

Submission by the Rev. Douglas Torr

Why I am making this submission

In making this submission, I do so in the hope that recognition will be given to the very difficult situation that many white conscripts were placed in, and the decision that many had to make. I also do so in order that the efforts which many white conscripts made not to serve in the SADF may also be appreciated. These efforts at resistance ranged from avoidance tactics to refusal to serve in the SADF. Some conscripts registered for study as long as possible, others resorted to changing address and not informing the SADF, or being outside the country at the time of the call up, and finally there were those who went (??), or refused to serve and were willing to face imprisonment. We also need to appreciate the role played by those who were not conscripts but who were opposed to conscription and the use of the SADF to support apartheid. In particular here the role of the Black Sash needs to be mentioned as does the supportive role that women played in supporting objectors as their mothers, sisters, lovers or friends.

I write this particularly to remind the government of the present of its commitment never again to subject its young people to system of enforced conscription. While it is true that we currently have a voluntary army, and that the Defence Review recognises this, there have been disturbing proposals within this very Review that suggest that a form of conscription may still be imposed. Despite assurances of the Minister of Defence that these sections will be removed, it is disturbing to think that in 1997 proposals of this nature could still be made. Furthermore, we need to note that despite the efforts of the End Conscription Campaign, the Conscientious Objector Support Group, and individual objectors themselves, the new Constitution makes no direct provision for freedom of conscience regarding the issue about whether an individual serves in a military force or not. For this very reason it is important that we learn from the experiences which conscientious objectors underwent during the apartheid era in order that we never again impose this kind of situation on a future generation.

I shall deal with my own objection by first looking at the way in which I was subjected to a culture of militarism through the education system, the organisation that supported objectors played in influencing my decision to refuse the problem that the Board of Religious Objection posed, and finally my experience of being tried by the state for refusing to serve.

Cadets

As a white South African male I was compelled to register for service in the South African Defence Force at the age of 16. This registration took place at white highschools including white private schools. Registration took place under the watchful supervision of the SADF and since it was regarded as law and therefore as a duty no explanation was given to you of the implications of what you were doing, nor **/pp1-2/** were your parents consulted on the matter. At the time when registration occurred I was attending an all boys English speaking school where doing cadets was part of the school ethos. Despite the fact that the law (Section 57 of Defence Act 195) at the time stipulated that if a parent objected to their child doing cadets the child could not be forced to do it, no one ever advised us of this fact. Thus from the age of 12 until I left highschool to go to university, we were subjected to the phenomenon of militarism and required to be boy soldiers in training. The militarism was further compounded by moral guidance lectures on the evils of terrorism and how to respond in the case of bomb attacks.

Because of these experiences I remain opposed to the indoctrination of youth into the glories of war through the system of cadets, even if such a system is a voluntary one that is extracurricular. The society in which I grew up and was educated was a highly militarised one and I believe it was through things such as cadets, which were thought to be character and morale building, that the seeds were already sown for some of the atrocities that the SADF committed in Namibia and Angola [see enclosed article from the trial of Philip Wilkinson], and also the destructive role they played in townships during the years of the states of emergency [see my enclosed Statement of Conscience written at the time of my trial-point 1].

Rather than educating our youth in ways that encourage militarism, we need through the Youth Council, and education syllabuses to encourage nation building through the promotion of peace studies, conflict resolution, and projects that build up the community and promote human rights values.

The role of the Church, advice centres, other objectors, and the ECC

Despite all the education system, and perhaps owing to a combination of my own religious belief and the teachings of my church, I began to wrestle with going in to the army. In this regard I did not have support from my family who held very conservative political views. At this time I resolved to the problem by deciding to be a chaplain and a pacifist. It was only when I went to university and was exposed to divergent political ideas that I realised that I would never serve in the SADF. I was very fortunate in that I realised that in the early eighties the issue of objection was being widely discussed on campuses, and was even part of a pastoral study's module on violence and nonviolence. The English speaking churches [see copies of Church of the Province resolutions] were also attempting to wrangle with the issue, and stay clear of being prosecuted under Section 121 (c) of the Defence Act that forbade one from encouraging anyone to refuse to do national service in the SADF. This section which made all our counseling work extremely difficult, is contrary to both the right to freedom of belief and also freedom of expression, and we need to ensure that such a violation of basic human freedoms is never tolerated again. I believe that the English speaking church while attempting to support the right of objectors at one level failed in this endeavour because of its continued support of the chaplaincy of the SADF and its fear of being prosecuted if it condemned conscription outright. When I refused to serve and stood trial, I was attempting to remind my own denomination of its commitment to the process of political change through dialogue and not through military service in any form.

I was also fortunate to come into contact with early objectors such as Neil Mitchell and /pp2-3/ Richard Steele (who both served prison sentences in military detention barracks), as well as the Reverend Rob Robertson, who actively lobbied for the right to conscientious objection. These people offered support, and from their personal insights and courage I learned a great deal, and was encouraged in my own thinking. Further support came from working with early advice centres such as the Conscientious Objector Support Groups who gave people information on their rights. These groups also played an invaluable role when the ECC was banned, not only did they take over the role of the ECC but also helped in the creation of support groups and public awareness campaigns for individual objectors - including myself.

Ivan Thoms, David Bruce, Charles Bester, and (?) Batzofin, were all imprisoned for their refusal to serve. I was involved in support for them through the organisation of church services of support and public awareness campaigns. I was also part of Saul's and Charles's personal support groups, and thus able by talking to and visiting them in prison be fully aware of the severe consequences that arose from their refusal. I was also encouraged by their strength and commitment.

Besides these individual objectors, there were public acts of refusal by conscripts. First there were the 23 in Cape Town, then the 141, and finally the 771. These were all attempts to show the growing ground swell of opposition conscription into an apartheid army. I myself was part of the 141 and 171. These public actions of defiance were also important acts of solidarity by conscripts for other conscripts.

The Board for Religious Objection

Just when as conscription was being more widely discussed, and resistance to doing national service increased, the state responded by changing the Defence Act. In 1983 the Defence Act was broadened to include all religious pacifists as conscientious objectors [religious objectors]. Religious objectors who were universal pacifists could apply to a board headed by Judge M.T. Steyn and on which a member of the individuals own denomination, and also military representatives sat. They could either apply for noncombatant service in the SADF, or else for nonmilitary service in a government department. This kind of sentence was extremely punitive as one had to do 1 and a half times the length of service owed to the SADF. The alternative of refusing to do national service became equally punitive by requiring a prison sentence of one and a half times the amount of service due, which in the case of someone who had done no national service meant looking at a six year period of imprisonment.

In the case of those working in government departments there was acute hardship [see enclosed article]. The board was also only open to religious pacifists, which I found objectionable since there was an attempt to distinguish between religious pacifists, and moral or political objectors, and even religious objectors who subscribed to the Just War Theory. Because of my dealings with the board, through helping others who applied to it, as well as through hearing the experience of those whose applications were refused by the Board, I refused to apply to it. [see enclosed Statement of Conscience point 2].

My own trial /pp3-4/

I received a call up for 30 July 1989, and sent a written response to the SADF via the lawyers to inform them of my unwillingness to serve. I then had to wait six months before the state informed me of their intention to prosecute. The reasons for my objection are contained in the statement of conscience that I have already referred to. I was requested to have a meeting with Sergeant Major Flattery who was the officer responsible for charging me. He said that he did not wish to have me prosecuted and then formally charged me. On 15 January I had my first appearance postponed, and then had to wait until 14 May for my next appearance. What was considered highly irregular at the time was that the prosecutor was quite clearly tired of helping send conscripts to jail, and so she asked few questions of me. The magistrate then took over reasons for objecting. Sentencing was then set for May 28 but this was then postponed until 4 July. This was to give the magistrate time to consider the newly won legal ground (through an appeal lodged by Ivan and David), which argued that a magistrate could use his discretion in what was an appropriate sentence. He was not bound to sentence anyone according to the original one and a half times of service owing to formula. He was also not bound to sentence anyone to serve a jail sentence. With this in mind NICRO were also asked to submit evidence, about possible community service. In the end on 31 July the magistrate Mr Verhoef announced his sentence. To many people's surprise he sentenced me to a year's imprisonment. The magistrate did not understand that for me religion and politics were not two separate spheres of life, but that they belonged together. He acknowledged that sending me to prison was "plainly stupid and a waste of his talents", and that "he is exactly the kind of person who does not belong in prison", but he felt that he had little option but to impose the sentence as there was no guarantee that I would not commit the same "crime" again.

After sentencing I was led down to the holding cells where I was processed with other criminal offenders, put in leg irons and driven to prison, where I was placed in the holding cell with about a dozen other people. The next day I was again taken in leg irons to court for a bail and leave to appeal hearing. What astounded me and many people, the magistrate included, was why an avowed pacifist who was not a criminal had to be in leg irons at all. If it had not been for the fact that they didn't have any handcuffs available, I would have been handcuffed in addition to wearing leg irons. The wearing of leg irons is an extremely degrading experience for anyone who is not a dangerous criminal, though at the time of my trial it was the practice for all criminals to be treated in this way. After leave to appeal was granted I was given bail of R100.00, which was the lowest possible bail. The appeal took a further six months to be heard. I was 25 when I refused to serve and 28 when the appeal was heard. The appeal was successful, and I was granted a suspended sentence, and community service of seven hundred hours. The community service was done counselling clients at the SA Medical Research Aids Centre.

On reflection the experience of being on trial for a whole year was very exhausting, and totally unnecessary given the political changes that were taking place at the time. On a personal level the experience of waiting meant that my whole life was put on hold for a year, but I have no regrets at all about refusing to serve. I believe that those of us who refused to serve as young white conscripts present an important contrast to those who did serve in the SADF and who were brutalised by the experience, or became **/pp4-5/** agents of brutality. I ask that when the history of the effects of apartheid is compiled that our example be included as a positive example of the power of peaceful resistance to the inherently unjust and indefensible policy of apartheid, and the use of military might to sustain it. I further ask that we remain committed to never conscripting young people again, and ensuring that right to freedom of conscience is maintained at all costs.

The Reverend Douglas Torr