

21/2/11/17/19

# **CONSTITUTIONAL ASSEMBLY**

**CONSTITUTIONAL SUB-COMMITTEE**

## **SUBMISSIONS**

**RECEIVED AS AT  
30TH JANUARY 1996**

**VOLUME 5**

***PART 1  
ORGANISATIONS***

# CONSTITUTIONAL ASSEMBLY

## SUMMARY OF SUBMISSIONS RECEIVED AS AT 30TH JANUARY 1996

VOL 5 NO	ORGANISATION	SUBJECT	SUMMARY
5.1	Concerned Citizens Committee	Life	Re-instate death penalty
5.2	Mabopane Community	Housing & Land; Death Penalty; Traditional Authorities	Squatters must to back to the homelands; Death penalty - support; Traditional ways of the life must be maintained.
5.3	South African Gunowners Assoc	Legislation	Right to bear arms.
5.4	Walk to Talk	RSA	The constitution should be based on biblical law. Satan's solution is a secular state.

# CONSTITUTIONAL ASSEMBLY

## REGISTER OF SUBMISSIONS RECEIVED AS AT 30TH JANUARY 1996

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# CONCERNED CITIZENS Committee

P.O. BOX 606, HILLCREST 3650  
TEL/FAX: (031) 7691315

A NON POLITICAL ORGANIZATION  
FORMED WITH THE SOLE OBJECTIVE  
OF PRESSURIZING GOVERNMENT TO ACT  
IN THE BEST INTEREST OF ITS PEOPLE.

13th December 1995

An open letter to -

THE CONSTITUTIONAL ASSEMBLY  
THE STATE PRESIDENT  
THE MINISTER OF JUSTICE

## THE CALL FOR THE REINSTATEMENT OF THE DEATH PENALTY

### BACKGROUND

Recently a group of citizens formed the Concerned Citizens Committee after a particularly brutal murder in their area. The victim, Mrs Sheila Greener, had been a long time citizen of Hillcrest and was well known and respected in the community. A public meeting was held at the scene of the crime with the purpose of drawing attention to the incident.

### THE MURDER OF SHEILA GREENER

Mrs Sheila Greener had stopped at a local garage to fill up with petrol and while still seated in her vehicle, was approached by two would be car hijackers. Her assailants failed in their attempt to persuade her to hand over the keys to her car.

One of the assailants then promptly shot her in the head at point blank range in sight of hundreds of passers by. The two assailants then fled the scene in a getaway car which was driven by a third accomplice.

Due to traffic congestion in the area, the three suspects abandoned the vehicle and fled on foot. It must be noted that the incident happened less than 100 metres from the Hillcrest Police Station.

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Unknown to the two attackers (on the garage forecourt) a closed circuit television camera was filming the events. The faces of the two would be hijackers were clearly visible and the police were able to identify the two culprits.

Three suspects were subsequently arrested a few days later. One of the suspects, the driver of the getaway vehicle, turned state witness.

Since their arrest, we have established that there are a number of serious shortcomings in our judicial system and have concluded that they are in part directly linked to the current spiral in violent crime in our country.

With reference to the murder of Sheila Greener we ask you to disprove that the present judicial system makes a mockery of justice.

#### THE JUVENILE OFFENDERS ACT

Sometime after his arrest, accused no 1 made a plea that he was under age 18 (a juvenile) and was subsequently ordered to undergo a medical examination to establish his age. The medical examination revealed his age to be 25 and under the current law he was remanded in prison until trial.

It could be understood that accused no 1, by attempting to falsify his age, was attempting to be released from prison and put in "A place of safety" as described in the new law pertaining to juvenile offenders.

A so called place of safety is a detention centre for young offenders awaiting trial, and is not a prison. Present safety measures at some of these centres leave a lot to be desired. As the Excelsior Place facility in Pinetown currently proves.

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### GRANTING BAIL TO MURDER SUSPECTS

Accused No 2, the murderer, is understood to be of adult age. What is disturbing however is the fact that at the time of the murder of Sheila Greener, he was currently out on bail for murder committed elsewhere in Kwazulu Natal.

Had he not been out on bail the events that led to this crime would have been somewhat different. Can the courts justify the reasoning behind the granting of bail to a suspect in a murder case. They can only argue that the evidence against a suspect is not sufficient enough to warrant his detention in prison.

### THE ABOLITION OF THE DEATH PENALTY

If the act of murder were seen for what it is; the most severe of all crimes against a society, should the punishment then not fit the crime. We all agree on the need to punish. It is only how we punish that is up for debate.

### THE CALL FOR DEMOCRACY

Who should decide how a society metes out its punishment on criminals? As it is society that dictates its own norms (what it tolerates, and what it will not tolerate), it would automatically follow that it is society that will decide.

We have a clear mandate to demand from you that you treat our call for the reinstatement of the Death Penalty with the urgency it requires.

With reference to the draft constitution, chapter 2, Bill of Rights, sub section 10, "Right to Life", we support option 2.

Dear Sir

I hereby make some application of  
views to the Honourable Member and speaker  
of Parliament. I am handling very delicate and  
sensitive matters and controversial issues.  
I Section Ten might special and Residential  
Permit and Residential Service Contract must  
come back and last until the Twenty Century.  
The house you the you a the looking like  
Land act must applied in restricted zone  
squatters camps must be abolished create  
breathing place for indigenous foreigners that  
is squatters.  
The people from some land also locked at the  
squatters to seek jobs they live their own  
land and come to occupied our land  
in Pretoria and Johannesburg, and where our  
native children going to get grace, all the  
land are being taken 3

I we beg that children starting at school as new enrolment must produce a valid residential permit and birth certificate. must be applied in a restricted form.

If they don't produce these documents, people from Zimbabwe Zimbabwe they must not be sent to school, because the law is not strict. By the law there must take any further steps with those foreigners. when we say freedom we don't say anything must take the law on their own hand. In South Africa now every body takes the law on their own hand.

Police must patrol during the night in the location. If night patrol must come back things will be released.

Health penalty must come back. some will decrease.

Normal retirement age must be 65 to 70. we beg to apply to those kind ages. all boys and girls ages ranging from 14 to 18 years who are remaining about the location must go to special training or skill school to train for manual work. they must look for job. 4



13271

Dear Sir

I hereby made some application of viewers to the honourable director and speaker of Parliament. I am handing my I do as and strong viewers and controversial issues.

1. Section ten night special and residential permit, and homeland service contact must come back and last until to twenty century.  
Ke bona gore ke yona e ka lokisang lefase,
11. Lan act must applied in restricted form squatters camps must be abolished crates breathing place for hooligans, foreigners flocked in squatters.
111. People from homeland also flocked at the squatters, to seek jobs they live their own land and come to occupied our land in Pretoria and Johannesburg, and where our future children going to get space, all the land being filled, graveyard.

They live their own vacant land and come to occupied our land, They must go back where they come from. I suggest that the investors they must open first the industries, and factories in the homeland so the people from the homeland they must back and work at their homeland, squatters camps must be demolished, foreigners must never come any more in South Africa.

- 1V. In the urban area location mostly in Winterveld and Maatsopane North west, they hire people from homeland and Mozambians, Zimbabweans they give them spare room, in each room they sleep more than five people each person pay thirty rand per person, these things of living tenants must come to the end, because it creates crimes and rape, they gave power to foreigners to come to South Africa they have no legal permits, because estate ownership are the people who encourage these people by building extensions in houses in their yard in houses and spare room which are not on the building plain must be abolished. They found twenty houses in one yard, especially Winterveld and Mabopane mostly in north west ....

We beg that children starting at school as new enrolment must produce stay residential permit and birth certificate must be applied in a restricted form.

If they don't produce these documents, people from Zimbabwe Mozambique they now to send their children to school, because the law is not strict. If the law those not take any further step with these foreigners. when we say freedom we don't say anybody must take the law in their own hand. In South Africa know everybody takes the law in their own hand.

Police must patrol during the night in the location. If night special must come back things will be relevant.

Death penalty must come back, crime rate will decrease.

Normal retirement age must be 65 to 70 years. we beg t oapply to these limit ages. All boys and girls ages ranging from 14 years to 18 yaers who are roaming about the location must go to special training of skill labour to train for manual work. tehy msut look for old building and keep this ... the day and do some special train for these children because they don't bother themselves to go to school if they can plane that system crime will stop, most of these boys are roaming about in trains and selling fruits and newspapers. If they can crates .. workshop for thse boys and gilrs.

You find most of girls they have illeeigemate children.

Tradition and costumes and culture of nation must be practise, so that our dead ancestor mulst gave us a great power to the black men to ruled this country o South Africa.

Malopane Community



# THE SAGA TRUST ♦ DIE SAGA TRUST

THE SOUTH AFRICAN GUNOWNERS' ASSOCIATION  
REGISTRATION NUMBER 1555/85

(A non-profit, non-political association of concerned law-abiding firearm owners.)

('n Vereniging, sonder politieke- of winsoogmerk, van besorgde wetsgehoorsame vuurwapeneienaars.)

ADMINISTRATION OFFICE: PO Box 35203, Northway 4065

Tel (031) 52-6551 fax (031) 562-8389

The Executive Director  
Constitutional Assembly  
PO Box 1192  
CAPE TOWN  
8000

6 December 1995

Sir,

## CONSTITUTION

We note with concern that our submissions on firearm rights are not reflected in the working draft of the new Constitution. In failing to acknowledge a basic right to possess firearms, and in failing to restrict government's power to infringe this right, the Constitution effectively leaves the way open for any future government to disarm its citizens, leaving them unable to resist tyranny or military dictatorship.

We note with equal concern that whereas criminals are afforded extensive rights, nothing in the draft Constitution gives law-abiding citizens the right or the means to defend themselves against criminals. The right to life, to security of the person and to be free of all forms of violence (Articles 10 & 11) and the right not to be deprived of one's property (Article 24) are meaningless unless one is entitled to the *means* of defending those rights against criminal violation.

Indeed, it can be argued that the Constitution gives the criminal more real, practical rights to help him avoid the consequences of his actions, than it gives the law-abiding citizen to protect person and property against criminals.

It is an indisputable fact that for the vast majority of law-abiding people of this country, a firearm is the only effective means of defending their rights. The police cannot protect everyone, nor are they legally obliged to do so.

Article 10 of the draft Constitution also gives cause for concern. In its proposed form, it falls far short of, for example, the European Convention on Human Rights, which qualifies the right to life by allowing for the deprivation of life, *inter alia*, in defence of any person from unlawful violence, or, in order to effect a lawful arrest or to prevent the escape of a person lawfully detained (Articles 2(a)&(b) of the Convention). This mirrors the current legal position in this country regarding justifiable homicide; the draft Constitution puts it in doubt. It would be an untenable situation if an intended victim who killed an assailant in self defence or in circumstances covered by Sec 39 of the Criminal Procedure Act could be held liable, criminally or civilly, for violating the criminal's constitutional right to life.

We strongly urge that the draft Constitution be amended to accommodate the concerns expressed above.

Yours faithfully,

Ian Lehr  
Chairman  
SA Gunowners' Association

**AFRICAN CHRISTIAN DEMOCRATIC PARTY  
(ACDP)**



**FAX MESSAGE:**

**TO: MR HASSIEN EBRAHIM**

**FROM: ACDP  
PARLIAMENT, CAPE TOWN**

**DATE: 5 OCTOBER 1995**

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# WALK TO TALK

P. O. Box 19701 Tecoma 5214 Tel: 0431- 437303 Fax: 0431 - 434431



**THE EXECUTIVE DIRECTOR:  
CONSTITUTIONAL ASSEMBLY  
P.O. BOX 15  
CAPE TOWN  
8000**

The Christian Community of the Border/ Kei Region, met together on this day, the 23rd of September 1995, to make the following request to the Constitutional Assembly

## THE STATEMENT:

**BASE OUR CONSTITUTION ON BIBLICAL LAW.  
SATAN'S SOLUTION IS A SECULAR STATE.**

## IN OUR NEW CONSTITUTION:

1. The **ALMIGHTY GOD** should be acknowledged
2. **FREEDOM** limited by **MORALITY**
3. **MORALITY** based on **BIBLICAL STANDARDS**
4. **EQUALITY** limited to broad categories
5. a) **LIFE** begins at **CONCEPTION**  
b) **CAPITAL PUNISHMENT** to be retained
6. **FAMILY LIFE** and **MARRIAGE** upheld
7. **ALL CHILDREN**, including **PREBORN**, to be protected from abuse
8. **RELIGIOUS BELIEF** and **PRACTICES** upheld, **EXCEPT** evil beliefs, e.g. Satanism

This statement was unanimously agreed upon by the

people attending the event.

A handwritten signature in black ink, appearing to read 'T Basson'.

**MRS. T BASSON  
CHAIRPERSON: WALK TO TALK**

**Base our Constitution on Biblical Law**

