

# **TORTURE IS PART OF THE SYSTEM**

## **STATE VIOLENCE IN SOUTH AFRICA & NAMIBIA**



# ***Introduction***

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Recently P W Botha visited some West European countries. One of his tasks was to push racist South Africa's determination to break out of its international isolation and the boycott of apartheid declared by the United Nations. Many arguments are used to this effect.

We are told of reforms and impending changes. The more they talk about change the more things remain the same, or even worsen. They are talking about change when they still illegally occupy Namibia and parts of Angola, when repression is continuing and even being intensified inside South Africa and indeed the skies in Southern Africa are still clouded with the ever-present threat of aggression and invasion.

While politicians, publicists and even sportsmen argue about whether white South Africa is really trying to reform itself, people in South Africa are being harassed for no other reason than that they want to lead a decent life. People are arrested, detained and killed. These people are detained, not because they are criminals, but because they love their people and are fighting for them: they want their people to be well fed, healthy, clothed, housed, employed, decently paid, educated and to be able to express themselves freely on matters that affect them.

One problem with these detentions is that some of the detainees may have been charged without news of the charges ever having been made public. The police do not have to announce the fact when they decide to charge a detainee. News usually comes through a relative or a lawyer. But lawyers representing detainees frequently find that their clients have already appeared in court — without their having been informed. There are cases when detainees are charged and their lawyers hear about it 20 days after they have appeared in court.

The terrifying thing about detentions is that only the police know who has been detained, who has been charged and who has been released, and they don't tell anybody. They do not have to. It is no use enquiring. They may confirm that such and such a person has been detained, but they are under no obligation to volunteer names of people picked up by the security police. The police have to confirm first that a person has been detained. Only then — and not before — can a friend, relation, lawyer or newspaper publish the news: otherwise he falls foul of the Police Act.

News of many detentions never gets out. Neither does the news of the release of many detainees. The police in most cases do not know what the security police do. If a detainee has ever been a political activist, they keep very, very quiet about it — for obvious reasons. Then, one day, the detainee reappears — and they keep quiet about that, too. Louis le Grange, Minister of Police, is not helpful at all, and reliable current statistics on detention are almost impossible to come by.

The current trend in detentions reflects a change in emphasis in protest from the educational field to that of labour. This is not accidental, since the trade

unions and the workers in general have become more militant — have become the pace setters. The trade unionists and people connected with trade unions are the prime targets of the police and the security branch.

The repercussions and results of detention are detrimental — to say the least — to the mental and physical health of the detainees. What about their future? Detention affects the memory of the detainees, besides the fact that they are terrorised and tortured to make statements. These detainees have no rights at all — no reading or study material; only limited and supervised visits by lawyers and relatives; inadequate daily exercise; no food parcels; no fresh clothing. They are held until the security police have completed their investigations and the dossiers have been referred to the Attorney General. These detentions have been extremely frequent. People are detained, left, right and centre for ‘terrorism’ and/or furthering the aims of the banned African National Congress.

Details of torture and death in detention are contained in this booklet produced by the African National Congress. In simple but clear words it shows the brutality of apartheid. It depicts the resistance and the strength of the detainees; their courage and determination in the face of the apartheid torturers. It gives the reader the hope that — with such dedicated and determined people, the future for the liberation struggle in South Africa is bright.

What is required is to intensify the campaign for the release of Nelson Mandela and all the political prisoners in South Africa. The information in this booklet will help to stimulate the campaign. The campaign for the release of political prisoners and the campaign against detention and torture of political prisoners is one aspect of the struggle for democracy in South Africa — a democracy which will come about through the implementation of the Freedom Charter.

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# **TORTURE IS PART OF THE SYSTEM**

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## ***State Violence in South Africa and Namibia***

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A commentator on torture in Namibia, the head of a British television team, said recently, "It is absolutely clear that the practice of torture is so systematic and widespread that the police, army commanders and their political masters must know that it is going on. If they do not know, it is a dereliction of duty, and if they know it is happening and do nothing about it they deserve the condemnation of the world."<sup>1</sup>

The truth is that torture in South Africa and Namibia is not a practice that goes on unknown to those who run the apartheid system — it is part of the system itself.

Resistance to the racist regime in South Africa has been resistance both to the apartheid laws and to the governments that introduced them. Security legislation has provided the legal framework for the defence of the system. It denies judicial protection to opponents of the regime, and consistently subjects them to various forms of torture, in defiance of the international legal order and the civilised world. State terrorism has systematically subverted the civil law. The land acts, pass laws, urban areas acts, and barriers against wage and work opportunities — the targets of anti-apartheid protest — were all enacted to guarantee white privilege.

Many of these laws go back to the beginning of the century and earlier. The racist institutions that characterise the country reflect and reinforce this domination, and the ideology of apartheid has updated and attempted to justify it, and turn it into a credible system. The fact that torture has become an institution for the defence of apartheid is the fullest measure of its lack of credibility — and of its failure.



# ***Solitary Detention***

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Detention in an empty prison cell, with only a minimal number of distractions for food and exercise, with no books, newspapers or communication with others, sets the scene for the extraction of 'confessions' from political detainees. It is in itself a cruel form of torture. The system of solitary confinement leaves no physical scars, no visible bruises, and is the first step in an elaborate, cruel and brutal system of torture by which the apartheid state puts down resistance to the regime.

The label, 'solitary confinement,' is a euphemism for sensory deprivation. The more one is cut off from the world, and the fewer the opportunities to test one's perceptions against it, the more one becomes distanced from reality. Scientific tests have proved that victims of solitary detention undergo mental changes that are sometimes quite startling. Not every individual reacts to solitary detention in the same way. A person's response to these conditions depends on a variety of factors such as health, personality, determination and commitment. Many activists against apartheid have learned through experience how to confront state terrorism of this sort. Some keep themselves together longer than others, but all are exposed to their interrogators; to the same kind of questioning over and over again, to threats of physical violence and, in many cases, to actual physical assault.

If confinement is kept up — and the South African security legislation provides for periods of indefinite detention — the detainee may become totally disoriented. High levels of anxiety, panic and delusion are often experienced. A person may hallucinate or hear voices. Everything becomes distorted. Judgment of distance and height, the ability to work, to speak articulately and to concentrate, even for short periods, are impaired. A state of depression usually follows this stage of disorientation. The detainee becomes more susceptible to persuasion and suggestion, depending on the severity of the depression, thoughts of suicide could arise or actual attempts at suicide be made. Deaths brought about under these conditions actually beg the question: Is it really suicide?

The response of the apartheid regime to deaths in detention has been to protect its agents from prosecution. Only one security policeman has ever been convicted for the death of a political detainee. The courts have usually acquitted those few who have been charged with crimes against detainees. Yet evidence of these crimes has been overwhelming, and culpability is occasionally conceded by the state in compensation payments made to victims of police cruelty, in settlements out of court.

Judges and magistrates have nearly always accepted the evidence of state witnesses who have frequently served long periods in solitary detention before appearing in court, and face the threat of further solitary detention after giving their evidence. The evidence of police witnesses is almost always accepted by the courts, despite the widespread allegations of torture which

are repeated in detail, often to judges and magistrates who have presided over innumerable court hearings and hear similar allegations from countless detainees. There has been no statement from judges or magistrates condemning police practices, although at other levels of the legal profession there have been complaints about certain aspects of court practice.

In general, there has been collusion against political detainees. Interrogator, judge, magistrate, warder, prison doctor; all are conspirators in the system, agents of state terrorism, who either administer torture directly or ignore it, condone it, or shirk responsibility for it. In all cases they aid and abet it.

Although prison doctors (district surgeons) attend detainees in solitary confinement and must be all too aware of the pattern of their symptoms — the specially high levels of anxiety, the panic, the delusions, the hallucinations, the voices, the distortions of judgment — there has been no outcry from them. Prison doctors know when political prisoners are brought to them — usually under special guard and separately from other prisoners. They know they have been kept in solitary; they know (if they are worth anything at all as professionally qualified persons) that solitary confinement is “a severe state of torture” and that the detainees who come before them have often been held in that condition for weeks, months and at times more than a year. They know all that from their records, if not from the detainees themselves. Yet they remain silent, and in some cases acquiesce by administering minimal treatment or even by refusing treatment, in order to help the interrogation process. They also know that physical ailments may be aggravated, because depressed people suffer physically — weight loss, greater susceptibility to pain, insomnia and tension.

In an interview with the Minister of Law and Order and Justice in April 1982, the Detainees’ Parents’ Support Committee (DPSC), representing parents of political detainees in Johannesburg, Durban, and Cape Town, pointed out that the medical profession (district surgeons in particular) should be placed in the position of being able to carry out their commitment to the Tokyo Declaration. Articles One and Two of the Declaration are directly concerned with “Torture and Other Cruel, Inhuman or Degrading Treatment,” and provide unequivocal guidelines for all in the medical profession:

1. The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty, and whatever the victim’s beliefs or motives, and in all situations, including armed conflict and civil strife.
2. For the purpose of this Declaration, torture is defined as the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on orders of any authority, to force another person to yield information, to make a confession, or for any other reason.<sup>2</sup>

Staff at the Medical School of the University of the Witwatersrand, in direct contrast to their colleagues in the prison service, have explicitly expressed their abhorrence of detention without trial, and strongly implied that prison doctors are in breach of their moral obligations. In a resolution adopted on 22nd March 1982, following the death of Neil Aggett and the outcry against widespread reports of torture, the medical staff declared that:

“ ... A distressing number of detainees have in fact died while in detention and we must assume that the conditions under which they were held were directly responsible for many of these deaths. In recent weeks a number of detainees have been submitted to civilian hospitals suffering from illnesses which, it may reasonably be assumed, have been directly caused by the conditions under which they have been held by the police. We are of the opinion that solitary confinement and the interrogation methods employed by the security police constitute torture as defined by the Tokyo Declaration, are a crime against humanity and the moral law, and must be resisted because of the harmful effects which they cause, not only to the detained, but also on the reputation of the Republic of South Africa.”<sup>3</sup>

The responsibility of prison doctors to reject the security legislation of the regime is unambiguous. The ethical duties of a doctor leave absolutely no room for debate: according to the Hippocratic oath, medical practitioners may not participate in torture. If they do, their fellow doctors should have no difficulty in formulating an unequivocal disciplinary response. If prison doctors are not to abandon their international obligations or flout ‘the moral law,’ they ought to demonstrate their independence of the security police. The least they can do is to protest against the infliction of physical or mental suffering, and publicly register their outrage and refusal to be party to security police abuses of political detainees — or any other prisoners.

From the psychological point of view (or, for that matter, any other) admissions made by people who have undergone solitary confinement are worthless, and, according to one of the recent South African studies, should be rejected because the people who made them were not in a sound frame of mind: “No court would ever accept a statement made under the influence of alcohol: solitary confinement was so much worse.”<sup>4</sup>

Protests against psychological abuse of opponents of the regime have not only come from eminent academics and medical personnel. Anguished parents who have seen what has happened to their children at the hands of security police have confronted the authorities directly. The DPSC provided extensive evidence in February 1982 of a wide range of abuses by the security police.

Over 70 sets of allegations, concerning a range of abuses, were submitted, and even then the point was made that the research should be viewed only as a sample of the widespread allegations of torture perpetrated on detainees. The evidence of torture came from former detainees, admissions by the State, court proceedings, inquest records, civil actions, detainees’ statements and court judgments. Some of the allegations referred to instances of security police abuse in 1978, others dealt with malpractices in 1981 and 1982. A wide variety of abuse was treated.<sup>5</sup>

# ***Psychological Abuse~ A pattern of state violence***

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The abuses referred to extended from bullying or neglect to third degree brutal torture. All left psychological scars. While there was always the likelihood of inaccuracies made in good faith, it was clear that the statements as a whole revealed a pattern of state violence that could not be ignored. Assaults — both physical and psychological — occurred in secret at police stations at all major centres in South Africa. Most serious abuses took place at Protea in Soweto; Sanlam Building in Port Elizabeth; John Vorster Square in Johannesburg and Compol Buildings in Pretoria, places that have made an indelible imprint on the minds of countless detainees. Scores of security police were named by the Detainees' Parents' Support Committee, and at least 20 commissioned officers, up to the rank of major, were cited for their part in the assaults. Some were characterised as experts in electric shock torture and others named for their expertise in a variety of torture techniques. Only a small minority of the persons assaulted or abused were eventually convicted of any offence; most were not charged.

The psychological abuses cited by the Detainees' Parents' Support Committee included some of the more 'subtle' forms of torture such as isolation, humiliation, concern about loved ones, and less 'subtle' threats to life and limb, and direct physical assault to one's person. Other authorities, some already noted, have stressed the inhumanity of solitary detention and the psychological effects it produces. Professor John Dugard, of the University of the Witwatersrand, for instance, referred to the Terrorism Act as being so horrific that few people have been able to grasp its severity. Detention in solitary confinement without trial was a form of sensory deprivation which was regarded as mental cruelty in most of the world.<sup>6</sup> After at least five detainees were admitted to hospitals for psychiatric care during 1982, the use of solitary confinement as a form of mental torture was declared to be no less severe than physical assault or electric shocks.<sup>7</sup>

In 1982, two cases were actually brought to a halt while the defendants were examined for psychological disturbances. In the one case it became clear that the defendant, Mthenjane, was too bewildered, confused and depressed to follow the proceedings. The psychiatrist told the court that the defendant (charged with Terrorism) was suffering from a disorder of the thinking process. He was depressed and showed signs of having auditory hallucinations. The defendant had previously (in 1977) been sentenced to three years, reduced to 18 months, for refusing to testify for the State in a trial under the Terrorism Act. Between 1979 and July 1981 he was detained four times but never charged. He was finally re-detained in July 1981 and only brought to court in January 1982 when he was found to be in a totally confused condition. Despite this, however, the case continued and in July 1982 Mthenjane was sen-

tenced to five years imprisonment.<sup>8</sup>

In the second case, the trial was adjourned twice to allow the 52-year-old defendant, Jeffrey Bayi Keye, to be examined by a psychiatrist. The court heard evidence of his treatment since his detention in June 1981, eight months before the hearing. He had been intensively interrogated over a period of two months and was then assaulted and hospitalised. By that time he was blind in one eye and suffering from a schizophrenic type of illness of which he had a history. He, like Mthenjane, also suffered from auditory hallucinations. Despite Keye's evidence of illness and hospitalisation, the magistrate rejected his allegations of assault.

## MENTAL TORTURE

Allegations of assault were also completely rejected by the magistrate in the judgment at the inquest of Dr Neil Aggett in December 1982. The circumstances of his murder confirm the view that the use of solitary confinement as a form of mental torture is no less severe than physical assault or electric shocks. In Aggett's case, he was interrogated non-stop for 62 hours and spent 110 of the last 168 hours of his life under interrogation. He was beaten, blindfolded, shocked and humiliated until he was allegedly found by a prison guard at John Vorster Square, hanging from the grille inside the door of his cell.

Throughout his detention, from November to February 1982, he was kept in solitary confinement. If he did commit suicide by hanging himself, it was induced by police treatment while in detention. This was the view of eminent psychiatrists as well as counsel for the Aggett family. Arguing that Dr Aggett had been made suicidal by his interrogators, the lawyer acting for the family asked that the security officers who were directly responsible for his treatment be charged with culpable homicide.<sup>9</sup>

In the event, the inquest became the most searching public investigation ever held into the interrogation methods of the South African security police. The hearing lasted 42 days and took evidence from 52 witnesses which included the security team that interrogated Aggett. Although the court ruled — despite all the evidence to the contrary — that Aggett's statement of assault "cannot be accepted as true," the inquest served to highlight the effects of solitary confinement and the systematic use of torture. In a cogent comment on the inquest verdict, Sheena Duncan, a leading member of the Black Sash, observed: "... as in the Biko case, the public would be guided by the evidence at the inquest, rather than the findings of the magistrate."<sup>10</sup>

The evidence made it clear that the short and long term effects of solitary detention could be as extreme as violent physical abuse. Dr LJ West, of the Neuro-Psychiatric Institute in Los Angeles, one of the two psychiatrists consulted in the Aggett inquiry, described the effects of prolonged solitary confinement and interrogation as causing "debility, dependency and dread." This has been borne out in nearly all the cases cited.

Frequent detention and long periods of solitary confinement have resulted in severe psychological damage. For instance, Thozamile Gqweta, president of the South African Allied Workers Union, whose evidence is referred to



later, was moved from detention to the Johannesburg General Hospital after being detained for the fifth time. His brother who visited him reported alarming changes in his condition since a visit two weeks previously. He sat with his head resting on the table, found it an effort to speak, suffered from a heavy headache, depression and amnesia. His eyes were bloodshot. His mother and uncle had been burned to death in a house in 1981, and he was having nightmares about this. Although he was released in March 1982, for health reasons, he has since been detained on at least seven occasions by the Ciskei Intelligence Service.<sup>11</sup>

Detainees held in indefinite preventive detention for excessively long periods are often prone to psychiatric illness. In April 1983, Modika Tsatsa, who had been held since December 1979 under the Security provision allowing preventive detention, was similarly found in an appalling condition. He was taken to the General Hospital, where his father visited him and later described how he had found him: "He walked bent over, like an old man, his hands shook so much he could not hold anything, and his eyes were full of pain." The doctors refused to supply Tsatsa's medical reports and subsequently a spokesman for the Minister said he was being treated successfully for a "depressive illness."<sup>12</sup>



*Joseph Mdluli, died in detention  
19th March 1976*



*Lungile Tabalaza, died in detention  
10th July 1978*

# ***Physical Abuse~ Strangulation & electrical shocks***

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There are numerous complaints of prolonged and intensive interrogation. Often conducted by successive teams of interrogators continuously for several days, the torture techniques are designed to reduce the detainees to a state of exhaustion and compliance in the shortest possible time. In at least 20 cases — nearly a third of those investigated by the Detainees' Parents Support Committee — sleep deprivation was the favoured method. In one case the security police were made to pay substantial damages for the treatment of a woman detainee who was found in a comatose condition by the district surgeon.<sup>13</sup> In most cases, however, after and often during prolonged periods of enforced sleeplessness, other varieties of torture are applied.

Deprivation of food and water while under interrogation is common. So is the denial of toilet facilities. Humiliation is an effective and sadistic device to break detainees and the prohibition of access to toilets, with obvious consequences, is designed to do just that.

Enforced standing and arduous physical exercises for long periods were found to be standard security police practices in nearly half the cases investigated. In order to accelerate fatigue and reduce resistance, detainees are forced to hold heavy objects above the head, sometimes standing barefoot on bricks. Often they are made to do press-ups or commanded to run on the spot, so that they tire more easily and succumb to security police pressures to sign statements that ensure their own conviction. Statements made under duress are almost always accepted by the courts, despite regular exposure of security police practices by the detainees.

Where fatigue and humiliation fail to produce the desired results, or sometimes as a matter of routine sadism, detainees are exposed to extremes of temperatures and drenching with water. In 25 cases reported by the Detainees' Parents' Support Committee, detainees were exposed to cold by being kept naked for long periods, sometimes several days and nights at a time. Their discomfort was increased as they were doused with water and then made to stand in front of a fan or an open window.

The system of torture has been refined to generate fear, disorientation and reduce the detainee's control over mind and body. By enforced suspension, in a practice referred to as the "helicopter," the victim is handcuffed at the wrists and at the ankles. While in a crouching position, a pole is then inserted through the legs and arms. Detainees are then suspended on the pole between a table and a chair, sometimes for hours on end, while being confronted by a barrage of questions and blows. As a variant of this practice, detainees



are sometimes suspended by the arms while handcuffed. The pain inflicted by this throwback to the mediaeval stretching of the body, is excruciating.

Injuries sustained while under interrogation are common. Perforated ear-drums, broken teeth, loss of eyesight and damage to the kidneys and bladder have resulted from brutal physical assaults on detainees. In over 70 per cent of the instances investigated, reports were recorded of frenzied security police violence, including hitting with fists, slapping, kicking and beating with any weapons at hand — sticks, batons, hosepipes, gun butts and other objects. Victims of this type of state terror had their toes crushed with chairs or bricks, their heads banged against a wall or a table, and were dragged about by their hair. A man named Linda Mogale was found by the court to have had his teeth broken by a pair of pliers during one of these sessions.

Deliberate suffocation of detainees by covering their heads with a canvas or plastic hood is a more calculated torture technique. "Hooding" induces near-suffocation when the bag is pulled tightly round the neck and heightens the terror of the situation. It also hides the identity of the interrogators, and conceals the nature of the equipment supplied by the State to police centres, some of it for the application of electric shocks to the body.

Over a third of the detainees from whom statements were obtained by the Detainees' Parents Support Committee experienced this form of torture. Other methods of suffocation involved the use of a wet towel or the choking of the victim by hand or cord. Since the Aggett inquest, two former detainees, Ngwenya and Van Heerden, have filed suits against the Minister of Law and Order for R15 000 and R65 000 respectively. The depositions include accounts of strangulation with a wet towel and partial suffocation by 'hooding.' Testimony at the Aggett inquest referred to this method of torture, which brought its victims seconds away from death by strangulation.

Hooding and electric shock torture are administered in most major police centres, although the security police are not constrained by the lack of elaborate equipment. Electric shocks are administered by means of an apparatus from a wall plug or a running motor car. It can take place in an isolated spot in the bush as well as in a police interrogation room. The apparatus allows the interrogator to switch the current on and off causing the victim to scream and jerk involuntarily. In one case a victim experienced fits as a result of damage to his nervous system and continued to have them for three months after his release.<sup>14</sup> Shock torture is known to have been applied for protracted periods, in some cases causing the detainees loss of consciousness.

The application of electric shocks to the genitals is well documented. So is the hitting, kicking and squeezing of the testicles and the attachment of pliers to the penis. This is part of the general use of a set of humiliating practices to break detainees, though assaults on the genitals are more directly painful and calculated to elicit rapid results. The combination of this physical abuse with constant police ridicule and enforced self-abuse, often of a personal or racial nature, bears grim testimony to the sadism of the security police.

All this was well demonstrated in the evidence of Premanathan Naidoo during the Aggett inquest: "When I started to perspire, Warrant Officer Smit

told me that they wanted to get my body warmed up so that if I died the marks would not show up in the post mortem ... Also, the man called Schalkie ... would make me kneel and then shoot my penis with an elastic band.”<sup>15</sup>

They also threatened him with death by appearing to drop him from a great height: “A stick was pushed between my knees. They picked me up by the stick and placed [it] on something so that I was hanging upside down. They told me that I was hanging outside a window ... I am not sure whether I lost consciousness, so I can’t say how long I was hanging in this way. Eventually I was taken down and had lost all feelings in my legs ...”<sup>16</sup>

The simulation of being held or thrown out of a window from a great height has been used in several instances. The threat is all the more terrifying because of the murder of Suliman Saloojee in 1964, Ahmed Essop Timol in 1971 and Matthews Mabelane in 1977. All three of them allegedly “fell” or “jumped” from upper storeys of the security police building where they were being interrogated. Premanathan Naidoo, who was also interrogated on the tenth floor of John Vorster Square, testified that he was told by one Lieutenant Venter that they referred to that floor as “Timol Heights,” and that after they had finished with him they would change it to “Prema Heights.”<sup>17</sup>

Threats to elicit incriminating statements from detainees have been made in various ways. Detainees have not only been threatened with death from the tenth floor of an office building, but also with the knife and the bullet. In one recorded instance a firearm was inserted and cocked in a detainees’ mouth, and in another case a shot was fired next to the detainee’s feet. In yet another instance a knife was held to the throat. One detainee, Lawrence Peter, was taken to the cemetery where Steve Biko is buried, threatened with a gun and told that he was going to “die like a dog.”

These are instances where detainees have been explicitly threatened with death. But the whole ensemble of security police practices is threatening to life, whether it be by partial suffocation with plastic or canvas sacks, electric shocks, physical beatings or direct threats of death to detainees or their loved ones. When a woman is assaulted in the presence of her baby, or when a child is forcibly removed from a mother in custody, or threats are made to kill partners, parents or close friends of persons in detention, they are life-threatening and menacing experiences. So is solitary confinement, especially when accompanied by threats of indefinite detention, interrogation, torture, physical abuse and the fear of the unknown. All of them, separately and collectively, are calculated to abuse and terrify. Yet the scale of resistance continues to grow.

## **THE SCALE OF RESISTANCE**

The scale of security police activity — torture, bannings, long-term detention, solitary confinement, attacks on the press and so on — is in itself an indication of the widespread opposition to the racist regime. Resistance has come from far and wide (sixty reported armed attacks in 1981 — 200 per cent more than in 1980, and at least 50 sophisticated and co-ordinated operations in 1983). Even the muzzled press in South Africa has recorded the increasing

number of attacks on the regime: actions that were located in the countryside, small urban centres, places in the Eastern Transvaal and Northern Natal, the Witwatersrand, Western Cape and the Orange Free State — the last-mentioned, according to the regime, a newly penetrated area of armed struggle.

To this persistent challenge the response of the racist regime has been to increase its dependence upon armed force and terrorism.



Minutes after this photograph was taken, Suliman 'Babla' Saloojee, the man on the stretcher, was dead. He had hurtled from the 7th floor of Security Police headquarters in Johannesburg.

No one will ever know the full story of what was done to 'Babla' before his death. He had been a 90 Day detainee, held in solitary confinement for interrogation. A case of suicide, the South African police say

Suicide under torture is murder

# ***Deaths in Detention***

Since 1963, when legislation first made possible the torture of political detainees, at least 60 people have died in the hands of the security police.

Name	Date of Death	Official Explanation of Death
1. Bellington MAMPE	1.9.63	causes undisclosed
2. Looksmart Ngudle SOLWANDLE	5.9.63.	'suicide by hanging'
3. James TYITYA	24.1.63	'suicide by hanging'
4. Suliman SALOOJEE	9.9.64	'fell out of seventh floor window'
5. Nengeni GAGA	7.5.65	'natural causes'
6. Pongolosa HOYE	8.5.65	'natural causes'
7. James HAMAKWAYO	?8.66	'suicide by hanging'
8. Hangula SHONYEKA	9.10.66	'suicide'
9. Leong Yun PIN	19.11.66	'suicide by hanging'
10. Ah YAN	30.11.66	'suicide by hanging'
11. Alpheus MALIBA	9.9.67	'suicide by hanging'
12. J B TUBAKWE	11.9.68	'suicide by hanging'
13. An unidentified man died at an undisclosed time of an undisclosed cause at an undisclosed place. (Disclosed in parliament on 28.1.69.)		
14. Nichodemus KGOATHE	5.2.69	'bronchopneumonia following head injuries'
15. Solomon MODIPANE	28.2.69	'natural causes'
16. James LENKOE	10.3.69	'suicide by hanging'
17. Caleb MAYEKISO	1.6.69	'natural causes'
18. Michael SHIVUTE	16.6.69	'suicide'
19. Jacob MONAKGOTLA	10.9.69	'thrombosis'
20. Imam Abdullah HARON	27.9.69	'fell down a flight of stairs'
21. Mthayeni CUTHSELA	22.1.71	'natural causes'
22. Ahmed TIMOL	27.10.71	'fell out of tenth floor window'
23. Joseph MDLULI	19.3.76	'application of force to neck'
24. William TSHWANE	25.6.76	'gunshot wounds'
25. Mapetla MOHAPI	15.7.76	'suicide by hanging'
26. Luke MAZWEMBE	2.9.76	'suicide by hanging'
27. Dumisani MBATHA	25.9.76	'unknown illness'
28. Fenuel MOGATUSI	28.9.76	'suffocation'
29. Jacob MASHABANE	5.10;76	'suicide by hanging'
30. Edward MZOLO	9.10.76	causes undisclosed
31. Ernest MAMASILA	18.11.76	'suicide by hanging'

32. Thabo MOSALA	25.11.76	'internal bleeding'
33. Twalimfene JOYI	undisclosed	undisclosed
34. Wellington TSHAZIBANE	11.12.76	'suicide by hanging'
35. George BOTHA	15.12.76	'fell six floors down stairwell'
36. Naboath NTSHUNTSHA	9.1.77	'suicide by hanging'
37. Lawrence NDZANGA	9.1.77	'natural causes'
38. Elmon MALELE	20.1.77	'heart failure'
39. Mathews MABELANE	15.2.77	'fell out of tenth floor window'
40. Samuel MALINGA	22.2.77	'heart or respiratory failure'
41. Aaron KHOZA	26.3.77	'hanged himself'
42. Phakamile MABIJA	7.7.77	'fell from window'
43. Elijah LOZA	2.8.77	'natural causes'
44. Hoosen HAFJEJEE	3.8.77	'hanged himself'
45. Bayempin MZIZI	15.8.77	'hanged himself'
46. Steve BIKO	12.9.77	'brain injury'
47. Bonaventura MALAZA	7.11.77	'hanged himself'
48. Mbulelo Rocky JAMES	9.11.77	'shot while escaping'
49. Mzukisi NOBHADULA	20.12.77	'natural causes'
50. Lungile TABALAZA	10.7.78	'fell out of fifth floor window'
51. Saul NDZUMO	9.9.80	'natural causes'
52. Sifundile MATALASI	20.12.80	'self strangulation'
53. Manana MGQWETO	17.9.81	undisclosed
54. Tshifhiwa MUOFHE	12.11.81	'beaten to death'
55. Neil AGGETT	5.2.82	'hanged himself'
56. Ernest DIPALE	8.7.82	'hanged himself'
57. Thembuyise MNDawe	8.3.83	'hanged himself'
58. Molifi Paris MALATJI	4.7.83	'bullet wound'
59. Samuel TSHIKHUDO	20.1.84	?
60. J. Bonakele NGALO	15.7.84	?

The most common official explanation of death in detention has been suicide. The State has alleged that 20 detainees hanged themselves in their cells in the past 20 years. The death weapons, we are told, were items of clothing or bedding: a shirt torn into strips, a belt, a vest, or prison bedding ripped into shreds to make a "rope" thick enough for the exercise. There are no means of verifying the regime's claims. It is evident, however, that in the majority of cases, if the cause of death was, indeed, suicide, the detainees were desperate. Where individuals are driven to death it cannot be called suicide. Culpable homicide is more appropriate.

According to the improbable stories of the State to cover up their terrorism, five detainees jumped or fell out of windows from tall buildings — three of them from the tenth floor at John Vorster Square in Johannesburg! Similarly two detainees are alleged to have fallen down stairwells. [From the remarks of security police officers about "flying Indians" and "Timol Heights" (Ahmed



Timol was in all probability flung from the tenth floor of John Vorster building in 1971), the cover-ups are wearing increasingly thin. The torture techniques of "parachuting" and threatening death by "helicopter" — both euphemisms for being flung from a great height — expose the police explanations of "suicide" for the lies they are.]

Officially the causes of 60 deaths in detention were alleged to have occurred in the following ways:—

OFFICIAL CAUSE OF DEATH	NUMBER OF DEATHS
Suicide by hanging	20
Strangulation	1
No further details	2
Death by hanging	1
Suicide:	
jumping from window or down stairs	5
Natural causes:	
various	14
slipped in shower or on soap	2
fell down stairs	1
hit head on desk after fainting	1
Accidental:	
fell from tenth floor window	1
hit back of head against wall	1
injury to neck in fall on chair	2
Shot while escaping	2
Police assault	1
Undisclosed	6
TOTAL	60

Source: Committee for Civil Rights Under Law: *Death, and Detention and South Africa's Security Laws*, May 1983 (thereafter referred to as *Lawyers*).

Of these, 27 were being held under the Terrorism Act at the time of their death but some of them were held under more than one law. Most died during the first seven days of detention. A quarter were under 30 years of age and four were over 60.

# Cases

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Looksmart Ngudle Solwandle, an ANC leader in the Cape Province, was one of the first to be murdered in security police custody on 5th September 1963, after 17 days in detention. He was named as a co-conspirator in the Rivonia Trial for organising a unit of Umkhonto we Sizwe in the Western Cape. This was an instance in which the State intervened most blatantly to prevent the truth from emerging. After being kept in solitary confinement, he was interrogated by the security police in Pretoria and subsequently found dead in his cell. According to the police he had hanged himself with the cord of his pyjama trousers. At the inquest, the State prevented Solwandle's lawyers from introducing statements into the court record about his treatment in detention by banning him posthumously! Witnesses, willing to testify for him were also banned. In the end, counsel withdrew in protest, stating that neither he nor his witnesses would be protected if they quoted statements that had been made at any time by Solwandle. New counsel, appearing on behalf of the family, announced that he would call former detainees who were ready to testify that they received electric shocks and other torture and that Solwandle had suffered the same treatment. The magistrate, however, ruled that the evidence was irrelevant — at which point the second counsel withdrew.

A Pretoria magistrate, who testified at the inquiry, confirmed that Solwandle had complained of being assaulted in order to force him to make a statement, and of having coughed up blood. No findings were made on the allegations of assault at the inquest, despite the Pretoria magistrate's testimony. The day after the inquest hearing was adjourned, the Department of Justice authorised the production of statements by banned persons — provided they were not used as a platform for the person's political views. Counsel apparently did not think further representations in Solwandle's case would be of much help and took the matter no further.

Little is known about the murder of Suliman Saloojee who was almost certainly thrown from a seventh floor window at police headquarters in Johannesburg on 9th September 1964, after 65 days in detention. Multiple injuries were reported at the inquest into his death at which the magistrate ruled that no one was to blame and that nothing in the evidence suggested that the methods used in interrogating him had been irregular.<sup>18</sup> The precise circumstances of his death will never be known. But from the affidavit of Premanathan Naidoo, it is apparent that Suliman Saloojee was exposed to the most callous and personally humiliating confrontation with the security police before he was flung from the seventh storey of the security police headquarters in Johannesburg.

It is not possible in a short space to deal with all the detainees who died while in the hands of the security police. What is common to them all, however, is the secrecy surrounding the macabre circumstances in which each one met his death, and the lies and security police brutality which subsequently



came to light. At least 13 deaths in detention occurred between 1963 and 1968, two every year, except in 1966 when three detainees died in custody. Seven met their death in 1969 and a further 30 in the next decade. Ten more have died since then! Death in detention has long since ceased to be an isolated phenomenon and is a logical consequence of solitary detention, interrogation, assault and systematic torture.

In contrast to the wealth of detail that came to light in the case of Steve Biko in September 1977, three detainees in 1976 were murdered with their family's barest knowledge of the circumstances of their deaths. Not only were the details kept from the next of kin, but the men's existence as security prisoners was denied by the State.

Edward Mzolo's death in the Johannesburg Fort, on 9th October 1976, was one of three to have occurred in detention within a fortnight. The complete mystery surrounding this death serves to emphasise the lack of security police accountability and the arbitrary character of the country's security legislation. In answer to a parliamentary question in March 1983, the Minister of Law and Order blandly stated: "There is no record that such a person has been detained in terms of security legislation, and unless further information is made available it is impossible to ascertain from all the police stations and border posts in the republic whether such a person has been detained."<sup>19</sup>

Eenuel Mogatusi, a Soweto student, aged 22, died in mysterious circumstances in detention on 18th September 1976, although his existence as a security prisoner was also denied by the Minister of Law and Order. The Prisons Department reported that he was an awaiting-trial prisoner, but according to observers at the South Africa Institute of Race Relations, he was believed to be a political prisoner. Although his death was attributed to an epileptic fit, the man's sister, who had visited him the day before his death, denied that he was ever an epileptic.<sup>20</sup>

Zungwane Jacob Mashabane, a youth of 22, was one of the many, like Mogatusi, who disappeared and died in detention under the vaguest circumstances. Mashabane was one of 13 detainees to die in security police custody during 1976. The official cause of death was "suicide by hanging" four days after his detention on 1st October 1976. He was a student at the University of Zululand at Ngoye. As in the case of Eenuel Mogatusi, prison officials reported that he was awaiting trial on theft charges when he was reported to have hanged himself with his shirt. His family, however, were not aware of his arrest and Race Relations' observers believed that he was detained under the the security laws.<sup>21</sup> More than 5,000 mourners turned his funeral on 24th October into a political event at which the police opened fire without warning. Seven people were killed and 51 injured.

At the inquest proceedings, four months later, a prison warder, Dreyer, told the magistrate that on 5th August Mashabane had tried to hang himself in his cell with his belt. He was placed in another cell "for his own safety" and the belt removed. At about 4.30pm that day, the warder (Dreyer) found Mashabane hanging by his shirt from the wire mesh roof of his cell. Subsequently, on cross-examination, Dreyer said that Mashabane had hanged him-

self with a white material and not a shirt. The Minister of Justice further obscured the circumstances of his death when three weeks later he said that Mashabane had "devised a rope with his vest and hanged himself."<sup>22</sup>

Forty-two detainees were murdered between Suliman Saloojee's death in 1964 and the killing of Steve Biko in 1977. Unlike many other cases, the circumstances surrounding Biko's death have been most comprehensively detailed although there are still many gaps and instances of glaring security police lies.

## **THE MURDER OF STEVE BIKO**

Biko's death on 12th September 1977 came 24 days after his detention. He was held mostly without food and drink and was kept naked almost all the time he was in detention. According to the bizarre evidence of the security police he refused food or drink and had been kept naked to prevent him from hanging himself with his clothes. For 18 days (on instruction from the security police) he was not allowed outdoor exercises. A magistrate, who paid a solitary visit to Steve Biko during his 24 day detention, admitted that he had complained of lack of exercise and being kept naked and receiving only bread to eat.

A security police major, who led an interrogation team of five, implausibly testified that Biko had become violent during interrogation and had to be subdued by the whole interrogation team. In the event, he hit his head against a wall! Counsel for the Biko family at the inquest pointed out that the incident had not been mentioned in any of the 28 affidavits made by doctors and policemen. But in the end this made no impression on the court.

According to the security police major, after the "scuffle" with the five members of his team, the divisional commander Colonel Goosen was called to see Biko. Later, Dr Lang, the district surgeon, examined him. Lang stated that he found no evidence of any abnormality or pathology. But on cross-examination, however, he changed his story and admitted that this was incorrect. Biko had refused food and water and was weak in all four limbs, was bruised near his second rib and had swollen feet, ankles and hands. He also slurred his speech and could not walk properly. According to Lang's testimony, the divisional commander said Biko was shamming. Two prison doctors, Lang and Tucker, the chief district surgeon, examined Biko together the following day. He was in leg irons, lying on a mat, covered with blankets soaked in urine. On their recommendation he was moved to the Sydenham Prison Hospital where a Dr Hirsch examined him and found him to be suffering from echolalia. A lumbar puncture was conducted and a neuro-surgeon, Dr Kelly, consulted, who recommended Biko be sent for observation to the Livingstone Hospital. Goosen refused this and Biko was returned to his prison cell on 11th September.

It was revealed later, during the inquest, that the Medical Institute had declared the liquid from the lumbar puncture "clear," although according to the high number of red cells, this could not have been so. Under cross-examination Dr Tucker admitted that Biko's medical treatment had been subordinated to the interests of security. He was called to see Biko the day before his

death, found he had froth in his mouth and was hyperventilating. He recommended local hospital treatment but Goosen again insisted that he be sent to Pretoria for treatment — in a prison hospital. Consequently, Biko was transferred over 700 miles in the back of a Land Rover to Pretoria. He was reported to have been in a state of semi-coma and was placed, naked, on cell mats on the vehicle floor, with blankets over him. On arrival at Pretoria he was carried to a prison cell. On 12th September he was examined by a Dr Van Zyl, who had no record of Biko's medical history. He was placed on mats in the prison cell and he lay there, very sick and comatose. An intravenous drip and a vitamin injection was given to him. Later that day he died.

According to the official post mortem report, death was caused by extensive brain damage resulting in a reduction of circulation to other organs, intravascular coagulation, acute renal failure and uraemia. In addition there were injuries to his chest, ribs and head. Despite this, the presiding magistrate found no one was responsible for Biko's death and confirmed the security police story about the head injury. No prosecutions against the police were instituted.

In 1982 the Health Workers Organisation sought to bring a formal complaint against the two doctors. Their reading of the inquest record showed a *prima facie* case of improper and disgraceful conduct against Lang and Tucker. But they were found to be blameless, despite the fact that Mrs Biko had sued the two doctors in 1978 for R90,000 and had received an out of court settlement of R65,000 from the State which was in addition to legal costs. The new Minister of Police, now called Minister for Law and Order, Louis le Grange, denied that the settlement amounted to an admission of liability.<sup>23</sup>

A similar case of security police assault to that of Steve Biko and subsequent payment of compensation by the State, was in the murder of a Lutheran lay preacher by the Venda security police.

Isaac Tshifiwe Muofhe was held for two days by the Venda security police when he died in detention, in November 1981. A member of the Black People's Convention (banned in 1977), he was detained with 14 others, following an armed attack on the Sibasa police station. He was reported to have been in excellent health at the time of his detention but suffered several injuries before his death in detention. A post mortem carried out shortly after his death revealed severe and extensive bruising of his body, head and genitals, which pathologists attributed to "extensive use of force" against him. There were "ten instances of direct violence" to his back. Death was caused by the injuries he had received, internal bleeding and the effects of widespread bruising all over his body. He had lost more than a litre of blood.

Muofhe was interrogated for a whole day by two security police officers, who were subsequently found by a magistrate to be responsible for the assaults which led to his death. An eye witness in the same prison as Muofhe testified that he saw him being carried to his cell. He was unable to talk, walk properly, or open his eyes. Muofhe was discovered dead the following morning.

The magistrate at the inquest took the unprecedented step of telling the court that he would prepare a judgment which the Attorney General would

consider, with a view to laying charges against the security policemen. Fifteen months after Muofhe's death, charges were eventually laid against the two Venda security men. They were summoned to appear in court on charges of murder and were acquitted by the Venda Chief Justice. He said, despite all the evidence of extended and sustained assault, that the court could not be sure that there had been no struggle in the police van, nor that the deceased had not suffered injuries in such a struggle.

Responsibility for Muofhe's murder was, however, indirectly acknowledged when his family received "the biggest known compensation for a man who had died in police custody." The original sum claimed by the family was R239 000; Muofhe's wife received an award of R150 000.<sup>24</sup> But this could not compensate for the loss of his life or the brutal torture which the payment effectively acknowledged.

### AGGETT, MATALASI AND MGQWETO

Neil Aggett was detained in the same month that Muofhe was murdered. His death was widely reported as giving evidence of the further depravity of security police practices. Aggett, who was the secretary of the African Food and Canning Workers' Union, was detained under the Internal Security Act on 27th November 1981, in a wave of trade union detentions. Two months later he was moved from Johannesburg to Pretoria Central Prison, after it was ordered that he be detained under Section 6 of the Terrorism Act. Here he remained in solitary detention, except for intensive interrogation periods. One of them lasted 62 hours, until he was allegedly found hanging from the grille behind the door of his cell on 5th February 1982.

On the day before his death he made a written complaint of assault by security police. But for this, his treatment would have remained the secret of his torturers. He was hit on the temple and chest, kicked in the thigh, grabbed by the scrotum and had his testicles squeezed. During the night he was interrogated non-stop, blindfolded with a towel, handcuffed and given electric shocks through the handcuffs. He was returned to his cell bearing a scab on his back and a scar on his pulse, sustained during the electric shocks. He was not allowed to see a doctor, although a magistrate at one stage visited him.<sup>25</sup>

During the inquest proceedings, Aggett's family attorney produced affidavits from other detainees who were either at John Vorster Square or were interrogated by security police at other police stations. The affidavits, which might never have been made but for yet another security police murder, corroborated each other in many respects to reveal a pattern of the cruelty, humiliation, threats and torture, which the regime tried to keep secret by every legal and coercive means. One of the witnesses testified that he had seen Aggett shortly before his death. He gave a pitiful description of how he found him: "Tears were running down from his eyes, his hands were handcuffed in front of him and he walked slowly with a stoop. I saw blood on his forehead."

In 1980 and 1981 three deaths in detention in the Transkei bantustan exposed the same degree of callousness and cruelty as the cases cited above.

Sifundile Matalasi, aged 27, was found dead in the Umtata Transkei prison on 20th December 1980, 112 days after being held under the Transkeian security laws. The circumstances of his death — if the evidence of the authorities is to be believed — reveal the despair and anguish that Matalasi must have suffered in the last hours of his life. He joined a pair of socks together and tied them around his neck, tying the other end to the window. He then allegedly lay down on the floor, covering himself with a blanket, using the left arm to exert pressure ... and strangled himself. In the case of Neil Aggett in 1982, the cause of death was said to have been “induced suicide,” a euphemism used by his family, to suggest that he was murdered. Sifundile Matalasi’s death could equally be described in these terms despite the magistrate’s statement that he could not find anyone to blame for his death.<sup>26</sup>

There is as little concern for the elderly as there is for the young. Manana Mgqeto, aged 60, died in September 1981 in his cell in the Engcobo prison, while detained under Transkeian security laws. He was an active member of the Transkeian opposition Democratic Progressive Party. Little is known of the circumstances of his death which occurred in custody soon after he was detained with nine others after a headman’s house was burned down.<sup>27</sup>

Similar mystery surrounds the death in detention of Saul Ndzumo, formerly Minister of the Interior in the Transkei. He died eight days after his detention. Detained on 1st September 1980, he was suspected of involvement in a plot to overthrow the Transkei bantustan leaders. Chief George Matanzima said his death was due to “natural causes.”<sup>28</sup>



*Neil Aggett, died in detention  
5th February 1982*



## THE CASE OF ERNEST MOABI DIPALE

Ernest Moabi Dipale, aged 21, was found dead on 8th August 1982, during the proceedings of the inquiry into the death of Neil Aggett. No reason for his death was given by the police other than that he committed suicide by hanging. Dipale had been held under the Internal Security Act at John Vorster Square, Johannesburg, where according to the police he was found hanged in his cell in the early hours of the morning. He had allegedly used a strip of prison blanket to end his life.<sup>29</sup>

Dipale's mother, who had last seen her son the day before his death, said there was nothing about his behaviour to suggest that he was about to kill himself. A statement by the family's lawyers disclosed that there had been an attempt to shoot Dipale the day before his detention, but the inquest (held ten months after his death) revealed little more. The magistrate, indicating the same bias as he showed during the Aggett proceedings, was indifferent to enquiring into the claims of security police abuse and ended the hearing after only a few hours. He found that no one was responsible for Dipale's death and accepted the police version of suicide by hanging.<sup>30</sup>

The Minister of Law and Order, Le Grange, exhibited the same indifference to security police abuse when he told foreign correspondents after Dipale's death: "You won't get much information if you keep a detainee in a five star hotel or with his friends." Later, he stated: "Only six, seven or eight," of the deaths in detention were caused by police brutality.

The response of the State to the criticism aroused by the spate of deaths in detention and allegations of security police abuse was to restrict political speeches or expressions of support "by prayer or song" at Dipale's funeral. Despite this, over 500 people defied the court order made under Section 46 of the old Internal Security Act. They sang protest songs and gave the clenched fist salute of the ANC.

Thembuyise Simon Mndawe was allegedly found hanged in his cell at the Nelspruit police station on 8th March 1983, two weeks after being detained as an alleged "terrorist." An inquest into his death began in February 1984 but no conclusion has been reported in the press.

In evidence the acting district surgeon said Mndawe refused to undress or discuss any injuries when he examined him following his arrest. The doctor said he assumed any external injuries could have been caused as a result of a "scuffle" police told him had taken place during the arrest. When asked by the defence for the family why he had failed to mention a broken cheekbone in his report, the doctor said he had probably not noticed it.<sup>31</sup>

## THE KILLING OF MALATJI

Molifi Paris Malatji was shot dead at the Protea police station in Soweto the day after his arrest, when he was alone in a room being interrogated by a security policeman, Jan Harm van As. Van As was convicted of culpable homicide and sentenced to ten years imprisonment for Malatji's death in Feb-

ruary 1984, making him the first security policeman convicted in connection with the death of a detainee.

The court found that Malatji was shot at point blank range through the forehead while in a kneeling position. The judge, however, chose not to find van As guilty of murder as charged. Instead, he suggested that van As forced Malatji to kneel while he was being interrogated, and held a pistol to his head to intimidate him. Van As was found guilty of culpable homicide on the grounds that Malatji might have moved in self defence when the pistol, its safety catch released, was levelled at his forehead. The shot then could have been fired inadvertently.

A further aspect of this death was that the interrogation of Malatji took place while he was being held under Section 50 of the Criminal Procedure Act, under which most suspected criminals are held prior to being charged. Charges must be laid within 48 hours, but the detention clause does not permit interrogation. Clearly the police do not care much about legal restrictions.

Malatji was arrested in July 1983 on suspicion of having connections with the ANC. Police believed he had received, or was about to leave the country for, military training. In addition police believed he was reproducing ANC propaganda.<sup>32</sup>



*Molifi Paris Malatji, died in detention 4th July 1983*

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# ***Naming the Torturers***

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The bravery of detainees in identifying and reporting their assailants in the security police is not always easy to appreciate. The dilemma experienced in this respect by political prisoners was revealed by Premanathan Naidoo, who was hit on the head, punched, kicked, hooded, stripped naked and humiliatingly abused throughout several interrogations. In an affidavit to the court for the Aggett inquest he revealed the inhibitions experienced by detainees in reporting assaults to the authorities:

“Just before I was charged in March 1982, I was taken to the district surgeon in Vereeniging by the security police ... My escort, whose name I do not know, asked the district surgeon to ask me if I had been assaulted. The district surgeon put this question to me and I said no, again because I was frightened. This all took place in the presence of my escort, who was a security police member from Vereeniging.”<sup>33</sup>

Earlier he had been visited by the inspector of detainees at Vereeniging. He told of how on one visit he was asked if he had been assaulted by the security police, and wrote:

“I told him I would rather not answer as I was frightened.”

The circumstances of security police treatment are such that not only are detainees frequently driven to humiliating acts of self-abuse but, for fear of repercussions, literally protect their assailants by denying that they were ever tortured, or make confessions that are seriously self-incriminating. The most blatant example of this is in the judicial decision against Benjamin Moloise in January 1984.

Benjamin Moloise was detained in Bophutatswana on February 14th 1983 in connection with the trial of the three ANC combatants, Thabo Motaung, Simon Mogoerane and Jerry Mosololi, who were murdered by the regime when they were hanged on June 9th 1983. Moloise was brought to court as a state witness in their trial but refused to answer questions. He revealed that he had previously made statements to the security police but these had been exacted under duress. Having failed to break him and turn him into a traitor, the regime blamed him for the political execution of Philippus Selepe, a detective warrant officer in the South African security police. Selepe had been involved in the capture and torture of the ANC Three. The ANC, however, categorically and unequivocally denies that Moloise had anything to do with Selepe's execution, and insists that he was wrongly arrested and falsely charged and convicted.

Moloise pleaded not guilty and told the court that he had never handled or used an AK-47 rifle, the weapon alleged to have been used against the policeman. He said that he had been arrested three months after the death of Selepe. “I said I had shot Selepe. I was afraid of the security police. The whole confession is something I made up.”<sup>34</sup> Moloise had made the ‘confession’ to the local magistrate following his arrest — after the security police had threat-

ened him with "terrible things."<sup>35</sup> The judge who heard Moloise's case dismissed his evidence and sentenced him to death.

At the time of writing this, only a grant of clemency from the State President can save Moloise from the gallows. The Security Council of the United Nations has appealed to the South African State President to save Moloise's life, but it seems that, in the words of the ANC, having failed to capture the unit of Umkhonto We Sizwe which was responsible for Selepe's death, the regime is now determined to take revenge on an innocent man. Moreover, the ANC spokesman continued, the presiding judge had turned himself into "a willing tool for the commission of an inexcusable crime."<sup>36</sup>

Moloise's conviction for something he did not do, on the basis of statements extorted through threats of torture, is a forceful illustration of the corruption of the legal process in South Africa and the regime's total contempt for human life. The judicial murders of Mogoerane, Mosololi and Motaung, the men against whom Benjamin Moloise refused to testify, illustrate the point.

## **Judicial Murder~ The 'ANC three'**

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Thelle Simon Mogoerane (23), Jerry Semano Mosololi (25) and Marcus Thabo Motaung (27), the ANC Three, were sentenced to death on charges of high treason for attacks on police stations and sabotage of railway lines. In order to force Mogoerane to disclose the location of their weapons, the police tied a rope around his neck and one of his hands behind his back. They pulled a plastic bag over his head to make his breathing difficult. He was hanged from a tree and made to stand on his toes and a dog made to bite him. Later he was given electric shocks while suspended between a chair and a table. While he was being interrogated a pistol was placed in his mouth by a security officer while another banged the table, simulating the noise of a shot being fired. In evidence, Mogoerane said, "I actually wished a bullet had gone off." He made a statement when the police threatened to arrest his mother.<sup>37</sup>

His co-accused, Jerry Semano Mosololi, suffered the same pattern of police violence. He was made to lie on the ground, with his hands tied behind his back and a plastic bag partially suffocating him. Then a dog was set on him, after which he was given electric shock torture. Security police treatment was even more brutal in the case of Motaung, the third combatant, who narrowly escaped death at their hands.

Marcus Thabo Motaung was actually shot three times by the police in the course of his arrest. He received no treatment for two days. When the district surgeon saw him, the doctor failed to dress the wounds and urged instead that

he help the police with their enquiries. When eventually he was admitted to hospital, it was discovered that he had been bleeding internally for two days.<sup>38</sup>

An international campaign failed to save the lives of these men and to gain prisoner of war status for them and for all captured combatants. The world-wide pressure to save the lives of the ANC Three registered the international outrage against the racist regime in South Africa. A call for clemency was made by 136 nations. The judicial death of these three prisoners of war failed to stem the tide of opposition to the structures of apartheid or to deflect activists from the struggle. Mosololi's mother epitomised the intensity of this resistance when she said, shortly before her son's execution: "Go well, my son, I love you. I am proud of you because you are to die for your people ... You must know the struggle will not end after your death."<sup>39</sup>

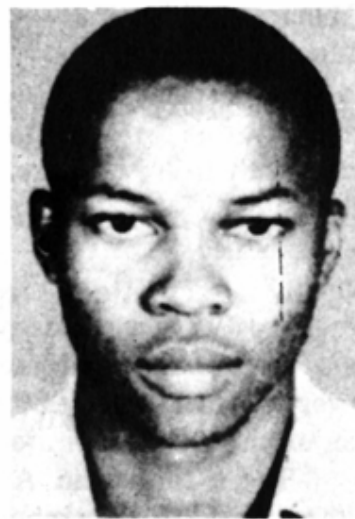
At their trial a pattern of brutal police assaults was established by former detainees who gave evidence of how they had been forced to make statements after being tortured. One of the detainees, Themba Shongwe, said that during lengthy interrogation over several days, he was made to stand naked and handcuffed in a corridor during winter. He had been repeatedly beaten and subjected to electric shocks, with his hands and feet bound together. A second detainee, Masedi Monyepote, substantiated Shongwe's evidence. He had been subjected to the same treatment for five nights consecutively. He had also been placed between two chairs after being blindfolded, made to hold a brick high above his head and jog for a long time while being hit with a length of hosepipe. Like several other detainees, he had been made to sit in an imaginary chair for a long time. Security police techniques of humiliating their victims by making them stand naked and then subjecting them to extremes of cold, followed by electric shocks and techniques that induce unendurable fatigue have repeatedly been revealed by detainees. Frequently, zealous security police over-reach themselves in the physical assaults of their victims, as they did with Tsotsobe, Shabangu and Moise.



**MARCUS MOTAUNG:**  
EXECUTED 9.6.83



**JERRY MOSOLOLI:**  
EXECUTED 9.6.83



**SIMON MOGOERANE:**  
EXECUTED 9.6.83

## HIGH TREASON

Anthony Bobby Tsotsobe was sentenced to death in 1981 after 141 days in detention. Tsotsobe and his co-accused, Johannes Shabangu and David Moise, were tried for attacks on a police station and sabotage to the Sasol oil-from-coal plants in 1980. All of them were in their mid-twenties at the time. Tsotsobe told the magistrate in June 1981 how he had been repeatedly assaulted by security policemen in a Soweto police station "truth room." He was stripped, handcuffed and beaten with a length of hosepipe by the security police. A wet sack was pulled tightly over his head: "I could no longer breathe. I thought I was dying," he said. This treatment was continued for three days.

Johannes Shabangu was treated even more brutally. He had his jaw broken by a security policeman. He was suspended by leg irons from a tree, then whipped and interrogated.

David Moise, the third accused, appeared in court after 172 days in detention. He reported that he had been tied upside down from the crossbar of a soccer goal post and punched like a punch bag. After interrogation he was brought down and his heels were burned.

Notwithstanding the security police assaults, the court accepted the State evidence and Tsotsobe, Shabangu and Moise were sentenced to death in August 1981. They appealed against their sentence but lost the case and sought clemency from the State President, a procedure which succeeded in their case but did not help to save the three Umkhonto we Sizwe combatants Mogoerane, Mosololi and Motaung.

The offence of High Treason of which the three men were convicted has been used with increasing frequency by the regime. Apart from the ANC Three and Tsotsobe, Moise and Shabangu, another four people, all of them combatants of Umkhonto we Sizwe, have been convicted under this law and sentenced to death. All four later had their death sentences commuted to long prison terms but only after world-wide appeals for clemency. The three men were cruelly dealt with by the regime. Three of the condemned, Lubisi, Manana and Mashigo, were held for nineteen months in death cells, suffering immense mental agony. They described their ordeal during a subsequent trial on further charges. They told the court how they had been kept in isolation and allowed to exercise only five or ten minutes a day. While in the death cells they heard the screams of people being taken manacled to the gallows.<sup>40</sup>

## PRISON DEATHS

Death in detention, security police violence and other forms of maltreatment, as we have already noted, are not experienced only by political prisoners. On average there are about two hundred deaths in South African prisons every year. Officially 80 per cent of these are ascribed to "natural" causes but an unknown number are the result of alleged suicides and assaults by warders.

Three long-term African male prisoners died at the Barberton Prison Farm on 29th December 1982. The official cause of death was "heat exhaustion." The Chief Liaison Officer for the Prison Service offered this explanation

and added that 34 other prisoners had been treated for the same complaint. Later, at a court hearing it was divulged that these prisoners and others had been heavily beaten with rubber truncheons while doing strenuous work in a temperature of thirty degrees centigrade, and many of them had collapsed, one by one.<sup>41</sup> The death of one of the men, Mulakaza Xaba, was almost certainly caused by a truncheon blow from one of the warders, named van Dyk.<sup>42</sup>

In the case that followed, the judge accepted the evidence of 33 of the prisoners and said van Dyk's assault on Xaba was "a border case of murder." Referring to the other warders, the judge said they were "heroes of the (rubber) truncheon" and "had assaulted unarmed and defenceless men." None of the accused were found guilty of culpable homicide. Instead, they were convicted on various counts of common assault and assault with intent to do grievous bodily harm — and given prison sentences from one to eight years. Van Dyk, the killer of Xaba, was sent to gaol for only two years, which sentence served to highlight the white racist double-standard of the law.<sup>43</sup>



*Rita Ndzanga at the graveside of her husband, Lawrence, who died in detention 9th January 1977*



# ***Assaults on Women, Youth & Workers***

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Much security police action goes unreported. But, as has been seen, there is a pattern of systematic and widespread police violence which is becoming increasingly well documented, despite official efforts to conceal the facts.

News of detentions is hampered by restrictions on the media that prohibit reports that may be seen to endanger the security of the State. Only the security police know exactly how many people are being held in detention without trial and the Protection of Information Act prevents editors from publishing the names of detainees before the release of official police or government announcements. In this way the security police release only the information they wish the public to know. Press control is just another mechanism to conceal from the world the facts of South Africa's civil war, and to give the security police *carte blanche* to torture their victims in secret.

For instance, during 1983, 423 people were known to have been detained many of them tortured, mostly under Section 29 of the Internal Security Act. If to this is added the undisclosed number detained in the "independent" bantustans (excluded from government statistics), the total would be very much greater. From the time the Terrorism Act was introduced in 1967, until it was replaced by the Internal Security Act in July 1982, at least 4,094 people were detained under its Section 6. Most were never brought before the courts.<sup>44</sup> Of those detained in 1983, 30 were trade unionists, 17 community and political leaders, 11 were clergymen, ten lecturers and five were journalists and at least another 84 with occupations unknown.<sup>45</sup>

## **WOMEN**

The pattern of police violence against women detainees is one of frequent physical abuse, sexual assault, humiliation, harassment and callousness where their children are concerned. Lillian Keagile (24), whose case received much press publicity at the time, experienced all this abuse. She was charged at her trial with promoting the aims and objects of the ANC and alternatively contravening the Terrorism Act. She allegedly sketched a plan of a power station in Soweto. Keagile told the court that three of her children (the oldest of whom was six) were with her when she was arrested at four o'clock in the morning. They were not given food from that time until late the same night. She was questioned by security policemen during the drive from her home in Zeerust to Soweto, and dragged out of the car, and slapped and kicked on four occasions. Twice she was sexually molested by one of the security officers to make her talk. She was also choked with a wet sack,<sup>46</sup> was not examined by the prison doctor on her arrival and was seen by him only 83 days after her assault. She also told the court at her trial that she continued to be assaulted while in detention. Her treatment evoked little comment from the court and

she was found guilty of contravening the Terrorism and the Internal Security Acts and sentenced in March 1983 to six years imprisonment.<sup>47</sup>

The impact of assaults and stressful interrogation on former detainees is difficult to measure. The death of Linda Dlodlo, the 18-year-old Soweto student, is a case in point. Linda Dlodlo died following a severe asthma attack two weeks after her release from detention. While in custody she was assaulted but did not officially complain about it and her condition was observed by the hospital doctor only after her release. The stress of her detention was thought to have been instrumental in her death.

The effects of inhuman treatment by a team of interrogators caused another former detainee, Khosi Mbatha, to spend six weeks in hospital followed by further weeks as an outpatient after her release from detention. None of the alleged safeguards against the abuse of security police powers applied in her case and she was the victim of police lies and callous ill-treatment.

She and her husband, Alex Mbatha, were taken from their home at gun-point, together with their three-year-old daughter, Dudu. Khosi Mbatha, who spent six months in custody, was seriously ill while in detention. Although she was seen by a doctor, this was of little help to her as the police withheld her medicine.

The first two days of her detention were spent with her daughter in an open cell because all the other cells were ankle deep in water. The child was then forcibly dragged from her, and from that time she did not know what had happened to her child. For nine days Mrs Mbatha was left unattended in her cell, obliged to drink water from the toilet bowl. She was later subjected to intensive interrogation and was physically beaten and partially suffocated with a hood. Later she was taunted by the security police who came to her cell at night, threatening to shoot her. "One night they came with a wire. He said 'I am going to strangle you ... I will tell the whole world you committed suicide.' "

They withheld the tablets the doctor had given her for high blood pressure. After almost a month of assault and intimidation her health seriously deteriorated. She lapsed into unconsciousness and was partially paralysed in one arm and could not talk. The security police, however, did not give up. They took her to hospital and then returned her to her cell for further interrogation and assault. When she was finally admitted to hospital the police officers registered her under a false name with the hospital authorities. She was booked in as Mrs Brown, "a terrorist from South West Africa." She was also given a false illness ("highly infectious disease"). Later she was discharged back into custody and then released without charge in April 1982, having been detained since October 1981.<sup>48</sup>



*Lilian Keagile*



## YOUTH

Many young people have been arrested on charges of public violence following demonstrations and boycotts at schools and universities. On arrest they have often met with the same callous treatment and institutionalised violence as persons detained under the security laws.

Demonstrations at Fort Hare University and the University of the North have ended in violence as a result of police intervention. In one instance a 15-year-old girl was shot by the police and seriously wounded. In another, a 25-year-old student was treated for a bullet wound on the leg and 20 people were charged in the Zwelitsha Regional Court.<sup>49</sup>

Evidence concerning young people who are shot by the police during demonstrations is regularly heard in the courts. A demonstration against rent increases can become a matter of "internal security" if the authorities wish to interpret it that way. This occurred when 11 youths were held under the Internal Security Act after disturbances at the funeral of Radebe, a youth shot by the police in a demonstration against rent increases in Sobantu village in October 1982.<sup>50</sup>

Protests are increasingly identified as endangering the security of the State and the security police machinery moves into routine action with little discrimination. This was apparent when six youths in Port Elizabeth were charged in the last quarter of 1982 with setting fire to 16 schools in the Port Elizabeth area. The standard security police treatment was administered to them. One of the youths gave evidence that a wet canvas bag was placed over his head and he was kicked and beaten. Electric shocks were administered to his toe while he was held down by three policemen. His head was repeatedly pushed under water in a cold bath and he was forced to drink urine.<sup>51</sup>

Maltreatment in order to extract confessions for use in trials of young people has led to the abandonment of every pretence of procedural propriety by the security police. In a trial-within-a-trial to determine the admissibility of confessions allegedly made by two accused, Jane Ntsatha and Mnxekeli Lawrence Peter, the latter told the court of the macabre security police treatment which we have mentioned earlier. He was taken out of his cell at dawn and driven to the cemetery where the grave of Steve Biko is located. Wearing handcuffs and leg irons, he was made to stand next to the tombstone and told to talk about Steve Biko's organisation. He was threatened with a gun when he refused to talk and was told by the security police officer that he was going to die like a dog "in the same manner as Steve Biko died."<sup>52</sup>

Another form of maltreatment while in police custody concerns allegations of poisoning. A youth, Siphso Mkiki Mtimkulu, a member of the executive of the Congress of South African Students (COSAS) in Port Elizabeth, was detained for five months. On his release he required extensive hospital treatment. While still in detention he started proceedings against the police for £150 000 for assault but the outcome of the case has not yet been decided. For, curiously, in April 1982 Mtimkulu mysteriously disappeared. There has since been no trace of him.

Yet another form of security legislation (in the form of the Intimidation Act) has been used to put down student protests. In 1983, three students from Bloemfontein were found guilty of "intimidation" for drafting and distributing pamphlets calling on people to stay away from work on 16th June to commemorate the urban uprisings of 1976. Harsh sentences were imposed. One of the youths, Oliver Mohapi, was sentenced to five years imprisonment or a fine of R1,000. All appealed against the sentences. The scale of State violence against youth and students continues to grow and the security police are responding with increasing desperation.

## WORKERS

Security legislation against trade unionists has been used increasingly since June 1981 despite the rhetoric to separate industrial law from coercive political practices. State repression of trade union activists has coincided with an increase in working class militancy. The State's use of "minor" security legislation to deal with trade union activists has been persistent.

Trade unionists were previously detained and charged under a number of legal provisions, in particular incitement to public violence under a section of the Riotous Assemblies Act. More recently, trade unionists have also been charged under the Intimidation Act which lays down heavy penalties for infringements, imprisonment of up to ten years or a fine of up to R20,000. It is now apparent that the Intimidation Act is being widely applied. When it was passed in June 1982, it was not given much attention as it repealed the provisions of the Riotous Assemblies Act, which it partially replaced. But the new Act has given the police wider powers to suppress worker and student protest.

"Intimidation" is defined very broadly. Technically, it covers a number of deliberate acts which a person is supposed to have committed intentionally, threateningly or violently, in order to induce another person to do something -- or to refrain from doing something. It also refers to acts of undue pressure to change another's opinion by intimidation through violence or by threats of violence. The concept of intimidation is so wide that the damage threatened need not be physical. It can also be of a financial character. That is why it has been used to combat a wide range of worker and community protests, such as transport and consumer boycotts and strikes.<sup>53</sup>

The catch-all character of the Act led to numerous actions against trade union activists. So far the state has not been very successful using this charge. In most cases the charges were withdrawn -- often before the cases began. Lawyers have commented on the many arrests and lack of convictions on the charge of Intimidation. Their experience has been that managements have used informers to testify that they were either bribed or threatened to go on strike. Once the case reaches the court, the informer is no longer prepared to testify. However, as a means of harassment against opponents of apartheid and employees, it is an instrument to reduce the accelerating resistance to the regime.

# **'Security Laws' & Abuse**

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Nearly all previously existing "security" legislation was replaced by the Internal Security Act No 74 of 1982. The various clauses of the Suppression of Communism Act of 1950 under which thousands suffered, the Terrorism Act, the Riotous Assemblies Act, the relevant sections of the General Law Amendment Act (the "Sabotage" Act) under which many more were imprisoned, have all been incorporated in a single repressive instrument for the intensification of the war. The Internal Security Act No 74 of 1982 is virtually a war measure.

More than 30 years of experience has led the regime to abandon controversial definitions of what "furthered the aims of communism" and make it easy for a Minister to declare any organisation and publication unlawful simply because he says it is so! Under the new Internal Security Act, the Minister merely needs to be satisfied that an act, an organisation or a page of the printed word is unlawful for it to be categorised as such. All the old clauses of the previous "security" laws which gave the power to suppress organisations and ban publications remain in force. Anything the Minister calculates as endangering the State, law and order, or propagates the State's version of what constitutes the "objects of Communism," falls under the new Act — and may lead to solitary detention and all the security abuses that normally accompany arrest and political detention.

The State increasingly deprives its opponents of their civil rights, bars them from their organisations, restricts them from attending gatherings and monitors their movements, by banning them from carrying on certain occupations or entering particular premises and demanding that they report regularly to the police. The infamous Section 6 of the Terrorism Act (No 53 of 1967) remains in force under Section 29 of the new Act. It is substantially the same as before and also encompasses Section 10(6) of the Suppression of Communism Act of 1950 which now denies a person access to a statement made under interrogation or in detention, unless the person involved has criminal proceedings against him.<sup>54</sup>

Another section of the new Act provides for six months' detention without trial. Officially it prevents a detainee from being held for longer than 30 days unless the minister has gone through the farce of "having considered a written application from the Commissioner of Police giving full reason why the detainee should not be released." The detainee may submit oral or written evidence to a prison board, but only the minister can order a person to be released under this section of the Act (54)(1)(2) or (4). This virtually leaves the detainee totally at the mercy of the security police. Their only "protection" is the proviso in the Act that the Minister of Justice may appoint an Inspector of Detainees to visit persons held under Section 29 "as often as possible" and to report to him and the Commissioner after each visit — and if he finds an offence has been committed, to furnish the Attorney General with the report. Since neither the Inspector of Detainees nor the Commissioner are genuinely

independent appointments, in effect they provide detainees with no protection at all against the security police. Similarly, Section 26(9)(b) of the new Act provides for detainees to be visited at least once every 14 days by a district surgeon, but the compliance of prison doctors, as well as the secrecy surrounding detentions and the repeated pattern of abuses assures that assaults will continue to occur and become public knowledge only when and if the detainee is charged and brought to court.

## **THE INTERNAL SECURITY ACT**

A major theme in the security legislation is one giving wide powers to the State against what is described as “terrorist activities.” Three new crimes now replace those previously defined in the Terrorism Act and the sections on sabotage dealt with under the General Law Amendment Act of 1966. The three “new” crimes are terrorism, subversion and sabotage. Except for the penalties — which are harsher — the formulation of the legislation is little different from all the Acts under which scores of activists against the regime have been sentenced in the past, after being detained and tortured. Up till now the main armoury of the regime’s security legislation consisted of the Suppression of Communism Act of 1950, the Criminal Law Amendment Act of 1953, the Unlawful Organisations Act of 1960, the “Sabotage” Act of 1962 and the Terrorism Act of 1970. Up to 1982 these were the most politically offensive instruments used to put down resistance to apartheid. But they have now been incorporated in a single war measure, the Internal Security Act No 74 of 1982.

“Terrorism” is the term used to smother the political and strategic objectives of the armed struggle against the apartheid state. It deprives the conflict of its political content and makes it easier for the state to torture and abuse political prisoners rather than treat them as prisoners of war. Hence “terrorism” under the Internal Security Act is the only statutory political offence that carries the death penalty and very severe penalties including life imprisonment may be imposed for contraventions of all the other offences named in the Act. Minimum sentences (which were mandatory under the Terrorism Act, the Suppression of Communism Act and the General Law Amendment Act) have now been done away with. The maximum penalty for offences under the section of the Act which furthers the aims of communism is ten years imprisonment, for “subversion” 25 years and for “sabotage” 20 years. “Incitement,” which means support for any campaign against any laws, is liable to a R5,000 fine or five years in prison. Changes in the procedures that the courts may follow as well as the jurisdiction of the courts and admissibility of evidence, is also treated under the Internal Security Act, which increases the chances of the security police to secure convictions under the guise of what has been long since abandoned — the rule of the law.

## **RURAL REPRESSION**

The degree of repression in the bantustans is increasing. Previously, these areas were seen primarily as reservoirs of labour for the country’s mines,

farms and factories. Now they combine that function with the repression of activists in the war against apartheid.

One of the features of the migrant labour system, which the bantustans are designed to sustain, is that the rural areas should to some extent subsidise the economy. Over the years they have helped to rear the workforce, reproduce the family and take care of the old, the aged and the sick when they are no longer fit for employment. Industry and agriculture have partially externalised the cost of welfare and shifted the responsibility for it to the State and the very poor. Now the racist regime is systematically externalising its responsibility for civil liberties and human rights to the bantustan puppet authorities which they have established, and pretending to the world that their slate of human rights is clean. The repressive legislation in the bantustans is an extension of that in Pretoria.

### THE TRANSKEI

Detention incommunicado without warrant was authorised in 1960 under Proclamation R400 and R413. In 1976, after Transkei "independence," the Transkei administration replaced Pretoria's laws in mid-1977 with the stringent Transkei Public Security Act. Since then, the other bantustans have repeated the process with variants of the Pretoria model.

The Detainees' Parents' Support Committee has documented the allegations of maltreatment of detainees in "homeland" territories and stressed that they have become increasingly common and brutal. Associated with these allegations is evidence of a close working relationship between the security apparatus of all these territories and the Pretoria regime security officials.

### VENDA

The maltreatment of the Reverends Phosiwa, Phaswane and JM Ravele in the bantustan Republic of Venda is a case in point. These three priests, charged with murder, attempted murder and terrorist activities, were so badly assaulted, suffocated and electrically shocked that they falsely "confessed" to crimes they had not committed. Rev Phosiwa said in court in February 1982 that he had been tortured in detention, and the magistrate was asked to record the injuries which he had received. These included marks on his wrists from over-tightened handcuffs, fingers which had lost their feeling, a mark over the right eye caused by a punch and scars on his head where hair had been pulled out. A wet cloth had been tied round his head while he was being interrogated and electric shocks applied to his genitals.<sup>55</sup>

Similar evidence of torture in the Venda bantustan was reported in the case of the Rev Simon Farisani, the Lutheran Dean of the area. He was detained for six months, three of which were spent in hospital as a result of brutal assault by blows to the head which burst his eardrums. On one occasion he was hooded and given electric shock torture during a 13-hour interrogation.<sup>56</sup>

Despite their "confessions" the Venda Attorney General dropped all charges against the men. Repression in the bantustans has led to a series of deaths in detention. The death in detention of Samuel Mugivhela Tshikhudo



in January 1984 drew attention to the secrecy which surrounds detentions in the bantustans and the abuse and torture which continue despite continuous and widespread protest.

Only when the death of Tshikhudo was announced was it made known that several other people had been detained at the same time for allegedly harbouring guerrillas. When Tshikhudo was admitted to hospital, the day before his death, his lawyer was informed that he was suffering from typhoid and/or diabetes. This information was later withdrawn. The post mortem revealed that Tshikhudo must have been incoherent and obviously dying when admitted to hospital. The doctor at the hospital where he had been admitted recorded that the patient was markedly dehydrated with a faint pulse and no blood pressure registered.<sup>57</sup>

## **CISKEI**

In the first week of the Ciskei bantustan's "independence," in December 1981, 320 activists, largely trade unionists, were detained under the security laws. These gave the authorities power to keep people without trial for up to three months. The scale of resistance to the regime led to the strengthening of repressive legislation only eight months after "independence." The Rabie Report, which served as the model for the Internal Security Act, provided the framework for the original Ciskei National Security Act, and the Ciskei Central Intelligence Service (CCIS) which was virtually an extension of the country's regular security police. Less than a year later, the security forces were reorganised. The CCIS was disbanded and some sections of it placed under the bantustan "President," within the Ministry of Defence. A State Security Council was installed with ultimate responsibility for security matters.

Security operations were directed against trade unionists from the start. Describing themselves as guardians of a "free enterprise" entrepreneurial zone, the Ciskeian authorities, notably President Lennox Sebe, and his brother, Charles Sebe, until mid-1983 responsible for internal security, have consistently persecuted union activists.

Members of the South African Allied Workers Union (SAAWU) have borne the brunt of this repression and the union president Thozamile Gqweta, arrested eleven times, had been suspended by handcuffs from window bars and given shocks — once dry and a second time with water. He was stripped naked, drenched in water and then ordered to squat before a fan to dry himself. He shivered with cold and when he was dry — was drenched again.<sup>58</sup> After his release he was admitted to a psychiatric hospital in Johannesburg. His brother, who visited him, described him as "unrecognisable." Later he was reported to be "much better," but he still was "no longer the same man."

The assault on trade unionists was intensified in 1982 with the use of paramilitary forces, which conducted armed raids on activists' houses. In December 1982 other raids were carried out by a joint force of police and members of the paramilitary "Sword of the Nation" squad on people suspected of political activity. The special force, now under the command of a former Rhodesian Selous Scout Major D Croucamp, also functions outside the Ciskei.

It was officially justified as necessary to combat "terrorists" based in Lesotho and the Transkei. But they have also been used for internal threats to the regime, notably against opponents of Lieutenant General Sebe, Commander-in-Chief of State Security and head of all the armed forces in the Ciskei until his demotion and detention in mid-1983. The wide-ranging powers of the former Security Chief were transferred to Lennox Sebe, who became President for life as a result of a measure unanimously passed by the Ciskei National Assembly of 56 members, 36 of whom are nominated. The President receives R29,805 per annum plus R12,000 as a personal, non-taxable allowance. As such, he is a highly paid bureaucrat of the Pretoria regime, a collaborator in the murder and torture of countless numbers of detainees and thoroughly in the pocket of his apartheid masters.

The political insecurity of the Ciskei has led to costly policing mechanisms. By December 1982, security personnel numbered nearly 900 and the Department of State Security wielded a budget of 12 million rand, many times the GNP of the Ciskei bantustan. The links between security services and the Ciskeian Ministry of Defence mirror the structures in Pretoria, with whom this puppet regime works closely.

In the first Terrorism Act trial to be heard in the Ciskei Supreme Court, which began in March 1982, evidence was given of savage assaults on four detainees by officers of the Ciskei security services. The accused were William Duna, Jeffrey Bayi Keye, Dumisane Maninjwa and Luyanda Mayekiso, charged with membership of the ANC, recruiting people to undergo military training and possessing banned literature. In a trial-within-a-trial to determine the admissibility of statements made by the men while in detention, Duna told the court how he had been brutally treated by the security police. At one time a tube had been placed into his anus and warm water pumped into his stomach. The tube was removed and immediately forced into his mouth, one of his teeth being broken in the process.

One of the other accused, Maninjwa, explained how he had been hit with a wire hanger by the security police, who forced him to write a statement and describe how he had received military training in Lesotho.

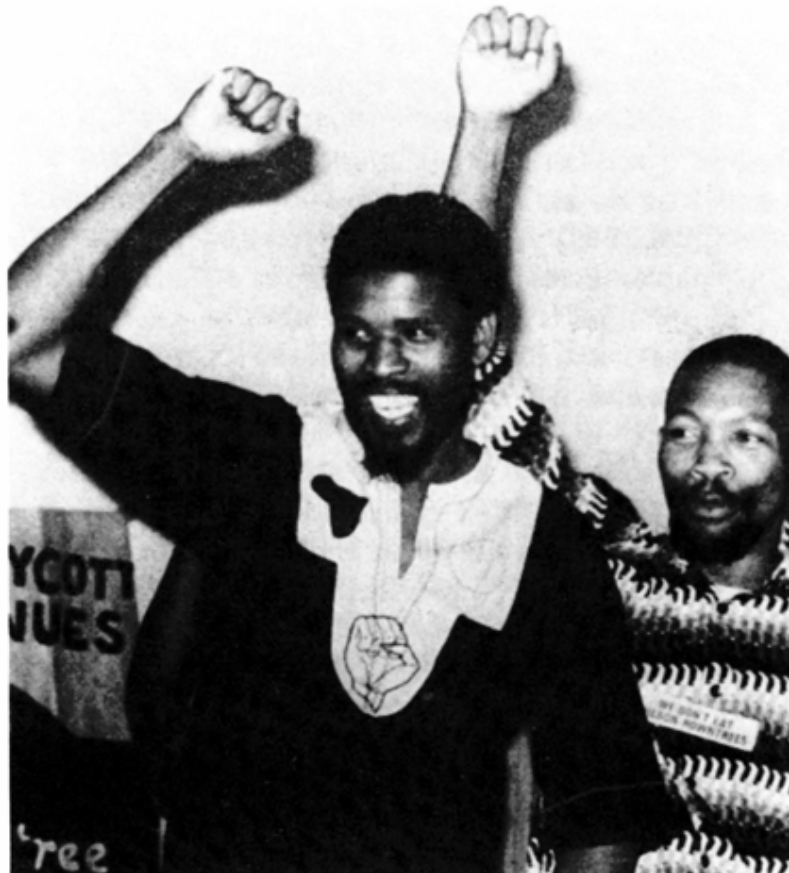
A third defendant, Mayekiso, was beaten and kicked in the groin. At one point he lost consciousness, when his head was covered with the inner tube of a motor-car.

Despite the evidence of this savage ill-treatment by the security police, the judge ruled that the pre-trial statements the men had made during this period were admissible to the court.<sup>59</sup>

The intrigues, corruption and brutality of the Ciskei authorities beggars description. Landlessness, population pressures, drought, resettlement — all these have contributed to a crisis situation in the Ciskei. Nearly half its population lives in the townships of Zwelitsha and Mdantsane, dormitory suburbs that feed the East London industrial area with its labour force. In August 1983, 15 people were reported killed and another 35 injured in shooting incidents when police and train passengers clashed in Mdantsane. The cause was a boycott of the Ciskei Bus Company — which is half-owned by the bantustan

authorities. People protested at the ten per cent fare increase and tried to use the trains instead of taking the buses. But they were prevented from doing this by Sebe's soldiers, trained and paid for by the apartheid regime. Armed with their rifles, they lined up along the railway line and ordered the commuters to take the buses instead of the trains. A clash resulted in which an undisclosed number were killed and injured. Eyewitness reports speak of 90 killed. A State of Emergency was declared in Mdantsane and further arrests and killings have since followed. A curfew from 10pm to 4.30am was introduced and it was forbidden that more than four people should walk together in the street or be in any house during the day.

Penalties for contravening the regulations are as high as R2,000 or two years in prison. Encouragement of people to take part in a boycott was made punishable by anything up to ten years in gaol. Men armed with clubs and swords — so-called vigilantes — terrorise the people. Incapable of resolving the crisis of poverty, the military-political elites have tightened their grip on the Ciskei people and have turned the territory into a rural prison.<sup>60</sup> As a labour reservoir of the country, the Ciskei is part of South Africa's political economy and the crisis there is in part a product and a reflection of the tension in the country as a whole.



*Thozamile Gqweta, trade unionist, detained at least twelve times*

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# ***Security Laws & Atrocities in Namibia***

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There is an equally elaborate and brutal history of security legislation in Namibia. Death in detention, solitary confinement, hooding, electric shocks, physical abuse, permanent injury, humiliation and denial of medical attention: all these are part of the widespread, systematic process of torture in Namibia. The pattern is the same as in "metropolitan" South Africa and the centres of repression in the bantustan "homelands." Only the intensity of cruelty is sometimes greater, and the security police and the military even less accountable.

Proclamation AG27 (of 1979) made by the Administrator General appointed by Pretoria for the territory, permitted indefinite incommunicado preventive detention of anyone considered a threat to "peaceful and orderly constitutional development" of Namibia, or likely to promote "political violence and intimidation."

Over the last four years, large numbers of activists against the "internal government" of the territory have been detained and arrested under the Terrorism Act as well as Proclamations AG26 and 9.

Detentions made under Proclamation AG9 are not reviewable by the court and relatives or their lawyers have no right to information about those in detention. There are no statutory safeguards for the detainees' safety and the detaining authorities are granted immunity by law for any act they may commit, so long as "good faith" can be ascribed to them.<sup>61</sup>

Political activities are also restricted by the Prohibition and Notification of Meetings (No 22 of 1981) which effectively inhibits, where it does not outrightly prohibit, public meetings which confront official policies. SWAPO is not the only group the Act is aimed against: all those outside the main power bloc are effectively silenced. But the thrust of the security police and military operations has been against SWAPO resistance.

## **DEATHS IN DETENTION: THE WAR AGAINST SWAPO**

The war against SWAPO has been characterised by a degree of torture and death in detention which can only be a result of the connivance of all those involved in the territory's "legal" processes.

In November 1982, the Commissioner of Police for Namibia referred to the first of a number of suspected deaths in detention. He confirmed the death in custody of two men within hours of their being detained in connection with SWAPO activities. According to the Police Commissioner, one of the men, Jonah Hamukwaya (32), a village teacher in Mbambi in Kavango, was arrested on "information received," taken to a prison cell in the Nkurenkura village, where he was reported to have died almost immediately after his detention. News subsequently filtered through that the man's body had been hurriedly removed to Rundu, a town several hundred kilometres away,

where it was seen in the mortuary by a relative, who reported scratch marks on the dead man's neck and mud stains on his shirt.

Press reports at the time<sup>62</sup> cited strong rumours that Hamukwaya was strangled by his interrogators. No explanation of the circumstances of his death was given to his family by the authorities and nor was their permission sought for the removal of his body to Rundu.<sup>63</sup>

Another man, Kaduma Katanga, from the Kakora village, allegedly confessed to being a SWAPO guerrilla while being interrogated by the special police counter-insurgency unit, KOEVOET. No details of the circumstances of Katanga's death were disclosed.<sup>64</sup>

The two deaths provoked an international outcry and demands by the Namibian Bar Council for the urgent establishment of a Judicial Commission of Inquiry into Security legislation and practices. The Bar Council expressed its concern about the many unsolved cases of the disappearance of citizens, destruction of property and abuse of power, as well as the wide powers of the security forces in Namibia. Under Section 103 of the Defence Act of 1959, members of the security have immunity for any act to "prevent or suppress terrorism in the operational area." This principle is built into Proclamation AG9 under which most detentions are carried out.

The suppression of information of identity, health and whereabouts of detainees held under security legislation has enabled the security police to act as a law unto themselves and with little accountability to anyone.

Families of persons detained under Proclamation AG9 and 26 are rarely informed by the security police that their relatives have been taken into custody. In a number of cases people have "disappeared." The alleged "disappearance" of one of these detainees, Johannes Kakuva, led to a protracted court hearing where it was established that he had been murdered in detention. The circumstances of Kakuva's death and the cruelty he suffered cast grave doubts on the safety of those whose whereabouts are reported to be unknown or have simply "disappeared."

It took three years to establish that Johannes Kakuva had been murdered while in custody. A year after his "disappearance" in August 1980, his wife and brother brought a case against the SA Minister of Justice and the Administrator General of Namibia. The application before the Windhoek Supreme Court sought a declaration that Kakuva be presumed dead. During the evidence it transpired that Kakuva was among a group of 25 people who had been arrested and detained at Opuwa, in the Kaoko region, in connection with SWAPO guerrilla activities. A number of these men submitted sworn affidavits of torture to the court. It was also submitted that Kakuva had died in police custody and that his death had been the consequence of police torture.

The security police denied this and claimed instead that Kakuva had agreed to act as police informer and had either absconded or been killed by SWAPO guerrillas in the course of an arranged attempt to meet them. In October 1982 the court did not find evidence of improper conduct by the police on the basis of the evidence submitted, and allowed both sides to call oral evidence. The resumed hearing in February 1983 revealed the full extent



of torture in Namibian prisons and also the secrecy cloaking security police atrocities.

A key witness, Ndendura, described how Kakuva had been thrown onto him after being tortured and had failed to react when buckets of water were thrown over him. He was then taken away and he did not see Kakuva again. In August 1983, in an unprecedented decision, the Court rejected the police story and declared Kakuva to have died while in detention. This was the first formal finding by a Namibian court of a detainee's death in detention in the territory. No security police officer, however, has been charged with Kakuva's murder.<sup>65</sup>

Ndendura himself had been kept blindfolded in a toilet for a week. In order to sleep he had to lean against a wall. The only time his blindfold was removed was when he was given food. No water was ever given to him to wash. Following this, he was detained with others in a tent for two months and five days. The detainees were tied to each other in pairs as well as to a pole in the centre of the tent. He was never visited by a magistrate nor given any legal reason for his arrest. Although his assault wounds had been treated in a hospital, he was forbidden to speak to a doctor. In fact, the men treated the wounds themselves when festering began.

In December 1980, after four months in detention, he was released after being fined five cattle by a tribal court.

Similar accounts of torture and assault were given by six others who were with Ndendura. A doctor who examined three of the men in February 1983 found evidence compatible with complaints of assault and typical of injuries which could have been caused by blows to parts of the body with a blunt object. A Windhoek architect who gave evidence at the trial told the court that new detention barracks had been built, replacing the tent. He described these as new torture chambers. There were two windowless cubicles inside an enclosure surrounded by barbed wire. In between the cubicles a hole had been dug, lined with brick and cement. It was the size of a human body and could be covered with a corrugated sheet. He implied that men might be kept in the hole.

# ***The Violence of the Military***

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The enhanced role of the military in Namibia has extended state violence to cases well beyond those concerned with political resistance to the regime. One third of all criminal cases now brought before the courts involve members of the armed forces. Many of these are concerned with wanton acts of assault, especially criminal assaults on Namibia's women. The security police and army work together.

The military occupation of Namibia has exacerbated racial and sexual discrimination in the territory and marginalised its legal institutions. This is because military and paramilitary personnel, as well as security police, are virtually unaccountable. Brigadier JV van der Merwe, Head of the Security Police in Namibia, confirmed this when he told the court in Windhoek in May 1983 that no registers were kept on detainees by the security police, in contrast to ordinary police practice. Information was placed in secret files. Inspection of the files by defence counsel is usually refused on grounds that state security would be endangered.<sup>66</sup>

Censorship under a section of the South African Defence Act has blanketed media reports of security police and military activity. Details of detention and torture come to light at the trial stage. And that is only in those cases which come to court many months after the events. Much goes unreported for a long time and in those instances where the detainees are released without charge nothing is ever reported of their detention and illtreatment.

There are reports that over a hundred Namibians are still being kept incommunicado without charge at the Hardap Dam detention barracks — five years after their capture in Angola, in May 1978. Little news of their conditions is available and there is conflict about the precise number of people detained there. Clergymen have estimated the numbers of detainees as between 150 and 200. An unknown number have been released but the numbers have been supplemented by new detainees transferred from other centres. These include Angolan soldiers and SWAPO combatants captured in South African attacks into Angola.<sup>67</sup>

The majority of detainees are not brought to trial and the military personnel are protected under section 103 of the Defence Act of 1959 which gives them immunity for any arrest undertaken to "prevent or suppress terrorism in the operational theatre" — which virtually means they have *carte blanche* to do as they please. Similarly, any authorised member of the security police is permitted under Proclamation AG9 to hold a detainee indefinitely. Restrictions on media reportage ensure that little news of the extent of security operations will surface and, where the detainees are held for some time and are victims of torture, there is little likelihood of their assaults ever becoming known, especially if they are not brought before the courts.

Whether in South Africa or Namibia, the entire apparatus of the apartheid state, including the military, the magistrate, judge, warder, interrogator, policeman and prison doctor — all of them have conspired to suppress the resistance of the people against apartheid. All of them shall answer for what they have done. The violence of the regime's responses, the draconian character of its laws and the desperate acts of state terrorism — decade after decade — has only proved the resilience of South Africa's heroes against one of the most barbarous regimes in modern times. The struggle for equality and for the aims of the Freedom Charter will continue despite the vicious laws and the death culture of the white minority government.

In the spirit of the Freedom Charter, we affirm and re-affirm what we have pledged before: "These freedoms we will fight for, side by side, throughout our lives, until we have won our liberty."

### THE STRUGGLE CONTINUES!



*Ndara Kapitango, who was beaten and spit-roasted by members of Koevoet. The soldiers who assaulted him were each fined R50 when they came before a military tribunal*

**ACTS UNDER WHICH DETAINEES WERE HELD  
WHEN THEY DIED IN DETENTION**

Terrorism Act (No 83 of 1967, Section 6).	27
Criminal Procedure Act (No 56 of 1955, Section 215 <i>bis</i> and Section 7 of Act 96 of 1965	7
Transkei Proclamation R400 of 1960	4
Transkei Public Security Act	2
Undisclosed	9

**PERIOD IN DETENTION BEFORE DEATH**

7 days	21
8-14 days	5
15-30 days	8
31-60 days	5
61-90 days	4
91-120 days	3
More than 120 days	4
Undisclosed	9

**AGE AT DEATH**

16-19 years	5
20-29 years	10
30-39 years	7
40-49 years	5
50-59 years	4
60 and older	4
Undisclosed	24

**AREAS WHERE DEATH OCCURRED**

Johannesburg	14
Pretoria	11
Transkei	7
Port Elizabeth	6
Cape Town	3
Durban	3
Pietermaritzburg	2
Venda	1

*Source: Lawyers' Report*

# Footnotes

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1. Pretoria News 20.9.83; ANC Weekly News Briefing 40 Vol. 7.
2. Cited CIIR p.29.
3. 22.3.82 cited CIIR p.36.
4. RDM 11.2.82. See also studies of Prof. Dugard RDM 13.6.80; Focus 38 p.7. For earlier study of The Christian Institute of Southern Africa, CT 1077 p.69.
5. DPSC Memo presented to Min of L/O 27.2.82.
6. RDM 13.6.80; Focus 38 p.7.
7. RDM 11.2.82; Focus 40 p.2.
8. Focus 43 p.5.
9. Lawyers Committee for Civil Rights Under Law: "Death in Detention and South Africa's Security Laws" p.74 May 1983. (Hereafter "Lawyers Report").
10. Lawyers Report p.81.
11. RDM 18.2.82; Focus 40 p.3. Cf also the cases of Sam Kikine, General Secretary of the same Union RDM 27.2.82; Focus 43 p.3. and P. Gordhan executive member NIC, RDM 25.3.82.
12. Focus 47 p.3; RDM 6.4.83; S 2/5/11/16.5.83.
13. DPSC p.6.
14. DPSC Memo p.9.
15. Cited from Affidavit introduced at Aggett inquest dd 18.6.82. Cf Appendix A, Lawyers Report.
16. Lawyers' Report, Premanathan Naidoo, pp.7,8. App. A.
17. Ibid.
18. Lawyers Report p.34.
19. Lawyers Report p.53.
20. Lawyers Report p.51.
21. Lawyers Report p.51.
22. Lawyers Report p.52.
23. Lawyers Report pp.65-68.
24. Focus 38 p.2; 42 p.4; 45 p.3; 46 p.8; RDM 11.7.83.
25. Lawyers Report, Affidavit E.
26. RDM 26.9.82; Star 9.10.81; Focus 38 p.2.
27. Star 30.9.81.
28. Focus 31 p.4; 35 p.2; 38 p.2.
29. Focus 42 p.4; D. Tel 9.8.82
30. Focus 47 p.3; T 2.6.83
31. Focus 52 p.5.
32. Op. cit.
33. Lawyers Report, cited Affidavit A.
34. RDM 28.5.83; Star 30.5.83.
35. Star 30.5.83.
36. Statement of T. Mbeki, Director ANC Department of Information and Publicity 29.11.83.
37. Focus 42 p.2; RDM 6/23.7.82; CT 20.7.82; Focus 43 p.5.
38. Focus 43. p.5.
39. Focus 47 p.6.
40. Focus 47 p.5; RDM 21.5.83.
41. Focus 45 p.6; Star 30.12.82; RDM 31.12.82.
42. Sechaba January 1984.
43. Sechaba January 1984.
44. Sunday Tribune 20.11.83.
45. SAIRR 1983 p.244.



46. Star 2/16/17/19.11.82; RDM 3/4/9/10/11/20.11.82; Focus 44 p.6.
47. RDM 25.1.83; Focus 44 p.12.
48. Press Conference, London, cited Focus 44 p.12.
49. Focus 45 p.5; Star 12.1.83.
50. DN 30.11.82; Focus 44 p.7; 45 p.5.
51. DD 20/22.10.82; Focus 44 p.7.
52. S. Express 23.1.83; Focus 44 p.5.
53. WIP 26 1983 p.48.
54. This is provided for in Section 26(9)(b) of the new Security Law.
55. RDM 11.2.82; Cit. 13.2.82; Focus 40 p.4.
56. Focus 39 p.9; OBS 25.7.82; Focus 41 p.4.
57. Focus 52 p.5.
58. RDM 23.3.83; DD 1-3/24-25.3.83; Focus 47 p.5; Sechaba May 1983 p.2.
59. Focus 48 p.7.
60. Sechaba October 1983.
61. Lawyers Report p.24.
62. WA 25.11.82
63. Focus 44 p.2.
64. GN 26/27.11.82; T 27.11.82; Focus 44 p.2.
65. Focus 39 p.2; 46 p.3; RDM 2.2.82; CT/WA 2.3.83; WO 12.2.83/5.3.83.
66. WA 20.4.83; Focus 48 p.10.
67. Focus 47 p.11; Focus 46/48 p.10.

## ***Abbreviations***

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CIIR	Catholic Institute for International Relations
Cit.	Citizen
CT	Cape Times
DD	Daily Dispatch
DN	Daily News
DPSC	Detainees' Parents' Support Committee
D. Tel.	Daily Telegraph
Focus	Focus on Political Repression in Southern Africa
Min of L/O	Minister of Law and Order
NIC	Natal Indian Congress
OBS	Observer
RDM	Rand Daily Mail
S	Sowetan
SAIRR	South African Institute of Race Relations
S. Express	Sunday Express
T	The Times
WA	Windhoek Advertiser
WIP	Work in Progress
WO	Windhoek Observer

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