

2. THE NEW CONSTITUTION

Whatever else may be said about the Government's new constitutional proposals they have certainly let loose a flood of debate and a good deal of invective amongst non-Nationalists on the perennial question of whether one is more likely to change apartheid by white-anting it from within or by fighting it from outside.

The decision of the Labour Party, which formerly controlled the Coloured Representative Council, to participate in Mr Botha's tricameral Parliament has really set the controversy boiling and has already produced some results nobody was expecting. It has led to the formation of a united front to fight the proposals which, it seems possible, could bring together people who have been as far apart as Inkatha and the Natal Indian Congress. It has given impetus to an idea conceived by Dr Cedric Phatudi to form an extra-parliamentary black federation, which now appears to enjoy the support of both Chiefs Buthelezi and Matanzima, who have scarcely been on speaking terms

these past few years. And, perhaps most interesting of all to readers of REALITY, it has led to the founding within the Coloured community of a new political body, COPE, which eschews all ethnically-based political organisation and is campaigning for the repeal of the Improper Interference Act and the establishment of a new non-racial political party.

We do not know how representative of Coloured opinion the Labour Party is these days, nor what prompted it to take the decision it did. We do not think that decision puts the Party beyond the pale for ever but we do think it was the wrong decision to take. Our view continues to be that no decision of great consequence about our future can be taken without black participation, and that the more non-blacks who make their commitment to that principle quite clear now, the better prospect there will be one day that those decisions, when they are taken with black participation, will commit us to a genuinely non-racial future for our country.

WHAT REALLY HAPPENED TO DR NEIL AGGETT?

by Julian Riekert

When will South Africa start to help itself? If, as it has been said, no man is an island, it is equally true, whatever geography may otherwise try to teach us, that no nation is one either. It must still carry the support and good opinion of the rest of the world. We will never know whether Steve Biko might have been, as some have suggested, a great statesman who could have solved South Africa's seemingly intractable problems or a terrorist hothead who might have exacerbated them. What was manifest to me, however, was that whatever his political views, his death and the circumstances which occasioned it were indescribably wicked and unjustified, and can be laid equally at the door of the security police who occasioned it and the doctors who might have prevented it.

— Sir David Napley, **Not Without Prejudice** Harrap 1982 391.

THE BACKGROUND:

On February 5 1982 the people of South Africa and the world learned that Dr Neil Aggett, a medical practitioner little known outside of trade union circles, had died while in the custody of the Johannesburg security police. One of a large group of people detained, in what was later claimed to have been a major breakthrough by the security police in their campaign against the 'total onslaught' against

South Africa, Dr Aggett was, according to a police statement, found hanged in his cell by a security policeman. There were widespread protests from trade unions throughout the world, as well as from lawyers, opposition politicians, academics and the opposition press in South Africa. Many of these critics called for a judicial inquiry into the forty-sixth death in security law detention in South Africa.

Fears for the well-being of other detainees were increased by the announcement that Dr Aggett's lover, fellow doctor Liz Floyd, had been admitted to the psychiatric unit of a Johannesburg hospital. With international protests mounting rapidly, and thousands of South Africans attending memorial services throughout the country, it was announced that an inquest into Dr Aggett's death would be held. Thousands of people of all racial groups attended the funeral in Johannesburg on February 13.

Mrs Helen Suzman MP attempted to raise the question of Dr Aggett's death in Parliament on February 17 and disclosed that a note smuggled out of John Vorster Square, the Witwatersrand police and security police headquarters, by a fellow detainee alleged that Dr Aggett had been physically abused by the security police before his death. The Minister of Police denied these allegations and accused Mrs Suzman of fabricating documents in order to denigrate the police. The Speaker then ruled that the death of Dr Aggett was **sub judice** because of the pending inquest and could not therefore be discussed in the Assembly.

The inquest, before magistrate, Mr P A J Kotze, opened in Johannesburg on March 2. It was adjourned to April 13

at the request of Mr George Bizos SC, counsel for the Aggett family, in order to enable him to lead evidence from other detainees.

THE INQUEST:

In terms of the Inquest Act 58 of 1959, a magistrate must hold an inquest into any death, prima facie caused by other than natural causes, if a public prosecutor does not recommend the institution of criminal proceedings against any person as a result of that death. The purpose of the inquest is fourfold. The magistrate must conduct such inquiries as will enable him to determine:

- (a) the identity of the deceased;
- (b) the cause, or likely cause, of death;
- (c) the date of death;
- (d) whether the death was brought about by any act or omission involving or amounting to an offence on the part of any person.

If he is unable to make any such finding, he must record that fact too.

In the case of Dr Aggett, the first three legs of the inquiry were not too problematical. The police knew only too well who Dr Aggett was, and when he had died, The district surgeon of Johannesburg, Dr Vernon Kemp, gave evidence that Dr Aggett's death was the result of suffocation caused by the application of a cloth ligature to his neck. The greater part of the inquest was to turn around the fourth part of the inquiry, the allocation of juridical blame for Dr Aggett's death.

THE TUG OF WAR BEGINS:

On April 13 Mr Bizos began to read to Dr Kemp a statement made by Dr Aggett 14 hours before his death. Counsel for the Ministers of Police and Law and Order, Mr P J Schabort, objected to this, arguing that the contents of the statement related to the security polices' continuing investigations and that their disclosure would be contrary to the interests of national security. The next day magistrate Kotze ruled that the statement was admissible. His ruling was challenged by Mr Schabort and the inquest was adjourned in order to allow him to obtain a Supreme Court ruling on this point. Mr Justice Eloff, of the Transvaal Provincial Division of the Supreme Court, remarked during the hearing of Mr Schabort's application, that South Africa's international reputation and the reputation of the South African police would be adversely affected if there was not a full inquiry into Dr Aggett's death. He ruled the statement to be admissible.

Since the purpose of an inquest is to make known all the circumstances surrounding the unnatural death of its subject, this tactic on the part of the Ministers concerned is open to question. The Supreme Court's ruling did not, in any event, put an end to the executive's attempts to withhold vital evidence from the inquest court.

DR AGGETT'S STATEMENT

The statement was read to Dr Kemp. It alleged that Dr Aggett had been hit, punched, kicked, subjected to electrical shocks and that his genitals had been physically abused. It also disclosed that the interrogation during which this had taken place had lasted for 62 hours. Dr Kemp agreed that the scabs, scratches and other marks described in the statement

corresponded with those that he had found on Dr Aggett's body during the autopsy. He said that there was no evidence that Dr Aggett had been visited by any district surgeon since he had been detained the preceding November, and that there was a possibility that timely medical attention might have saved Dr Aggett's life.

SOME POLICE WITNESSES:

The police sergeant who found Dr Aggett's body hanging in his cell admitted, under cross-examination, that he had never heard of the inspectors of detainees, appointed in the wake of the Biko inquest to protect detainees from unlawful treatment. He also admitted that he had standing orders to check on all detainees every hour, but that on the night of Dr Aggett's death he had been 'too busy' to do so. Another policeman, a constable, said that he had been stationed at John Vorster Square for seven months. During that period he had never seen a magistrate visit any of the detainees. He confirmed that there were standing orders for hourly checks on detainees but that on the night of February 4/5, he had been too busy to carry out this order. He admitted that an entry he had made in the regulation occurrence book, claiming that he had visited the detainees just before 1 a.m. and that none of them had had any complaints, was false.

Another policeman said that an inspector of detainees had called to see Dr Aggett on January 4, but that he had been told that Dr Aggett was not available. This was not an uncommon practice.

Security police officers told the inquest magistrate that Dr Aggett had been arrested on 27 November 1982 'for furthering the aims of the ANC'. At the time of his arrest, Dr Aggett had had in his possession some books by Trotsky and Lenin. Three ANC documents said to have been found in his briefcase did not appear on an inventory made by the policemen after his arrest and countersigned by Dr Aggett.

MAGISTRATES AND INSPECTORS:

A magistrate gave evidence that he had called to see Dr Aggett on three occasions. Each time he had been told that Dr Aggett was not available for a visit. When he eventually saw him on January 18, Dr Aggett had complained of ill treatment, including the administration of electrical shocks. A woman police sergeant confirmed that she had taken a statement from Dr Aggett regarding these complaints on the day before his death, some three weeks after the complaint had been made.

The inspector of detainees who had called to see Dr Aggett, Mr Abraham Mouton, said that Dr Aggett had not made any complaint during his visit on January 22, just four days after he had complained to the magistrate. He admitted that detainees were often reluctant to make complaints to him because they feared that these would be shown to their police captors.

He admitted that some of the other detainees had complained about their treatment. One alleged that he had been assaulted, another said that he had been threatened with death if he did not tell the truth and a third complained that a warrant officer had kicked the door of his cell and shouted 'staan op, kaffer'. He had transmitted these complaints to the Minister of Police.

THE OTHER DETAINEES:

On June 21 Mr Bizos announced his intention to use statements made by a number of Dr Aggett's fellow detainees in order to cast some light on the circumstances in which Dr Aggett had been detained and interrogated. Mr Schabert objected to this, arguing that the similar fact evidence which might be derived from such statements was irrelevant to the medical finding that Dr Aggett had died by hanging. After an adjournment, the statements were ruled to be admissible and Mr Bizos was given leave to call other detainees to give oral evidence.

One detainee, Mr Maurice Smithers, who was served with a banning order during the inquest proceedings, revealed that he was the author of the note mentioned in Parliament by Mrs Suzman. He had written it in custody and his sister had smuggled it out after a visit. In it he revealed that he had seen Dr Aggett being forced to run on the spot with his arms outstretched. Whenever his arms began to droop or he stopped running he was hit on the back or the arms with what appeared to be a rolled-up newspaper. Smithers formed the impression that the intention was to humiliate Aggett, rather than to do him any serious injury. Aggett had also been forced to do 'a substantial number' of push-ups. At one stage a police officer bent over him and Smithers heard the distinct sound of flesh being hit. Mr Auret van Heerden, another detainee whose cell was opposite Aggett's, said that Aggett could not be awakened to eat his meal after the marathon 62 hour interrogation. Aggett had later told him that he had been 'broken' and van Heerden was so struck by the obvious deterioration in Aggett's physical and mental condition that he resolved to tell the security police about it. Before he could do so, he heard a commotion outside Aggett's cell and knew at once that 'the worst had happened'. He had subsequently been told by a Major Cronwright that his (van Heerden's) statement would not go before the inquest court as it was his duty to protect his men, who were 'doing a good job in preventing terrorism in the country'. He had also been threatened with being gaoled, banned and house-arrested if he revealed what he knew about Aggett's death.

Another detainee, Mr Pramanathan Naidoo, who was later sentenced to one year's imprisonment for harbouring an escaped prisoner, gave evidence of his own treatment while in detention. The account which follows is that published in *The Natal Mercury* on 24 September 1982:

"In an affidavit Naidoo said he had been taken to the office of Maj Arthur Cronwright soon after being detained on November 27, 1981. There he had met a Maj Arbee.

'Maj Arbee asked me when I joined the African National Congress. When I replied that I was not a member of the ANC, he grabbed me and smacked me a couple of times across my face. He then grabbed me by my hair and banged my head on the desk. He made me squat in a corner with my face to the wall.

'He then took me into a nearby office where a couple of people were sitting having tea. I was made to squat behind the door facing the wall. While I was squatting there, someone came up behind me and punched my head with his fist.'

Naidoo said he was then taken to his cell, where he remained until November 30.

'I was fetched by a man whom I later discovered was W/O

Smith. He told me he knew all about my activities, that if I co-operated and made a statement, all would be well. If I did not co-operate, they had ways and means of getting the information out of me and they would do so.

'W/O Smith asked me when I had joined the ANC and the S A Communist Party. When I said that I was not a member of either organisation, a ginger-haired man suggested I be handcuffed.

KICKED

'W/O Smith then handcuffed my right wrist to my right ankle and I was made to remain standing. Then I was asked the same questions again and gave the same reply. W/O Smith then went to a cupboard in the office and took out a canvas bag.

'He placed this over my head. From time to time they asked me the same questions again and when I gave the same reply, I was kicked and punched. At one stage during the morning, someone else came into the office and removed the bag and said: "Hy's nog vars" (He is still fresh). He then kicked me on my backside and replaced the bag.'

The handcuffs were removed to allow Naidoo to eat lunch.

'After lunch, the cuffs were put back, wrist to ankle, and the questioning started again intermittently. After about two hours, the cuffs were removed and W/O Smith made me do some exercises. He made me do squats and press-ups on the floor.'

STRIP

Naidoo was then taken back to his cell until the next morning (Tuesday) when he was taken to W/O Smith's office.

'W/O Smith came in after a while and ordered me to strip. I was then handcuffed right wrist to right ankle. The ginger-haired man came in again and I was asked the same questions as the day before. Again, when I gave the same answer, I would be kicked, punched or pushed. This went on to about lunchtime.

'After lunch, during the afternoon, I was handcuffed again, wrist to ankle. During this period, Lt Prince came in. Without any provocation, he pushed me on to the floor and while I was on the floor, he put his foot on the handcuffs so that they dug into my wrist and ankle. He then struck me under my feet with a piece of wood which had a key tied to it'.

Naidoo told the Court he was screaming from the pain and the skin on his feet later peeled off.

'Then I was made to get up. After a while the cuffs were removed and I was made to kneel and to hold a chair above my head . . . They kept asking me when I joined the ANC and SACP.

'While I was holding the chair, a tall man with a long nose came in. I understood that he was a Capt Venter or Verster. My arms were tiring and the chair was beginning to sag. He grabbed the chair and banged it on my head a couple of times. He did not ask me any questions. I was naked all this time.

'After a while, they put the chair down and made me kneel with my arms above my head. The captain then came and hit me two or three times very hard on my head with his fist.

'During the afternoon, W/O Smith made me do squats, press-ups and running on the spot. When I started to perspire, W/O Smith told me they wanted to get my body warmed up so that if I died, the marks would not show up in the post mortem. The exercises went on for approximately 15 to 20 minutes . . . If I flagged, and I was made to do the exercises at a fast pace, they would jab me, prod me and force me to keep going.'

Naidoo was taken back to the office on Wednesday morning, and said he had stayed there until Friday afternoon, naked all the time and not allowed to sleep.

During this time he was given tablets and was told they were to keep him alert.

'During this period . . . I was made to march on the spot, to kneel and to hold the chair above my head and to do exercises such as squats, push-ups and marching on the spot. They had an ANC flag which they would make me wave and hold up while I was marching on the spot . . .

'At one stage they made me sit down on a chair and while holding my arms put a plastic bag over my head. I resisted and managed to rip it off . . .

'Lt Venter told me that they referred to that floor as "Timol Heights" and that after they had finished with me, they would change it to "Prema Heights" . . . The ginger-haired man asked me if I had seen the sign downstairs saying "Beware of flying Indians" . . .

'During this period I knelt such a lot that the skin on my right knee broke on Friday morning.'

On Friday afternoon, Naidoo said he was taken to Vereeniging police station. Naidoo told the Court that he had shown an officer his knee when asked if he had any injuries. 'You don't call that an injury,' the officer told him.

'I was placed in a cell. I laid down on the mat and fell asleep immediately. Later, I do not know how much later, but it was dark, I was fetched and taken to an office.

'They immediately made me strip . . . They questioned me intensely. I fell asleep on my feet and, when I next became aware of what I was doing, I found myself talking but unable to stop myself . . . They also tried to force me to agree to make a confession to a magistrate. They pulled my hair and punched me.'

Naidoo said that at 6 a.m. on Saturday, the new shift of interrogators allowed him to put his clothes on and went through everything he had said. He was then taken to his cell, but was not able to sleep.

He was fetched again later the same day and had been taken to an office and given pen and paper to write a statement. He was kept there until 'about Wednesday'.

For the first two days he said he was not allowed any sleep. On Tuesday and Wednesday he was allowed 'to lie down on the floor for an hour or so on newspaper. On another occasion, I was allowed to lie down on a couple of chairs which had been brought together.

'When W/O Smith and Booyens came on shift . . . they made me do exercises, such as standing against a wall with my knees bent, sit-ups, squats, press-ups and running on the spot and this went on for about two hours.

'On Tuesday, or Wednesday, Lt Botha asked me if I would make a confession to a police officer . . . I said I would and someone was sent for. I then changed my mind and

Lt Botha was very angry and punched me on the chest. He said he was going to kill me.

'He then made me stand up against a wall with my heels hooked on a brick and my knees bent slightly. Whenever I flagged, the ginger-haired man came and jabbed me to get standing to their satisfaction. This lasted for several hours.'

On 'about Wednesday' he said he was taken back to his cell and allowed to sleep. The following morning he made a statement to a Vereeniging security policeman.

Asked why he had not reported these incidents, Naidoo told the Court he feared he would have to go through it all again.

Naidoo said he had complained to Lt Steyn of a sore ear. 'I told him that W/O Booyens had hit me across the ear during the time I had been at John Vorster Square.

'The next day, W/O Booyens was very angry and demanded to know why I had made false allegations about him when he had been so good to me. He forced me to apologise in front of Lt Steyn.'

He told the Court that when an inspector of detainees had asked him if he had been assaulted, he had said he would rather not answer as he was frightened."

THE OTHER POLICE WITNESSES:

A number of police witnesses, principally drawn from the security police, gave evidence to the inquest court. Brigadier Muller, the head of the Johannesburg security police, said that it was within his power to authorise or forbid a lengthy interrogation session. Sometimes such interrogations were prolonged at the request of the detainee, who wanted to finalise the interrogation. He agreed that if Dr Aggett's complaint, that he had only been allowed ten hours of sleep during the 62 hour interrogation session, were true then it was 'a gross deprivation'. He agreed that there had been an undue delay in the investigation of Dr Aggett's complaint to the magistrate. He had been told by Major Cronwright (on whom see below) that Aggett had given the police a new list of names during the interrogation. Cronwright wished to arrest these persons and had told him so in front of Aggett. This might explain why Aggett had then hanged himself in his cell. The Brigadier later threatened to obtain an interdict against **The Rand Daily Mail** if it took any photographs of his men.

Major Cronwright is the head of the interrogation division of the security police at John Vorster Square. He had given a Lieutenant Whitehead permission to interrogate Aggett for 62 hours, but denied Whitehead's claim that Aggett had required 'more intensive' interrogation. He also denied that the police had been in any hurry or that they had believed that they were on the brink of a breakthrough in the investigation of a 'tremendous conspiracy'. He admitted that he was withholding from the inquest court dozens of pages of statements written by Aggett because they 'contained secret information'. Mr Schabert requested that these documents should not be admitted as to do so would 'implicate a very respected person in this court today with the Communist Party'. A ministerial certificate was later produced, in terms of which these statements were to be withheld from the inquest, on the ground that their disclosure would be prejudicial to the interests of national security. Amongst them were four pages of notes made by Aggett and alleged by the police to be 'crucial to their investigations'.

A Lieutenant Carr told the inquest that it had been necessary to make Dr Liz Floyd stand while she was being interrogated in order to discipline her. She had been insulting and sarcastic and had called the police 'bastards'.

Other police witnesses gave evidence that, insofar as the police were concerned, being an ANC sympathiser was the same thing as being a member of the ANC and that admitting to being a socialist was similar to admitting to being a communist.

A number of police witnesses denied the allegations regarding the treatment of Pramanathan Naidoo. One security policeman suggested that such allegations were made in order to denigrate the security police. The atmosphere at a number of interrogation sessions was described as 'friendly'.

THE EXPERTS

Professor Charl Vorster, a psychologist from the Rand Afrikaans University, gave evidence to the effect that Dr Aggett was not likely to have committed suicide in view of his personality and background. Professor Jan Plomp, a psychiatrist from the University of Pretoria, said that it was not unlikely, if Dr Aggett's complaints about his treatment were true, that this could have led to his suicide. A political scientist from the University of the Witwatersrand expressed the opinion that the alleged confession by Aggett to being a communist was wholly inconsistent with other parts of the same statement. He was of the view that Aggett could have allowed the admission to be included because it was expressed in terminology which he would not normally have used.

THE MINISTER OF POLICE:

Mindful perhaps of the outrage that followed former Justice Minister, James Kruger's, 'dit laat my koud' statement, Mr Louis le Grange announced on August 18 that 'he wished to make it abundantly clear that he was not insensitive to deaths in detention'.

THE INQUEST FINDING:

After the summing up and legal argument by counsel on both sides, Mr Kotze adjourned the inquest to consider the evidence. On 20 December 1982 he gave his decision, which has closed the door on any hope that a judicial inquiry in South Africa will pierce the veil of secrecy which surrounds the offices and deeds of the security police. Neil Aggett's death was the result of suicide, he found. No person was to blame for his death and no prosecution of any person was indicated. He did not stop there, however. He suggested that Mr Auret van Heerden, Dr Aggett's fellow detainee, should bear part of the blame for his death because he had not brought Dr Aggett's depressed psychological state to the attention of the security police.

HOW CAN DR NEIL AGGETT'S DEATH BE EXPLAINED?

There is abundant evidence on the effects of solitary confinement and sensory deprivation on the human mind. Expert evidence to the effect that solitary confinement for extended periods could impair a subject's mental faculties, and particularly rational thought processes and memory functioning, was accepted by a judge of the Natal Supreme Court in *S v Gwala & Others*, a Terrorism Act case decided in 1977. This finding was confirmed by the Appellate Division of the Supreme Court on appeal.

A few days after Dr Aggett's death, Professor Charl Vorster, who also gave evidence at the inquest, said, in an interview,

that prolonged solitary confinement amounted to severe torture. This interview was published in *The Natal Mercury* on 12 February 1982:

"Eskimos never walk alone, because the sheer monotony of their snowy landscapes could unbalance their minds.

That is why human beings should not be kept in solitary confinement, because the monotony, the lack of stimulus, will unbalance them.

And that is why any confession or acknowledgement of guilt made after a period of solitary confinement should be rejected by the courts.

That is the view of Professor Charl Vorster, of the department of psychology at Rand Afrikaans University.

'This is not my idiosyncratic viewpoint — it is the finding of numerous well-controlled laboratory experiments around the world,' he said in an interview. 'You only have to look at the literature.'

MENTAL TORTURE

That, for purely academic reasons, is what this young professor did. And now he is calling for the outlawing of solitary confinement, and the rejection by the courts of any confession or admission of guilt made after solitary confinement.

'Solitary confinement is a most severe mental torture. It is at the same level as the giving of electric shocks or other physical torture — it is just that it appears more innocent,' he said.

Only at the point at which a country was prepared to accept the need for electrical-shock treatment or other physical torture for detainees should it consider whether solitary confinement should be permitted.

And then solitary confinement should be under the supervision of a psychiatrist or psychologist to prevent permanent damage being done to the detainee, and no statement should be accepted unless it has been made after a 'cooling off' period, again supervised by a psychiatrist or psychologist. Why? What does solitary confinement really mean? And why should it be so devastating?

The technical term for solitary confinement is sensory or perceptual deprivation. It means a person is placed in a monotonous environment where nothing changes, where there are no incoming stimuli to break the monotony. That environment might be the high seas — and your lone yachtsman will begin to hallucinate. Or the skies, or in outer space.

Or it may just be an empty room — it does not have to be a pitch dark, soundproof chamber to disturb the balance of the human mind.

'To maintain a healthy mental balance you have to be in constant interaction with your environment and consciously or unconsciously test your perceptions.

'If you are cut off from the ability or opportunity to test yourself and measure yourself, you become more and more distanced from reality because you have no yardstick,' said Prof Vorster.

'Any group of people placed in a dark room with a single light against one wall will testify to the movement of the light, even when the light has been quite still.

'You are totally dependent on your environment for your perception and your testing of reality.'

More than 2 000 investigations, he said, had been undertaken around the world into the concept of 'brain-washing', which first surfaced when United States servicemen kept prisoner by the communists in the Korean war made amazing confessions and denounced their country. These investigations showed the technique of brain-washing centred on solitary confinement.

DISORIENTATED

Laboratory tests involving personality tests, clinical observation and measurement of the brain waves by electroencephalograph provided proof that victims of stimulation deprivation underwent changes. And the researchers used such terms as 'startling' to describe reactions to solitary confinement. 'In just about all these studies it was found that people, sometimes in a matter of hours, started hallucinating,' Prof Vorster said.

'If confinement is kept up the person loses contact with reality, he becomes totally disorientated and he exhibits symptoms you find in a person with psychosis — imbalance of the mind — such as high levels of anxiety, panic, delusions. He hallucinates, hears voices. Everything is distorted in terms of distance and height. Walls bulge, the figure of a policeman looms huge . . .

'He might not even be able to write or speak properly. Then — and this is most important — a state of depression could follow, making him more susceptible to persuasion and propaganda.

With severe depression could come thoughts of suicide or actual attempts at suicide.

'I hesitate to say this could explain the high figure of suicides among political detainees, but it certainly can't be ruled out that this is a contributing factor,' said Prof Vorster.

Even a person who was not considered to be the 'suicidal type' could be brought to that state.

'This is a state of severe torture. If you can't escape you get quite desperate,' he said.

MAJORITY WOULD

Solitary confinement could push a person with latent psychosis 'over the brink'. The sheer isolation of a U S base at the South Pole drove one man to full-scale psychosis.

Physical ailments might be aggravated because depressed people suffered physically — they would not eat and they lost weight and became more susceptible to pain.

So there was no need to inflict pain — 'solitary' was torture in itself

Solitary confinement definitely led to temporary, but not necessarily permanent imbalance of mind, Prof Vorster said.

The vast majority of people would become unbalanced to some extent by stimulation deprivation, but not every single individual. It would depend on their personality structure and how they handled the situation. People could even be trained to resist the effects to some extent. Interviews with those American PoWs indicated that people who exercised, or who played mental games, could keep selves together.

It would be interesting to know if people detained under Section 6 of the Terrorism Act, and most of whom appeared to undergo solitary confinement, were permitted exercise, Prof Vorster said. The American PoWs had been expressly forbidden exercise.

Of course the moment any detainee came into contact with someone else, even his interrogator, there was no longer sensory deprivation. But the detainee was in contact with others within a certain frame of reference only — there were the same kind of questions, over and over again, and perhaps the same questioner.

'And because those stimuli are the only ones to which

he is exposed, their impact is so much stronger,' Professor Vorster said.

Detainees would not be helped by a newspaper suggestion that relatives observe the detainees through a glass panel — the detainees needed to interact with their relatives.

'Why can't they talk with their relatives? There can't be any security risk. I suspect it is purely for the purpose of stimulus deprivation.'

From a psychological point of view admissions made by people who had undergone solitary confinement were worthless, and should be rejected because the people who made them were not in a sound frame of mind.

No court would accept a statement made under the influence of alcohol. 'Solitary' was so much worse."

Professor Vorster's views were confirmed in papers given by Dr Louis J West, a Californian psychiatrist who had given expert evidence in the Gwala trial, and Dr G A Tyson, of the University of the Witwatersrand, at the Conference on Detention and Security Legislation held at the University of Natal in Durban in September 1982.

In another paper given at that Conference, Professor Frances Ames outlined the physiological consequences of some of the strategies alleged to have been employed by the security police in the Aggett inquest. She said that the anxiety resulting from the initial detention by the police was likely to cause limbic cortex arousal, an ancient response to crisis situations, which prepares the body for fight or flight. Denied any physical outlet, this state could result in a variety of somatic symptoms and pervasive apprehension. If this was followed by a period of relative sensory deprivation (for example being left alone in a darkened cell) the result could be disruption of orderly thought, loosening of emotional control, fantasy formation, distorted perception and hallucinations.

If the detainee was then subjected to a period of intensive interrogation, the sudden sensory overload could disrupt his sense of time, weaken his self-identity and blur the lines of demarcation between his own thoughts and those of the interrogators. Prolonged standing during interrogation also produces physiological responses. As blood pools in the lower extremities, plasma fluid leaks into the tissues, cardiac output and arterial pressure may fall and an increase in heart rate, and vaso-constriction in some areas, are likely to result. The consequences of these physiological changes are restlessness, nausea, slowing of the pulse and a reduction of the blood supply to the brain, which may cause loss of consciousness, falling and ultimately epileptic seizures.

Cerebral dysfunction can be further increased by interference with the normal sleep patterns by sleep deprivation. Minor assaults can further disrupt rational thought by causing fear and anger in response to physical pain. Severe assaults can result in permanent damage, especially to the brain, and death. The administration of neurotoxins can also cause temporary or permanent neurological damage.

It seems perfectly reasonable to suggest that Dr Aggett's suicide could have been induced by depression and despair caused by the application of a combination of the techniques and effects described by Professor Ames and the other psychological experts. The first part of the finding of the inquest magistrate might therefore be technically correct, namely that Dr Aggett committed suicide.

But how, in good conscience, can we agree that no one was to blame for his death? The blame for Dr Aggett's death must, in my view, be allocated to, and apportioned between, a number of persons and agencies. First and foremost, it must be laid at the door of the legislation which permits detention without trial in solitary confinement. Despite the findings of the Rabie Commission, there is more than enough evidence, both in South Africa and elsewhere, to show that abuse of the detention without trial power is virtually inevitable. But legislation has no independent existence of its own. It is an expression of the values which prevail in the society which brings it into existence. So the blame must go also to the persons who enacted the Terrorism Act and its successor, the Internal

Security Act of 1982, and who permit such 'indescribably wicked' legislation to continue in existence. It must fall heavily too upon the members of the security police and upon the members of the South African executive, both past and present, who hold or held in their hands the rudder of the South African ship of state. Lastly, and most of all, it must fall upon the ordinary fun-loving, sun-loving, honest-to-God white South African, who, surrounded by poverty and suffering, enjoys one of the highest living standards in the world and by an extraordinary feat of wilful blindness, does not, will not, see what indescribable abominations are being executed in his name and for his alleged benefit. □

SOUTH AFRICA THROUGH THE LOOKING-GLASS

The Steyn Commission's interpretation of social and political reality.

by Ralph Lawrence

Mr P.W. Botha throughout his period of office as Prime Minister of South Africa's Nationalist Government has sought to project the image of the reformist, a politician well aware of the dynamics of social and political processes, yet at the same time a pragmatist, sensitive to the constraints on public-policy making at any juncture. To this end advice on many significant areas of public policy has been requested. The President's Council was initiated to provide advice on constitutional proposals; the Human Sciences Research Council has, at the Government's behest, carried out studies of sport and education; and commissions of inquiry have reported on labour, employment, security and the mass media. In this article I examine the work of two Commissions of Inquiry, both headed by Justice Steyn and both dealing with the press, to ascertain not the specific policies they recommend but the intellectual foundations of their analyses, their ideological outlook. We can then determine whether those who actually make public policy are receiving at least some source of advice which encourages them to think differently and promotes a climate of change in society which is reflected in the public policies eventually adopted.

The first so-called Steyn Commission was set up to investigate the relation between the mass media and the state on matters of security.¹ This Report appeared in early 1980. The second Commission carried this task a stage further by being given very generous terms of reference, to judge '... whether the conduct of, and the handling of matters by, the mass media meet the needs and interests of the South African community and the demands of the times, and, if not, how they can be improved.'² These findings were made public in early 1982.³

First of all, a preliminary note on my selection of the Steyn Commissioners's efforts for the type of analysis I propose. Both Commissions concluded that their respective terms of reference necessitated a full factual and 'scientific' examination of the context in which the mass media operated; namely, South African society. A large part of these Reports deal with this aspect, clearly revealing an ideological pers-

pective and attendant general public policy prescriptions. Unless indicated to the contrary, I present a composite analysis of the two Reports, for although the second Commission was entirely independent of the first, and not bound by its findings, in practice the work of the bodies proved to be complementary. The later Steyn Commission was substantially in agreement with the views of its predecessor, going so far as attempting to rebut its critics.

I have chosen to restrict myself here to three areas of the Steyn Reports: the social fabric and the political order; democracy; the state, and the relation between the individual and the state. These are two other topics, which for reasons of space I have omitted - the theory of the 'total onslaught' and the appropriate response, a 'national strategy'. The total onslaught comprises the ideological and material forces, within and without South Africa, directed against the present system of rule. The national strategy is the ideological and material riposte, dictating the substance, pace and timing of changes in public policy. The total onslaught, in particular, pervades the Reports, providing the background to and complementing the interpretation of social and political reality I now begin to discuss.

The Social Failure and the Political Order

Does South African society constitute a community, in the sense of a population residing in a given territory, sharing common interests and unified by as well as owing allegiance to the same political authority? The latter Steyn Commission put forward the following argument. To begin with the status of whites in South Africa has to be considered. Can they be regarded justifiably as indigeneous people of South Africa? 'The Afrikaner is unquestionably a true child of Africa' whose only home is South Africa.⁴ Afrikaners were once a settler community but they became a nation with its own language, identity and culture - the Cape-Dutch and Boer-Republican cultures.⁵ English-speaking South Africans, however, are only in the process of becoming an African people as they interact with Afrikaners and 'other Peoples', thus differentiating them from English-speakers elsewhere.

South Africa is ethnically diverse; it is composed of a number of peoples, each of whom is determined to retain its own ethnic and cultural diversity. This is a well-established fact.⁶