



DESCOM BULLETIN.

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Nº 2

Minister's new rules don't protect detainees

The new rules announced by the Minister of Law and Order governing the way the police treat detainees do not provide the basic safeguards the Detainees Support committee would expect.

Each rule has a qualifier attached to it, making the code useless as a set of controls in which the public can believe. They appear to be no more than the sort of standing orders a policeman would have received in the past. The Detainees Support Committee's major differences with the code of conduct are:

- * There is no attempt to make the police accountable to anyone for their actions, except to one another.
- * There is no attempt to mention interrogation procedures. These need to be laid down explicitly. Unless these rules conform to procedures consistent with humane practice, no-one will believe that the detainees are in safe hands. They will continue to die in custody or end up in psychiatric wards.

WHAT ARE THE NEW RULES THE MINISTER HAS ANNOUNCED?

- * He says that the police will keep records on people in detention. Is not the keeping of records the business of any state department, especially where human lives are involved?
- * He boasts that detainees will receive "regular visits", but fails to tell us that these "visits" will be from security warders or other state officials. Detainees will continue to be held incommunicado - that means being held in isolation, cut off from the outside world, from their own friends, family, doctors and lawyers.
- * The Minister adds to his "new rules" the old rules that magistrates and district surgeons as well as "inspectors" will visit detainees. Their participation in the system of detention is still regulated by the security police and they have no independence.
- * The Minister says that detainees held for more than six months can appeal to a "Board of Review". The decisions of this committee are not binding on the Minister. Is this anything more than a dummy board?
- * The Minister provides for "unannounced" visits by the Divisional Commissioner or Officer in charge of the security police. Why not judges?
- * The Minister says that detainees will get adequate sleep and exercise. What does the Minister mean by adequate?



What emerges from the "new code of conduct" is an attempt to list a number of bureaucratic procedures which are calculated to mislead the public and to give a further rubber stamp to police authority under the guise of "official care".

DESCOM DEMANDS THAT THE POWERS OF THE SECURITY POLICE BE CURBED SUBSTANTIALLY TO PREVENT TORTURE AND OTHER SECURITY POLICE EXCESSES

5 deaths in 1982

It has become increasingly difficult for the Detainees Support Committees to monitor the statistics of people in detention, especially of those detained in the Transkei, Ciskei, Venda and Bophuthatswana, where very little is revealed by the authorities. The SAP do not supply information about these territories, as they consider them to be "independent". Short of official confirmation, the most reliable statistics available are those kept by the DPSC and the South African Institute of Race Relations.

There have been 264 detentions under the security laws in 1982, 83 of which have been in the so-called "homelands". Of the people detained during this year, 34 were labour leaders and over 100 were students. Most of the detainees have been released without having any charges brought against them.

At present, there are 52 detainees being held throughout the country, the majority of these being held in the Transvaal.

Three detainees have died in 1982, two while being kept in solitary confinement - Neil Aggett and Ernest Dipale - and one, Ms. A. Dlodlo, having died shortly after being released. In the last case, a charge has been laid against the security police concerned by the District Surgeon of Johannesburg.

DETENTIONS IN NAMIBIA

Agencies monitoring detentions and security police excesses in Namibia face similar problems to those in South Africa. Almost no information is forthcoming from the authorities, and agencies rely heavily on information provided by the relatives of detainees. One church source in Namibia said that it was impossible to ascertain what was happening in Ovamboland. The same source stated that it knew of 55 detentions in other parts of the country during 1982.

On the day that Law and Order Minister Louis Le Grange released his new code of conduct for detainees, two detainees died while in the custody of the South African police in Namibia. These deaths have sparked a protest from the Bar Council in Namibia, which has accused the police of widespread abuse. Apart from the recent deaths in detention, there have been a number of unexplained disappearances.

Namibia is presently under South African rule and the responsibility for the lives of those detained there rests with the South African government.



Two Detainees nearly blinded

Two Transkeians whose sight was impaired after they were whipped with sjamboks by Transkei police are claiming damages from the Transkei Minister of Police.

In two Supreme Court actions recently, judges have held that the Transkei Minister of Police was liable to compensate the two men for injuries suffered as a result of assaults by Transkei policemen.

Mr. Justice van Coller found that Mr. Sithembile Mkize of Umtata lost the sight of his right eye after being struck with a sjambok by plainclothes Transkei policemen on January 21, 1981. Mr. Mkize is claiming R7 500 damages for shock, pain, suffering, disability and disfigurement.

Mr. Thembinkosi Mbangeni, another assault victim, had his eye removed by doctors after being assaulted by Transkei police with sjamboks. This incident occurred in 1980 during a state of emergency. The court ordered that the Minister of Police was liable to compensate Mr. Mbangeni for the injuries sustained during assault. Mr. Mbangeni is claiming R11 500 damages.

These two cases are typical of the successful civil actions taken by ex-detainees against the police. However, there has yet to be a successful criminal action against the security police.

The never.. never.. detention

In 1976 the government introduced a new sort of detention called "preventive detention". Under this law, they lock up people who they know have not committed any crime but who they think might create some problem in the future.

Under preventive detention (Section 28 of the Internal Security Act of 1982) you are not under police investigation, you just sit in jail - in solitary confinement or in a cell with others as the prison wishes. You are given a detention order showing the date on which you are due for release, but the date has no meaning - they can release you before or keep you for longer.

The two examples of preventive detention concern two virtually unknown detainees who are held in the Modderbee Prison in Benoni, Transvaal.

MORDECAE TATSO was detained in Soweto in December 1979. He was held for many months under Section 6 of the Terrorism Act. Then they took him to Bethal to be a state witness in a trial there. He refused to give evidence, so the judge sentenced him to three years in jail. This was reduced to one year on appeal. Tatso ended his jail term in March 1981. But the security police immediately re-detained him. He has been kept in jail under the preventive detention law.



DAVID NTOBELA was kidnapped during the Matola Raid by the SADF into Mozambique in January 1981. He is a citizen of Mozambique. First he was held under Section 6 of the Terrorism Act. In April 1982 he was transferred to the preventive detention section of the Internal Security Act and taken to the Modderbee Prison.

Both David Ntobela and Mordecae Tatso recently had their preventive detention extended for another year, until August 1983. If the government wants to, it can keep them there for life.

POLICE WARN EDITOR

It is becoming increasingly evident that security police in Natal intend using Sections 4 and 12 of the Protection of Information Act for the purposes of concealing the names of those held in detention from the public.

Recently Daily News editor Michael Green was telephoned by a member of the security police and informed that the charges against the Daily News had been dropped. The charges arose from what the police saw as a contravention of the old Police Act, when the Daily News published information about the hospitalisation of a detainee earlier this year. At the same time as informing him that the charges had been dropped, the security policeman informed the editor that he should pay attention to Sections 4 and 12 of the Protection of Information Act. The policeman said that he was alerting the editor to the relevant sections of the Act as a "friendly gesture".

The editor construed this "friendly gesture" as a warning from the police that they would use the Act to prosecute those who published the names of detainees without the permission of the security police.

The Detainees Support Committee has been anticipating that the police would attempt to use the Protection of Information Act in this way. When the Act was passed, assurances were given that it would not be used to conceal the names of detained people. However, assurances from the powers that be can readily be interpreted as a smokescreen behind which they can hide their "deep and dark desires"

NOTICE TO ALL MEMBERS OF DESCOM

DESCOM WILL BE HAVING ITS FIRST MEETING FOR 1983
ON MONDAY JANUARY 10 AT 5.30P.M. AT ST.JOSEPHS