

STATE INTERFERENCE WITH AND MEASURES AGAINST  
RIGHTS OF CITIZENS TO PEACEFUL PROTEST AND  
DEMONSTRATION

Prevention and Control of Mass Action Bill

In October 1992 the Bophuthatswana Parliament enacted the Prevention and Control of Mass Action Bill which effectively prohibits public demonstrations in the territory. This law defines mass action as any demonstration involving more than 10 people or a march involving more than 100 people.

In terms of this law any organisation planning to demonstrate must apply to the Minister of Law and Order 14 days before the date of the intended action. The application must include the names and addresses of the organisers, promotional pamphlets to be circulated and an estimation of the number of people expected to participate. Penalty for organising, convening, executing or participating in unauthorised demonstration is imprisonment for five years or a R 10 000 fine.

The law empowers the homeland's security forces to take any action they deem suitable to prevent or disperse illegal demonstrations.

A march by priests through Mmabatho was forcibly prevented by the security forces in November 1992.

March 5 and 6 1993, Bophuthatswana police dispersed an elections workshop organised by the South African Council of Churches in Tlhabane.

March 21 1993 - Police dispersed a prayer meeting to commemorate a youth shot by police last year and victims of the 1986 Winterveldt massacre.

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The Public Safety Act (PSA)

The Public Safety Act (PSA) empowers the state to declare States of Emergency and Unrest Areas. At the end of 1992 of the 58 magisterial districts declared Unrest Areas in the whole of the year, 33 remained Unrest Areas.

The PSA gives the security forces, among others, the power to:

- disperse gatherings by force, to enter and search premise and to seize property without a warrant
- detain people without tn'al
- impose restrictions on the right of movement

In the period September to December 1992 intervention by security forces resulted in

- injuries to 120 civilians
- the 1165 arrests
- disruption of at least 35 public protest gatherings and at least 3 dead

The Internal Security Act (ISA)

The Internal Security Act (ISA) confers on the authorities the power to ban organisations.

- In the terms of this legislation, the Black Sash, Transvaal Rural Action Committee and the Bophuthatswana Peoples' Progressive Party have been banned. The authorities wanted to extend the scope of this law to trade unions not registered in the homeland. Opposition from COSATU and the ILO to this intention achieved the temporary suspension of the law.

- In August 1992 magisterial permission for marches in the Grabouw (Western Cape) by the ANC was rethsed.

- In October 1992 the Boksburg Town Council refused permission to the East Rand Civic Association for a march and magisterial permission for a march in Potgietersrus was refused to the ANC.

- A march by the ANC from Botshabelo to Thaba'Nchu was banned by the South African Police.

During June 1993, 25 detentions without trial were recorded: 21 under Section 29 and 4 under Section 50 of the Act. At the end of June 6 detainees were still being held under Section 29. A total of 81 detentions without trial were recorded during the first six months of 1993, an increase of 24 percent over the equivalent period of 1992. Politically related arrests in June totalled 431, of which 220 occurred during "illegal" gatherings. The number for the first half of 1993 was 2981, considerably lower than the 4316 registered in the same period of the previous year.

On February 2 1993 police disrupted the Mmabatho meeting organised by the South African Students Congress to discuss student grievances around exclusions, deportation of academics and continued police presence on the campus of the University of Bophuthatswana.

Of the 537 people arrested in March 1993 for participating in illegal gatherings, 406 faced court appearance for the charges. A number of marches by the Congress of South African Students and other students organisations to protest against school fees and other educational problems were declared illegal and dispersed by the police.

277 people were arrested for allegedly participating in illegal gatherings and 426 were facing charges in April 1993.

Permission by the ANC to hold marches in Yeoville, Potchefstroom and Pretoria city centre to commemorate the death of Chris Hani on April 16 was refused. All gatherings in the magisterial districts of Port Elizabeth, Cradock and Uitenhage were banned.

Permission was refused to the ANC and COSAS to march in Hartswater and Khuma respectively.

1306 people were arrested in May for alleged participation in illegal gatherings and 464 were facing related charges.

5 May 1993 police prevented COSAS gatherings in Zwijdsdorp and New Brighton in Port Elizabeth.

May 7 permission was refused to COSAS to march in Johannesburg and its rally and meeting in New Brighton were stopped.

May 14 permission for COSAS to march in Zeerust was refused.

May 17 COSAS was refused permission to march in Johannesburg.

May 20 police dispersed a COSAS gathering in Port Elizabeth.

Ciskei Security Forces intervention

- Against marchers at Bisho resulted in the death of 1928 unarmed people in September 1992.

January to June 1993

- A meeting of the Peddie Residents Association was disrupted by two armed Peace Force (a private security company) members on the basis that it was illegal

- Ciskei police reportedly dispersed an ANC-YL meeting in Potsdam as magisterial permission had not been granted. A Supreme Court interdict restrained disruption of another meeting at the same place.

- The homeland's Health Minister reportedly banned a meeting of the tenth African Social Services and Health Organisation, which however went ahead observed by Ciskei security forces.

- Ciskei police dispersed a march to Peddie organised by the Congress of South African Students. COSAS claimed that permission for the march had been secured.

- Ciskei police prevented a protest march by residents of Nomonde.

(Sources: Human Rights Commission IHRCI Review 1992

Business Day 30.09.92

Saturday Star and Citizen 26.09.92

HRC's Area Repression Report 9/92, 10/92, 11/92

HRC's Monthly Repression Report, Jan., Mar., Apr., and

May 1993 and Summary Report on Repression June 1993.)