

STATEMENT ON FR. S. P. MKHATSHWA AND FR. A. D. SCHOLTEN, OP

5 June 1977

At the occasion of the banning of Fr. Mkhathswa to the magisterial district of Pretoria and Mabopane East, His Grace Archbishop J. P. Fitzgerald, OMI, Bishop of Johannesburg and President of the Southern African Catholic Bishops' Conference has issued the following statement:

“It is with deep concern that I as President of the Conference of Bishops of Southern Africa have learned of the five year banning order of one of the secretaries of the Conference on Saturday 4th June at the administrative offices of the Conference. I protest vigorously against this order. The Southern African Catholic Bishops' Conference has repeatedly over the years and notably in 1972 and 1975 condemned bannings without trial and called for the “repeal or drastic revision of laws permitting such action”.

I condemn the banning of Fr. Mkhathswa not merely in isolation or because he is a clergyman but I condemn all bannings of people at present under banning order without reason being given. This way of “keeping order” is a travesty of justice. It seems we are fast approaching a time when the honourable minister of Justice will – unwittingly it is hoped – find himself in a position of sole arbiter of justice in South Africa.

In our opinion this banning constitutes a smear on the reputation and character of Fr. Mkhathswa for it says explicitly that he “engages in activities which endanger or are calculated to endanger the maintenance of public order”. No evidence is advanced in the banning order to substantiate this allegation. We can only take it therefore that such an allegation could never stand up to the exacting demands of a South African Court of law.”

In a telegram addressed to the Minister of Justice in Cape Town, His Grace says: “I earnestly appeal to you to make known the reasons for the banning so that they can be tested in court, alternatively to release Fr. Mkhathswa.”

Fr. S. P. Mkhathswa has just barely completed a five months spell at a prison in Modderbee (near Benoni), again without charge or trial.

It strikes me as President of the regional body of the Bishops of Southern Africa that Fr. Mkhathswa is the second Secretary of this body who is prevented in the pursuance of his duties. It is well known that Fr. Dominic Scholten, former Secretary of the region had his passport withdrawn and is on R50,00 bail on a charge in connection with the Publications Act. The banning of Fr. Mkhathswa will be looked upon with grave concern by the 60 members of the region which includes Angola, Namibia and Mosambique. In their name I feel bound in conscience to protest.

This banning is particularly hurtful as it strikes very directly at the exercise of the pastoral ministry of the Church in South Africa. This seems direct confrontation between Church and State. Fr. Mkhathswa works for communications, Ecumenical relations and Development.

The Southern African Bishops' Conference has recently expressed itself in no uncertain terms of favour of the rights of all citizens of South Africa in the country of birthright. Here, once more, is another instance of the violation of a fundamental human right of freedom”, says the Archbishop.