HUMAN RIGHTS COMMISSION

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18 JUNE 1991

HRC SPECIAL BRIEFING SB-2
PROPOSED AMENDMENTS
TO
INTERNAL SECURITY ACT

Introduction

During May, the Minister of Justice introduced a Bill for presentation to Parliament in due course, which proposes certain amendments to the Internal Security Act No. 74 of 1982 (ISA). The ISA is widely recognised both in South Africa and internationally as a major stumbling block to free political expression and as such an obstacle in the way of a negotiated settlement. This was acknowledged by the South African Government in both the Groote Schuur and the Pretoria Minutes by committing itself to 'ongoing review of security legislation and its application in order to ensure free political activity and with the view to introducing amending legislation at the next session of Parliament'. Six months after the Pretoria Minute, State President De Klerk failed to use the opportunity of his Parliamentary address of 1 Feb 1991 to spell out the intentions of his Government on this critical issue. It is only recently that these intentions have been revealed and the purpose of this Briefing is to examine how far the proposed amendments do or do not go.

A detailed description of the history, powers and past usage of the ISA can be found in HRC Fact Paper FP-6 of July 1990, copies of which are available on request.

We analyse below the extent to which the very considerable powers of the ISA will be altered or maintained by the proposed amendments.

DETENTION WITHOUT TRIAL

The ISA provides for detention without trial for three different stated purposes:-

Detention for interrogation	Section 29
Preventive detention	Sections 28,50, 50A
Witness detention	Section 31

* Detention for Interrogation

The notorious Section 29, permitting incommunicado detention without access to lawyers, family, doctors of one's choice, or to the courts, is to continue. However, the period of such detention is be limited to 14 days, instead of being effectively unlimited as in the past. While this may seem to be a great improvement, past experience of thousands of detainees has been that the first two weeks of detention are the most intense, and the risk of abuse, torture and even death, is then at its peak. Statistics show that of all deaths in detention (73 since 1963) over 50% have occurred within the first two weeks, and 41% in the first 5 days.

Moreover the 14 days can be extended for an unspecified length of time by police application to a judge of the Supreme Court in his chambers. The only time the detainee has access to his or her lawyer is after the initial 14 days and then only for the express purpose of preparing representations against further detention. If such representations fail, isolation is resumed, in which case the period of detention can effectively be indefinite, as previously.

It must also be noted that if the investigating officer believes that his investigation will be hampered by revealing the detention, he is then under no obligation to inform the detainee's relatives or any one else and the detainee will simply disappear.

* Preventive detention

Section 28, which fell into disuse in 1986, and which allowed for effectively unlimited imprisonment by Ministerial order, is to be repealed.
Section 50A allows for long term preventive detention of up to 180 days (renewable). Introduced as an amendment in 1986, it has never been invoked, due to wider and more flexible powers being available under the States of Emergency. It is to be repealed.

Section 50 allows for short term preventive detention of up to 14 days in order to "combat a state of unrest" even where no State of Emergency or Unrest Area has been declared. It is not set down for repeal or amendment and is therefore to be retained as is.

* Witness detention

Section 31 allows the attorney-general to order the incommunicado detention of a person whom he believes could be a material witness in a security trial. Invariably such detention is an extention of Section 29 detention when, as a result of interrogation it is decided that the detainee shall become a state witness (with or without the agreement of the detainee). Section 31 detention is to continue.

BANNING OF PERSONS

The powers under Sections 18 to 27 of the ISA are to be repealed. This means that the ISA will no longer enable the banning of persons by a variety of means as in the past, such as house arrest, banishment to remote areas, restrictions on movement, association and activities, and requirement to report periodically to a police station. In fact these powers under the ISA have not been exercised since 1986 due to difficulties created by court challenges, but hundreds have since then been served with banning orders under State of Emergency Regulations up to the end of 1989.

LISTING OF PERSONS

The keeping of a Consolidated List of Names is to be discontinued by the repeal of Sections 16 & 17 of the ISA. This means that hundreds of persons who are or were members of previously unlawful organisations, and persons who were convicted of security offences will now be de-listed, and the practice of listing will stop. The consequences of being listed will then fall away, including the barring of listed persons from being quoted, holding Parliamentary office and practising law.

BANNING OF ORGANISATIONS

The power to ban organisations is to continue, subject to some modification. No longer will the promotion of communism be grounds for declaring an organisation unlawful. Also the Minister, in order to declare an organisation unlawful will have to go beyond simply being "satisfied" that he has grounds to do so, and will have to have "reason to believe" that he has such grounds; this opens up the possibility of a court challenge. Finally instead of organisations which threaten (in any way) the security of the State, the focus will now fall on organisations which use, threaten or encourage violence or disturbance in order to overthrow or challenge State authority or bring about change.

Otherwise all the powers and consequences of declaring an organisation to be unlawful are to be maintained intact, including winding down, confiscation and liquidation of assets (Section 13 & 14) and making it an offence, punishable by a sentence of up to 10 years, for anyone continuing to promote the aims of the organisation (Section 56 (1)).

BANNING OF GATHERINGS

No changes whatsoever are proposed to the powers under Section 46 to 53 of banning and restricting gatherings. The Minister of Justice can continue to prohibit gatherings in any area, at any time and for any period. Magistrates can continue to prohibit or restrict gatherings within their magisterial districts, for periods up to 48 hours. The police can continue to bar access to places where a gathering has been prohibited and to disperse prohibited or certain other gatherings, with the use of force, including firearms, depending upon certain circumstances.

It is noteworthy that during the month of May, about 2 500 persons were arrested for attending gatherings declared as illegal, many under the powers of the ISA.

BANNING OF PUBLICATIONS

Sections 5 and 15 of the ISA are to be repealed. This will have the effect of removing the powers to close down, suspend or ban newspapers or similar periodicals, and withdrawing the requirement of up to R40 000 deposit upon application for registration.

However it will still be unlawful to possess, print or disseminate any publication which promotes a banned organisation or a banned gathering.

POLITICAL TRIAL AND IMPRISONMENT

Sections 54 to 61 of the ISA define a wide range of political offences, together with the prescribed penalties upon conviction. As such they are responsible for certain political trials and for the creation of political prisoners.

* Section 54 is to be retained unchanged; it defines the offences of terrorism, subversion, sabotage and harbouring and provides for prison sentences of up to 25 years.
* Section 55 is to be repealed, since it defines the offence of furthering communism.
* Section 56 is to be repealed in respect of the offences of :-
  - possession or distribution of banned publications
  - breaking a banning order (on a person)
  - quoting a listed person

  but is to be retained intact in respect of:-
  - furthering the aims of a banned organisation (up to 10 years).
* Section 57 is to retained intact for the offence of convening or attending a banned gathering (up to 3 years or R3 000)
* Section 58 to 61 are to be retained intact for the offence of committing, inciting or funding unlawful acts during a campaign against any law (up to 5 years).
* Section 30, denying the right of the courts to grant bail in security trials, is also to be retained.

CONCLUSION

In our assessment the proposed amendments to the ISA fall far short of what is required to "ensure normal and free political activity". The Act will still retain its essential repressive components of detention without trial, power to ban organisations, power to ban or restrict political gatherings and the ability to criminalise political protest and dissension through the courts. These components fail to pass the test of comparison with the requirements of the Universal Declaration of Human Rights.

EFFECT OF PROPOSED AMENDMENTS TO ISA

MEASURE	REPEALED	INTACT	MODIFIED
Detention without Trial			
Sec 29, for interrogation	No	--	Initially 14 days, extendible.
Sec 28,50A, long-term preventive detention	Yes	No	--
Sec 50, short-term preventive detention	No	Yes	--
Sec 31, witness detention	No	Yes	--
Banning of Persons			
Sec 18-27	Yes	No	--
Listing of Persons			
Sec 16, 17, Consolidated List	Yes	No	--
Banning of Organisations			
Sec 4, banning	No	--	Communism no longer grounds. Grounds of violent change. Challengeable in court.
Sec 13, 14, liquidation	No	Yes	--
Banning of Gatherings			
Sec 46-53, banning	No	Yes	--
Banning of Publications			
Sec 5, banning	Yes	No	--
Sec 15, restriction	Yes	No	--
Political Trials			
Sec 54, terrorism, subversion, sabotage, harbouring	No	Yes	--
Sec 55, communism	Yes	No	--
Sec 56, furthering banned organisations	No	Yes	--
Sec 56,:-			
-banned publications,			
-breaking banning order,	Yes	No	--
-quoting listed person			
Sec 57, banned gathering	No	Yes	--
Sec 30, denial of bail	No	Yes	--

HUMAN RIGHTS COMMISSION

Fact Paper FP6 July 1990

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Internal Security Act

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UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 3: Everyone has the right to life, liberty and the security of person

Article 5: No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment

Article 9: No-one shall be subjected to arbitrary arrest, detention or exile

Article 19: Everyone has the right to freedom of opinion and expression

Article 20: Everyone has the right to freedom of peaceful assembly and association.

1. INTRODUCTION

The **Internal Security Act No. 74 of 1982** is the current permanent security legislation of the Republic of South Africa. It came into effect on the 2nd July 1982, but has a long ancestry stretching back to 1950. Included amongst its progenitors are a whole succession of Acts, starting with the Suppression of Communism Act, and progressing through a series of Internal Security Acts, General Law Amendment Acts, Riotous Assemblies Acts, the Unlawful Organisations Act, and the Terrorism Act. In 1979, the Rabie Commission was appointed to streamline and consolidate this plethora of legislation. At the end of its labours a report was tabled before Parliament on 3rd February 1982, which culminated in the Internal Security Act as we know it today, and in the simultaneous repeal of most of its forerunners. In this sense it can be described as the last word in security legislation, a monument to over 30 years of experience in drafting statutes which could defend apartheid security against its many opponents; a monument to the way in which loopholes and avenues of expression could be closed down one by one, until space for legitimate political opposition vanished altogether.

2 HOMELANDS SECURITY LEGISLATION

Before examining the Internal Security Act in detail, it is necessary to point out that the so-called independent homelands of Transkei, Bophuthatswana, Venda and Ciskei have their own security legislation as follows:

Transkei Public Security Act No.30 of 1977
Bophuthatswana Internal Security Act No.32 of 1979
Venda Maintenance of Law and Order Act No.13 of 1985
Ciskei National Security Act No.13 of 1982

They are, in effect, carbon copies of the ISA, which comes as no surprise, so that any analysis of the ISA applies equally to the security legislation of the TBVC territories.

In the case of the so-called self-governing homelands of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and Qwa Qwa, these areas fall under the jurisdiction of the ISA.

3. POWERS OF THE INTERNAL SECURITY ACT

The powers of the ISA are truly awesome. There is hardly a form of political expression which is not blocked, controlled or threatened by one or other provision of the ISA. This Fact Paper sets out to analyse these extraordinary powers, to describe briefly the implementation of these powers in the past, and in particular to examine the current status of the way in which they are being applied.

In this Fact Paper when we refer to the Internal Security Act, we include its many forerunners and its TBVC homeland imitators.

DETENTION WITHOUT TRIAL

ISA Powers of Detention Without Trial
The ISA provides for detention without trial for three different stated purposes:

Detention for interrogation (Section 29)
Preventive detention (Sections 28, 50 and 50A)
Witness detention (Section 31)

- **Detention for interrogation**

Section 29 allows a detainee to be held in solitary confinement without access to lawyers, family, friends or anyone else other than state officials (interrogators, magistrates, district surgeons, etc) for the purpose of interrogation. The period of detention is effectively unlimited (a two year uninterrupted detention is on record) - until "all questions are satisfactorily answered". The intensely hostile environment of this form of detention has led to innumerable allegations of torture and to a substantial number of deaths. The jurisdiction of the courts over such detention is specifically excluded.

- **Preventive detention**

Section 28 allows the holding of a person in prison by ministerial order (as opposed to court sentence) if the Minister believes that person is likely to commit a

security offence. Period of detention is in effect unlimited. The wording requires the Minister to give reasons for detention, a requirement which has resulted in successful court challenges, and a subsequent abandoning of Section 28 in favour of other means.

Section 50A provides other means of long-term preventive detention. It allows for detention of up to 180 days (renewable) simply on the basis of the opinion, without giving reasons, of a police officer. This section, introduced as an amendment to the ISA in 1986, can only come into operation when so proclaimed by the State President. So far this has not been necessary due to the even wider powers of preventive detention that have existed under the States of Emergency.

Section 50 allows for the holding of a person for a short period of up to 14 days. It has been extensively used when and where no State of Emergency existed and it can be expected that its use will now be resumed.

- **Witness detention**

Section 31 allows the attorney-general to order the detention of a person in solitary confinement, without any access, and beyond the jurisdiction of any court, if he believes that person could be a material witness in a security trial. Time limit is 6 months, unless the trial has started before then. Almost invariably, Section 31 detention is an extension of Section 29 detention when, as a result of the interrogation process it is decided that the detainee shall become a state witness (with or without the agreement of the detainee).

Past Application of Detention without Trial under ISA

Records kept over the years show that a minimum of 24 000 detentions have taken place since 1963 when powers of detention under permanent legislation were first introduced (including about 6 500 detentions in the TBVC homelands). This figure is aside from the 54 000 detentions which have taken place under State of Emergency powers.

Records kept since 1981 reveal that about 75% to 80% of all detentions end in release without charge in any court of law, attesting to the political nature and purpose of such detention. These records also reveal that only 2% to 4% of detainees are convicted of any offence.

Since 1963, over 70 persons have died in detention, the vast majority of them while being held under ISA and TBVC legislation.

For further details see HRC Fact Paper FP1.

Current Application of Detention Without Trial under ISA

During the first half of 1990, detention without trial under the ISA has been going on at a level such that the numbers being held at any one time have fluctuated between 30 and 50. With the lifting of the State of Emergency in all areas except Natal, detentions under ISA can be expected to rise, using Section 29, 31 and 50 and also TBVC homelands legislation. Furthermore Section 50A could be invoked at any time.

Deaths in detention have continued to occur during 1990, as have reports of torture in detention. Two of the deaths, occured whilst being held under Section 29 of the ISA. Torture and deaths in detention can be expected to continue for as long as detention without trial is permitted to remain on the statute books.

BANNING OF PERSONS

ISA Powers of Banning of Persons

Sections 18 to 27 of the ISA sets forth the manner in which a person may be served with a banning order, and what the stipulations of such a banning order may be:

- Membership of or participation in organisations can be banned under Section 18, by enforcing resignation, prohibiting joining and various other restrictions.
- Confinement to an area can be enforced under Section 19, by specifying the place and times of confinement. This can include house arrest or banishment to a remote area.

- Communication with other people can be barred during area confinement under Section 19, by prohibiting visitors.
- Admission to places or buildings can be prohibited under Section 19; these can include educational institutions, workplaces, etc.
- Attendance at gatherings can be prohibited under Section 20, a gathering being defined as a coming together of "any number of persons (e.g. two) having a common purpose, whether lawful or unlawful."
- Periodical reporting to a police station can be enforced under Section 21, by specifying the frequency, such as once or twice a day for the duration of the banning order.
- Gagging of the person can be ensured under Section 23 by making it an offence under Section 56(1)(p) to quote that person.
- The duration of the banning order can be unlimited.

Past Application of Banning of Persons under the ISA

Banning of persons under security legislation has been in operation since 1950. Its purpose is similar to that of "preventive" detention (and in fact frequently has followed it), namely to neutralise political opponents and withdraw them from the political arena. It provides strict control over the movement, activities, public utterances and association of the person, while interfering severely with the pursuit of a normal life. Since 1950, close on two thousand people have been subjected to this twilight existence under security legislation, apart from those under the States of Emergency. The effective length of each banning order can vary from 1 to 5 years, but successively applied orders can extend the period well beyond this. The longest period on record is 26 years.

For further details see HRC Fact Paper FP3.

Current Application of Banning of Persons under ISA

During 1986 a number of court challenges were successfully brought against banning orders, on the basis that the reasons which the Minister is required to give under Section 25 were invalid. Since that time no banning orders under the ISA have been issued, but use has instead been made of wider powers under State of Emergency regulations. All such SOE restriction orders were withdrawn on 2 February 1990. As a consequence no-one is currently under a banning order, but the ISA powers still stand.

LISTING OF PERSONS

ISA Powers of Listing of Persons

Section 16 and 17 of the ISA instruct the Director of Security Legislation to maintain a list (known as the Consolidated List) of persons' names who are:

- members of unlawful organisations
- convicted of security offences or treason or sedition
- banned
- detained under Section 28.

The consequences of being listed bar that person from:

- being quoted (an offence under Section 56(1)(p) carrying a penalty of up to 3 years)
- holding Parliamentary office (Section 33)
- practising law (Section 34)

Past Application of Listing of Persons under ISA

The practice of "Listing" dates back to the Suppression of Communism Act of 1950. Many hundreds were labelled with the "communist" tag in this way over the years, and the numbers were swelled by the names of the banned, of the "preventive" detainees and of the security prisoners. Each year an updated list is gazetted and includes people who are living in exile, resident in South Africa, incarcerated in prisons and those who are deceased.

For further details see HRC Fact Paper FP3.

Current Application of Listing of Persons under ISA

The last annual gazetting of the Consolidated List was on 4 August 1989. A total of 537 names appeared on the list at that time. However, due to the unbanning of organisations on 2 February 1990 and to certain other factors, a substantial number of people have since been de-listed. Nevertheless over 300 names are still left on the Consolidated List and are subject to the consequences.

BANNING OF ORGANISATIONS

ISA Powers of Banning of Organisations

Under Section 4 of the ISA, the minister is empowered to declare an organisation to be "unlawful". There are a number of consequences of such a declaration and these are ennumerated in Sections 13 and 14. Briefly they provide for winding down the organisation by confiscating and liquidating its assets, and by prohibiting anyone from furthering its aims in any way. Contravention of such a prohibition becomes an offence under Section 56(1)(a) and is punishable by a sentence of up to ten years.

Past Application of Banning of Organisations under ISA

The first organisation to be declared unlawful was the South African Communist Party (SACP) in 1950, followed in 1960 by the African National Congress (ANC) and the Pan Africanist Congress (PAC). All in all, 24 organisations have suffered this fate, plus a further 42 under homelands security legislation.

For further details, see HRC Fact Paper FP2.

Current Application of Banning of Organisations under ISA

All 24 organisations referred to above were unbanned on 2 February 1990. TBVC homelands have since followed suit. As a consequence no organisation is currently under a banning order, but the banning powers remain on the statute books.

BANNING OF GATHERINGS

ISA Powers of Banning Gatherings

Sections 46 to 53 of the ISA deal with the measures available to prohibit or control various gatherings.

- The Minister of Law and Order can under Section 46 prohibit gatherings of a particular class in any area, at any time and for any period. He can also prohibit specific gatherings.
- Magistrates can under Section 46 prohibit or impose conditions on specific or all gatherings within their magisterial district, for a period up to 48 hours.
- The police may bar access, under Section 47, to places where a gathering has been prohibited and may, under Sections 48 and 49, disperse prohibited or certain other gatherings, with the use of force, including firearms, depending upon certain circumstances.

Past Application of Banning of Gatherings under ISA

Since 1950, literally thousands of gatherings have been banned by ministerial, magisterial and police edict and tens of thousands have appeared in court charged with attending an unlawful gathering. Such gatherings have included public meetings, private meetings, protest marches and demonstrations, rallies, commemorations, conferences and spontaneous gatherings of all kind.

Since 1976 the Minister has imposed a blanket ban, renewed annually, on all outdoor political gatherings for which no permission has been obtained. Since 1986 there has also been a blanket ban on all indoor gatherings at which work stoppages, stayaways or educational boycotts are advocated.

During the year of 1989 the official figure of arrests for attending gatherings banned under the ISA, was 2 171 persons.

During late 1989, as a consequence of the mass support for the Defiance Campaign, permission began to be granted for protest marches and demonstrations to give *de jure* effect to a *de facto* situation. There was however a high degree of inconsistency, and in August and September alone, over 50 marches and demonstrations were broken up by the police, 28 with the application of force resulting in many deaths and injuries.

Current Application of Banning of Gatherings under ISA

The blanket bans on all outdoor political gatherings and certain indoor political gatherings are still in place, having been renewed for another year as from 1 April 1990. Furthermore the ministerial and magisterial powers to ban specific meetings continue to be exercised. Of particular concern however is the current behaviour of the police in the way that they are exercising their powers of breaking up gatherings. Records show

that in the first half of 1990 over 170 persons have lost their lives and more than 1 500 have been injured during the course of such police action.

BANNING OF PUBLICATIONS

ISA Powers of Banning Publications

Under Section 5 of the ISA, the Minister can close down a newspaper or similar periodical if he deems that the publication expresses views endangering the security of the state, propagates or furthers communism, or propagates views or furthers the aims of banned organisations.

Under Section 15 of the ISA, a newspaper on applying for registration must deposit up to R40 000 if the Minister believes it will be a candidate for banning at any stage. In the event of subsequent banning, the deposit is forfeited. Furthermore, registration lapses if the newspaper fails to come out at least once a month.

Under Section 56(1)(b) any person who distributes publications banned under the ISA can be imprisoned for up 10 years while under Section 56(1)(c) possession of such publications can result in a 3 year sentence.

Past Application of Banning of Publications under ISA

During the years 1952 to 1977, eight newspapers were closed down in terms of Section 5 of the ISA. Although they have long ceased to exist, they were all technically unbanned by a Government Notice dated 3 February 1990 as a consequence of the unbanning of previously unlawful organisations.

In 1988, the deposit requirements of Section 15 forced an Eastern Cape news agency to abandon plans to start a newspaper. More recently, deposits were demanded of "The New African" and "Vrye Weekblad".

Current Application of Banning of Publications under ISA

No newspapers or other publications are currently banned under the ISA, although the powers to do so are still intact. So are the powers to demand a deposit for the registration of a new newspaper. The numerous prosecutions of past years for the distribution or possession of banned publications have tapered off, leaving only one or two trials for such offences allegedly committed before 2 February 1990.

POLITICAL TRIAL AND IMPRISONMENT

ISA Powers of Political Trial

Sections 54 to 63 of the ISA define a wide range of political offences, together with the prescribed penalties upon conviction, while Sections 64 to 69 deal with the procedure and jurisdiction of the courts. Section 30 empowers the attorney-general to remove the discretion of the courts to grant bail to a person accused of certain security offences.

The following is a summary of the main offences and penalties:

SECTION	OFFENCE	PENALTY
54 (1)	Terrorism	As provided for Treason.
54 (2)	Subversion	Up to 25 years.
54 (3)	Sabotage	Up to 20 years.
54 (4)	Harbouring	As for 54(1)(2) or (3)
55	Furthering communism	Up to 10 years
56	Furthering banned organisations	
	banned publication	Various –
	Breaking banning order	1, 3 or 10 years.
	Quoting listed person	
57	Convening or attending a banned gathering	Up to 3 years or R3 000.
58/59/60	Committing, inciting or funding unlawful acts during a campaign against any law	Various – up to 5 years

Past Application of Political Trial under ISA

The history of political trial and imprisonment goes back to the very beginnings of the ISA and its forerunners. It is impossible to estimate the number of trials, persons charged and persons convicted over the years, due to the lack of adequate records. However, an estimate based on records kept by monitoring groups for the last 5 year period shows over 500 such trials involving about 5 000 accused and resulting in about 1 000 convictions.

The average prison population of "security" prisoners at any point during this period fluctuated between 300 and 400, with a continuous inflow of new prisoners balancing out the releases at end of sentence.

Current Application of Political Trial under ISA

Political trials under the ISA continue. Some of these trials relate to events before F.W. De Klerk's Parliamentary address of 2 February 1990 , but others to events after that date. About 30 ISA trials have been completed since that date, and as many are still in progress.

About 120 "security" prisoners have, since 2 February, been released before completion of sentence, but about 300 still remain (apart from the much higher number of political prisoners serving sentences for "unrest" offences).

4. CONCLUSION

While the Internal Security Act stands as a monument to the drafting skills of past legislators, it is increasingly taking on the character of the major obstruction on the path to a negotiated solution of South Africa's political problems. The Act embodies virtually all of the elements perceived as negating and stultifying free political expression. It denies or limits the universal rights of freedom of assembly and association, freedom to speak or be heard, freedom to organise persuade or influence, freedom to publish views; while at the same time permitting and encouraging such punitive practices as detention without trial, political imprisonment and heavy police action against peaceful assembly. The Act has become an anachronism, riddled with inconsistencies and contradictions and completely out of step with the times and with both the spirit and the letter of the Groote Schuur Minute of 4 May 1990.

Published by the Human Rights Commission, PO Box 32723, Braamfontein, Johannesburg. Printed by Westro

SUMMARY OF THE INTERNAL SECURITY ACT

POWERS	PAST USAGE	PRESENT USAGE
DETENTION WITHOUT TRIAL S.29 Interrogation S.28,50 Preventive S.31 Witness	24 000 detentions since 1963. 75% released without charge. 4% convicted. 65 deaths in ISA detention. Numerous reports of torture.	Detentions continue. About 80 now held under S29 or 31. Use of S.50 expected to resume. TBVC homelands detentions still continue. 2 deaths in S.29 during 1990. Reports of torture continue.
BANNING OF PERSONS S.18 to 27 House arrest, banishment	2 000 persons banned since 1950 from 1 to 26 years Strict control over movement. activities, utterances, association & severe interference with normal life	Not in use since 1986. Powers intact
LISTING OF PERSONS S.16,17 Consolidated List	Since 1950 prohibition quoting of listed persons. In 1989, there were 537 named.	Still in use. Over 300 names on list.
BANNING OF ORGANISATIONS S.4,13,14 "Unlawful" organisations	24 organisations banned since 1950. (+42 in homelands.) Heavy sentences for furthering aims.	All unbanned on 2 February 1990 Banning powers intact.
BANNING OF GATHERINGS S.46 to 53. Ministerial, magisterial & police powers.	Since 1950, thousands of gatherings banned & tens of thousands arrested (over 2 000 in 1989). Since 1976, blanket ban on outdoor gatherings.	Outdoor ban renewed 1 April 1990. Over 170 deaths, 1 500. injured during police break-up of gatherings in first half 1990.
BANNING OF PUBLICATIONS S.5,15	8 newspapers closed down from 1952 to 1977. Hundreds charged with possession or distribution of banned publications	No publications banned under ISA Banning powers intact.
POLITICAL TRIAL AND IMPRISONMENT S.54 to 63 Security offences and penalties	Tens of thousands charged since 1950, with offences under ISA. Thousands convicted and sentenced for terms up to life imprisonment. Last 5 years, 500 trials, 5 000 accused & 1 000 convicted. Between 300 & 400 security prisoners at any point in time.	ISA trials continue. Over 30 completed this year, further 30 in progress. About 300 security prisoners still held.