

considering that 'such a trial will inevitably lead to a further deterioration in the already explosive situation in South Africa, thereby further disturbing international peace and security', the Assembly called on the South African Government to abandon the trial and 'forthwith to grant unconditional release to all political prisoners and to all persons imprisoned, interned, or subjected to other restrictions for having opposed the policy of *apartheid*'. On December 4, 1963, the Security Council unanimously reaffirmed its previous resolution and again called on the South African Government 'to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of *apartheid*'.

Despite the unanimous demands of the principal organs of the United Nations, the South African Government has proceeded to employ ever more stringent repressive measures against an increasing number of persons and organizations.

The reports of the Special Committee in 1963 gave an account of the mass of repressive legislation in South Africa and its implementation.¹ The present document covers the developments in the period of less than six months since the last report on September 13, 1963.

During this period, the Government has made extensive use of section 17 of the General Law Amendment Act of 1963 which authorizes it to detain any person without trial for periods of ninety days at a time. Charges of torture of political prisoners have become wide-spread. The Government has also launched a series of mass trials under the General Law Amendment Act of 1962, especially its provisions on 'sabotage' which provide for death sentences. These detentions and trials, added to the continued and intensive use of earlier repressive legislation, have caused serious alarm in South Africa and abroad.

The extent of repressive measures by the South African Government is indicated by some figures given by the Minister of Justice, Mr. B. J. Vorster, in reply to questions in the House of Assembly on January 21 and 24, 1964. He stated that 3,355 persons had been detained under security legislation in 1963. Of these, 592 persons had been detained without trial under Proclamation 400 of 1960 which is in force in the Transkei; 594 persons, including two pregnant African women, had been detained under the ninety-day detention without trial clause of the General Law Amendment Act of 1963.² Of the 2,169 others, 1,213 adults and sixty-four juveniles

¹ A/5497 and Add. 1, S/5426 and Add. 1.

² *House of Assembly Debates*, January 21, 1964, col. 14.

had been detained under the Suppression of Communism Act of 1950; nine adults under the Riotous Assemblies Act of 1956; 500 adults and forty-three juveniles under the Unlawful Organizations Act of 1960; and 285 and fifty-five juveniles under Section 21 of the General Law Amendment Act of 1962. Of the above 2,169 persons, 722 had been released, 1,447 brought to trial and 922 convicted; 421 had been found not guilty and 104 were awaiting trial. The average period during which these persons had been detained before being brought to trial was forty-eight hours, but the longest period was seven months. The Minister added that as of January 24, 1964, one person was detained under Proclamation 400,³ that forty-six persons detained under the ninety-day clause had given evidence for the state after being promised an indemnity from prosecution and that thirty-six of these had received indemnity after giving evidence.⁴ Nineteen persons had been placed under "house arrest" since February 15, 1963. On January 24, 1964, twelve persons were under twenty-four-hour house arrest and twenty-one under twelve-hour or night house arrest.⁵ He also said that two African women were pregnant when they were detained under the ninety-day clause. The first was arrested on June 25, 1963, and charged on November 11, 1963: the other was arrested on August 2, 1963, and charged on September 5, 1963.⁶

On February 4, 1964, the Minister of the Interior, Senator J. de Klerk, stated in the Senate that 354 cases involving 1,727 persons had been brought to trial in 1963 on charges of sabotage and offences under the Suppression of Communism Act. Of these 1,727 persons, 1,316 had been convicted and 411 acquitted. He added that fifty-six cases involving an unspecified number of persons were awaiting trial. Of the accused, 530 had been remanded in custody for periods in excess of three months before having been brought to trial, and in 129 cases charges had been withdrawn after the accused had been detained for periods exceeding three months.⁷

Sentences in all the security trials have been extremely severe. According to the information compiled by the monthly *Forward*, covering eighty political trials involving 1,105 persons concluded in 1963, forty persons had been sentenced to death: six to life imprisonment: and 743 to a total of 4,724 years' imprisonment or an average of over six years and four months. Three hundred and

³ *Ibid.*, January 24, 1964, cols. 263-64.

⁴ *Ibid.*, col. 235.

⁵ *Ibid.*, cols. 264-65.

⁶ *Ibid.*, col. 268.

⁷ *Senate Debates*, February 4, 1964, cols. 418-19.

fifteen had been acquitted or had the charges withdrawn, while sentence was not passed on one accused.

The severity of sentences is particularly striking as a majority of the accused were charged merely with belonging to or furthering the objectives of banned organizations, such as the African National Congress or the Pan-Africanist Congress.

A number of executions have been carried out since the adoption of General Assembly resolution 1881 (XVIII). One person was executed on October 14, 1963, and three others on November 1 for alleged offences during the Paarl riot of November 22, 1962: four were executed on November 8 for planning to murder Chief Kaiser Matanzima: four others were executed on February 11, 1964, on charges of sabotage and murder at Queenstown.⁸

A serious source of concern is the evidence of secret trials, despite official assertions that trials were open to the public. In September 1963, when seven Africans were sentenced to twenty years' imprisonment each for allegedly receiving military training in Ethiopia, the press reported that 'until sentence was passed, the nature of the charges and the evidence were heard behind locked doors'. The accused had not been represented by counsel even though the charges carried the death penalty.⁹

Many of the trials are apparently not reported in the press.¹⁰ In others, testimony is often taken *in camera*.

The large number of acquittals, when the accused were able to obtain counsel or allowed to appeal, seem to indicate that many persons had been convicted due to their inability to procure legal assistance.¹¹ Frequently, however, persons acquitted by the courts

⁸ It may be noted, in this connection, that the laws enacted since 1962 have extended the crimes for which death sentences may be imposed.

⁹ *Cape Argus*, October 1, 1963.

¹⁰ Mr. O. A. S. Maree, a prosecutor in the Johannesburg Regional Court, stated on September 30, 1963, that there had been only two prosecutors to handle 360 political trials in the previous six months. The press had reported only a small fraction of that number (*Contact Cape Town*, January 24, 1964).

¹¹ Concern has been expressed in South Africa over the announcement that a bill would be introduced at the current session of Parliament to prohibit listed Communists from practising at the Bar. Particularly in view of the wide definition of Communism, this law may make it difficult for many of the accused to obtain counsel.

Mr. John Arnold, Q.C., who visited South Africa on behalf of the International Commission of Jurists, stated at a press conference on December 16, 1963, that three of about twenty African attorneys in the country, all active in defending accused persons in security cases, had been prevented from practice by imprisonment and bans.

have been re-arrested under legislation providing for detention without trial.

The repressive measures are directed mainly at the leaders and members of the African National Congress and the Pan-Africanist Congress, as well as other organizations opposed to *apartheid* such as the South African Indian Congress, Congress of Democrats, South African Congress of Trade Unions, and the Liberal Party.

The jailings and other repressive measures indicated above have caused enormous human suffering. Innocent men are jailed for long periods and when released find it hard to find employment. Charges of ill-treatment and torture of prisoners have frequently been made in the courts and published in the press. Bans and house arrest have deprived many families of their livelihood or otherwise caused serious distress.¹²

Persecution of opponents of *apartheid* does not seem to have stopped resistance. Incidents of sabotage and other forms of protest continue to be reported. *Contact* (November 13, 1963) stated, for instance, that a rash of posters appeared in Johannesburg protesting against the recent trials, despite severe legal penalties for persons affixing such posters.

Many observers have stated that the intensification of repression has, in fact, increased the danger of a violent conflict. Illustrative is the statement in January 1964 by Dr. Joost de Blank, until recently Anglican Archbishop of Cape Town, that there may be a 'blow-up' in South Africa unless the Government changed its policy. He stated: 'Repressive legislation leads to more violence and more repressive legislation until such time as it reaches a pitch when it will have to blow.'¹³

II. TRIALS AND CONVICTIONS OF OPPONENTS OF APARTHEID

A large number of persons have been tried and convicted under security laws since the adoption of the last report of the Special Committee on September 13, 1963, and the General Assembly resolution 1881 (XVIII) on October 11, 1963. The accused involve many of the prominent leaders of the non-White organizations and other

¹² The South African press recently printed the story of Mr. Hubert Makuto of Wattville Location, Johannesburg, who could not visit his six-month-old son who died in a hospital two miles away, as his movements had been restricted (*Sunday Times*, Johannesburg, January 19, 1964).

¹³ *Spotlight on South Africa*, Dar-es-Salaam, January 25, 1964.

opponents of *apartheid*. These trials and convictions are briefly reviewed below.

(1) THE 'RIVONIA TRIAL' IN PRETORIA

It may be recalled that General Assembly resolution 1881 (XVIII), referred to above, followed the charging of eleven prominent leaders of the people and other opponents of *apartheid* on October 9, 1963, with sabotage and other offences. Most of the accused had been arrested on July 11, 1963, in a raid on the Goldreich farm in Rivonia and kept under solitary confinement. The indictment alleged that Nelson Mandela, Walter Sisulu, Denis Goldberg, Govan Mbeki, Ahmed Kathrada, Lionel Bernstein, Raymond Mhlaba, James Kantor, Elias Motsoaledi, Andrew Mlangeni and Bob Alexander Hepple had committed 222 acts of sabotage throughout the country against railway, post office and radio installations and the offices of the Bantu Affairs Commissioner between August 10, 1961, and August 5, 1963, in preparation for guerilla warfare. Two organizations, one variously referred to as the National High Command, the National Executive Committee of the National Liberation Movement and *Umkonto We Sizwe*, and the legal firm of James Kantor and partners, were also charged. The first seven accused were named as the National High Command and joined as members of an association under the Criminal Procedure Act, in addition to being charged in their personal capacities. James Kantor was listed in his personal capacity and as a partner in an association with Harold Wolpe, absent, allegedly a member of the National High Command.¹⁴

The defendants were accused of acting in concert, conspiring and making common purpose with Vivian Ezra, Arthur Goldreich, Michael Harmel, Percy Hodgson, Joe Slovo, Harold Strachan, Harold Wolpe, Moses Kotane, Oliver Tambo, Tennyson Makiwane, John Joseph Marks, Johannes Modise, Duma Nokwe, James Hadebe, Robert Resha, the Communist Party of South Africa and the African National Congress in committing acts of sabotage as defined by the General Law Amendment Act of 1962.

The second count alleged conspiracy to perform and the performance of acts which were calculated to further the achievement

¹⁴ Mr. Harold Wolpe, an attorney, was arrested and placed under ninety-day detention on June 17, 1963. He escaped from police headquarters, Johannesburg, on August 11, 1963, and subsequently from South Africa. On September 23, 1963, he was granted temporary permission to remain in the United Kingdom.

of one or more or all the objects of communism as defined in the Suppression of Communism Act.

The third count, under the Criminal Law Amendment Act, alleged that the accused had conspired to organize a campaign against some of the laws of the Republic, or seek their repeal or modification, or the limitation of their application.

On October 30, 1963, Justice Quartus de Wet upheld defence objections, quashed the indictment as 'fatally defective' and reprimanded the prosecutor for lack of specific allegations against the accused. He said it was most improper, when the accused asked for particulars of the charges, to tell them that this was a matter they knew all about.

Ten of the accused were immediately re-arrested,¹⁵ (prior to the quashing of the indictment, charges were withdrawn against Mr. B. A. Hepple who, it was announced, would serve as a State witness).¹⁶

A new indictment was served on November 12, 1963, on the ten prisoners charging two counts of sabotage and two other counts. The indictment alleged that the accused, in their individual capacities and as members of the organizations listed in the previous indictment, all conspired with the Communist Party of South Africa, the African National Congress and *Umkonto We Sizwe* to commit 193 acts of sabotage. It listed twenty-six other members of the alleged conspiracy, one dead and twenty-five in exile.

The first count of sabotage alleged that the accused, between June 27, 1962, and July 11, 1963, recruited people for instruction and training, both within and outside South Africa, in the manufacture and use of explosives for the purpose of committing acts of violence and destruction; and instructed 200-300 persons in the art of warfare, including guerilla warfare, for the purpose of causing a violent revolution in South Africa. These acts, the indictment alleged, enabled the accused to injure, damage, destroy or render useless the health or safety of the public, the maintenance of law and order, the supply and distribution of light, power or fuel, postal,

¹⁵ The prisoners were denied bail, except for Mr. James Kantor who was granted bail of R10,000 on December 20, 1963, after two previous applications. Bail for Mr. Kantor was cancelled on February 17, 1964.

¹⁶ Mr. Hepple subsequently fled South Africa and stated in Dar-es-Salaam that he had escaped 'because I am not prepared to testify for the State in a political prosecution of this kind'. (*The Star*, weekly, Johannesburg, November 30, 1963.) [He has since been denounced by Resistance leaders in South Africa.—Ed., *African Communist*.]

telephone or telegraph services or installations, the free movement of traffic, and the property of other persons or the State.

The second count of sabotage alleged similar acts and stated that the accused procured persons to assist military units of foreign countries when invading South Africa and to commit acts of participation in a violent revolution.

The third count alleged that such acts were calculated to further the achievement of one or more of the objects of Communism. The fourth count alleged that the accused solicited, accepted, received and paid out money to various persons to enable or assist them to commit sabotage.¹⁷

When the trial began on November 25, defence lawyers asked that the indictment be quashed because of a 'want of particularity' which, they stated, made it 'no better than the previous ones'. Justice de Wet dismissed the motion and denied the request of defence counsel for a two months' postponement to allow preparation of the defence. He allowed only six days.¹⁸

When the trial reopened on December 3, 1963, the prosecutor stated that the State would present evidence that the accused had plotted to commit sabotage, violence and destruction as a prelude to guerilla warfare, armed invasion of South Africa and the violent overthrow of the Government in a war of liberation planned for 1963. The plot was the work of the African National Congress which, by the latter half of 1961, had decided on a policy of violence, and for that purpose formed a military wing, *Umkonto We Sizwe*. The headquarters of the organization were at Lilliesleaf Farm, Rivonia, the home of Mr. Arthur Goldreich. The leaders, the prosecutor alleged, adopted the "M-plan" (Mandela plan) in which a central authority at Rivonia controlled regional and sub-regional committees throughout South Africa.

He said the National High Command intended to produce or obtain within six months 210,000 hand grenades, 48,000 anti-personnel mines, 1,500 time devices, 144 tons of ammonium nitrate, 21.6 tons of aluminium powder and 15 tons of black powder. Also to be manufactured were petrol bombs, pipe bombs, syringe bombs, thermite bombs and bottle bombs, known as Molotov cocktails.

The prosecutor alleged that for the manufacture of explosives, arms and weapons, Mr. Denis Goldberg had bought a 7½ acre property at Krugersdorp in June 1963. He added that Percy Hodg-

¹⁷ *The Star*, weekly, Johannesburg, November 16, 1963: *The Star*, daily, Johannesburg, November 26, 1963.

¹⁸ *The Star*, daily, Johannesburg, November 25-27, 1963.

son and Harold Strachan (in exile)* toured the country to teach and train men to be placed in charge of local 'technical committees' to manufacture and use the explosives.

The next step, he said, was to recruit young men for training in sabotage and guerilla warfare, especially outside South Africa. The prosecutor said that Mr. Elias Motsoaledi and Mr. Andrew Mlangeni had played a prominent part in the recruiting campaign.¹⁹

He alleged that the firm of James Kantor and partners had acted as a 'conduit pipe' for the receipt and disbursement of funds to further the campaign by which the accused planned to overthrow the Government.²⁰

The prosecutor said that sabotage began in August 1961. 'The whole purpose of this, the first stage of their campaign, was to produce chaos, disorder and turmoil, and so pave the way for the second stage.' The second stage was the plotting and waging of guerilla warfare 'for which purpose the accused once again fully and thoroughly prepared themselves by studying in great detail the tactics of guerilla warfare as waged in Algeria, China, Cuba and other countries'. Thousands of guerilla units were to be deployed throughout the country to 'accentuate a state of chaos, disorder and turmoil and so facilitate acts of assistance to military units of foreign countries when invading South Africa. They were promised military and financial aid from several African States and even by countries across the seas'. The final stage of the second phase would come when the Government had been brought to its knees and the accused could set up a provisional revolutionary Government to take over the country.

The prosecutor stated that selected documents and the oral testimony of 200 witnesses would be presented, all of which would reveal that 'the present year—1963—was to be the year of their liberation from the so-called yoke of the White man's domination'.

The charges were put to each of the accused. Mr. Mandela said: 'The Government should be in the dock. I plead not guilty.' Mr. Sisula said: 'The Government is responsible for what has happened in this country. I plead not guilty.' The Judge intervened and declared: 'I do not want any political speeches.' The other accused, however, made similar short statements.

Some of the developments in the trial, indicating the extra-

¹⁹ *The Star*, daily, Johannesburg, December 3, 1963.

²⁰ *Cape Times*, December 7, 1963.

* Mr. Harold Strachan is imprisoned in South Africa [Ed., *African Communist*].

ordinary methods employed by the Government, are briefly noted below.

The second witness, Miss Edith Kogane, housemaid to Mr. Goldreich, stated under cross-examination that she had been detained since July 11, 1963, and told by police interrogators on October 8 that she would be soon released if police were satisfied with her answers.²¹

The prosecutor stated that the next witness, Mr. Thomas Mashifane, a former employee on the farm, and several other witnesses were being detained in ninety-day detention as protective custody. He added: 'I am sure if we release Thomas (Mashifane) he won't be here Monday.'

Mr. Mashifane alleged that he had been assaulted and beaten by the police during the interrogation. He said he was still suffering the effect in his right ear and a top front tooth was loose. On December 5 the Judge ordered the prosecutor to investigate the allegation. Later in the day, however, the prosecutor reported that Mr. Mashifane had requested that the allegation be dropped. Mr. Mashifane told the Judge that his treatment did not alter his evidence, though 'when a person is being "killed", then he can't speak as he would have wanted to speak if he had not been suffering pain'. The matter was dropped.²²

A principal witness of the prosecution, Mr. X, gave five days of testimony from December 10, 1963, against most of the accused. Evidence was given *in camera* and the witness was unidentified* as the prosecutor claimed that he was in mortal danger. Mr. X had been warned that he could be regarded as an accomplice to the National High Command but if he gave evidence properly he would be free from prosecution.

Mr. X said that he had joined the African National Congress in 1957, the South African Congress of Trade Unions in 1960 and the Communist Party in 1961. He claimed that he had blown up a power pylon, an electric light standard and a municipal office, and had stolen dynamite²³ As a saboteur he acted on instructions of the Durban Regional Command which was in turn instructed by the National High Command at Rivonia.

²¹ *The Star*, daily, Johannesburg, December 3, 1963.

²² *The Star*, daily, Johannesburg, December 5, 1963: *New Republic*, Washington, December 28, 1963.

²³ *The Star*, weekly, Johannesburg, December 14, 1963.

* He has been identified by the resistance movement as Bruno Mtolo [Editor].

Mr. X testified that a campaign of violence throughout the country was planned to begin on December 16, 1961, to signal a change in the policy of the African National Congress from non-violence to violence. The targets in the Durban area were the municipal Bantu registration offices, the Bantu Commissioner's Office and the Coloured Affairs Office. The bombs used had been wrapped in Christmas wrapping to prevent police detection.²⁴

Mr. X claimed that he had supplied the bomb which blew up the Bantu Administration offices and had himself successfully bombed power pylons and an electric light standard. He added that he had carried out and sponsored numerous acts of sabotage at the instance of the High Command.²⁵

He said he became disillusioned with *Umkonto* on August 13, 1963, when he had been arrested and detained without trial under the ninety-day clause of the General Law Amendment Act of 1963 and had decided to tell everything to the police immediately. He ended his evidence denying that he had been threatened or tortured by police.²⁶

An unidentified Coloured witness,* Mr. Y, who had been under detention without trial from May to September 1963, said he liked being detained. He testified that he had been a lecturer at a camp for training young non-White guerillas at Mamre, Cape Province, and that Mr. Denis Goldberg, an accused, and Mr. Looksmart Solwandle Ngudle, who had been found dead by hanging while under detention without trial, had been the Commandant and Sergeant respectively.²⁷

On cross-examination, Mr. Y said he had decided, towards the end of his ninety-day detention, to tell the truth because he preferred a long prison sentence term to indefinite detention without

²⁴ *Cape Times*, December 11-12, 1963.

²⁵ *Cape Times*, December 13-14, 1963.

²⁶ *The Star*, weekly, Johannesburg, December 21, 1963. Under cross-examination on January 15, 1964, Mr. X said that he had joined the African National Congress because it had been 'struggling for something that was right and for the aspirations of the Black people', and that its objects could be attained only through violence. However, he had come to realize while undergoing detention that the decision to adopt a policy of violence had been wrong, and that the leaders were Communists. Asked by defence counsel why his evidence differed from his evidence-in-chief, he said that his mind had become tired since serving ninety-day detention. (*Cape Times*, January 16, 1964; Reuters, January 15, 1964.)

²⁷ *Cape Times*, December 18, 1963.

* He has been identified as Cyril Davids [Editor].

trial. He was still in custody but had been told that he would be released after he had given evidence.

Another witness was Mr. English Mashiloane, a cousin of Mr. Elias Motsoaledi, an accused, who testified that his house had been used as an assembly point for recruits on their way to training bases. He said he had already been locked up for six months and had no idea when he would be released. He thought that he too was an accused person and was on trial as well. The prosecutor announced that he was being held in protective custody and was not regarded as an accomplice. After discussion with the prosecutor, the Judge informed the witness that if he gave satisfactory evidence he would be released. Mr. Mashiloane was asked: 'At first you denied you knew anything about soldiers and dynamite and that sort of thing. What made you change your mind?' 'Jail', he replied.²⁸

Another witness, Mr. Essop Ahmed Suliman, a taxi operator, testified that he had taken African recruits to the Bechuanaland border for military training abroad. He admitted that he had been detained for sixty-five days before police had taken a preliminary statement from him, then had been kept in custody a further fifty-five days before police agreed to take the final portion of his statement which took only a few minutes to give. He stated that he had not been threatened with assault by police on his arrest on June 10, 1963, but that when he did not tell the truth to the policeman who arrested him, the latter had said: 'Do you know that with one punch I can knock you down?'

On January 14, 1964, Mr. Caswell Nboxele, a twenty-one-year-old African, testified that he had been invited to a 'Christmas picnic' in 1962 but had found himself at a guerilla training camp at Mamre, where there were about thirty men under the direction of Mr. Denis Goldberg and Mr. Looksmart Ngudle. Asked about the lectures, Mr. Nboxele said: 'I wasn't listening. I had come for a picnic.'²⁹

Mr. Harry Bambane, who was serving a two-year sentence for leaving South Africa without a passport, testified that he had been recruited in early 1963 by a friend to go to school in Tanganyika, and had travelled to Livingstone, Northern Rhodesia, with some other persons under false names. The group, then thirty-seven persons, had been told on the way that they were to receive military

²⁸ *The Star*, weekly, Johannesburg, December 21, 1963.

²⁹ *Cape Times*, January 14-15, 1964: Reuters, January 14, 1964.

training in Tanganyika. They had been arrested in Livingstone and handed over to the South African police.³⁰

A third unidentified witness,* Mr. Z, testified on January 22, 1964, that he had lost thirty pounds while under detention, but had received excellent food at all times. He stated that he had been aware that if he did not make a statement to the police, he could be held for successive periods of ninety days for the rest of his life.³¹

When asked why he was giving evidence against the organization he had served since 1951, Mr. Z said that senior officials of the A.N.C. had been arrested before him and had apparently made statements to the police. As identifying other persons these officials had thus indicated that others should 'talk' also, he felt that he could not be described as a traitor.³²

On March 4, 1964, Justice Quartus de Wet acquitted Mr. James Kantor on the ground that there was no case against him. The case against the remaining nine defendants was adjourned to April 7, 1964.³³

(2) TRIAL OF DR. ALEXANDER AND OTHERS IN CAPE TOWN

Ten Coloureds and one African were charged in the Cape division of the Supreme Court on November 1, 1963, with a plot to overthrow the Government by violent revolution, guerilla warfare and sabotage. The accused are: Dr. Neville Alexander, Miss Dorothy Alexander, Mr. Fikile Bam, Mr. Lionel Davis, Miss Dulcie September, Miss Doris van der Heyden, Mr. Leslie van der Heyden, Miss Elizabeth van der Heyden, Rev. Don Davis, Mr. Marcus Solomons and Mr. Gordon Hendricks. The principal charge alleged that the accused committed sabotage by means of a conspiracy to commit certain wrongful acts between April 1, 1962, and July 12, 1963. The second charge alleged that they committed sabotage by inciting, instigating, commanding, advising or encouraging other persons to commit wrongful and wilful acts. Two further charges alleged that they contravened the Suppression of Communism Act by supporting or advocating support of a doctrine which aimed at bringing about a political, social or economic change in South

³⁰ *The Star*, weekly, Johannesburg, January 18, 1964.

³¹ *Cape Times*, January 23, 1964.

³² *Cape Times*, January 30, 1964.

³³ *New York Times*, March 5, 1964.

* Identified as Patrick Mtembu [Editor].

Africa by promoting disturbance or disorder, and with being members of the Yu Chi Chan Club known as the National Liberation Front.³⁴

Trial began on November 4, 1963. On November 8, the judge dismissed the defence application that the indictment be quashed as 'vague, embarrassing and calculated to prejudice'.³⁵ The accused were refused bail.

The first witness, Police Lt. S. I. Sauerman, stated on November 8, 1963, that he had arrested Dr. Alexander on July 12, 1963, on finding certain documents in his possession. Between November 8 and 16, the prosecution read 'more than fifty documents' to the court as evidence of sabotage, including: Mao Tse-tung, *Strategic Problems of the Anti-Japanese Guerilla War*; V. I. Lenin, *The Paris Commune*; and issues of *Liberation*, alleged organ of the National Liberation Front.³⁶

On November 18, Mr. Harold van Rooyen testified that Don Davis, an accused, 'gave me a book on guerilla warfare. . . . He said I must read it so I would know what to do when the time came to stand up for our rights.' Under cross-examination, Mr. van Rooyen said that all Coloured people spoke about standing up for their rights.

Mr. Andrew Pitt testified that Mr. Davis gave him a book on guerrilla warfare: 'He said I must read it so I would know what to do when the time came to stand up for our rights. I read only the heading and then burnt it.' Counsel for the defence asked: 'You spoke to Davis about laws of the land and discussed dissatisfaction among the Coloured people against laws?' The witness stated: 'Yes, such as *apartheid*, job reservation, ninety-day detention clause, immorality laws and lots of others. Davis said we must be ready for the day when we would stand up for our rights.' Defence asked: 'Many Coloured people say these things?' The witness said: 'Everybody says it.'³⁷

On November 19, 1963, two witnesses described alleged preparations for an attack on South African Whites in January 1964 by a 'Coloured army'. One witness was a Coloured policeman. Constable Jacobus Kotzee, disguised as an insurance agent, the other a paid police informer, Mr. Cecil Dempster.³⁸ On November 21, the

³⁴ Reuters, November 5, 1963.

³⁵ Reuters, November 8, 1963.

³⁶ *Cape Times*, November 9-16, 1963.

³⁷ *Cape Times*, November 19, 1963.

³⁸ *Cape Times*, November 20, 1963.

judge reprimanded Mr. Dempster after he admitted he had not told the truth in evidence because the police had instructed him to 'keep secret' certain facts.³⁹

On November 24, Mr. Reginald Francke, a State witness and an alleged accomplice, refused to give evidence despite the assurance of the judge that if he answered questions to the satisfaction of the court he would be granted an indemnity.⁴⁰

Mr. Francke testified, however, from November 26 and subsequent days. He described an N.L.F. cell which held weekly meetings at Dr. Alexander's home and included four of the accused. He stated that the N.L.F. was a military organization which planned to take over South Africa using guerrilla warfare and violent methods. He admitted that police had promised to release him from ninety-day detention as soon as he had made a satisfactory statement. Mr. Brian Landers, a student at the Western Cape University College, testified that when he approached Dr. Alexander for a bursary to study overseas, he was introduced to the N.L.F. Dr. Alexander had stated it was 'a new group to fight to liberate the oppressed peoples—the non-Whites. . . . The name of the organization was the N.L.F. whose letters were taken from the Algerian F.L.N.'⁴¹

Three State witnesses refused to give evidence on December 2, 1963. These included Mr. Cyril Jacobs, who refused despite the judge's warning that he was regarded as an accomplice but would be 'absolutely free' if he gave evidence. On December 3, Miss Dorothy Adams, broke into tears and refused to give evidence against the accused.⁴²

On December 10, Mr. Marcus Solomons, an accused primary school teacher, stated that he had been hit in the face five times, kneed in the stomach about seven times and then painfully sat on by the Detective-Sergeant, while under ninety-day detention.⁴³

The trial adjourned on December 12, 1963, and resumed on February 3, 1964, when the prosecution presented technical evidence on the use of a certain typewriter to type documents. The rest of the

³⁹ *Cape Times*, November 22, 1963.

⁴⁰ *Cape Times*, November 25, 1963.

⁴¹ *Cape Times*, November 27-29, 1963.

⁴² *Cape Times*, December 3-4, 1963: on December 17, three witnesses who refused to give evidence were charged with sabotage. (*Cape Times*, December 18, 1963.)

⁴³ *Cape Times*, December 11, 1963: *Spotlight on South Africa*, Dar-es-Salaam, January 10, 1964.

month of February was set aside for the presentation of the defence case.⁴⁴

On February 5, 1964, the defence said the 'basis of a fair trial' might have collapsed:

While the accused were being held at Robben Island . . . it was impossible to take instructions by word of mouth and I asked the accused to prepare statements. These statements were read by an agent of the State—the prison warden—and signed by him as being read. The law says that the agent of the State must be within sight but not sound of a legal adviser taking instructions from his client. Our submission is that these statements should have been treated as a word of mouth statement. . . . If this is so, then a basis of a fair trial collapses. . . . This is a grave irregularity calculated to cause serious prejudice to the accused. . . . Further . . . it is an irregularity that cannot be remedied.

On February 6 the defence informed the judge it would apply for a special entry into the trial record concerning the alleged breach of privilege. The judge said he saw no need for it to be recorded.⁴⁵

The defence closed its case on February 24, 1964.⁴⁶ *

(3) PIETERMARITZBURG TRIAL

In Pietermaritzburg, nineteen defendants were accused on November 12, 1963, of twenty-seven acts of sabotage, including the blowing up of rail lines, several houses of persons accused of collaborating with the Government, telephone poles, signal boxes and the printing works of the *Natalier* an Afrikaans newspaper in Durban.⁴⁷ The nineteen defendants, including ten Africans and nine Indians, had been detained in June, July and August. Soon after being charged, they went on a five-day hunger strike to protest a Government ban which prohibited one of their attorneys, Mr. Rowley Arenstein of Durban, from attending the trial.⁴⁸

⁴⁴ *Cape Times*, February 4, 1964.

⁴⁵ *Cape Times*, February 6-7, 1964.

⁴⁶ *Cape Times*, February 25, 1964.

⁴⁷ The accused are Ebrahim Ismail, Girja Singh, N. Barbenia, Billy Nair, K. Doorsammy, Kisten Moonsammy, George Naicker, R. Kisten-sammy, Siva Pillay, Cernick Ndhlovu, Riot Mkwanzazi, Alfred Duma, M. Mapumalo, Bennet Nkosi, Z. Mdhlalose, Mathews Meyiwa, Joshua Zulu, M. D. Mkize and David Ndawonde. (*Spotlight on South Africa*, Dar-es-Salaam, January 10, 1964.)

⁴⁸ Reuters, November 12, 1963.

* Subsequent to this report the accused have been found guilty and sentenced to terms of imprisonment from three years to ten years [Editor].

An alleged accomplice of the accused gave evidence for the State and described the organization of *Umkonto We Sizwe* in the Durban area and some of its sabotage activities. Under cross-examination, he stated that he felt no moral guilt for the part he had played and could not disagree with *Umkonto*. He had been arrested on August 3, 1963. His wife had been detained earlier in an attempt to get hold of him. He had denied knowledge of *Umkonto* after his arrest but later changed his mind when he thought of his parents and children.⁴⁹

On February 28, 1964, Mr. Billy Nair and Mr. Cernick Ndhlovu were each sentenced to twenty years' imprisonment. Mr. N. Barbenia was sentenced to sixteen years' imprisonment: Mr. Ebrahim Ismail to fifteen years: and Mr. Kisten Moonsammy and Mr. George Naicker to fourteen years each. One of the accused was sentenced to twelve years' imprisonment, five to ten years each, five to eight years each, and one to five years. Leave to appeal was granted to eight of the eighteen persons convicted.⁵⁰

OTHER TRIALS

A list of trials concluded in 1963 of persons for belonging to organizations opposed to *apartheid* or for actions arising from such opposition is annexed.*

The more recent among the numerous trials, since September 9, 1963, are briefly indicated below.

They show that political trials and convictions have increased since the Special Committee reported to the eighteenth session of the General Assembly on the deterioration of the situation.

On September 9, 1963, in Port Elizabeth, fourteen Africans were found guilty of being office-bearers or members of the banned African National Congress and sentenced to eighteen to twenty-four months' imprisonment each.⁵¹

On September 10, 1963, in Cape Town, two Africans were sen-

⁴⁹ Despatches of the *Natal Mercury*, condensed in *Spotlight on South Africa*, Dar-es-Salaam, January 3, 1964.

⁵⁰ *The Star*, daily, Johannesburg, February 28, 1964.

⁵¹ *Cape Times*, September 10, 1963.

* Reasons of space prohibit reproduction of this annex, but *Forward* (Johannesburg, May 1961) has published details of 97 trials in which 1,227 persons were charged for political offences. Of these 44 were sentenced to death, and 6 to life imprisonment. 847 were sentenced to a total of 5,379 years imprisonment, and 1 to six cuts. 325 were acquitted or discharged and 4 sentences were unknown [Editor].

tenced to three years' imprisonment for promoting the aims of the banned Pan-Africanist Congress.⁵²

On September 13, 1963, in Cape Town, two African women were found guilty of membership in the Pan-Africanist Congress and sentenced to eighteen months' imprisonment. Four African men were also found guilty of the same offence and sentenced to three years' imprisonment.⁵³

On September 16, 1963, in Umtata, forty-eight Africans were sentenced to a total of 116 years' imprisonment after being found guilty on a number of charges, including membership in the Pan-Africanist Congress. Forty of the accused were sentenced to two years' imprisonment, two to three years', and six to five years' on charges of continuing to be members of the P.A.C. after it had been banned, soliciting subscriptions and furthering the activities of the P.A.C.⁵⁴

On September 17, 1963, in Belville, twenty-three Africans were sentenced to three years' imprisonment on charges of sabotage. They were found guilty of belonging to the Pan-Africanist Congress or 'Poqo'.⁵⁵

On October 1, 1963, seven Africans were each sentenced to twenty years' imprisonment after a secret trial by the Transvaal Supreme Court. They were found guilty of undergoing military training in Ethiopia on behalf of the African National Congress.⁵⁶

On October 1, 1963, in Johannesburg, four Africans, allegedly members of the Pan-Africanist Congress, were sentenced to death. Mr. Richard Matsapahae, Josia Mocumi, Thomas Molathlegi and Petrus Mtshole were found guilty of murder in the death of Mr. Johannes Mokoena, an African Special Branch detective, on March 18, 1963.⁵⁷

On October 7, 1963, in Pretoria, seventy-four Africans were charged with unspecified acts of sabotage. The judge prohibited publication of the names of the accused, many of whom were reported to be juveniles.⁵⁸

On October 9, 1963, in Grahamstown, Mr. Hector Ntshanyana was sentenced to twenty-five years' imprisonment on charges of sabotage in connection with an attack on the King Williams' Town

⁵² *The Star*, daily, Johannesburg, September 10, 1963.

⁵³ *Cape Times*, September 14, 1963.

⁵⁴ *Cape Times*, September 17, 1963.

⁵⁵ *Cape Times*, September 18, 1963.

⁵⁶ Reuters, October 1, 1963.

⁵⁷ *Cape Times*, October 2, 1963.

⁵⁸ *The Star*, weekly, Johannesburg, October 12, 1963.

police station on April 8, 1963. The others were each sentenced to twenty years' imprisonment, four to twelve years, and three to eight years.⁵⁹

On October 15, 1963, in Johannesburg, The Rev. Arthur Blaxall, a seventy-two-year-old retired Anglican minister, was found guilty on two counts of aiding banned organizations and two of possessing banned publications. He had pleaded guilty to charges of taking part in the activities of the Pan-Africanist Congress and the African National Congress, administering funds for the Pan-Africanist Congress and arranging secret meetings between Mr. Potlako Leballo and other persons. The Minister of Justice suspended his sentence.⁶⁰

On October 15, 1963, in Johannesburg, Mr. Leon Michael Kreel and his wife, Maureen Kreel, were charged with harbouring Arthur Goldreich and Harold Wolpe following their escape from Johannesburg police headquarters on August 11, 1963, and with contravening the Suppression of Communism Act.⁶¹

On October 22, 1963, in Johannesburg, Dr. Hilliard Festenstein, a research pathologist, was charged with furthering the aims of communism and possessing banned publications.⁶² On January 28, 1964, he was sentenced to fifteen months' imprisonment and fined R300, for allegedly taking part in a banned organization, the South African Communist Party, and possessing banned literature. He was granted bail of R3,000, pending appeal.⁶³ (Dr. Festenstein was among the seventeen persons arrested on July 11, 1963, at Rivonia.)

On October 15, 1963, in Cape Town, Advocate Ntuli was sentenced to two years' imprisonment on charges of membership in 'Poqo' and of recruiting other members. The judge stated the action of the accused 'amounts to high treason'.⁶⁴

On October 25, 1963, in Wynberg, Mr. Basil Februarie, twenty, and Mr. Neville Andrews, eighteen, both coloured, were found guilty of malicious damage to property by painting anti-Government slogans on roads and factory walls. Sentence was postponed.⁶⁵

Also in October in Umtata, thirty-one African men were each sentenced to two and one-half years' imprisonment on charges of

⁵⁹ *Cape Times*, October 10, 1963.

⁶⁰ Reuters. October 15, 1963: *The Star*, weekly, Johannesburg, October 12 and 19, 1963.

⁶¹ *Cape Times*, October 10, 1963.

⁶² Reuters, October 22, 1963.

⁶³ *Cape Times*, January 29, 1964.

⁶⁴ *Cape Times*, October 16, 1963.

⁶⁵ *Cape Times*, October 26, 1963.

being office-bearers or members of the Pan-Africanist Congress.⁶⁶

On November 4, 1963, in Port Elizabeth, seventy-seven prisoners were brought to trial on charges of sabotage. The prosecution maintained that there were *prima facie* cases against all the accused of membership in the 'Spear of the Nation'. Several defendants were charged with murdering a State witness in Port Elizabeth. Bail was refused.⁶⁷

On November 6, 1963, in Grahamstown, twenty-six Africans were charged with sabotage, murdering a State witness, furthering the aims of the banned African National Congress, and possession of weapons.⁶⁸

On November 7, 1963, in Butterworth, seventeen Africans were found guilty of sabotage and three contraventions of the Suppression of Communism Act. They were sentenced to six to twenty years' imprisonment for allegedly gathering in the bush at Duncan Village on April 8, 1963, and planning armed insurrection, arson and murder of Whites, and with various other activities involving a banned organization. Application for leave to appeal was refused.⁶⁹

On November 7, 1963, in Bellville, Mr. Elijah Loza* was charged with offences under the Suppression of Communism Act. He had been detained for ninety-day detention since May 11, 1963.⁷⁰

On November 8, 1963, in Cape Town, three Coloureds were charged with sabotage.

On November 9, 1963, in Cape Town, an African and a Coloured were charged with sabotage.⁷¹

On November 13, 1963, in East London, fifty-one men and one woman were charged with sabotage and furthering the aims of a banned organization.⁷²

On November 18, 1963, in Butterworth, eight Africans were sentenced to terms of imprisonment ranging from seven to fourteen years, on charges rising out of an alleged plan by 'Poqo' to murder the Whites of East London in April 1963. Two of the accused were acquitted for lack of evidence. Leave to appeal was refused.⁷³

⁶⁶ *The Star*, weekly, Johannesburg, October 12, 1963.

⁶⁷ *Cape Times*, November 5, 1963.

⁶⁸ *Forward*, Johannesburg, December 1963.

⁶⁹ *Cape Times*, November 8-9, 1963.

⁷⁰ *Cape Times*, November 8, 1963.

⁷¹ *Cape Times*, December 5, 1963.

⁷² *Cape Times*, November 15, 1963.

⁷³ *Cape Times*, November 19, 1963.

* Mr. Loza, a well-known Cape Town trade unionist.

On November 20, 1963, in Cape Town, two Coloureds were charged with sabotage on November 20, 1963.⁷⁴

On November 21, 1963, in Goodwood, thirty-one Africans were charged with being members of 'Poqo' and planning to attack Whites.⁷⁵

On November 28, 1963, in Belville, twenty-one Africans were charged with contravening the Suppression of Communism Act.⁷⁶

On December 1, 1963, in Butterworth, eighteen Africans were found guilty of public violence and two of culpable homicide. All the accused pleaded guilty. They were sentenced to seven to eight years' imprisonment each on charges arising from the death of a police assistant in Kanywa Location, Engcobo, when Africans had attacked police who were arresting a suspect.⁷⁷

On December 4, in Cape Town, Mr. Cardiff Marney, Coloured, was charged with sabotage.⁷⁸

On December 6, 1963, in Belville, eleven Africans were charged with contravening the Suppression of Communism Act. Bail was refused.⁷⁹

On December 9, 1963, in Pretoria, the conviction and sentence of Mr. Sulliman Nathie, secretary of the Transvaal Indian Congress, to twelve months' imprisonment for incitement were upheld.⁸⁰

On December 10, 1963, in Port Alfred, Mr. Jackson Mdinga and Mr. Fundile Msutwana were sentenced to seven years' and six years' imprisonment on charges of sabotage for cutting twenty-five telephone lines on February 15, 1963.

On December 10, 1963, in Goodwood, Mr. Leo Vehilo Tikolo was sentenced to eighteen months' imprisonment for saying that if a volunteer were needed to assassinate Prime Minister Dr. Verwoerd, he would be the first to volunteer.⁸¹

On December 10, 1963, in Johannesburg, Mr. Dennis Brutus, president of the South African Non-Racial Olympic Committee, was charged with attending a meeting in defiance of a banning order, failing to report to police, leaving the district of Johannesburg, leaving South Africa without a valid passport and escaping

⁷⁴ *Cape Times*, December 5, 1963.

⁷⁵ *Cape Times*, November 22, 1963.

⁷⁶ *Cape Times*, November 29, 1963.

⁷⁷ *Cape Times*, December 2, 1963.

⁷⁸ *Cape Times*, December 5, 1963.

⁷⁹ *Cape Times*, December 7, 1963.

⁸⁰ *Cape Times*, December 10, 1963.

⁸¹ *Cape Times*, December 11, 1963.

from custody.⁸² He was sentenced on January 10, 1964, to eighteen months' imprisonment.⁸³ Mr. Brutus, a poet and former school-teacher, had fled from South Africa after being banned under the Suppression of Communism Act, and was granted political asylum in Swaziland. On his way to the session of the International Olympic Committee in Baden-Baden on a British passport, he had been arrested in Mozambique by Portuguese police and returned to South Africa. He had been shot and seriously wounded by police in Johannesburg on September 18, 1963, while allegedly attempting to escape police.⁸⁴

On December 17, 1963, in Durban, Mr. George Mbele, former organizing secretary of the African National Congress and a ninety-day detainee from May 10 to November 4, 1963, and Mr. Stephen Dlamini were sentenced to nine months' imprisonment on being found guilty of issuing a pamphlet with intent to cause hostility between the races.⁸⁵ *

On December 18, 1963, in Port Elizabeth, three Africans were sentenced to twelve, eight and three years' imprisonment, on charges of sabotage for allegedly burning down the shop of the official representative of Chief Kaiser Matanzima in New Brighton in September 1962.⁸⁶

On December 19, 1963, in Krugersdorp, Mr. Jordan Zuma was sentenced to four years' imprisonment for attempted murder of a policeman, possession of a weapon and ammunition, and escaping from custody.⁸⁷

Also in December in Grahamstown, Jackson Madinga and Fundile Msutwana were sentenced to seven and six years respectively on a charge of cutting telephone wires on the night of February 15, 1963.⁸⁸

In December in Cape Town, eight Africans were charged with sabotage.⁸⁹

⁸² Reuters, December 10, 1963.

⁸³ *Cape Times*, January 11, 1964.

⁸⁴ Reuters, September 19, 1963.

⁸⁵ *Cape Times*, December 18, 1963.

⁸⁶ *Cape Times*, December 19, 1963.

⁸⁷ *Cape Times*, December 20, 1963.

⁸⁸ *Spotlight on South Africa*, Dar-es-Salaam, January 10, 1964.

⁸⁹ *Cape Times*, December 31, 1963.

* At Ladysmith, April 23, Mr. Mbele and Mr. Dhlamini were each sentenced to a further four years for being office bearers of A.N.C. Seven African leaders received a total of 21 years in this trial. Mr. Dhlamini is national president of S.A. Congress of Trade Unions [Editor].

On January 5, 1964, in Cape Town, Mr. Randolph Vigne, banned former official of the Liberal Party, was charged with contravening Proclamation 400 of 1960.⁹⁰

On January 10, 1964, in Port Alfred, Mr. Charlie January and Mr. William Mtwalo were sentenced to twenty years' imprisonment on charges of sabotage for cutting telephone wires at the Bantu Administration Office in New Brighton Township.⁹¹

On January 11, 1964, in Cape Town, the State withdrew sabotage charges against Mr. Ernest Gabriel and seven other men, after they had been in jail for several months.⁹²

On January 22, 1964, in Port Alfred, Mr. Jacob Sikundla was sentenced to twenty years' imprisonment on charges of sabotage, including two acts of arson, cutting a telephone wire and making or possessing twenty-three chemical or incendiary bombs.⁹³

On January 24, 1964, in Port Elizabeth, Mr. Wilson Bekwayo was sentenced to five years' imprisonment for possessing chemical bombs. Two witnesses testified that they had carried bombs to his house and that he had not appeared to be surprised at their arrival with the bombs.⁹⁴

Also in January 1964, seventeen Africans were sentenced in Butterworth, to a total of 202 years' imprisonment on charges of sabotage and offences under the Suppression of Communism Act: a second group of twenty Africans were sentenced to seven and eight years' imprisonment each on charges of public violence and culpable homicide: and a third group of ten Africans were sentenced to seven to fourteen years' imprisonment on charges of sabotage. In Pretoria, nineteen Africans were charged with conspiring to recruit Africans for military training outside South Africa. In Bellville, ten Africans were charged with offences under the Suppression of Communism Act. In Port Elizabeth, fifty-five Africans were charged with sabotage. In Graaff Reinet, twenty Africans were charged with sabotage. In Port Elizabeth, twenty-six Africans were charged with political offences.⁹⁵

Also in January 1964 in Durban, twenty-five Africans were charged with being members of and furthering the objects of the banned African National Congress. Rev. Gladstone Ntlabati, a

⁹⁰ *Cape Times*, January 6, 1964.

⁹¹ *Cape Times*, January 11, 1964.

⁹² *Cape Times*, January 11, 1964.

⁹³ *Cape Times*, January 23, 1964.

⁹⁴ *Cape Times*, January 25, 1964.

⁹⁵ *Forward*, Johannesburg, January 1964.

Methodist minister, was granted bail of 300 Rand. The other accused were refused bail.⁹⁶

On February 3, 1964, three Africans, Mr. Martin Ramogadi, Alios Mancini and Izak Tlale, were charged in the Rand Supreme Court on allegations of having recruited persons, or being themselves recruited, for training outside the Republic to further the objects of the African National Congress.⁹⁷

On February 10, 1964, fourteen Africans were sentenced to three years' imprisonment on charges of belonging to the Pan-Africanist Congress.⁹⁸

On February 20, 1964, in Potchefstroom, seven Africans were sentenced to a total of sixteen years' imprisonment on charges of being members of the Pan-Africanist Congress.⁹⁹

On February 21, 1964, in Cape Town, four Whites were charged with contravening the Suppression of Communism Act.¹⁰⁰

On February 27, 1964, in Cape Town, the State informed the Supreme Court that forty to forty-five persons would be brought to trial on charges of sabotage or contravening the Suppression of Communism Act before April 15, 1964.¹⁰¹

In March 1964 in Port Elizabeth, Mr. Vuyisele Mini, Mr. Wilson Khayinga and Mr. Z. Mkaba were sentenced to death.¹⁰² *

III. DETENTION WITHOUT TRIAL

A significant feature of repression in the past year was the widespread use of powers obtained by the Government in new legislation to detain persons indefinitely without trial. Hundreds of persons of all races have thus been detained, frequently in solitary confinement for extended periods, for their active opposition to the policy of *apartheid* or even suspicion that they might have knowledge of the commission of illegal acts. The principal provisions used by the South African Government in this regard are Pro-

⁹⁶ *The World*, Johannesburg, January 24, 1964, quoted in *Spotlight on South Africa*, Dar-es-Salaam, February 14, 1964.

⁹⁷ *Cape Times*, February 4, 1964.

⁹⁸ Agence France Presse, February 10, 1964.

⁹⁹ Agence France Presse, February 20, 1964.

¹⁰⁰ *Cape Times*, February 21, 1964.

¹⁰¹ *Cape Times*, February 28, 1964.

¹⁰² A/AC.115/L.61.

* The trial was held at Port Alfred. Mr. Mini, a former treason trialist, was secretary of the Dock Workers' Union in Port Elizabeth [Editor].

clamation 400 of 1960, and section 4 and section 17 of the General Law Amendment Act of 1963.

Proclamation 400 of 1960, which remains in force in the Transkei, provides that any non-commissioned officer of the South African Police or Defence Force may arrest without warrant any person for interrogation concerning any offence, or intention to commit an offence, under any law in force in South Africa. The arrested person may be detained indefinitely. He is not allowed to consult with a legal adviser without the consent of the Minister of Bantu Administration and Development. The Minister of Justice stated on January 24, 1964, that 592 persons had been detained under this provision in 1963.¹⁰³

On February 22, 1964, Dr. Pascal Ngcane, son-in-law of Chief Albert Luthuli, father of four small children and the only medical doctor practising in Clermont, was detained for detention without trial under Proclamation 400.¹⁰⁴

Section 4 of the General Law Amendment Act of 1963 provides that persons serving a term of imprisonment may be detained indefinitely on completion of their sentence.¹⁰⁵ Mr. Robert Mangaliso Sobukwe, President of the Pan-Africanist Congress, has been so detained since May 2, 1963, after completing a three-year term of imprisonment in connection with the Sharpeville incidents of 1960.

Section 17 of the General Amendment Act of 1963 provides for the arrest and detention of persons without warrant and without trial for periods of ninety days at a time.¹⁰⁶ The Minister of Justice

¹⁰³ *House of Assembly Debates*, January 24, 1964, col. 263.

¹⁰⁴ *Sunday Times*, Johannesburg, March 8, 1964.

¹⁰⁵ Section 4 states *inter alia*: 'The Minister [of Justice] may, if he is satisfied that any person serving any sentence of imprisonment . . . is likely to advocate, advise, defend or encourage the achievement of any of the objects of communism, . . . prohibit such person from absenting himself, after serving such sentence, from any place or area which is or is within a prison . . . and the person to whom the notice applies shall . . . be detained in custody in such place or area for such period as the notice may be in force.'

¹⁰⁶ Section 17 states *inter alia*: 'Any commissioned officer . . . may . . . without warrant arrest . . . any person whom he suspects upon reasonable grounds of having committed or intending or having intended to commit any offence under the Suppression of Communism Act, 1950 (Act No. 44 of 1950), or under the last-mentioned Act as applied by the Unlawful Organizations Act, 1960 (Act No. 34 of 1960), or the offence of sabotage, or who in his opinion is in possession of any information relating to the commission of any such offence or the intention to commit any such offence, and detain such person or cause him to be detained in custody for interrogation in connection with

stated on January 21, 1964, that 594 persons had been detained under this Section in 1963.¹⁰⁷ Of the 594 persons, 361 had been charged with:

- “(a) Sabotage and conspiracy to commit sabotage:
- (b) Furthering the achievements of a banned organization:
- (c) Becoming or remaining a member and furthering the activities of a banned organization:
- (d) Attempting to leave the Republic of South Africa without the necessary documents:
- (e) Possession of explosives.”

He added that as of January 21, there were forty-one persons under detention, of whom twenty-one had been detained since the beginning of the year. The others had apparently been charged in courts or released.¹⁰⁸

On February 5 police headquarters announced the further arrest of twenty persons between January 27 and February 5.¹⁰⁹

The Minister of Justice stated in the House of Assembly on February 25, 1964, that seventy persons were under ninety-day detention. He added that a further eighteen persons had been released since January 21, 1964.¹¹⁰

On March 3 police announced the arrest of fourteen Africans for ninety-day detention in Johannesburg. On the same day police raided the home of a Mrs. Nelson Mandela in Orlando West and arrested Mr. Oscar Soman, a relative of Mr. Mandela, for ninety-day detention.¹¹¹

the commission of or intention to commit such offence, at any place he may think fit, until such person has in the opinion of the Commissioner of the South African Police replied satisfactorily to all questions at the said interrogation, but no such person shall be so detained for more than ninety days on any particular occasion when he is so arrested.’

¹⁰⁷ He had stated on November 8, 1963, that ‘at least 544 persons’ had been detained under Section 17, of whom 275 had been charged, sixty-one were due to be charged, 151 had been released after answering questions, five had escaped and one had died in prison. Fifty-one detainees were still being interrogated and their release depended on whether they co-operated with police (*The Star*, weekly, Johannesburg, November 9, 1963).

¹⁰⁸ *House of Assembly Debates*, January 21, 1964, cols. 14-15.

¹⁰⁹ *Cape Times*, February 6, 1964.

¹¹⁰ *The Star*, weekly, Johannesburg, February 29, 1964.

¹¹¹ *The Star*, weekly, Johannesburg, March 7, 1964.

The Government has indicated that persons could be indefinitely detained, on orders for ninety days at a time. On October 9, 1963, the Cape Supreme Court ruled that a person detained without trial for ninety days could be rearrested immediately after completing the initial period, as there was no provision granting immunity from indefinite detention.¹¹² On November 6, 1963, the Minister of Justice stated in response to the appeal of the leader of the United Party that the case of Mr. Loza who had been detained for a third term of ninety days be considered, that a third period of detention, or any number of such periods, could well be justified in principle.¹¹³ A number of persons are now undergoing detention for a third or fourth term of ninety days.

Many of the prisoners have been charged in courts after long periods of detention. The release of others appears to depend on their giving of evidence against persons accused of sabotage to the satisfaction of the police.¹¹⁴

Detainees are normally allowed only one hour of exercise daily. The provision in the Criminal Code which prohibits subjection of criminal prisoners to more than two days of solitary confinement a week does not apply to ninety-day detainees.

On November 13, 1963, the Cape Supreme Court, acting on an appeal by Mr. Albert L. Sachs, ordered that the prisoners should have a "reasonable supply" of books and writing materials and should be given a reasonable amount of exercise each day. The judge states: 'There can be no doubt that the effect of solitary confinement for all but one hour for exercise a day, and the deprivation of reading matter and writing material, constitutes a punishment.' Captain D. J. Rossouw of the Security Branch claimed that the conditions of imprisonment of Mr. Sachs were adequate. He submitted that a ninety-day detainee had no rights, and the only limitation on the discretion of the security officers was that the health of the detainee must be unimpaired on his release.¹¹⁵ The

¹¹² The Court dismissed an appeal for a writ of *habeas corpus* on behalf of Mr. Elijah Loza, a trade union leader of Cape Town, who was not released on the completion of an initial period of ninety days' detention on August 8, 1963. (*Cape Times*, October 10, 1963.)

¹¹³ *Cape Times*, November 6-7, 1963.

¹¹⁴ On January 28, 1964, Police Lieut. D. J. Swanepoel told the Court in the 'Rivonia trial' that the ninety-day detention clause was a 'mighty weapon in the hands of the police' and that he would not release a detained person if he believed the person had not divulged all information at his disposal. (*Cape Times*, January 29, 1964.)

¹¹⁵ *The Star*, weekly, Johannesburg, November 16, 1963.

Government announced that it intended to appeal against the court order.¹¹⁶

The operation of the ninety-day detention clause has led to strong criticism and concern in South Africa and abroad.

Former Chief Justice Senator H. A. Fagan stated that indefinite detention was as abhorrent as physical third-degree methods.¹¹⁷

Mr. Hamilton Russell, a former United Party Member of Parliament who resigned in protest against the General Law Amendment Act of 1963, called for a militant public protest against the clause and charged that detainees had been subjected to various forms of torture, including electric shocks, prolonged submersion in cold water and 'gas mask' treatment.¹¹⁸

The National Congress of the United Party unanimously demanded in November 1963 that the ninety-day detention clause be dropped during the 1964 parliamentary session.¹¹⁹ Sir de Villiers Graaff, leader of the United Party, urged a full investigation into the application of the measure.¹²⁰

On November 18, 1963, two Cape Town psychiatrists stated in reference to prolonged detention in solitary confinement: 'Pressure put on people in solitary confinement is a form of brainwashing. We know from experiments that people deprived of outside stimuli can become disordered, indeed quite psychotic. . . . He would get to the state where he would believe or say anything.'¹²¹

Major Fred van Niekerk of the Pretoria Criminal Investigation Division stated on November 27, 1963, at the inquest on the death of Mr. Ngudle, that after one to three days in solitary confinement, prisoners showed signs of bewilderment, discouragement and attempts to fraternize: after three to ten days' confinement they showed signs of gradual compliance and between ten days and three weeks a tendency to automatic behaviour. Later, he stated, detainees experienced hallucinations and had difficulty in distin-

¹¹⁶ Reuters, November 14, 1963. On November 25, 1963, police refused to accept three books (*Digestive Troubles*, *Carmen*, and *Italian Grammar-Simplified*) handed in for a ninety-day detainee, Mr. Uriah Maleka, by his wife. (*Cape Times*, November 27, 1963.)

¹¹⁷ *Cape Times*, November 7, 1963.

¹¹⁸ *The Star*, daily, Johannesburg, November 26, 1963: *Rand Daily Mail*, November 26, 1963.

¹¹⁹ In terms of the General Law Amendment Act of 1963, the ninety-day detention provision expires on June 30, 1964, but can be extended for one year periods by proclamation of the State President in the *Government Gazette*.

¹²⁰ *The Star*, weekly, Johannesburg, November 23 and 30, 1963.

¹²¹ *Cape Times*, November 19, 1963.

guishing between truth and fiction. After months of detention, prisoners were depressed frequently to the point of suicide.¹²²

On December 20, 1963, sixty medical specialists, psychiatrists, and psychologists sent an appeal to the Minister of Justice for the abolition of solitary confinement under the ninety-day detention clause. The appeal described detention in solitary confinement as inhuman and unjustifiable and declared:

As the time approaches for re-appraisal of the ninety-day detention clause, we, as medical specialists, psychiatrists and psychologists, consider it our duty to draw the attention of the Government and the public to the possible serious consequences of this form of detention on the mental condition of the detainees.

The psychiatric study of political prisoners subjected to periods of solitary confinement in various countries indicates that this experience is associated with intense distress and impairment of certain mental functions. Numerous experimental studies support this evidence.

We submit that the exposure of individuals to acute suffering and mental impairment for indefinite periods of time is no less abhorrent than physical torture. Whatever view may be held about the need for preventive detention in certain circles, no cause can justify the injury whether physical or mental, of persons who have not been found guilty of an offence by the Courts.

We feel, therefore, that the present system of detention in solitary confinement is inhuman and unjustifiable and we appeal for its abolition.¹²³

The utilization of detainees, kept for long periods under solitary confinement, as State witnesses in trials for alleged sabotage has caused serious concern. In the Cape Town trial of Dr. Alexander and others, on February 7, 1964, Dr. Jane E. Bain of the Department of Psychiatry, Groote Schuur Hospital, said that persons kept in isolation were extremely unlikely to make reliable statements. Such persons were highly susceptible to suggestion, were apt to change their views, and tried to please the persons they came into contact with. She said she was treating one former detainee and had interviewed four others.¹²⁴

Professor Kurt Danziger, head of the Department of Psychology at the University of Cape Town, stated in the same trial on Feb-

¹²² *Cape Times*, November 28, 1963.

¹²³ *The Star*, weekly, Johannesburg, December 21, 1963.

¹²⁴ *Cape Times*, February 8, 1964. Dr. James McGregor, acting head of the Department of Neurology, University of Cape Town, also gave evidence in regard to false confessions obtained from persons in solitary confinement.

ruary 10, 1964: 'The intellectual function which seems to suffer is the capacity for reasoning time and time again.' He said another effect of isolation was that it tended to lead to hyper-suggestibility. 'I would say that a statement obtained from people under these conditions would be tantamount to one obtained under duress.'¹²⁵

Two ninety-day detainees in Cape Town, Mr. T. Tsotso and Mr. M. Msingizane, were placed under observation and care at the Valkenberg Mental Hospital after being committed there through a magistrate on the advice of two doctors.¹²⁶ The Minister of Justice stated, on January 21, 1964, that five ninety-day detainees had been committed to mental institutions.¹²⁷

On January 3, 1964, the Minister of Justice described as 'all nonsense' charges that ninety-day solitary confinement amounted to physical torture. In reference to the statement of sixty medical experts, he stated that 'not a single incident of torture' had been proven or demonstrated and that no complaints had been lodged against the law.¹²⁸ He told the House of Assembly that every allegation of ill-treatment had been or was being investigated. 'So far there has not been a single proven case.'¹²⁹

Prime Minister Dr. Verwoerd also rejected the statement of the medical experts, and stated:

They are simply a group of people who are willing to allow themselves to be used to achieve a political object. In other words, it is nothing more or less than an attempt by a certain smaller group, which do belong to certain professions, it is true, to intervene politically but who do not act as experts but as laymen in politics. I say it is a political act. . . . Their professions must not be dragged in where it is nothing else than an attempt to make political propaganda in connection with any matter. Here is an attempt to attack the Government. It is therefore not a purely professional diagnosis which we shall allow to influence our judgment.¹³⁰

In January 1964, the Minister of Justice stated that the ninety-day detention clause would be renewed for a second year and would remain in effect while there was a chance it might be needed in any contingency. He added: 'Although we are on top of the situation—and have been for some time—one never knows what might crop up.'¹³¹

¹²⁵ *Cape Times*, February 11, 1964.

¹²⁶ *Cape Times*, November 19, 1963.

¹²⁷ *House of Assembly Debates*, January 21, 1964, col. 22.

¹²⁸ *The Star*, weekly, January 4, 1964.

¹²⁹ *South African Digest*, Pretoria, January 30, 1964.

¹³⁰ *House of Assembly Debates*, January 21, 1964, col. 89.

¹³¹ *The Star*, weekly, Johannesburg, January 18, 1964.

The Minister claimed that the provision had helped South Africa in 1963 to meet the most serious threat that had ever confronted it. It was not necessary, he said, for anyone to remain in detention for ninety days or even for a single day. Anyone taken into custody in terms of that provision could be released immediately if he was prepared to reply to questions. He was satisfied that in every case people detained were in possession of information required. He added that no fewer than 213 of the 594 persons detained in 1963 had been willing to give information.¹³²

IV. ALLEGATIONS OF TORTURE OF PRISONERS

The concern that has been evoked in South Africa and abroad by the widespread detentions and the conditions of prisoners has been heightened by numerous charges of ill-treatment and torture of prisoners in the past few months, despite denials by the South African authorities. A number of witnesses and accused have charged in the courts, as indicated earlier, that they had been subjected to threats, assaults and torture. Copies of affidavits by persons subjected to such treatments have been published in the Press in London and New York, and communicated to the Special Committee.

Some evidence of torture was presented at the inquest on the death of Mr. Looksmart Solwandle Ngudle, a leading member of the African National Congress, who had been detained under the ninety-day detention clause on August 19, 1963, and found dead by hanging in his cell on September 5, 1963. Police refused to allow his body to be sent home for burial or to be visited by his mother. His body was buried without examination. Counsel for the family secured an inquest into allegations that he had been tortured and killed by police.

On November 26, 1963, counsel for Mrs. Ngudle, Mr. Vernon Berrange, stated that twenty witnesses had told him of being subjected to 'gross brutalities' to make them talk. They were told to undress, made to jump up and down and when exhausted, manacled in a squatting position with a stick under their knees, blindfolded and given electric shocks until they were, in some cases, unconscious.¹³³ On November 28, 1963, Mr. Isaac Tlale, a Johannesburg businessman who had undergone detention with Mr. Ngudle, testified at the inquest that he 'went off his head' after being sub-

¹³² *House of Assembly Debates*, January 1964, cols. 101-05.

¹³³ *Cape Times*, November 27, 1963.

jected to electric shocks and 'had to be put into a straitjacket'.¹³⁴ He described how he had been handcuffed and subjected to electric shocks while a bag had been tied over his head until he had lost consciousness twice.¹³⁵

Mr. Berrange, counsel for Mrs. Ngudle, walked out of the inquest on February 11, 1964, when the evidence on which his submissions of torture had been based had been disallowed.¹³⁶

Advocate Bob Hepple, one of the original accused in the Rivonia trial, stated in an interview in Dar-es-Salaam:

The evidence is overwhelming that the ninety-day detention law provides a cover for protracted mental and physical torture.

I personally eye-witnessed the horrifying effects of such detention on a particular detainee. One night during September or October I was awakened in Pretoria prison by screams emanating from the African section, which continued throughout the night. The next morning I heard the screaming man being pushed along the corridor into the hospital yard. Looking out of my cell window I saw an African man, Z . . . , a ninety-day detainee being held by two warders, his arms twisted behind his back. He was frothing at the mouth and his eyes had the wide, vacant stare of the berserk. A few weeks later he was still in the hospital yard wearing a straitjacket. His screams by then had degenerated into whimpers which were met by blows from the warder in charge of him.

In a number of cases African detainees had been subjected to brutal assaults and electric shock treatment.

I saw a witness in the 'Rivonia' trial, who is being held in custody, still limping three months after he had been assaulted in order to force a statement from him. One of the 'Rivonia' accused still bears deep bruise marks from an assault on him by the police during August. Electric shock treatment was also applied to the sensitive parts of his body.

Those who are inside the South African goals were tremendously heartened by the United Nations resolution calling for the release of political prisoners and for an end to the Sabotage trial. They place tremendous hope on the effects of world-wide pressure on the Verwoerd government.¹³⁷

A few of the numerous other charges of ill-treatment of detainees may be noted.

Eleven detainees released from Pretoria Central Prison in November 1963 made sworn affidavits alleging torture and assault by

¹³⁴ *Cape Times*, November 29, 1963.

¹³⁵ *Contact*, Cape Town, December 13, 1963.

¹³⁶ *Cape Times*, February 12, 1964.

¹³⁷ *Spotlight on South Africa*, Dar-es-Salaam, December 6, 1963.

police while in custody under ninety-day detention. The Commissioner of Police described the affidavits as 'utter nonsense . . . spread deliberately by neo-communists'.¹³⁸

On November 28, 1963, in Bellville, complaints of assault by the police were made by six African prisoners in court as they were charged with sabotage.¹³⁹

On December 4, 1963, a State witness at the sabotage trial in Pietermaritzburg testified that police had assaulted him, threatened him with death if he refused to answer certain questions, threatened to detain his mother and cause his brother to be dismissed from his job, and placed him in a cold cell where he contracted double pneumonia. The witness was arrested immediately.¹⁴⁰

Mr. Arthur Goldreich, a former ninety-day detainee who had escaped, told the Press that Mr. Abdulhai Jassat, another former ninety-day detainee who escaped with him, had been beaten by twenty Special Branch policemen until he had collapsed. Mr. Goldreich added:

They put a wet sack around his head and tied the cords at his neck until he blacked out. After reviving him, they made him stand on one leg, holding a stone above his head while they stuck pins into his raised leg. The soles of his feet were then beaten with batons, and electrodes were placed on the toes with the current flowing. Finally they held him by the ankles out of a window forty feet above the street in trying to get a confession.¹⁴¹

South African police have repeatedly denied all allegations of torture and assault of prisoners. The Minister of Justice stated in the House of Assembly on January 22, 1964:

We have no facts whatsoever before us; we have no shred of evidence before us about people who were tortured.

He rejected a proposal by the leader of the Opposition that a judicial commission be established to investigate allegations of torture.¹⁴²

On January 31, 1964, he stated in the House of Assembly that forty-nine complaints by prisoners held under ninety-day detention

¹³⁸ *Cape Times*, November 4, 1963.

¹³⁹ *Cape Times*, November 29, 1963.

¹⁴⁰ *Cape Times*, December 5, 1963.

¹⁴¹ *Sunday Express*, Johannesburg, January 12, 1964, quoted in *Spotlight on South Africa*, Dar-es-Salaam, January 21, 1964. Mr. Jassat had been detained on May 20, 1963, and Mr. Goldreich on July 11, 1963. They escaped from Johannesburg police headquarters on August 11 and subsequently fled from South Africa.

¹⁴² *House of Assembly Debates*, January 22, 1964, cols. 99-106.

alleging torture or assault by police had been received and that all complaints had been found by police to be without substance.¹⁴³

The statements of the Minister of Justice, however, are in contradiction with evidence given in South African courts. On March 13, 1964, for instance, a police officer accused of murdering an African prisoner and assaulting another at the Bultfontein police station, testified at his trial:

I don't think there is a police station in the country that does not use violence during questioning.

Another accused police officer stated that the purpose of trussing a prisoner so that he was helpless, blindfolding him and giving him electric shocks was that he might believe he was being attacked by a Tikoloshe, an evil. He stated that tying a plastic bag around a prisoner's head 'is common in investigations'. He added that the methods used at the Bultfontein police station were all used elsewhere.¹⁴⁴

V. OTHER REPRESSIVE MEASURES

The detention, trials and ill-treatment described above are supplementary to the application of other measures of repression and intimidation of opponents of *apartheid* described in earlier reports.

Banning orders, house arrests, banishment and threats continue.

During the period under review, banning orders have been served on a number of persons, including Jordan Ngubane, national vice-president of the Liberal Party: Mr. Hammington Majija, chairman of the Cape branch of the Liberal Party: Mrs. Adelaide Hain, secretary of the Pretoria branch of the Liberal Party: Mr. E. V. Mohamed, former private secretary to Chief Luthuli and former member of the Liberal Party's National Committee: Mr. Hyacinth Bhengu, national vice-president of the Liberal Party: Mr. D. L. Evans, another leader of the Liberal Party: Mr. Timothy Mbuzo, former territorial secretary of the African National Congress in the Transkei: Mr. Yusef Cachalia, an Indian leader, and his wife Amina: Mr. Solomon Nathie, general secretary of the Transvaal Indian Congress: Mr. M. Lekato and Mr. J. Makaringa, African trade union leaders.

House arrest orders were served on Mrs. Jacqueline Arenstein,

¹⁴³ *Cape Times*, February 1, 1964. On February 18, 1964, the Minister of Justice stated that police and prison staff had assaulted 120 prisoners in 1964. (*House of Assembly Debates*, February 18, 1964, col. 1,511.)

¹⁴⁴ *The Observer*, London, March 15, 1964.

Mrs. Mary Turok, Mr. Paul Joseph, Mr. Morametso Lekoto, Mr. John Gaetsewe and Mr. Malek Rasool.

Victims of these arbitrary orders continue to be persecuted for minor infringements. Miss S. B. Brown was convicted in October for contravening the Suppression of Communism Act by changing her place of residence or employment without giving notice to the police and sentenced to imprisonment for one year, conditionally suspended.¹⁴⁵ Mr. Peter D. Hjul was taken to court on the charge of violating the ban on attending gatherings by playing snooker with his brother.¹⁴⁶ Mr. R. A. Arenstein, Durban attorney, who had been ordered to report to police daily between noon and 2 p.m., had to serve seven days in gaol in November for being late on two occasions.¹⁴⁷ Miss G. E. Jewell was taken to court for communicating with another banned person, her fiance, who was in prison.¹⁴⁸

The Government seems to have sought to silence and paralyse more and more organizations and groups by restrictive orders and intimidation. The Liberal Party has come under severe attack, as indicated by the bans listed above. The Government had already banned Randolph Vigne, the Party's national chairman; Peter Hjul, chairman of the Cape division and editor of *Contact*; and Terence Beard, vice-chairman of the Cape Division. The Security branch raided the home of four leaders of the Liberal Party on October 21, 1963. In February 1964 the Chief Magistrate of Johannesburg warned Mrs. Elizabeth Lewin, a member of the Party's national executive, to desist from activities 'calculated to further the aims of Communism'.¹⁴⁹ Mr. Alan Paton, National President of the Liberal Party, declared in a public statement: 'It is clear that the Government does not intend to ban the Party but means to weaken it by banning its leading members.'¹⁵⁰ Another organization which has come under attack is the National Union of South African Students, a multi-racial organization. The Security branch raided its Cape Town office on October 21, 1963.¹⁵¹

Intimidation has been widened to include religious groups. In November 1963 Mr. E. H. Louw, then Minister of Foreign Affairs,

¹⁴⁵ *Cape Times*, October 14, 1963.

¹⁴⁶ He was sentenced to six months' imprisonment. The sentence was suspended and set aside on appeal.

¹⁴⁷ *Natal Mercury*, Durban, November 23, 1963.

¹⁴⁸ She was sentenced to two years, but the sentence was set aside on appeal.

¹⁴⁹ *Contact*, Cape Town, February 14, 1964.

¹⁵⁰ *Contact*, Cape Town, February 14, 1964.

¹⁵¹ *Cape Times*, October 22, 1963.

warned ministers of religion not to interfere in political controversy. He said that the Anglican Bishop of Johannesburg, who had criticized repressive legislation, would 'do well to remember what happened to Bishop Reeves' (who had been deported in 1960).¹⁵²

On March 16, 1964, the Minister of Justice, Mr. B. J. Vorster, threatened 'certain individual members' of the English-language press that action might have to be taken against them.¹⁵³

The denial of due process in South Africa and its consequences were described in the annual report to the Civil Rights League, Cape Town, by its chairman, Mr. Leo Marquard, as early as September 9, 1963:

The peaceful and orderly conduct of society depends on just laws openly administered and it is in this respect that the condition of the Republic of South Africa is parlous. We shall have to wait till Parliament reassembles for further official information, but it is even now clear that close on 100 Africans have been banished to places far distant from their homes: that about twenty South Africans are under house arrest: that many hundreds of all races have been banned: that about 300 South African citizens have been imprisoned under the ninety-day law: and that in none of these cases has the law been openly administered. There have been no warrants for arrest, no charges framed for the accused to meet in open court where witnesses can be cross-examined.

In the numerous Poqo prosecutions, where arrest is properly made on warrant, it is clear that many people are arrested before adequate investigation has been made. Cases are constantly remanded and no bail is allowed. Thus, recently in Cape Town, forty-one Africans who had been in gaol for more than four months on a charge of belonging to an unlawful organization, were released without any evidence being led against them. In another case in Cape Town, forty-three out of fifty-seven men arrested were finally acquitted or discharged without a case being made against them. Similar examples can be quoted from other parts of the country. . . .

What makes the situation in South Africa so serious is that the gross disregard for the Rule of Law communicates itself from the rulers to the ruled.

*When a majority in Parliament, at the request of responsible Ministers, passes laws that deprive people of their rights and liberties, not by due legal process but by administrative discretion, it will not be long before the majority of the population comes to regard the administration of justice as a method of oppression rather than as an instrument for the orderly and peaceful conduct of society. . . .*¹⁵⁴

¹⁵² *Southern Africa*, London, November 8, 1963.

¹⁵³ *The Times*, London, March 17, 1964.

¹⁵⁴ *Forward*, Johannesburg, October 1963.