisation of inferior strength in the said cartoon.

Paragraph 3.(a)

It is submitted firstly that the allegation that the SADF destroyed the community and occupied a clinic is made by Dr Toms and not the author of the article. That the SADF occupied the SACLA clinic is an undisputed fact. That the SADF played a crucial role in "destroying the community", is a point of view expressed by someone with intimate knowledge of that community. This point of view has been repeatedly

- 6 -

The Honourable Minister of
Home Affairs & Communications

12 April 1988

supported by witnesses in a well known court case being heard by the Cape Town Supreme Court wherein the residents of Crossroads are seeking damages against representatives of the South African Government arising out of police and military action in the area. In the case of S v Toms (unreported) heard at the Wynberg Regional Court during February/March 1988, Dr Toms reiterated his opinion in this regard and at no stage was his credibility or integrity as a witness ever brought into question. It is submitted that the article is calculated to have the effect of showing the dire need for a constructive alternative to national service by highlighting Dr Toms's dilemma in this regard.

Paragraph 3(b)

The article on the MNR is based on a talk delivered by Dr Patrick Harries, a well known historian and expert in the area of Mozambiquan affairs. The thrust of the article is extremely critical of the MNR and the SADF to the extent that the two bodies have worked together. It is submitted that the article is calculated to draw the reader's attention to the commonly held view that the MNR plays a destructive role within Mozambique. Furthermore, it should be noted that the article is clearly presented as being the opinion of Dr Patrick Harries.

With regard to the "Zimbabwe" article, it is submitted that this is a well researched article about de-stabalization in Zimbabwe. South African involvement in this process has often been raised as an area of political concern, both inside and outside Parliament and more specifically in the commercial press.

Paragraph 3.(c)

It is submitted that the allegedly offending quote is made in the context of a call for constructive alternative service. In this context it is clear that the quote is not calculated to engender hatred or hostility towards the SADF, but rather to highlight the conscript's dilemma in a situation where it is a commonly held view that the SADF has very close links with the Nationalist Party, especially through its involvement in the National Security Management System.

Paragraph 3.(d)

It is submitted that the allegedly offending quote is a well known fact. SADF personnel have on occasion admitted links to the MNR. Furthermore, it is a commonly held view that one

- 7 -

The Honourable Minister of
Home Affairs & Communications

12 April 1988

of the reasons for the Nkomati Accord was to prevent continued co-operation between the SADF and the MNR. Furthermore, the article is written in factual and objective terms. It is primarily an informative piece of writing.

Paragraph 3.(e)

It is submitted that this article should be seen in terms of the context in which it is presented, namely, the viewpoint of a particular ECC leader. Borain expresses a large measure of empathy with the individual conscript while expressing his view that many conscripts have problems with the issue of conscription because they feel the SADF is integrally linked to the Nationalist Party Government and its policy of repression.

Yours faithfully
MALLINICK, RESS, RICHMAN & CLOSENBERG INC.,

Per: *pp M. Evans*

J.F. HARDCASTLE

Original letter received on this
12TH day of APRIL 1988 at 15 h.30.

L. Looeff

.....
for: Minister J.C.G. Botha
Department of Home Affairs
& Communications

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END CONSCRIPTION CAMPAIGN (ECC)

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