



INTERNATIONAL DEFENCE AND AID FUND FOR SOUTHERN AFRICA

Canon Collins House, 64 Essex Road, London N1 8LR

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AIMS AND OBJECTS

The International Defence and Aid Fund for Southern Africa is a humanitarian organisation which has worked consistently for peaceful and constructive solutions to the problems created by racial oppression in Southern Africa.

It sprang from Christian and humanist opposition to the evils and injustices of apartheid in South Africa. It is dedicated to the achievement of free, democratic, non-racial societies in South Africa and Namibia.

The objects of the Fund are:

- (i) to aid, defend and rehabilitate the victims of unjust legislation and oppressive and arbitrary procedures;
- (ii) to support their families and dependants; and
- (iii) to keep the conscience of the world alive to the issues at stake.

In accordance with these three objects, the Fund distributes its humanitarian aid to the victims of injustice without any discrimination on grounds of race, colour, religious or political affiliation. The only criterion is that of genuine need.

WORK UNDER THE THREE OBJECTS

1. Legal Defence

The Fund has provided legal defence for well-publicised trials, such as the Treason Trial and the Rivonia Trial in South Africa. It has also financed hundreds of trials and appeals which have never made headlines. Many of those defended have been acquitted, given lesser sentences, or had sentences quashed or reduced on appeal.

Throughout the liberation struggle in Zimbabwe the Fund financed the majority of political trials and appeals.

The Fund has exposed the facade of white 'justice' in Southern Africa. It has drawn world attention to police

brutality, and to the psychological and physical torture of those held for interrogation and in solitary confinement. It has financed numerous cases for assault against the police and the state.

2. Welfare

Prisoners: Money is given to enable relatives to visit prisoners and, in numerous cases, political prisoners would never see their families were it not for this assistance. Assistance is also given for education courses and for the purchase of recreational facilities.

Detainees: During the period of white rule in Zimbabwe many men and women were detained without trial for long periods. Over 2,000 educational courses, ranging from primary studies to graduate and post-graduate courses, were arranged and financed for the detainees. Mr. Robert Mugabe, the Prime Minister, and ten members of his Cabinet, as well as Mr. Joshua Nkomo, are amongst those who furthered their education through this project.

Many men and women are still detained without trial in South Africa and Namibia.

Families and Dependants: These receive help with rent, clothing, children's schooling, books and uniforms and medical care. Without the help of the Fund, many families would be destitute. Families and dependants of detainees were and are cared for in the same way as those of convicted prisoners.

Bannings and House Arrests: Opponents of the Government in South Africa have their lives made intolerable



by repeated banning orders and house arrests. Whenever possible these people are helped, and many have been enabled to leave the country and make new lives elsewhere.

Rehabilitation: Men and women released after long prison sentences, or periods of detention, usually require and are given considerable help so that they are able to start working and contributing to their families' upkeep.

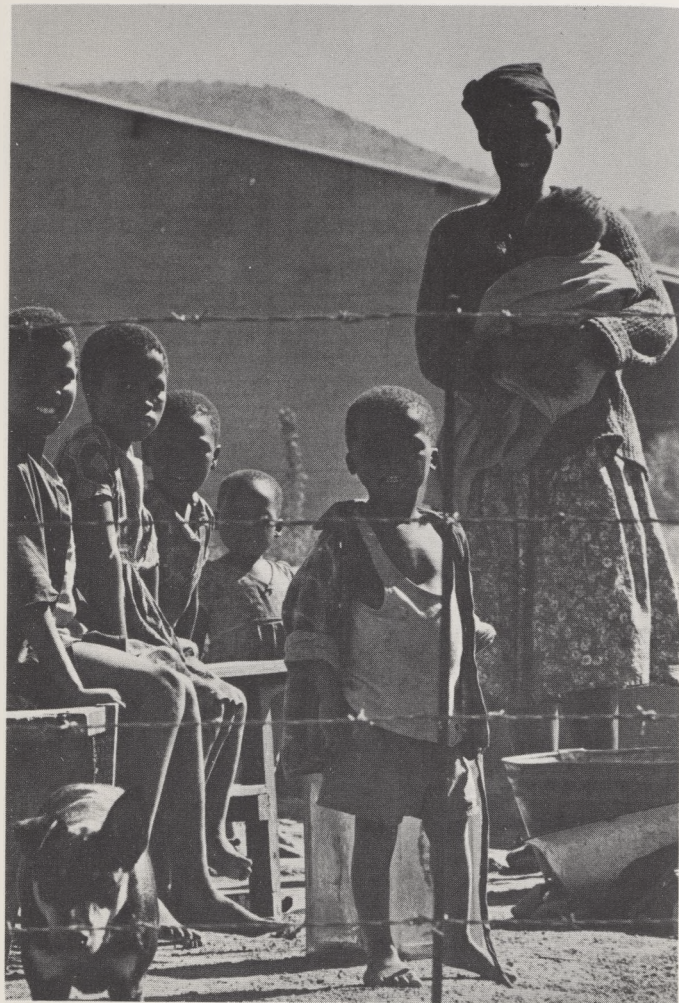
Refugees: Since the Sharpeville massacre of 1960 and especially after the uprisings in Soweto in 1976 large numbers of refugees fled from South Africa. During the same period thousands of people were forced into exile from Namibia. Many of the refugees are students and schoolchildren.

In conjunction with other refugee agencies, the Fund has assisted these refugees to reunite with their families and to start a new life.

3. Keeping the conscience of the world alive

For many years the Fund has run a comprehensive information service on oppression and resistance in Southern Africa. This includes a regular news bulletin FOCUS, as well as books, pamphlets and other publications on all aspects of the operation of apartheid. It also produces films, photographic exhibitions, posters and records on the same theme.

In 1984 the IDAF Bookcentre was opened which serves as a specialised outlet for information and materials on



the liberation struggle in Southern Africa, including literature and publicity materials from the liberation movements themselves.

The publications and productions of IDAF are strictly factual, and extreme care is taken to ensure their accuracy; they have earned an international reputation for their relevance and high quality; many have been produced in co-operation with the Centre Against Apartheid and other bodies of the United Nations and have been translated into several languages. The Fund's publications and reports are extensively used by the United Nations and by interested governments and organisations.

SOME HISTORICAL MILESTONES

1950 Fund to combat racism in South Africa set up in London by Canon John Collins, Chairman of Christian Action.

1952 Defiance Campaign: Organised by the ANC in South Africa. Christian Action raised money to support families and dependants of those who went to prison for non-violent resistance to unjust laws.

1956 Treason Trial: 156 men and women in South Africa were arrested on charges of high treason. Canon Collins, through Christian Action, inaugurated the Treason Trial Fund. This guaranteed legal defence for all the accused, support for their families and dependants, and their eventual rehabilitation. The trial lasted four and a half years and cost some £200,000. All the accused were acquitted.

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29 April 1980

Dear Canon Collins,

The work of the International Defence and Aid Fund for Southern Africa "to keep the conscience of the world alive to the issues at stake in Southern Africa" has been a great contribution for the cause of freedom and human dignity, no less than the magnificent work it has performed in providing legal defence to persons persecuted in Southern Africa for their opposition to racism and assistance to their families.


I have been most impressed by the quality of the numerous publications, posters, slide sets, exhibits and films produced by IDAF. I find them an indispensable source of information, especially as they are noted for their accuracy and objectivity.

As we enter a new and crucial stage in the struggle for African freedom after the liberation of Zimbabwe, there is an urgent need to expand efforts to inform the public about the inhumanity of apartheid and the legitimate aspiration of the oppressed people for a truly non-racial society based on human dignity and equality.

I hope, therefore, that the International Defence and Aid Fund will be able to meet this imperative need and that it will receive all necessary support from its donors.

With best wishes,

Yours sincerely


B. Akporode Clark
Chairman

Special Committee against Apartheid

Reverend Canon L. John Collins, President
International Defence and Aid Fund for Southern Africa
2 Amen Court
London 2 EC 4M 7BX

1958 Defence and Aid Fund for Southern Africa: Canon Collins set up this fund to incorporate the Christian Action funds to cover all political trials, to assist those involved and to extend its work to Zimbabwe and Namibia.

1960 Sharpeville: Sixty-nine unarmed Africans were shot dead by South African police at Sharpeville; considerably more were wounded. The Fund cared for the families of those killed and wounded, assisted a large number of refugees and financed a legal inquiry into the massacre.

1961 Chief Albert Lutuli, President of the African National Congress, received the Nobel Peace Prize in Oslo.

1963-64 Rivonia Trial: Nelson Mandela, Walter Sisulu and other leaders given life sentences and sent to prison on Robben Island. The Fund provided lawyers for the accused who were all under threat of death sentences.

1964 International Defence and Aid Fund for Southern Africa (IDAF): Set up by Canon Collins to incorporate the committees being created in various countries, in support of Defence and Aid. The Fund receives money from the United Nations Trust Fund and from member states. As a non-governmental organisation (NGO) the Fund enjoys consultative status with the Economic and Social Council of the United Nations and UNESCO.

1966 South African Defence and Aid Committees banned: These were autonomous committees inside South Africa, used by the Fund to channel money to those in need.

1968 In a speech to the UN Special Committee against Apartheid Canon Collins said: "We are still fully operative; despite all that the South African Government and its supporters inside and outside South Africa have done to inhibit us". This remains the position today.

1972 Pearce Commission in Rhodesia: Team of lawyers sent by IDAF to assist Africans in preparation of their evidence.

1974 Commendation by United Nations Special Committee against Apartheid: "The International Defence and Aid Fund for Southern Africa, with affiliates in many countries, has been the most important source of humanitarian assistance to those persecuted for their opposition to Apartheid. The Special Committee has specially commended the work of this Fund and on 3rd July, 1974 addressed an appeal to all States to contribute generously to it."

1976 The uprising and massacres in Soweto: The Fund assisted many affected by these events, and gave special help to refugees.

1979 South African regime prohibits the "importation of publications or objects" issued by IDAF. In addition, they continue to ban each publication as it appears.

1980 Independence of Zimbabwe: As a result of Zimbabwe's independence, IDAF in future concentrates on South Africa and Namibia.

1982 Death of Canon Collins.

1984 Official opening of Canon Collins House, new premises of IDAF.

1980-1985 Heightened resistance and repression in both South Africa and Namibia placed increasing demands on the work of the Fund. In 1984 Bishop Desmond Tutu was awarded the Nobel Peace Prize, the second South African to become its recipient. Destabilisation of neighbouring states became one of the South African government's prime objectives. Refugees and exiles from apartheid living in neighbouring states became a target for the South African military forces, resulting in assassinations and massacres.

POLITICS AND THE ARMED STRUGGLE

Although strictly humanitarian, the Fund has never pretended that its work does not have important political implications and consequences. Under apartheid and racial legislation, humanitarian assistance directed towards the victims of discrimination becomes political action.

IDAF has never supported any one particular position or party to the exclusion of others. It helps those of all political persuasions in the struggle for liberation.

Because IDAF is humanitarian, it does not supply money for arms. In the earlier years of the struggle for liberation, those opposed to apartheid were dedicated, as was Chief Lutuli, to a policy of non-violent resistance to the violent repression of the state. When, in 1960, the two leading liberation movements were banned and declared unlawful, they adopted the policy of armed struggle.



IDAF does not pass judgment upon or interfere in any way with the decisions of the liberation movements. In all circumstances the Fund's work remains humanitarian. Whatever people may be driven to do in the face of violent tyranny, they are entitled to as fair a trial as

the laws of the country allow, and their families should not be left destitute. It is increasingly important that the world be kept fully informed of the nature of the racist tyranny in Southern Africa. IDAF's policy is fully supported by the liberation movements.

THE FUTURE

IDAF has repeatedly warned the world of the threat to peace posed by the divisive and cruel racial policies of white minority rule in Southern Africa.

After much bloodshed Zimbabwe was liberated. Throughout the struggle, IDAF played a constructive role: it kept hope alive for many in prisons and detention camps as well as for their families and dependants outside.

But apartheid in South Africa remains a continuing danger. There can be no real peace in Southern Africa until the people of Namibia and South Africa are also free.

Whatever the future may hold, the humanitarian work of IDAF will remain crucial. It will continue to work for the only kind of peace that can have any permanence in Southern Africa, a peace based upon freedom and justice for all who live there. IDAF needs and deserves the support of all who share its hopes for Southern Africa.



THE DEFENCE AND AID FUND

A Report

Christian Action



Three shillings and sixpence



The Defence and Aid Fund

REPORT OF THE

DEFENCE AND AID FUND

A FUND TO SAUARDARD FREEDOM

OF

AND HUMAN DIGNITY

BY CHRISTIAN ACTION

December 1956—June 1963

To aid, defend and rehabilitate the victims of
armed legislative, repressive and arbitrary
oppression.

To support their families and dependants.

To assist in the development of a non-racial
society based on a democratic way of life.

To raise the conscience of the world about
the issues at stake.

Cover design by courtesy of the artist, Ceri Richards.



The Defence and Aid Fund

A FUND TO SAFEGUARD FREEDOM
AND HUMAN DIGNITY
IN SOUTHERN AFRICA

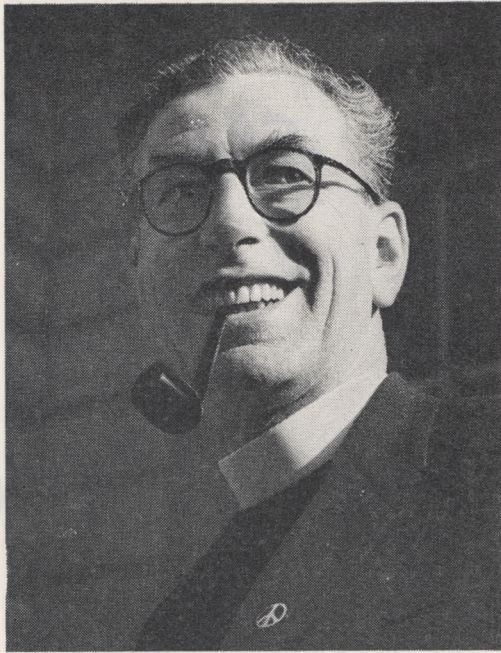
To AID, defend and rehabilitate the victims of unjust legislation, oppressive and arbitrary procedures.

To SUPPORT their families and dependants.

To ASSIST in the development of a non-racial society based on a democratic way of life.

To KEEP the conscience of the world alive to the issues at stake.

Administered by Christian Action, 2 Amen Court, London, E.C.4



Canon L. John Collins

Founder and President of Christian Action, under whose auspices the Defence and Aid Fund is administered.

SOUTH AFRICA : Freedom or Slavery?

Canon L. John Collins received the following message from the Archbishop of Canterbury for the Christian Action meeting held at Friends House, Euston Road, June 10th 1963.

“ It is alarming that the Government of South Africa has, in its legislation and proposed legislation, gone so far towards removing one of the main foundations of civilisation, namely the liberty of the individual. If this trend continues, based as it is on the fear of one part of the population towards another, it is hard to see how the outcome can be other than violent disaster.

“ Christian people in this country must pray that the present rulers take heed before it is too late, and must also pray that patience will prevail amongst the non-European population. We can also aid with our contributions to those who suffer from the hardships of the legislation”.

Michael Cantuar

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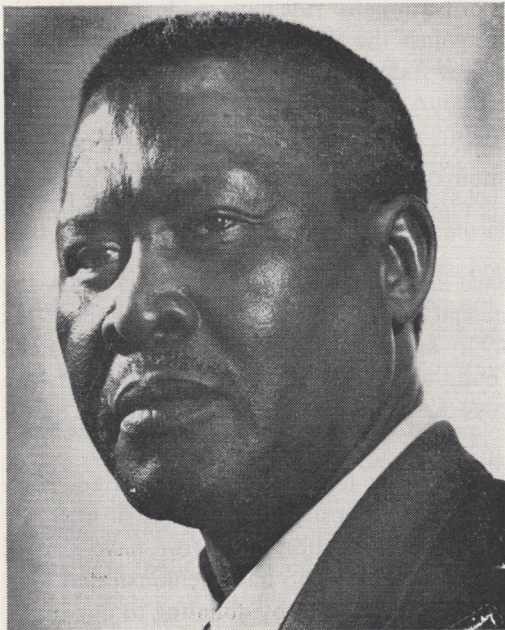
*Member of the Sponsors' Advisory Committee.

†Member of Council of Christian Action who are Trustees & Administrators of the Fund.

PREVIOUS SPONSORS

Among those remembered with gratitude as Sponsors of the Defence and Aid Fund before they died are :

Charles Adeane	Gilbert Harding	Sir Albert E. Richardson
Aneurin Bevan	Aldous Huxley	Dr. W. E. Sangster
Alan Birch	Earl of Lucan	Lord Simon of Wythenshawe
Hugh Gaitskell	Rose Macaulay	Sir Stanley Spencer



ALBERT LUTULI, Nobel Peace Prize winner writes

Dear Friends,

I would like to express my heartfelt appreciation and gratitude to all in Britain who, through Christian Action, have so generously supported us in the struggle for Human Rights and Responsibilities.

Yours most gratefully,

Albert John Lutuli.

INTRODUCTION

This is not an ordinary report, nor could it be. It does not seek to justify the existence of an ordinary organisation, but to describe the activities of an extraordinary one. Its aim is not only to show how the Defence and Aid Fund came into being, but also to demonstrate what it has done over a period of more than six years to help the victims of racial oppression and injustice. It will deal not only with the ways in which the fund works, but also with the men and women, of all races, whom it has provided with aid, because their liberty—or their lives—were threatened during the period of its existence. It sets out not merely to catalogue the facts and figures which are an essential part of the story of the Defence and Aid Fund, but to present the human tragedy from which they arose.

We shall, of course, include an Audited Balance Sheet in the report, and, from time to time, we shall refer to financial matters. We do this because we believe that it is important that the facts should be known about the £250,000 that has been collected for Defence and Aid, and the ways in which it has been raised and spent. But we do not for one moment, believe that these alone contain the full story of our work. We are not a trading organisation, and the measure of our success cannot be calculated in pounds, shillings and pence. Our Profit and Loss Account must record courage, nobility and dignity on the one hand, and inhumanity, ignominy and suffering on the other. To give you a better idea of what we have done, we shall therefore quote from the thousands of letters that have been received by Christian Action from people whom we have helped.

The role which our Fund has played in South Africa has been limited, but not insignificant. It has had to act in situations created by the Nationalist Government, which first came to power fifteen years ago and has, ever since, been implementing its apartheid policy. Spokesmen for the Nationalist Government have attempted to present apartheid as a policy of equal but separate development for whites and non-whites in the interests of both sections of the South African community. But fifteen years of Nationalist rule have made it abundantly clear that it is a policy designed to discriminate against the thirteen million non-whites in every walk of life, and to maintain them in a constant state of inferiority to the three million whites.

Apartheid has been condemned almost universally. Newspapers, political parties, trade unions, churches have all denounced its inhumanity. The United Nations is planning action to end racial oppression in Africa, and is considering taking stringent measures to bring about the end of apartheid.

It is against this background that the Defence and Aid Fund has worked. From the beginning, it has concentrated on rendering practical help to those who have suffered the results of apartheid. But it has not aimed simply at mitigating the worst effects of this evil system. Through its activities, it has helped to build a bridge of lasting friendship between the peoples of Africa and the rest of the world across the chasm of hatred created by the policy of apartheid.

The architects of apartheid have built their edifice on fear, bigotry and hatred. The bridge that we are trying to create rests on courage and generosity: the courage of men and women of all races in Southern Africa who, in the face of persecution and terror, have worked for human rights; the generosity of men and women in Britain who have demonstrated their sympathy for the victims of racial oppression in a practical manner, by donating to our Fund.

The brave in South Africa and the warm-hearted abroad are moved by the same love of humanity. And it is this that forms a bond between them. The sacrifices that have been forced upon people in South Africa are more severe and more drastic in their effect than those which have been undertaken voluntarily by men and women abroad, but they have all been made because of the belief in freedom which both groups share. Thus, a valuable and lasting link has been established between those who, like Albert Lutuli, are confined to a village, and the people typified by the old age pensioner from Sheffield who sent his last five shillings and his good wishes to the Fund. The £1,000 contributed by the miners of South Wales did not prevent the South African courts from sentencing Nelson Mandela to a five year term of imprisonment, but it played a part in the defence which enabled him to speak out so bravely before it was passed, and it has helped to save some of his friends and colleagues from a similar fate. And Helen Joseph, placed under "House Arrest" for five years, will find her life in her prison-home more tolerable as a result of the friends she has made among the generous women of Britain who have been among the many contributors to the Defence and Aid Fund.

The friendship and co-operation that the Fund has brought into being in Britain has its counterpart in South Africa. Men and women of European origin have helped in its work there and have helped to show that the cause they believe in does not involve a struggle between black and white, but between justice and injustice. Whether they have been from the churches, trade unions, the non-racial Liberal and Progressive Parties, they have made it clear that there is no colour bar among those who are trying to preserve freedom in South Africa.

We hope that the day will come when all Africa will be free, and the whole world will be rid of racial intolerance. But as long as South Africa continues to base its policies on the removal of freedom and the practise of racial discrimination, we shall continue to appeal to people in Britain and elsewhere to contribute generously to our Fund.

THE START OF THE DEFENCE AND AID FUND

The interest taken by Christian Action in South Africa dates from 1952—a year in which the White population celebrated three hundred years of settlement, and in which the Africans mounted their "Defiance of Unjust Laws" campaign. By then, Christian Action had already come to recognise the problems which faced Africans, and to understand their determination to do whatever they could to release themselves from the misery caused by apartheid.

The first act in what was later to become a process of deep involvement with the victims of the South African Government was not an attempt to raise funds for defence or relief. It was the convening of a meeting to provide information on the conditions in South Africa. The meeting was addressed by the Reverend Michael Scott, who had taken part in a non-violent campaign against the appalling housing conditions for Africans. He had come to London for a brief visit while on his way to represent the Herero people of South West Africa at the United Nations General Assembly.

The success of the meeting, and the proof that it provided of the goodwill that existed in London toward the opponents of apartheid, led Christian Action to call another a year later. It was here that Canon Collins, the Chairman of Christian Action, appealed for funds to help the thousands of people convicted for participating in the Defiance Campaign the year

before. The thousands of pounds which were donated helped to provide for the families of those who had been sent to jail for passive resistance against apartheid laws.

In 1954, Canon Collins was able to establish personal contact with South Africa. He was invited by a Durban businessman to go there after he had preached a sermon in St. Paul's Cathedral asking for British support for the passive resisters. The friends he made, and the impressions gained of the situation as it actually was, were to stand him in good stead as conditions deteriorated and more appeals for assistance became necessary.

As a result, Christian Action was able not only to keep itself and the British public supplied with accurate information on what was happening in South Africa, but to respond speedily and effectively when help was required. And it was for this reason that it acted promptly and decisively when, in 1956, it faced the biggest challenge ever presented by the South African Government to those who were opposed to apartheid—the mass treason trial.

THE TREASON TRIAL

Within twenty-four hours of the mass arrests of one hundred and fifty-six people on charges of treason, Christian Action had taken steps to provide help for those in prison. On behalf of Christian Action, Canon Collins cabled Bishop Ambrose Reeves in Johannesburg £100 as a token of its intention to furnish money for the defence of those arrested. A statement was drafted for the press, and the following appeal was published in the *Times*:

“ Sir,—We, as sponsors, welcome the encouraging response already accorded to the fund established by Christian Action, in connection with the recent arrest and trial in South Africa of 156 of the leading opponents of apartheid on charges of subversive activities against the State. But more money is urgently needed. The purposes of the fund are (a) to provide for legal defence of the accused; (b) to aid their families and dependants; and (c) to help ensure that the conscience of the world is alive to the issues at stake.

“ Many persons here in Britain and elsewhere who are sensitive in face of tyranny and human suffering see in the South African Government's policy of apartheid a disregard to Christian and liberal principles in human relationships. We invite all such to give practical expression to their convictions by subscribing as generously to this special Christian Action Fund. Christian Action is in the closest touch with the committee now raising a similar fund in South Africa, the trustees of which are the Bishop of Johannesburg, Mr. Alan Paton (author of '*Cry, the Beloved Country*'), the Hon. Frederick Lucas, a former judge, and Dr. Ellen Hellman of the Institute of Race Relations.

“ As Britain's contribution to the total sum required, we set our preliminary target at £10,000; up-to-date we have received nearly £3,000. Donations should be sent to the Secretary, 2 Amen Court, London, E.C.4.”
(A list of the sponsors followed).

Soon, funds began to pour in from all over Britain, and then from Ireland, the U.S.A., Canada, Australia, Germany, Holland, Switzerland and the Scandinavian countries. They came from businessmen and miners, professional men and pensioners, financiers and labourers. They came from people of widely differing political outlooks, and from those of many different religions, who saw the immensity of the challenge and shared the desire to meet it.

Christian Action was not only concerned with fund-raising. Contact was established with lawyers' associations, and, on 16th December 1956—ten days after the arrests—

Gerald Gardiner, Q.C. (now Lord Gardiner), a leading British barrister, flew to Johannesburg at the invitation of Christian Action and the Bar Council to watch proceedings. On 4th February, 1957, he reported on his visit to a packed meeting in the Central Hall, London. From the Chair, Canon Collins appealed for funds, and a further £1,500 was donated.

By the end of July, 1957, Christian Action had raised over £20,000—its original figure of £10,000 twice over—and was now trying to reach the next target of £50,000, for it had become quite clear by now that the trial was going to last a very long time and the needs of the accused and the defence that they required would involve a far greater expenditure than had been realised in the anxiety following their arrests.

It is impossible to give any real idea of just what the trial involved without describing in some detail the way in which it began and the way in which it was made to continue for four years. Throughout this period Christian Action was able to assist the accused, and the circumstances in which it did so will be better understood from what follows.

The beginning—4 a.m. 6th December, 1956.

The Treason trial began before dawn on 6th December, 1956. It was then, at 4 a.m., that police knocked on doors in 140 homes throughout South Africa. They entered through the doors of luxury flats, and the openings of hessian shanties; the oak of a parson's manse, and the stable doors of farm labourers; doors in comfortable White suburbs, in grim African locations, in Indian ghettos and Coloured townships—in cities, in villages, on farms.

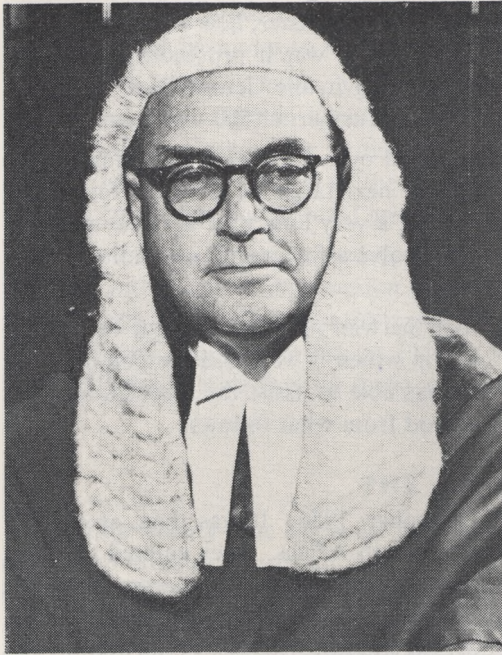
One hundred and forty people were arrested that morning, and sixteen were taken later—in armoured trucks and military airplanes, police vans and cars. Those arrested were a complete cross-section of South Africa: they included Africans, Afrikaners, Englishmen, Coloured, Indians, Jews, Christians, Muslims, Hindus; doctors and labourers, lawyers and journalists, young and old, graduates and illiterates, sick and healthy; a university principal and a tribal chief. All were put in prison and charged with treason.

The trial begins—but never ends.

The last of the accused were freed four-and-a-half years later, after the trial had dragged on through its numerous stages. The first of these, the preparatory examination took more than two years to complete. It ended in August, 1958, with the discharge of sixty of the accused, while the rest were committed for trial.

In January, 1959, thirty of the accused were indicted before a Special Criminal Court and were tried separately from the other sixty or so who still remained charged. The fate of these sixty depended on the outcome of the trial of the first thirty.

During this period Christian Action had been busy on behalf of the accused. In August, 1958, it acted in co-operation with "Justice" (the British section of the International Commission of Jurists) to send Mr. F. N. Lawton, Q.C. (now Mr. Justice Lawton) and Mr. Louis Blom-Cooper of the English Bar, to the opening of the treason trial proper. On his return, Mr. Lawton spoke at the Annual General Meeting of Christian Action, and said that the legal aid provided by the Treason Trial Defence Fund had already achieved considerable success in securing the release of a large number of those originally arrested. Mr. Lawton made it clear that this would not have happened if there had not been professional advice available to call attention to the gap's in the Prosecution's case. He also paid tribute to the work of Mr. I. A. Maisels, Q.C., the leader of the team of Defence Counsel.



I. A. Maisels, Q.C.

*Leader of successful team of Defence Counsel
in Treason Trial.*

On 29th March, 1961, the presiding judge of the Special Criminal Court, Mr. Justice F. L. H. Rumpf delivered the judgment of the court: he found all the accused not guilty, and discharged them. At first the Attorney-General declined to withdraw the charges against the remaining 60 accused, but he did so some months later, when the court gave reasons for its judgment.

The Ordeal of the accused

The bare facts which we have outlined tell only a minute portion of the story. Each month that passed during the trial meant increased hardship for the accused and their families. Only during the periods of adjournment had it been possible for those whose jobs had not been affected to work and earn money. A few had managed to carry on their professions on a part-time basis, but even they had had to put up with the months spent in court and the time taken travelling back and forth to the trial. Many of the Africans had become unemployed—actually as well as technically. As a result they were faced with serious housing problems, since only those who were working were entitled to houses.

During the 4½ years of the trial children had been born, marriages had taken place, relatives had died, businesses had gone bankrupt. While the trial went on and on, the accused and their families suffered. We do not have the space to detail all the hardship that was undergone as a result of the treason trial. All that we can do is to quote one or two cases which show just what was endured.

“An African who was a canvasser in Port Elizabeth had an invalid wife, and three children. In 1956, he was arrested for addressing a prayer meeting without first having obtained written permission. He was sentenced to eight months in prison. While he was still serving this sentence, he was arrested for treason.

“When the preparatory examination was adjourned in 1957, this man went to Grahamstown to stay at his mother’s home. He found a temporary job, and went to the Labour Bureau to register. He was told that, because he had lived in another town, he was in the area illegally and that he would be arrested if he did not leave. He returned to Port Elizabeth. When he got there, he found that the part in which he had lived had been proclaimed ‘for Coloureds Only’, and that his house had been sold.

Another of the accused owned a small general dealer’s store. Because the trial dragged on without any indication of when it would end, he had no alternative but to close down his business. His aged mother whom he had supported, and his three children, were left destitute.

The effect of the trial on a third accused was every bit as serious. In addition to his wife, he had a daughter, a son, and three grand-children who looked to him for support. His wife had been seriously ill, and he was hard put to find the money for medical and hospital bills. While he was still on trial, his house—bought with money saved over many years—burnt down. He has never had enough to rebuild it, or even to do the necessary repairs.

These are by no means all of the cases which had to be dealt with, and which provided so great a challenge to Christian Action and the Treason Trial Defence Fund. We have only quoted a few, and then only in the barest outline. It is, however, impossible to realise the full extent of the need created by the trial nor the full effect of the long period of trial and waiting, without knowing at least one case in full. We quote from the story of one of the trialists, and make no apology for giving it to you at length:

“I was young and happily married and had a comparatively good job for an African (I was a lorry driver, earning £4. 15. a week). I lived in Sophiatown with my wife and my little daughter, 2 years old. We had paid our first deposit on some very smart furniture, or so we thought. I was then Secretary of the African National Congress Youth League in the Transvaal, and had my wife’s approval for my Congress activities.

“It was the characteristic knock on the door that all Africans know so well that woke me from my hard-earned slumber. I was startled for a moment, and not yet fully awake when I realised that it was the usual Police knock at 3.30 a.m., I supposed it must be another Police raid or demands for my pass and tax receipts. So I wearily opened the door of my little home.

“I was astonished to see three detectives, the one in uniform and armed with a pistol and another with a rifle and fixed bayonet, which seemed impatient to impale me on its point.

“I allowed the procession to enter my house—they being so better equipped to do so than I was to prevent them from entering. They stated the reason for this early morning ‘visit’: HIGH TREASON. I turned to my wife in astonishment, and discovered her eyes brimming over with tears. And at that moment the tears of my wife were the only method of communication between us before such hostile witnesses.

“As I prepared to dress and get ready to leave with my uninvited guests, my wife turned to me and threw her arms around my neck. I felt her courage penetrate my body while I felt the heartbeat and kick of our unborn child. My little daughter clung to her mother’s nightdress. Quietly I swore to myself never to retreat along the road on which I had placed my feet.

“I longed for a second to hold her in my arms. But no—she turned to attend to our little daughter, who was now crying pitifully. I felt as if my whole body was

disintegrating—What was to become of them? Had I been right to place them in such a desperate position?

“ When at last bail was granted, and I was back in the fold of my little family, debts had piled up. And my wife and I looked sadly at each other over the head of the little new-born baby. We did not know where to seek some form of respite, and I was deeply troubled about my responsibilities to them all.

“ My wife was kind enough never to reproach me for her days of hunger and uncertainty.

“ Each day, as I dreadfully took my seat in court, knowing that the other 155 accused were in a similar uncertain situation, I was overjoyed and astonished to learn that a fund had been started for the defence and assistance of the accused. To my astonishment I learnt that many white South Africans and Europeans in Europe were interested in us and were trying to help us, both with our defence and with keeping our families alive. I was very moved and terribly grateful.

“ For three years now the Treason Trial Defence Fund has kept me and my family alive, besides protecting me before the courts and even managing to get me released from this dreadful charge.

“ The Fund has helped me to pay my taxes, my rent, for my fuel and food, and has given me clothing. When I was struck by the terrible blow of the death of my mother on 23rd February, 1958, it was the Fund that I turned for assistance to bury her.

“ Yes, indeed the Fund has kept my two children alive, and to it and to all throughout the world who have supported it, I am deeply grateful—for it is the first time in my life that I have had to accept charity. I have always been proud of working, and earning my own living, and looking after my own. I started working at the age of thirteen, looking after my father, mother and sister because my father was too ill to carry on looking after the family. I have always taken great pride and joy in the fact that I am able to look after my own. When the South African Government withdrew this privilege from me, my little world was almost shattered. It was therefore to the Treason Trial Fund that I owe a great deal of gratitude.

“ Firstly, that it has kept me and my own alive; secondly that it defended me; thirdly, it taught me to recognise that many, many Europeans suffer in sympathy with us and were prepared to use their few pennies to support and keep us alive. This has restored my faith in the humanity of mankind, irrespective of kith and kin ”.

The Attitude of the Accused

Throughout the trial, and despite the intimidation tried by the Government, the accused showed great patience and courage. They were not cowed by the proceedings, nor did they feel the need to recant their belief. This is how one of their Counsel, Vernon Berrange, Q.C., described them, and summed up their case when addressing the court during the preparatory examination:

“ This case is a political plot, comparable in history with the Inquisition and the Reichstag fire trial staged by the Nazis.

“ It is an attempt to silence and outlaw the ideas held by the 156 accused and the thousands whom they represent.

“ The accused will show that they stand for racial unity, and have at all times done all that is in their power to draw the various racial groups together; to make each group understand that its interest cannot be furthered where a spirit of racial antagonism exists; to make each group appreciate the needs of the other and not only its own needs—in short to create race-harmony and mutual assistance and co-operation.

“ The accused—a cross-section of the South African population—held one thing in common, despite different political affiliations, and that was the belief in the brotherhood of man and a desire to work for his betterment.

“ We will endeavour to show that what is on trial here are not just 156 individuals but the ideas which they and thousands of others in our land have openly espoused and expressed ”.

The Verdict and the Fund—

It is possible that the accused would have been found “ not guilty ” whether or not there had been a Defence and Aid Fund to help them. No-one can tell. But this we do know: that the role played by the Fund was instrumental in providing the defence which was required to deal with the efforts of the South African Government to secure a conviction.

The Government went to great lengths to do so. They changed the Criminal Procedure Act no less than three times to allow their case to be presented as they wanted it, despite the protests of lawyers and others who recognised this as a violation of the Rule of Law. They introduced more than ten thousand documents in evidence—ranging from notices saying “ Soup with meat and Soup without meat ” to whole volumes of Marx and Lenin—to support the charge. They employed their best lawyers, including a former Minister of Justice, Mr. Oswald Pirow, Q.C.

To deal with these—the five million words that were spoken, the arguments of the prosecution, the hundreds of typewritten volumes of records, and the laws introduced or amended—a whole team of defence lawyers was required. Instead of the £10,000 originally estimated, £100,000 proved to be necessary for the conduct of the defence and the helping of the accused. Of this, £70,000 was raised in South Africa itself.

There can be doubt that the biggest achievement of the Fund was the part it played in bringing about the final verdict, and the release of the accused. But there were other things that it did, and these too represent the effort that the Fund made to help those on trial for their lives in the treason trial:

1. Over five hundred women and children whose breadwinners had been on trial, were saved from starvation.
2. Bail was found for the accused, many of whom had lost their jobs. If it had not been for the assistance they received from the fund, they would have had to remain in gaol, or face hunger.
3. The finest legal brains in South Africa were provided through the help of the Fund, to put the case of the accused.
4. After the trial was over, the Fund helped many of the accused to rehabilitate themselves and to start life again.

Perhaps more important than any of these is the fact that the Fund made it clear to the accused that they did not stand alone in their beliefs.

When he was describing the defence view of the case, Mr. Berrange had this to say:

“ A battle of ideas has indeed been started in this country; a battle in which, on the one side, the accused will allege, are poised those ideas which seek equal opportunities for, and freedom of thought and expression by, all persons of all races and all creeds; and, on the other side, those which deny to all but a few the riches of life, both material and spiritual, which the accused aver should be common to all ”.

Through its work, the Treason Trial Defence Fund, showed that the accused had the support of thousands of people throughout the world, and that they, too, were prepared to join the battle of ideas against apartheid.

THE DEFENCE AND AID FUND: A PERMANENT NEED

The work done by the Treason Trial Defence Fund showed just how much could be achieved despite the heavy odds against those who opposed the South African Government. But it dealt with only one aspect of the many that called for action in South Africa. It soon became clear that there was a great deal more to do, and, even while the Treason Trial continued, the title of the Fund was changed to the Defence and Aid Fund. Its aims and its terms of reference were expanded to cover a wider range of activity and to enable it to help South Africans in the many situations which confronted them, and in which they needed help.

There are almost too many of these to describe, so vast is the complexity of apartheid laws which creates crimes and offences of which Africans are found guilty in large numbers every day. Over 1,000 Africans are convicted of these every day, mostly on charges of contravening the apartheid legislation controlling Passes, Trespass, Residence, Master and Servant Relations and the like.

Both the ordinary police and the "Special Branch" have been active in carrying out wholesale arrests, and—as the story we quoted indicates—nocturnal police raids on the homes of Africans have become a regular feature of South African life. Sometimes these are carried out under the protection of laws created for the purpose, but often they take place illegally, without warrants and without any evidence to support a charge, let alone a conviction.

It is quite impossible for any one organisation to undertake to provide adequate legal defence for all the African men and women who are arrested for breaking one or other apartheid law. During the period 1950-1960, more than 3,500,000 of these were actually convicted (according to the Minister of Justice in Parliament), and the number charged is not known. But the Fund considers it vital to try and provide a defence wherever it can, and believes that it has a duty to do so in those cases which involve a flagrant violation of individual liberty, or where the penalties under the laws are extremely severe.

And there are by no means only a few of these. Thus, for example, the Criminal Law Amendment Act of 1953 provides that any person who incites another to commit an offence by way of protest against the law (or even advocates it) is liable to five years imprisonment, a fine of £500 and ten lashes; and any one who, directly or indirectly, aids passive resisters may receive five years imprisonment or fifteen lashes. Under the Suppression of Communism Act the definition of "communism" is so wide as to embrace almost any opposition to apartheid: one of the definitions includes advocating policies liable to promote discord among the racial groups. Under this Act persons, organisations and newspapers have been banned from attending meetings, writing anything for publication, or communicating with one another. They have been made to resign jobs in trade unions, and have been forced to give up elective office in municipal councils and even in Parliament. In many cases, the courts have had to give judgment in favour of the Minister because Parliament had given

him power to act arbitrarily or despotically, but in some they have upheld the right of the individual victimised to go free. It is with these that the Defence and Aid Fund has concerned itself—the successful as well as those that have failed—in its work in South Africa.

The provision of the best possible legal defence in cases tried under these statutes is necessary not just because they carry severe penalties. Often the terms used in the laws are so vague or so wide that people might be found guilty if they were not properly defended by competent lawyers. An accused person is often helpless when faced with the complexity of an ordinary legal system; in most cases, he is totally unable to deal with the involved questions that are presented by the terrifying complexity of these South African laws. Unless he has the services of an able barrister or solicitor, he may be convicted of a charge of which he is innocent just because he does not know what to do in court, or because he does the wrong thing.

The defence provided in many of these cases has proved valuable in another way. The action of trained lawyers has made it possible to spot the opportunities for limiting arbitrary powers vested in different Ministers, and has prevented the creation of precedents by which they are allowed to continue to do as they wish, unchecked by the courts.

The fact that lawyers can be made available to people arrested and charged has meant that it is no longer just accepted that the police are able to do just as they wish. For too long, it was simply accepted in South Africa that the result of mass arrests was a mass of convictions. It was taken as a matter of course by many people involved in the administration of justice that Africans, once they appeared in court, must be found guilty. This is a dangerous belief under any circumstances. It is pernicious when it is applied to minor offences like infringements of pass laws, for which the penalty may be a fine or a short term of imprisonment. It is vicious when it is extended to those crimes carrying three or five or ten years in gaol, or which result in lashes and banishment, even the death sentence.

Once the police were made aware that their unlawful acts would be challenged, and that they could lead to actions for damages, they were forced to be more careful, and their illegal activity could be stopped.

The Defence and Aid Fund set about watching the activities of the police, and, through the legal defence that it provided, established a check on police ebullience.

SHARPEVILLE AND LANGA, 1960: STATE OF EMERGENCY

The extended terms of reference which Christian Action gave to the Defence and Aid Fund in 1959 were fully justified by the events of 1960. On 21st March of that year, South African police opened fire on a peaceful, unarmed crowd of Africans who had assembled outside the police station at Sharpeville, a small town in the Southern Transvaal. They were there to protest against the Pass laws.

In less than a minute, sixty-eight of them were killed, and 186 were wounded by police bullets. As a result, 400 young children, and a large number of women and old folk became destitute. The Fund was able to provide for their food and maintenance.

The whole world was shocked by the massacre at Sharpeville, and the appeal for the victims brought a prompt and generous response. We were able to help them, and to see that all the ugly facts of police panic and brutality were brought to light.

The Bishop of Johannesburg, Dr. Ambrose Reeves, got busy immediately, and with the help of lawyers in Johannesburg, began collecting evidence to prove that the shooting was unjustified. When the Government appointed a one-man commission of inquiry, presided over by Mr. Justice Wessels, the victims were represented at its hearings by Counsel for whom our Fund paid. The Commission found that the shooting was not justified and it established that 85% of those shot, were shot in the back. Again we provided funds to enable the injured and the dependants of those who had been killed to institute for compensation. The Government, however, rushed through legislation granting an indemnity to the police for their unlawful action and depriving victims of the right to take recourse through the courts.

But, as a result of the prompt action by the Bishop and with the aid of our Fund some compensation was eventually paid to the dependants—£14,000 to date.

The Fund was also able to provide legal defence for the large numbers of people who had been arrested after Sharpeville and who were charged with public violence and similar crimes. Once again, our efforts were not in vain: most of the accused were found not guilty.

Police violence against Africans was not confined to shooting, and was not limited to Sharpeville. In Langa, an African township near Cape Town, and even in the streets of the city and its suburbs, the police began a reign of terror which lasted for several days. People were assaulted with whips, and a number were shot. In other centres, too, Africans were arrested indiscriminately and were beaten up.

State of Emergency Declared

One week after the shooting at Sharpeville, the South African Government declared a State of Emergency under the Public Safety Act of 1953. All the urban centres were placed under martial law. About 2,000 people including most of the active opponents of apartheid, were arrested without warrant and detained in prisons for an indefinite period. The African National Congress and the Pan-African Congress were declared illegal.

For a time, the police and the armed forces were arresting and detaining people indiscriminately. Raids on townships resulted in the arrest of something like 18,000 people, and those detained often included both parents of young children. For days, the townships were in a state of siege, while Africans stayed away from work and police cordoned them off from contact with the outside world.

Once again, our fund came to the rescue: it gave assistance to those arrested, provided help to those detained, and brought food to those unable to move out.

The upheaval which followed the State of Emergency caused a large number of South Africans to flee their country and to seek refuge in Britain and elsewhere. Here, too, our Fund was able to help the refugees.

In all, more than £60,000 was sent to South Africa for aid and legal defence in cases arising out of the events at Sharpeville and the State of Emergency; and over £10,000 was spent on refugees.

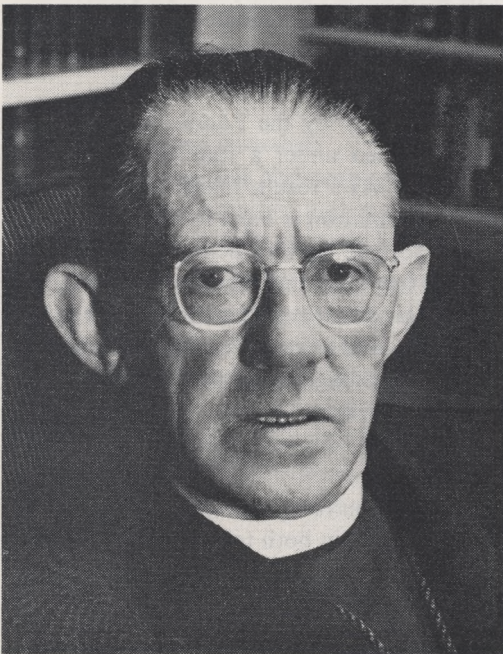
Bishop Reeves Deported

Few people contributed as much as Bishop Ambrose Reeves to the help that was given to the victims of Sharpeville and those affected by the State of Emergency. Certainly, the Defence and Aid Fund owes a debt of lasting gratitude to him. Dr. Reeves, while he was Bishop of Johannesburg, was not only active on behalf of the Fund in countless ways. He was Chairman of what came to be known as the "Bishop's Committee"—a body composed of representatives of some 14 organisations, African as well as white and non-racial, who were able to understand each other's policies the better and combine their efforts more effectively in the service of South Africa through his influence.

In 1960, Bishop Reeves described the event which preceded the State of Emergency and the terror that took place while it existed, in his book *Shooting at Sharpeville* (London, Victor Gollancz). In a foreword to the book, Chief Albert Lutuli said this of the Bishop of Johannesburg:

"South Africa owes much to the Bishop of Johannesburg who, through the years, has courageously and firmly drawn the attention of all who could hear to the injustice of apartheid and to the suffering that its implementation has brought upon my people".

While the State of Emergency was on, Bishop Reeves came to London, because he believed that he might be arrested if he remained in South Africa. Before he left, he saw to it that lawyers were available for those who required defence, and personally supervised the collection of evidence about the Sharpeville shooting. After a short stay, the Bishop returned to Johannesburg in December, 1960, but was immediately deported by the South African Government.



(Photo by Tom Blau)

The Right Reverend Ambrose Reeves

Formerly Bishop of Johannesburg and expelled from South Africa for his criticism of and opposition to apartheid.

Just as Bishop Reeves rendered invaluable service in Johannesburg by ensuring that funds were efficiently used and that information about new needs was communicated to London, so his work here has been of great importance to the Defence and Aid Fund, which he continues to serve with the same untiring energy that he gave to its committee in Johannesburg.

THE DEFENCE AND AID FUND IN OTHER AREAS

The Treason Trial and the Shooting at Sharpeville are probably the two best known examples of repressive action taken by the South African Government. Both met with widespread revulsion throughout the civilised world. It is likely, therefore, that the work done by the Defence and Aid Fund to assist the victims of both the trial and the shooting are better known than its activities in some of the other areas in which injustice has been done and harm caused by legislation and the use of force. We mention a few of these below.

Pondoland

Pondoland is what is known in South Africa as a "Native Reserve". It forms part of the Transkei in the Eastern Cape, and is inhabited exclusively by Africans, though many of them are forced to leave their homes and seek work in towns and cities. Indeed, most of the men between the ages of 18 and 50 are away for long periods, leaving the older men and their wives and children to exist as best they can on the poor land and occasional remittances from Johannesburg, Cape Town, East London or Port Elizabeth.

Some years ago, the Government of South Africa tried to impose the Bantu Authorities Act on the people of Pondoland. From the moment they tried to do so, they met with sustained resistance: the Act gives the Government control over the appointment of Chiefs, and empowers it to remove those who have occupied these positions through tradition, replacing them with its own appointees.

The reaction of the Government to the objections voiced by the Pondo people was a campaign of ruthless repression. The whole area was placed under a state of emergency. The police and the army were sent in to "enforce order". As a result, many Africans were killed and more than 4,000 were arrested or detained. Information is hard to come by about just how many people have disappeared in Pondoland, for the Government has refused to allow journalists or independent observers to visit it and acted against those who have communicated with people outside. Nevertheless, we were able to find out about some of the detainees and those who had suffered as a result of arrests and detention, hut burning and shooting. The Defence and Aid Fund was able to help by sending money for food and other necessities, which were distributed to the destitute of Pondoland.

Zeerust and Sekhukuneland

These are also "reserves"—the one in the Western Transvaal, the other in the centre of that province. As early as 1958 and 1959 there was resistance in both to the further imposition of apartheid measures.

In one disturbance in Sekhukuneland, a petty chief was arrested, two people were shot dead, and many more wounded. As a result there were widespread disturbances and 365 people were arrested. When they appeared in court, half were acquitted, but the trial of the

remainder dragged on for more than a year. The people themselves raised £8,000 for their defence. But the arrests were not discontinued. More repression followed, and the Government even removed Africans from their land. Our Fund was able to provide assistance to those who suffered hunger and poverty, just as it had been able to help with the legal defence of those in the trial.

In Zeerust, trouble was sparked off by the extension of the Pass Laws to African women. A full description of all that the Government did to the people of Zeerust district is to be found in the book by the Reverend Charles Hooper called "Brief Authority". In this case, too, the feelings of the Africans were exacerbated by the replacement of the chief who had sympathised with the women's protest against the Pass Laws. Police intimidation, imprisonment, arrest and banishment all form part of the ugly story of what happened at Zeerust. A large number of Africans, fearing police reprisals, escaped and took refuge across the border in Bechuanaland. Our Fund was able to help by providing a lawyer to defend many people who were charged with serious offences, and assisted the refugees with food and clothing.

South-West Africa

South-West Africa, too, has had apartheid applied to it, and with the same result. Thus, for example, seventeen Africans were arrested in Windhoek early in 1960 and they were charged with public violence. After a protracted preparatory examination, the accused appeared before the Supreme Court of South-West Africa in August, 1961. On September 12th they were not found guilty.

The Secretary of the Management Committee of the Defence and Aid Fund in Windhoek wrote to thank us. His letter indicates just how the Fund was able to help:

"I wish to express our heartfelt thanks to your Fund for the financial assistance you rendered to us. Needless to mention it was due to this assistance that the accused were able to get proper defence, and the fact that all the accused were today found not guilty should be rightly credited to your fraternal contribution".

The Rhodesias and Nyasaland

The change that had been made in Christian Action's terms of reference in 1958 enabled it to extend its activities and its help to those who were in need in Northern and Southern Rhodesia, and to offer its assistance in Nyasaland.

At a time when Dr. Banda (now Prime Minister) was still in gaol in Nyasaland and hundreds were imprisoned in the Rhodesias, important work was undertaken to relieve some of the suffering. In Northern Rhodesia, for instance, we joined *Justice*—the British all-party organisation concerned with the rule of law—in establishing the right of *habeas corpus*. Christian Action under-wrote the costs of a legal action which resulted in the release of a number of Africans who had been restricted to jungle areas for two-and-a-half years. After a legal battle involving a series of appeals, the action of the Government was declared illegal—and it was even ordered to pay the costs involved.

Southern Rhodesia

In Southern Rhodesia, too, we were able to help those who had been imprisoned and restricted under a variety of laws aimed at suppressing opposition by Africans and their organisations. The African population—which numbers some 3,000,000 while the whites

are 230,000—have opposed legislation which discriminates against them residentially, socially and politically. The Government, however, continued to permit discrimination against the Africans, and banned first the African National Congress and then its successors, the National Democratic Party and the Zambesi African Peoples Union.

Acts such as the Preventive Detention Act and the Law and Order (Maintenance) Act were used to banish and arrest Africans in large numbers. Thus, one report which we received (from Dr. Terence Ranger, who was later himself deported) in 1962 stated that 191 people had been restricted and more than 1,000 arrested.

As we became aware of the conditions prevailing in Southern Rhodesia and the plight of those arrested, we became more and more convinced of the need to provide all the help we could. As a result, we appealed for funds in November 1962, pointing out that some restrictees had been separated from their families since 1959 and drawing attention to the distress that had been caused to the people arrested and to their families.

After the appeal had been published, the Federation's High Commissioner in London wrote to those who had signed it, attempting to justify his Government's policies. In the course of doing so, he pointed to some errors which had inadvertently been made in describing the condition of the prisoners, and the opportunities for relief and legal defence available to them. This is the only occasion on which a factual statement by Christian Action has ever been shown to be inaccurate, and we apologised for the errors—albeit minor ones—which had appeared in the statement, although we would not allow them to be used to distract attention from the serious situation which existed in Southern Rhodesia.

Even on the admission of the Federal High Commissioner, some 304 former officials of Z.A.P.U. had been placed under restriction, which meant that they were confined to their homes or a small area nearby. Later, it became known that while approximately 100 people had been arrested on common law charges of "arson" and "public violence", as many as 460 had been arrested under the Unlawful Organisations Act for alleged membership of the banned party, possession of membership cards and similar charges. The full extent of the infringements created by this and subsequent legislation can be judged from the fact that, last year, a journalist was convicted and sentenced to a term of imprisonment simply because he had in his possession material relating to the proscribed Z.A.P.U.

It is in the context of these laws, and the consistent refusal to permit non-violent opposition to remain lawful, that Christian Action has worked in Southern Rhodesia. It has sent more than £5,000 from the Defence and Aid Fund to meet the particular needs of victims of racial discrimination or repressive legislation in Southern Rhodesia, and has provided another £1,000 for aid in individual cases of hardship known to the fund set up in Salisbury to help those affected.

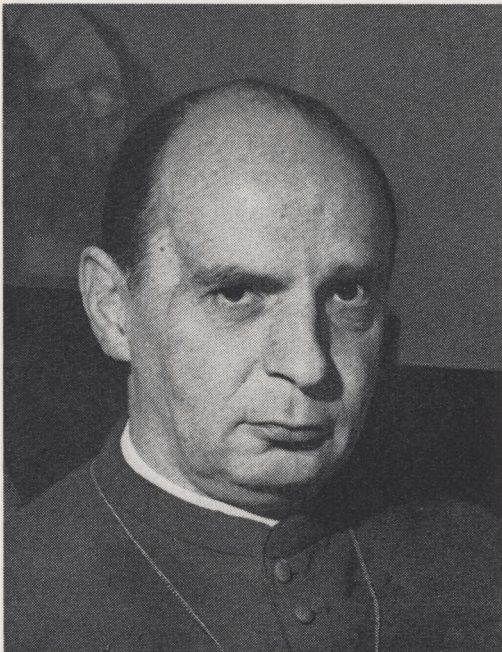
AID TO INDIVIDUALS

Most of the £250,000 collected by the Fund during the period under review has been spent on the Treason Trial, on helping those wounded at Sharpeville or providing aid to those who survived the people killed there. In addition, grants have been made to the families of those detained in the State of Emergency in South Africa, and funds have been used on the other aspects of Christian Action's work which have been described already.

In addition to these, a great number of people have been helped in cases which are not so well known publicly. They include the many who have been charged, singly or in groups, with serious offences under one or more of the apartheid laws. According to the figures kept by the Defence and Aid Committees in South Africa, it would appear that more than 80% of those whom the Fund provided with legal aid have been acquitted. A substantial number of those convicted in lower courts have been set free when their cases have gone on appeal, and in many cases sentences have been reduced by superior courts or a fine has been substituted for terms of imprisonment.

In many cases, the acquittals have resulted from the way in which the charges have come into being. The tendency to prosecute indiscriminately large numbers of non-white people has meant that arrests have been made without any real foundation in law. The police have always found it easier to make wholesale arrests, and the plethora of laws has always meant that *some* charge could be framed by the prosecution. The overzealousness of the police and the inadequacies of the prosecution have often meant that acquittals can be achieved with a minimum of legal skill and effort.

But this has not always been the case. The most important reason for the high degree of success which we have achieved has been the effectiveness and dedication of the lawyers who have agreed to defend those accused. Members of the South African Bar have shown a high regard for the Rule of Law, and a determination to secure justice for persons charged despite the attempts of Parliament to restrict the scope of both. Those who have acted in cases in



The Right Reverend Joost de Blank

Now Canon of Westminster, one time President of South African Defence and Aid Fund.



Alan Paton

Sponsor of South African Defence and Aid Fund, Author of Cry, the Beloved Country, President of Liberal Party of South Africa.

which we have been concerned have been among the most respected and able of their profession. Their forensic skill and ability has been all the more valuable because it has been employed on behalf of those denied privileges, and their vigilance the more important because it has served those who had been deprived of the other means which citizens have of protecting themselves.

We are deeply indebted to the members of the South African Bar and Side Bar for their work on our behalf, not only for the skill and tenacity they have shown, but because their efforts have been made at considerable sacrifice in time, fees and energy.

Space does not permit us to describe in detail all the cases in which the Fund provided legal aid. Those that have been taken on appeal have often been reported in the South African Law Reports. But one of them does merit special attention, because it shows the extent to which the South African Police are prepared to go to seize suspects. It also demonstrates the effective way in which prompt assistance from the Fund can check police disregard of the law.

We must pay tribute to the Committees of the Defence and Aid Fund in South Africa who bear so much of the heat and burden of the daily task there. The South African Committees have amongst their Sponsors Chief Albert Lutuli, the well-known writer Mr. Alan Paton, and the former Parliamentary leader of the Labour Party Mr. Alex Hepple, who also, until recently, rendered great services to the Fund as Chairman of the Johannesburg Committee.

Until recently President and a Sponsor of the South African Committee, Archbishop Joost de Blank told a crowded meeting at the Westminster Central Hall in February 1964: "I am glad to be here today as it is my first opportunity publicly to say 'thank you' for all that Christian Action and the Defence and Aid Fund have done for South Africa over the last year. Of all the organisations that have come into existence for a longer or shorter time to help South Africa over the last years, I may say that Defence and Aid has gone on month after month, year after year—even when South Africa was no longer hitting the newspaper headlines and day after day and, **this is the important point**, we never applied for help in vain . . .

"Defence and Aid has made possible positive Christian action in South Africa. I pray its work may never diminish while the need persists but may go on from strength to strength".

The Kidnapping of Anderson Ganyile

Anderson Ganyile was 25 years old when he was detained during the period of the Emergency in 1960. He was held, like all the other detainees, in prison, and he was kept there from March 30th until August 8th.

Within three months of his release, he was arrested again—at Bizana in Pondoland—and was banished to a farm in the Mafeking district, more than 500 miles away. He managed to escape from the Frenchdale farm in December of 1960, and took refuge just across the border from South Africa in the British Protectorate of Basutoland. He lived there with his friends, in a hut about 700 yards from the South African boundary.

At 10.30 one night, according to the story Ganyile was later able to tell, people were heard at the door of their hut. The voice of one was recognised as that of a policeman, though he claimed to be Ndaba, the owner of the hut. The police forced their way inside, and, after a violent struggle, Ganyile and his companions were overpowered. They were forced by the police—who were in civilian clothes and had scarves covering the lower parts of their faces—

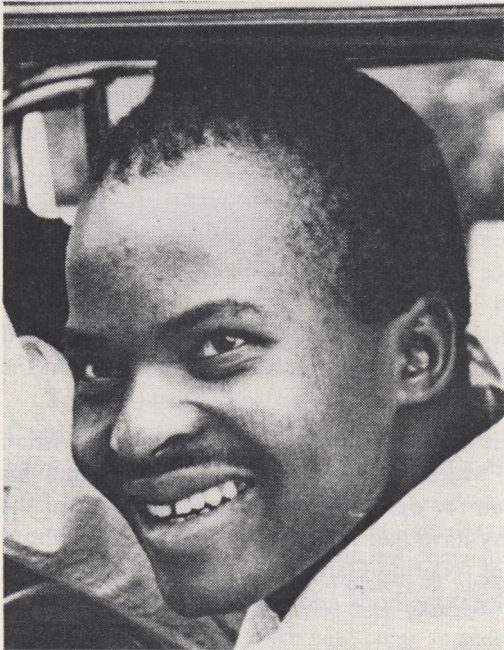
to walk across the frontier. There, after crossing six strands of barbed wire, they were taken to two cars which appeared to have false number plates over their real ones, and were removed to a prison in South Africa.

Ganyile's disappearance was not discovered until a friend of Ganyile's, Jackson Nkosi-yane, went to the hut on September 15th, 1961. He found it in a state of disorder. There appeared to be human bloodstains on the blankets which covered the beds. Nkosi-yane reported what he had seen to the Basutoland Police, who began investigations into the incident.

At about the same time, Ganyile succeeded in smuggling a note out of prison saying that he and his companions had been "kidnapped" in Basutoland. The note was published in a weekly newspaper in South Africa (which has now gone out of existence, since its editor and much of its staff were banned and could no longer write for it). Later, other newspapers in South Africa and abroad took up the issue, published facsimiles of the note and focused attention of the abduction of Ganyile.

On October 11th, 1961, Ganyile's uncle, acting on the basis of the note and on the informa-tion obtained from Nkosi-yane, applied to the Supreme Court in Grahamstown for the South African equivalent of a writ of habeas corpus. The petition called upon the Minister of Justice to produce Ganyile's body in court, and asked it to rule that Ganyile should be re-turned to Basutoland. Alternatively, it asked that information be provided as to whether Ganyile was under arrest, and, if so on what charge he was being held, and where and why he was being detained. The court reserved judgment. Two months later, on December 11th, it refused the application.

Four days later, the matter was taken to appeal, and three judges of the same court allowed the appeal.



Anderson Ganyile

Another week was to pass before Ganyile was brought before a court. On 22nd December, he appeared before a Magistrate in Umtata (capital of the Transkei) at a preparatory examination on charges of attempted murder and incitement to murder. The matter was remanded until January 5th, 1962, and on that day the case was again postponed until January 19th.

Meanwhile, Ganyile had had an opportunity to consult a lawyer. An application was made for bail, and he was released on bond of two sureties for £200, on 10th January. Two days later, an observer appointed by the International Commission of Jurists and financed by our Fund arrived in Umtata. He was Mr. Peter Charles, Q.C., of the Rhodesian Bar.

Mr. Charles told a press conference in Umtata that the International Commission on Jurists was particularly concerned that Ganyile's two companions, who had disappeared at the same time as he had, had not yet been brought before a court, but were apparently being detained somewhere unknown without being tried. The next day, it was announced that the two men had been released from prisons in the Transkei. An officer of the "Security Branch" of the police "explained" that they had been held for questioning under the Transkei emergency proclamation, and that they were being released because they had answered questions satisfactorily.

While this was happening, there were further developments in the Ganyile case. The Minister of Justice filed an affidavit justifying the detention of Ganyile on the grounds that he had been held in terms of the Transkei emergency proclamation. He refused to deal with the question of the kidnapping, and claimed that it was "irrelevant and immaterial". The affidavit was lodged on 15th January.

On 19th January, the preparatory examination was due to take place in Umtata, but it became clear in the week before that a new factor had been introduced into the whole Ganyile affair: the British Government was taking an active interest in the case. An official of the British Embassy in Cape Town visited Umtata and saw Ganyile. And, on 18th January, 1962, an official statement was issued by the South African Department of Justice announcing that the proceedings against Ganyile were being abandoned, that Ganyile would be allowed to return to Basutoland, and that the South African Minister of External Affairs had informed the British Ambassador of this. The Minister had also conveyed to him the regret of the South African Government that the incident had taken place.

On 19th January, 1962, the case against Anderson Ganyile was dropped. It was stated in court that the sole reason for the abandonment of the proceedings was that it had been established that Ganyile's arrest had taken place in Basutoland. The Minister of Justice withdrew the order for Ganyile's detention, and he was allowed to return to Qacha's Nek in Basutoland. Ganyile later took action against the Minister. He and his companions sued the Minister of Justice and the individual policemen involved for substantial damages on the grounds of wrongful arrest and imprisonment.

We have told this story at length, because it demonstrates the way in which Christian Action was able to play a part in the process which enabled Anderson Ganyile and his colleagues to regain their liberty. Had it not been for our intervention, and the work of the lawyers with whom we co-operated, Ganyile may have had to serve years in prison without ever being brought to trial. And, in the course of securing Ganyile's freedom, we were able to expose before the world the underhand and illegal methods adopted by the South African Police.

TO OUR DONORS

There is no way in which we can express adequately our gratitude to those who have donated money to Christian Action for the Defence and Aid Fund. Altogether, more than 25,000 people have responded to the appeals we have made for help when it has been needed. They include people from all walks of life—the poor as well as the rich, the young as well as the old—in Britain and no less than fifteen other countries throughout the world. It would be impossible to name them all, and invidious to single out a few. The generosity of each—whether they be Governments, Churches, Trade Unions or individual men and women—has been equally important to us. Through their contributions to the Fund, they have made the lives of thousands of people bearable, and have provided inspiration and hope for many more. The reward for their unselfish support of the Fund is to be found in the part they have played, through it, in defending freedom where it has been imperilled and in promoting racial tolerance where it has been suppressed.



Mrs. Helen Joseph

Author of If This be Treason.



Nelson Mandela

A leader of A.N.C. presently on trial at Rivonia.

To our own thanks, we must add those of the many who have benefited by the generosity of our donors. Their attitude and ours is perhaps best summed up in the words of Mrs. Helen Joseph, who wrote this to us shortly after she had been placed under house arrest:

“ When so many, during these long years, have endured so much, when individuals and families have suffered so greatly, we have been inspired and encouraged by the magnificent help that has come to us from the people of Britain, from our many friends there who believe in justice and fair trial. Indeed we have no words in which to express our deep gratitude and I have been proud that the people in the land of my birth have come so generously to our aid.

“ For myself and those with whom I stand, let me say: ‘ Thank You ’—for the help which you have already given to us through the Defence and Aid Fund of Christian Action.

“ Yet we still have a long and stony road to tread. Every year, the Nationalist Government passes new laws, seeks new ways to crush all opposition to its policy of apartheid and racial domination. We know what lies ahead: more trials and years of imprisonment, more bans, more house arrests, more banishments. We shall need your support even more in the future than before, but we know that we shall not ask in vain. We know that you, the people of Britain, who love freedom so well, will continue your help to us, until the day comes when *our* freedom shall be won ”.

THE FUTURE

During 1964 Defence and Aid already faces 12 trials in Johannesburg involving 53 persons and has four appeals pending, 3 trials in Cape Town involving 40 persons and also has four appeals pending, a trial of 51 persons in East London, a trial of 108 persons in Port Elizabeth and 23 persons in Durban.

It is already responsible for the Rivonia trial and two other mass trials in Cape Town and Pietermaritzburg. Our need for your support in 1964 is even greater than before. To try to meet this demand we have formed Defence and Aid (International) in which we are affiliated with the Swedish Fund for the Victims of Racial Oppression in South Africa and the Danish South African Fund, and the Australian Defence and Aid Fund. We trust that we may live up to the expectations of those who rely upon our support in South Africa. We conclude with a recent message received by Canon Collins from Mr. Nelson Mandela among the accused in the Rivonia trial.

“ We were greatly inspired by the dynamic message contained in your telegram sent through the Chief Magistrate . . .

“ A few years ago you launched a massive campaign in Britain to mobilise assistance for South African freedom lovers who were facing a charge of treason. In the course of that Treason Trial campaign, Christian Action emerged as one of our strongest and most reliable allies in the struggle for a democratic South Africa; a South Africa free from the evils of racial discrimination and oppression.

“ Your stand in connection with the present trial is in conformity with belief in democratic values with which Christian Action is associated . . .

“ I ask you to accept this note as a very firm, warm and hearty handshake from me. Fondest regards . . .

Nelson ”.

SOME EXAMPLES OF THE WORK OF THE DEFENCE AND AID FUND

The following extracts are taken at random from the reports of the Defence and Aid Fund Committees in South Africa:—

Report August/September 1962—Cape Town

The Cape Town branch of the Defence and Aid Fund has drawn up a report covering the branch’s work up to the end of 1961 and for the first part of this year.

From these figures one can assess the value of the role the Fund has played in providing defence and bail for men and women charged with political and allied offences. Few of them were in a position to raise the bail required, quite apart from legal fees.

Without the help of the Fund, many of these people might have spent weeks in prison without bail; and many more might have been convicted if they had had no representation in Court.

By the end of 1961, 94 persons brought before the Courts had been found "not guilty" (or alternatively, the State had withdrawn charges). Thirty-two persons were convicted.

Of these latter, five were sentenced to terms of imprisonment not exceeding six months, and the remainder paid fines. Generally speaking, the majority of convictions were for minor offences such as contravening Municipal by-laws, or distributing leaflets on railway property. Fourteen of the 30 are appealing against their conviction for holding an "illegal demonstration"—a placard demonstration outside a city restaurant.

Serious charges—More serious charges, which carry heavy sentences warrant a detailed analysis.

<i>Charge</i>	<i>No. charged</i>	<i>Convicted</i>	<i>Acquitted</i>
Incitement	53	2	51
Carrying out activities of a banned organisation	15	4	11
Intimidation	5	2	3
Public violence or assault	30	1	29
Being in possession of explosives	2	—	2
	105	9	96

Of the 105 persons charged with serious offences, 96 were acquitted and only nine convicted.

Pondoland Tribesmen Executed

Ten tribesmen who were found guilty of murder after the Pondoland uprisings last year have already been executed, the Defence and Aid Fund has been informed by the Department of Justice.

There is still some hope, however, that the death sentence on the 11 remaining accused will be commuted to imprisonment.

Since their appeals were dismissed, a Grahamstown advocate has recommended to the State President-in-Council, as strongly as possible, that clemency should be extended to all 11 of these men and that the death sentence should be commuted to imprisonment. He has written long reports in each case covering every fact that could be urged as extenuating.

Bribery and Corruption

The 10 tribesmen who have already been executed were found guilty of the death of Chief Vukayibame, who was described as an alcoholic in the Court evidence of Det.-Sgt. Card: "He was prone to bribery and corruption, and it was generally reputed that there was nothing he would not do for a couple of bottles of liquor".

Chief Vukayibame used his own shotgun when the police fired on a meeting of his tribe that had failed to disperse. One man was killed and six injured.

Tribute should be paid to those members of the Grahamstown Bar who played so important a part in the defence of the accused tribesmen.

We would like to make it known that some members of the Bar, quite independently of the Defence and Aid Fund, undertook the defence of many of the accused in the Pondoland trials. They acted *pro deo* or for extremely low fees.

P. A. C. MEN RELEASED

On May 3rd four former top members of the banned Pan-Africanist Congress were released from jail after serving two-year sentences for incitement.

Minutes after his release from Pretoria jail one of the ten, Potlako Leballo, former P.A.C. national secretary, was re-arrested, taken back to prison and from there sent into exile in a remote part of Natal.

Report August/September 1962—Johannesburg

Since May 1961 the Defence and Aid Fund in Johannesburg has handled 104 cases. In 72 of these the accused have been acquitted or the charges against them have been withdrawn. *This figure serves to illustrate how essential it is that those arrested on political grounds should have legal defence in Court.*

Many of the people arrested were held for 12 days without bail.

Here are some of the cases since our last Bulletin. The same type of charges come up again and again—under the Unlawful Organisations Act or the Suppression of Communism Act. Lawyers have to be found, counsel briefed, bail money put up and evidence collected.

Very hard justice—Without the help of the Fund many of these people would know only a very hard sort of justice, and would seldom exhaust the legal remedies available to them. Zachariah Molete is charged with taking part in the activities of the banned Pan-African Congress. He is out on bail of R50. P. Hlapane is also charged with being a member of an unlawful organisation.

Three years in jail—Aaron Molete was convicted in May under the Suppression of Communism Act and sentenced to three years. He is out on bail of R500 pending an appeal. Benjamin Turok, Walter Sisulu and Ahmed Kathrada were charged with attending a meeting in contravention of a banning notice. The meeting was alleged to have taken place with an Israeli journalist. The charges were later withdrawn. Bail had stood at R100 each.

Nine accused—Eve Hall and eight others were arrested on March 21st and subsequently charged under the Unlawful Organisations Act. Bail of R100 each was granted to five, while the rest were released on their own recognisances. Pramanathan Naidoo, aged 16, was charged with distributing pamphlets of the South African Congress of Trade Unions on railway property and found guilty, cautioned and discharged.

Distributing Pamphlets—Moosa Moola and Essop Pahad were charged last year for inciting workers to stay at home by distributing pamphlets. They were acquitted early this year.

Brian Somana—Brian Somana, an African journalist, is another who has suffered under the "12 day no bail" Act. This law, which was introduced to deal with "emergency" conditions and which was recently extended for a further 12 months—makes it possible for a person to be held without bail for 12 days without either being brought before court or allowed bail.

Somana, who was arrested in February of this year when he was found in possession of a document of a banned organisation, was brought to Court and charged under the Suppression of Communism Act. He was allowed bail of R100 (£50). In Court it was shown that the document had "news value" and that Somana, as a journalist, was sub-editing the material on the instructions of his news editor. Evidence was led that other newspapers had published the same material and that members of their staffs, in the course of their duties, were also in possession of the same document. Somana was found not guilty and acquitted. The Defence and Aid Fund provided his bail and arranged for his legal defence.

Accused flees country—Although every precaution is taken to see that accused persons do not estreat bail, this does not sometimes happen. When Matthew Nkoana, a leader of the banned Pan-Africanist Congress, fled the country recently—shortly before his appeal against a three-year sentence was heard in the Pretoria Supreme Court—he estreated bail of R500 (£250). This sum had been raised jointly by Nkoana's employer and the Defence and Aid Fund. Nkoana was sentenced to three year's imprisonment in December last year on a charge of "wrongfully and unlawfully performing an act or acts calculated to further the achievement of the objects of Communism".

DEFENCE AND AID FUND

Income and Expenditure Account from December 1956—30th June, 1963.

EXPENDITURE	<i>Aggregate Expenditure</i>			INCOME	<i>Aggregate Income</i>		
	£	s.	d.		£	s.	d.
Allocations:				Donations	241,545	0	6
Under clauses 1 & 2 of terms of reference	184,266	11	2	Bank Deposit Interest	2,420	1	3
Under clauses 3 & 4 of terms of reference	12,924	0	0	Dividends (Gross)	54	12	0
Fares and expenses of Advocates and Observers at trials	3,206	7	0	Receipts from Meetings	4,447	7	2
Costs of meetings, recitals, appeal adver- tising, leaflets, pamphlets, etc.	15,379	7	7	Receipts from Concerts and Recitals ...	1,929	5	11
General Administration costs	27,575	9	11	Sale of Christmas Cards and Literature ...	927	6	5
	243,351	15	8				
Balance carried to Balance Sheet ...	7,971	17	7				
	£251,323	13	3		£251,323	13	3

HON. MEMBERS: No!

*Mr. SPEAKER: Order!

*The DEPUTY MINISTER: This section provides that the M.V.A. Fund now has the power to do these things.

*Mr. S. J. M. STEYN: The hon. the Deputy Minister must do his homework first.

*The DEPUTY MINISTER: Mr. Speaker, I just want to say that, although the fund is now empowered to settle and handle claims, the domestic agreement provides that the companies will handle all claims on behalf of the fund. That is the purpose for which these companies are getting this 20 per cent commission. However, since the fund bears the responsibility, it must be provided in the Act that the fund may conduct investigations, although in terms of the agreement this is done by the companies on behalf of the fund.

*Mr. S. J. M. STEYN: You were wrong a moment ago when you said that . . .

*Mr. SPEAKER: Order!

*The DEPUTY MINISTER: Mr. Speaker, the hon. member for Middelburg raised the question of Bantu drivers. I just want to point out that this is a provincial matter in which we cannot involve ourselves. However, I believe that there is in fact a ray of hope in this new amending legislation as far as the roadworthiness of motor cars is concerned. It is precisely the large number of Bantu motor cars which presents us with the greatest problems as far as the accident rate is concerned.

I want to conclude by pointing out that the hon. member for Port Natal wants to compare the consortium with, firstly, the provincial administration, the municipalities and the Port Office, as regards the collection of licence fees. Secondly, he wants to compare it with greengrocers who act as agents for other people. I cannot see where he reads that in the Act and, therefore, how he can make such a speech.

Motion put and agreed to.

Bill read a Second Time.

LEGAL AID BILL

(Second Reading)

*The MINISTER OF JUSTICE: Mr. Speaker, I move—

That the Bill be now read a Second Time.

I am sure that this Bill will be welcomed by everyone. Hon. members will remember that during the discussion of my Vote last year, I gave an indication that legislation in connection

with legal aid might be necessary. In the meantime there have been further negotiations in regard to this matter. There have been discussions between my Department, representatives of the Association of Law Societies, the General Council of the Bar of South Africa, etc., and this Bill is a result of those discussions, but a little more about this later on.

One can in all probability write volumes on the subject of legal aid rendered in this country and overseas. Consequently I do not intend giving a comprehensive survey of the system of legal aid as it has been functioning or is functioning in other countries or locally, because these systems differ from country to country as regards the form of control, the type of cases to which it is applicable, etc. In spite of that, however, all forms of legal aid probably have one thing in common, and that is to make legal aid available to indigent persons without their having to pay anything for such aid, with the possible exception of actual expenditure incurred.

As regards legal aid in South Africa, legal aid bureaux existed in the larger centres of the country from time to time, and these bureaux made it their object to render legal aid to indigent persons. In the main these bureaux were administered by the law societies of the various provinces by means of subsidies provided by the State for that purpose. One of the shortcomings of the legal aid bureaux we had up to now, was the fact that a considerable section of the country's population could not be reached because of the limited number of bureaux. A few years ago a new legal aid scheme was elaborated in consultation with the Council of the Bar, the Association of Law Societies and other interested parties. At present this scheme is still in operation, although it is not functioning in all centres. Of course, one of the major shortcomings of the present scheme is that legal practitioners have to work free of charge.

Because there was, and still is, a constant need for an effective legal aid scheme, the Association of Law Societies elaborated a legal aid scheme, which in the opinion of the Association would serve its purpose, and submitted that to me for my consideration. In view of the fact that this proposed scheme would have involved a too large organization, it was not acceptable. With the co-operation of my Department attempts were then made to work out a scheme on a simplified basis. The Bill at present before this House is a result of those attempts. Here I have to mention, of course, that the legal profession held definite viewpoints in connection with some aspects. Some concessions were made, whereas other aspects will have to be smoothed out in practice during the operation of the scheme. The various legal professions nevertheless undertook to make every attempt to obtain the co-operation of their members as regards the implementation of the proposed legal aid scheme, and their co-operation naturally is essential for making a success of the scheme.

Collection Number: A3393

Collection Name: Bob Hepple Papers

PUBLISHER:

Publisher: **Historical Papers Research Archive, University of the Witwatersrand**

Location: **Johannesburg**

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