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Your Ref:

Our Ref: CP/C1/90

1 July 1991

Gleeson Committee  
South African Defence Force  
Private Bag X159  
PRETORIA  
0001

PER TELEFAX (012) 313-9267

ATTENTION: COLONEL SCHOEMAN

Dear Sir

re: **REPRESENTATIONS FROM RELIGIOUS OBJECTORS**

We act for fourteen religious objectors who have instructed us to submit representations to the Gleeson Committee on their behalf. The fourteen objectors are named in annexure "A" and their representations are outlined in annexure "B", both of which are attached.

We are instructed to liaise between the Gleeson Committee and our clients. It would therefore be greatly appreciated if all communications in this regard could be made through our offices.

Should it be necessary, our clients are prepared to make oral representations or subject themselves to further examination.

We look forward to your response.

Yours faithfully  
CHEADLE THOMPSON & HAYSOM

  
JOHN WILLS

ANNEXURE "A"

1.	283/88	Christopher LUND	06.02.89 to 05.02.91	Christian
2.	293/88	Martin TERREBLANCHE	01.03.89 to 31.02.91	Quaker
3.	187/89	David DUNN	06.12.89 to 06.12.92	Catholic
4.	279/89	Shane PETZER	02.04.90 to 23.03.93	Quaker
5.	269/89	Geoffrey TAYLOR	01.02.90 to 31.01.93	Anglican
6.	23/90	(Fr) David BAILEY	01.06.90 to 31.05.93	Anglican
7.	116/90	Andre CRAUCAMP	01.08.90 to 31.01.92	[no religion]
8.	160/90	Gary THOMAS	03.01.91 to 30.03.92	Buddhist
9.	184/90	Joao Luis MITRAS	17.01.91 to 16.01.94	Catholic
10.	---/90	JCB ELIASTAM	01.02.91 to 31.01.94	Rhodes Christian Memorial
11.	---/90	Franco SCHIENA	26.02.91 to 04.12.91	Catholic
12.	74/89	Francois MALAN	01.04.89 to 28.02.92	Lutheran
13.		Andre LE ROUX	03.01.90 to 02.01.92	Methodist
14.		Dr MS BELCHER		Jewish



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**REPRESENTATIONS TO THE GLEESON COMMITTEE :  
FROM RELIGIOUS OBJECTORS NAMED IN ANNEXURE "A"**

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1 INTRODUCTION

The following representations are intended as a creative critique on the existing system in terms of which religious objectors perform their community service.

2 At the outset we wish to point out the following:

2.1 We as religious objectors are not opposed serving our community in a non-military capacity.

2.2 We are opposed to the racially biased nature of the conscription system. Presently, especially in view of the recent repeal of the Population Registration Act, the issue of non-racial conscription must be addressed. If community service becomes a real alternative to military service it is likely that non-racial conscription will be accepted far more readily by the broader community.

2.3 As religious objectors currently performing community service we continue to advocate an alternative form of National Service outside the military for as long as

conscription remains in place. Community service as an alternative to military service should not be punitive. It should rather be seen as an appropriate form of National Service where community servers contribute their talents, skills and experience in order to serve their community to the best of their abilities. In this way the optimum use of the individual potential of each community server will be of ultimate benefit to the community.

2.4 Insofar as community service should be seen as a valid alternative to military service, it should also:

2.4.1 be the same length of time as military service;

2.4.2 not be continuous when it is an alternative to camps, which are not, by definition, continuous;

2.4.3 place individual objectors where their skills are most needed, and not necessarily only in government departments.

3 We have identified three main areas of concern to us as religious objectors currently performing community service. They are:



- 3.1 duration of community service;
- 3.2 nature of placements;
- 3.3 conditions of service.

4 Duration of community service

- 4.1 According to section 72E(2)(a)(i) of the Defence Act community service must be one and a half times the length of outstanding military service. This is punitive. Persons who have performed no previous service are required to render 1087 days (3 years) of community service as opposed to the two year period for military service.
- 4.2 The duration of community service is problematic because variable standards are applied. While individuals appearing before the Board for Religious Objection are 'sentenced' to one and a half times the period of outstanding military service. Jehovah's Witnesses, as a group, follow a special procedure whereby they receive a maximum of 800 days community service.
- 4.3 Furthermore, individuals who have already completed their initial military service and then become religious objectors have to serve a total period that is longer than that which they would have had to serve

had they completed no military service at all. A person who has completed two years of initial military service and who then become a religious objector would be 'sentenced' to a further one and a half years of community service. He then will have served a total of 1277 days. This is indefensible. The absurdity of this situation is highlighted by the fact that such a person would have completed as much military service as that required, in total, of a person about to commence national service.

4.4 There also exists an obvious incongruence between the treatment received by religious objectors and that received by conscientious objectors.

4.4.1 The recent precedent set in the case of State v Torr, in which the appellant was sentenced to 800 hours (i.e. 100 working days) of part-time community service, makes the present system for religious objectors unfair and punitive.

4.4.2 The anomaly exists that people who apply to the Board for Religious Objection will be treated more severely than those who refuse to serve in the SADF on moral, ethical or



political grounds and as a result are sentenced by the courts who have a discretion in respect of sentence.

- 4.4.3 This suggests that religious objectors who follow the legitimate channels (ie, apply to the Board) will be treated with less leniency, and might for that reason deem it expedient to use the courts rather than the Board.

## 5 Nature of Placements

- 5.1 Religious objectors are required to perform their community service in State departments. No power exists in the Defence Act for placement in a non-government agency even where such a placement would be more beneficial to the community.
- 5.2 In many instances religious objectors have been placed in positions where their professional experience and qualifications are put to effective use. In most cases, however, the Department of Manpower has failed to place religious objectors in useful positions. Two examples are cited for this submission although many more exist.

- 5.2.1 Martin TerrBlanche, has a masters degree in Research Psychology was placed at TARA Hospital where he works as a pay clerk.
- 5.2.2 Joao Luis Mitras, who is competing the final credits for two honours degrees and who has three years of experience in psychiatric rehabilitation, was placed in the position of filing clerk at the Department of Health & Welfare.
- 5.3 In this context it is ironic to note that other religious objectors have been transferred from department to department at random, without any consultation with the person concerned.
- 5.4 No proper channels exist to address very real grievances experienced by religious objectors and to properly assess where they can best be utilised in the service of the community. Religious objectors are placed in positions in which they serve the government and not necessarily the community. The placing of religious objectors exclusively in government unduly and unjustifiably departments reduces the opportunities for religious objectors to serve the community effectively.



- 5.4.1 Many religious objectors who worked in community service organisations prior to applying to be classified, are placed in what are often demeaning jobs in government departments.
- 5.4.2 The people who apply to the Board for Religious Objection are often people who are committed to serving their community in creative and responsible ways. The fact that the law sees it as necessary to remove them from a valuable community service and place them inappropriately is a misuse of resources.
- 5.4.3 The question also arises as to why those religious objectors who, prior to their application to the Board, had performed useful community service, should not have this period recognised as part of their overall community service.
- 5.5 The placement of Rev D Torr as a counsellor at an AIDS Clinic suggests that religious objectors, like conscientious objectors, can make effective use of their talents in the community. Although we recognise that Rev Torr's placement is technically regarded as

punishment and is for that reason supervised by NICRO, his useful work in a non-government agency suggests that this possibility should also be available to religious objectors.

5.6 The possibility of using a neutral placement agency (of which NICRO is one of many examples) should help to alleviate many of these grievances, as well as helping to ensure the optimum use of an individual religious objector's talent. The use of a neutral placement agency will, in addition, ease the work load of the Department of Manpower.

## 6 Conditions of Service

6.1 Many religious objectors have to wait for months before receiving any allowance. Two examples follow.

6.1.1 Gary Thomas received only half of his salary during his first three months of community service. Then the Department of Manpower deposited his cheque in the wrong bank account. His pay is still a month behind, and the cheques continue to be paid into the wrong bank account.



- 6.1.2 Joao Louis Mitras received no pay for four months, and it was only after the intervention of the Minister of Manpower that his pay situation was rectified.
- 6.2 The accommodation allowance has not taken inflation into account. In 1984 religious objectors received an accommodation allowance of R250.00. Six years later, in 1991, this has only been increased by R50.00.
- 6.3 Unlike persons who serve in the SADF and who can achieve promotion within the military structure, religious objectors are denied the possibility of promotion. The punitive nature of their status is reinforced by the fact that they are often assigned menial tasks.
- 6.4 The allowance received by religious objectors fails to adequately take into consideration either their professional qualifications or their responsibilities as the bread-winner in a family for example, Dr MS Blecher received a monthly salary of approximately R5 000.00 prior to his application to the Board. As a religious objector, however, he had to support a wife and child on a monthly package of R800.00. No account was taken of the fact that he was not only a

medical doctor, but also had two other post-graduate qualifications.

7 Conclusion

7.1 It is anomalous that religious objectors are receive far harsher treatment than those who refuse to serve in the SADF. This needs to be addressed with urgency. Failure to do so could result in religious objectors opting to refuse to serve in the hope of receiving a relatively lenient sentence rather than making use of the Board.

7.2 In the medium term we tender our assistance in developing a more equitable and productive system of community service along the lines of the suggestions made above. This could include the setting up of a central personnel/placement agency directed toward solving the problems that we have outlined.

7.3 We are confident that if our representations are taken seriously and acted upon the result would be a situation where there would be motivated and committed people serving their community far more effectively.

7.4 Finally, we stress that we are prepared to appear before the Gleeson Committee at our own expense in



order to answer any queries that the committee may have in regard to our representations.

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