

SACBC SECRETARY GENERAL FATHER MKHATSHWA FINED AND TALKS TO THE PRESS

Father Smangalis Mkhathshwa, 48, secretary general of the Southern African Catholic Bishops' Conference was found guilty of possessing a revolver and 50 rounds of ammunition without a licence. He was sentenced to R500 (or 150 days). All charges were withdrawn against co-accused Mr Sam Mkhabela.

In passing judgement the magistrate, Mr B.J.O. van Schalkwyk, said illegal possession of a firearm and ammunition was a serious offense. "But in the accused's case, one can hardly imagine that the accused would get involved in something such as committing armed robbery or shooting people."

At a press conference the following day (17/11/87) called to clarify certain issues, Father Mkhathshwa said:

"The Minister of Home Affairs has eventually given me a passport. However, it is valid for only two weeks and only for Italy. I shall join the bishops of the Southern African Catholics Bishops' Conference in Rome.

"I find it scandalous that the government initially refused to give me a passport. I find it just as distressing that the government has restricted my movements for such a short time.

"It makes a farce of their claim to be Christian and to allow religious liberty, as they are restricting a minister of religion who follows the gospel demand to go out to the whole world and preach the Good News. No reasons are given for the refusal of a passport.

"In my case, my theory is that – after my torture and assault while in state of emergency detention – the government is probably afraid that I will make even more revelations abroad about my treatment while in detention.

"I would like to state that I do not need to go abroad to do this. If I have more revelations, I will make them here inside the country, although I would also feel free to make them abroad.

Ciskei government settles

"A supreme Court case which was to start in Bisho, Ciskei, at the beginning of September was settled out of court on September 2 when the Ciskei government agreed to pay R14 000 for (my) unlawful arrest and detention.

"I can only now reveal details as we had to wait for the Ciskei government to actually send the check for this amount. One of the conditions of settlement was that the full text be conveyed. If for some reason newspapers did not do this, we had to fear the respondents would on a technicality refuse to pay the settlement.

"I had been arrested (30/10/1983) after addressing students at a prayer meeting at the University of Fort Hare, Alice.

“I was kept in solitary confinement for nearly five months before appearing in court on charges of sedition, subversion and addressing an illegal gathering. In March 1984 I was acquitted on all charges in the regional court in Zwelitsha outside the Ciskei capital of Bisho. For me the out-of-court settlement by the Ciskei authorities is extremely important. It proves my innocence beyond any shadow of doubt. If they had a case, they would definitely have opposed our action.

“The settlement also exposes the many and varied criminal actions of the Ciskei agencies on many innocent people. Once more it proves that apartheid and its institutions (of which Ciskei is one) have no legitimacy to govern people. They can only maintain themselves in existence through the use of violence and repression.

“whilst I welcome the admission of guilt on the part of the Ciskei authorities, I nonetheless deplore the deprivation of my freedom which I experienced during nearly five-month traumatic experience in the Ciskei police stations and Mdantsane prison.

“In all fairness I must, however, admit that compared to the savage and sadistic treatment I experienced at the hands of the South African Police and the South African Defence Force military intelligence whilst I was in state of emergency detention in 1986, the Ciskei police proved to be tough but at least civilised and decent.

Firearm possession case

“in the Pretoria Magistrate’s Court case I was found guilty on a charge of illegally possessing a firearm and ammunition for it.

“I wish to deal with a few points for clarification. It may make good newspaper headlines to read that a priest was found guilty of possessing a firearm and ammunition illegally. But I wish to make clear that this was a purely technical offence, akin to being found ‘guilty’ of a traffic offence.

“There is no question of a contravention of morality or ethics involved. As the magistrate aptly intimated, there is no reason to believe a Catholic priest is going to use the firearm to murder people or rob a bank.

“The firearm was left in safekeeping by a good friend and Catholic. It was a lawfully licensed firearm. The owner did not know he was required to give me a letter authorising my holding it in safekeeping, nor did I know that I had to have a license to do so, as I am not the owner of it. I accept the judgement of the court, but find the sentence strangely harsh. Because of my profile as a responsible public figure, I would have expected at most a warning.

Empowering the irresponsible

“But what bothers me more is that less responsible people are walking our streets and in their siege mentality ‘defending’ their homes because they are white and have little difficulty in gaining a license. The average white carries a firearm whether drunk or not. We need look just at the spate of family murders in the white community to realise how many irresponsible people carry firearms with a license. Even though I had no license, by technical fault, why had I to be treated in a worse fashion than

irresponsible whites. I do not believe it correct that I should have been less trusted than these people.

“As far as the possession of ‘dangerous weapons’ is concerned – the count which was withdrawn: These were in my position as priest and community leader after members of my congregation disarmed residents of Shoshanguve involved in fights and restored peace, then brought the weapons to my presbytery. This not unusual in black areas where people turn to their priest or minister to restore peace and good relations.

Responsible censorship

“As far as the possession of two copies of a ‘banned’ book is concerned – a count also withdrawn: I find it unacceptable that a so-called civilised country should have censorship, except where literature corrupts morals or is genuinely dangerous for the common good of all citizens.

“People in positions of responsibility, who have to advise and give moral and pastoral guidance in and on society, such as a priest, surely need to be informed of what goes on in his society. They should thus have no restrictions on what they read, for them to execute their vocation. Of course, literature on, say, how to make an H-bomb would fall in a different category. It seems though that the government is trying to suppress literature that will help people understand injustice and oppression.

“I’d also like to mention I have a fairly extensive library. Out of thousands of books, the police found only one banned book. Surely that is proof enough that I am not dabbling in literature as a student wanting to sow subversion.”