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# REPRESSION

## TORTURE & DEATH-SOUTH AFRICA



African National Congress 49 Rathbone Str. London W1

**WHILE WE MOURN  
WE PLEDGE TO MOBILISE**

The world shall never know how many patriots perished in detention. The following are those known to have died while being held under racist South Africa's so-called security legislation:

Name	Date of Death	Official explanation of death
1 Bellington Mampe	1.9.63	causes undisclosed
2 'Looksmart' S Ngudle	5.9.63	'suicide by hanging'
3 James Tyitya	24.1.64	'suicide by hanging'
4 Suliman Salojee	9.9.64	'fell out of seventh floor window'
5 Nengeni Gaga	7.5.65	'natural causes'
6 Pongolosha Hoye	8.5.65	'natural causes'
7 James Hamakwayo	1966	'suicide by hanging'
8 Hangula Shonyeka	9.10.66	'suicide'
9 Leong Yun Pin	19.11.66	'suicide by hanging'
10 Ah Yan	30.11.66	'suicide by hanging'
11 Alpheus Maliba	9.9.67	'suicide by hanging'
12 J B Tubakwe	11.9.68	'suicide by hanging'
13 An unidentified man	died at an undisclosed time of an undisclosed cause at an undisclosed place. (Disclosed in the white parliament on 28.1.69.)	

14	Nichodimus Kgoathe	5.2.69	'broncho-pneumonia following head injuries sustained in a shower'
15	Solomon Modipane	28.2.69	'natural causes'
16	James Lenkoe	10.3.69	'suicide by hanging'
17	Caleb Mayekiso	1.6.69	'natural causes'
18	Michael Shivute	16.6.69	'suicide'
19	Jacob Monakgotla	10.9.69	'thrombosis'
20	Imam Abdullah Haron	27.9.69	'fell down a flight of stairs'
21	Mthayeni Cuthsela	22.1.71	'natural causes'
22	Ahmed Timol	27.10.71	'fell out of tenth floor window'
23	Joseph Mdluli	19.3.76	'application of force to the neck'
24	William Tshwane	25.6.76	'gunshot wounds'
25	Mapetla Mohapi	15.7.76	'suicide by hanging'
26	Luke Mazwembe	2.9.76	'suicide by hanging'
27	Dumisani Mbatha	25.9.76	'unknown illness'
28	Fenuel Mogatusi	28.9.76	'suffocation'
29	Jacob Mashabane	5.10.76	'suicide by hanging'
30	Edward Mzolo	9.10.76	causes undisclosed
31	Ernest Mamasila	18.11.76	'suicide by hanging'

32	Thabo Mosala	25.11.76	'internal bleeding'
33	Twalimfene Joyi	date undisclosed	causes undisclosed
34	Wellington Tshazibane	11.12.76	'suicide by hanging'
35	George Botha	15.12.76	'fell six floors down stairwell'
36	Nabaoth Ntshuntsha	9.1.77	'suicide by hanging'
37	Lawrence Ndzanga	9.1.77	'natural causes'
38	Elmon Malele	20.1.77	'heart failure'
39	Mathews Mabelane	15.2.77	'fell out of tenth floor window'
40	Samuel Malinga	22.2.77	'heart or respiratory failure'

**THEIR DEATHS SHALL BE AVENGED!**

**Amandla nga Wethu!**

**Matla ke' Arona!**

**Power to the People!**





A senior plainclothes policeman looks on while his colleagues assault a demonstrator - Cape Town, August 76.

*"A lurid light has been thrown upon the compound system of the De Beers Company at Kimberley by an inquiry into the circumstances attending the death of Titsane, a native who was shot whilst attempting, with others, to escape from the Premier Mine, Wesselton. It appears that on the night of 29th October last the deceased, with others, at about a quarter-past six, endeavoured to escape. He had, of course, undertaken to remain in the compound and to work for the De Beers Company for a certain period. That period was not completed."*

– Morning Leader, London, December 17 1900

*"Even criminals dropping straight from the gallows have an undisputed claim to six feet of ground on which to rest their criminal remains, but under the cruel operation of the Natives' Land Act little children, whose only crime is that God did not make them white, are sometimes denied that right in their ancestral home."*

– Sol T Plaatje, "Native Life in South Africa", Ch 4, 1911

*"The municipal council of a town may, at any time, order any African living in the location (African residential area) of that town to leave the town and not to return without permission, if his presence there is considered to be 'detrimental to the maintenance of peace and order'."*

– "Apartheid in Practice", UN Unit on Apartheid, ST/PSCA/Ser.A/9, 1969

*"A labour officer may, at any time, cancel the employment of an African who works in a town, no matter how long he has been employed, even though his employer opposes the cancellation. An African whose employment has been cancelled may be removed from the town where he worked and prohibited from returning to that town for such period as the labour officer specifies."*

– "Apartheid in Practice", UN Unit on Apartheid, ST/PSCA/Ser.A/9, 1969

*"The police circled round the marching children, who had swelled to about 12,000 and fired teargas into the crowd.*

*The children began stoning the police . . . the police began shooting . . . suddenly a small boy dropped to the ground next to me . . .*

*Violence. Small bodies writhing in pools of blood in the dust. Police bullets tearing holes in the mob and screams of anger and pain . . . "*

– Rand Daily Mail, June 16 1976, reporting the beginning of the SOWETO uprising

*"South Africa was conquered by force and is today ruled by force. At moments when White autocracy feels itself threatened, it does not hesitate to use the gun. When the gun is not in use, legal and administrative terror, fear, social and economic pressures, complacency and confusion generated by propaganda and 'education' are the devices brought into play in an attempt to harness the people's opposition. Behind these devices hovers force. Whether in reserve or in actual employment, force is ever present and this has been so since the White man came to Africa."*

— "Forward to Freedom!" Strategy, Tactics and Programme of the African National Congress, South Africa, p 4



Vorsters police thugs in combat uniform drag away one of their dead victims - Soweto June 16.

(a vow for Joseph 'Mkhuthuzi' Mdluli)

He was a broad, powerfully-made man  
hard and tough as the baked earth  
burning with love for his country.

He was a militant, tireless and fearless  
who to the cheers of a freedom rally  
pursued with war-cry and fighting sticks  
a police-dog and its brute handler  
the length of Beatrice Street, Durban  
a decade and a half ago.

He wore the volunteers uniform  
soldiered through the Defiance Campaign  
broke rock in prison quarries  
and at the age of fifty  
refused to set-aside the punishing load.

They dragged him away  
in raincoat and slippers  
gentle Lydia trembling on the doorstep;  
by morning his life was over.

He was of the rank-and-file  
and there were two thousand at his funeral  
and there were two thousand at his funeral.

He was of the rank-and-file  
and there were two thousand at his funeral.

With the sound of their singing  
rising through the sombre mists  
we call to the widow  
stooped over the corpse

and we vow:  
He shall be avenged!

To the children  
limp beside the coffin  
we vow:  
He shall be avenged!

To his comrades  
caged in prison  
we vow:  
He shall be avenged!

To the people  
chained but unbroken  
we vow:  
He shall be avenged!

To the brutes  
who battered his body  
we vow:  
He shall be avenged!

And to their masters  
bestriding our birthright  
we vow:  
He shall be avenged!

In the name of Mini, Ngudle, Saloojee  
By the deeds of Patrick, Michael, Basil  
and yesterday Reggie  
who fell on the fields of Zimbabwe  
we vow:  
He shall be avenged!

And we raise the flag of  
black, green and gold  
colours smeared red with  
the blood of our fallen  
colours running red with  
the blood of Mkhuthuzi  
and we vow:  
He shall be avenged!

— A N C Kumalo

This vow was made by ANC members  
during a demonstration outside the  
South African Embassy, London

— 7 April 1976



ANC militant Masobiya Joseph Mdluli detained 18 March 1976, murdered 19 March 1976

## Introduction

Every Black South African, every freedom fighter, knows from experience that the White racist regime in South Africa rules by force. Institutionalised and systematic violation of human dignity, political and civil rights of our people is an integral part of the apartheid regime. The extent of such violations has reached unprecedented proportions in the last three years. The ferocity with which the Vorster regime has unleashed its terror tactics against its opponents has revealed in the starkest manner how deeply violence is embedded within the fabric of White ruled South Africa. This pamphlet focuses on one dimension of this rule by terror, the systematic use of torture, both physical and psychological, on political detainees and prisoners.

The institutionalisation of violence has a long history in South Africa, as the record of repressive legislation passed by successive White governments amply testifies. The everyday life of our people is often disrupted and disorganised by the arbitrary powers exercised over them by both the state and employers. In its ceaseless efforts to control and regiment the lives of our people, the White minority regime regularly launches well organised police raids — for passes, to check on permits, taxes and other petty infringements against our communities. It is a feature of South African life that the privacy of home and residence may at any time of the day or night be invaded by the police, municipal officials, officials of the Bantu Administration Department and other minor officials, to ensure 'the safety of the state' or to enforce some regulation or other.

The range and the scope of the powers with which the state has vested itself, even its most junior officials, spans numerous categories. These include control over persons, over their rights of free association and combination, their rights to freedom of movement within the borders of the country, their rights to freedom of speech, to print and publish, even the right of others to quote their words in print! Local government, provincial and state officials enjoy inordinate powers which they may use at their discretion. Powers which give them the right to expel or admit persons to the areas under their control. Powers which endow them with the right to expel whole communities at the stroke of a pen. Armed with these powers, the White minority state has since the inception of White rule governed our country as if it were under a perpetual state of siege.



These arbitrary powers were accumulated over a long period of time, coming in small doses and at times as a torrent. Others were usurped in anticipation of their future employment should the circumstances require it. The manner in which the government acquired these was often deceptive. Municipal officials would be vested with certain powers incorporated within a larger legislative act and these would often go unnoticed until they were forcefully applied by one local authority or other. The state itself would endow its officials with new powers under the cover of an apparently purely administrative measure. The overall effect is however that a totalitarian system of control is established over the lives of millions whose only 'crime' is that their skins are Black.

This system of controls has many facets. The most prominent is known as 'Bantu Administration and Development', a name indicative of the cynicism of the White minority which dares to call its oppressive regime development. The rudiments of this system were devised by the British colonial administration in Natal before the 1909 Act of Union. It provides for the establishment of a special body of laws applicable to Africans only and has thus abrogated all the rights of the African people under civil law. It is in the elaboration of this system that the notorious 'Bantustan' scheme was developed. Other provisions of this system have also abolished the citizenship of Africans in the so-called White areas in South Africa under the Transkeian Citizenship Act of 1976.

Another prominent facet is the interlocking systems of Pass and Poll Tax laws through which the labour power of our people is regimented and controlled. In terms of these Pass Laws all Africans over the age of 16 are required to carry on their persons a dossier of documents giving the fullest particulars about themselves. These documents include such personal data as name, date and place of birth, current residence, labour contracts, service record, a record of movements and tax receipts. This dossier, the Pass, has to be produced for inspection by any police officer or government official on demand. Through such inspection the relevant official may learn at a glance not only who the person is but also every other aspect of his life which can be kept on record. These self-same Pass Laws are the means whereby the White minority regime controls and monitors the movements of every adult African. To go from one town to another, an African needs the appropriate endorsement in his Pass from a government official; to enter a location or township in an urban area, other than the one in which he resides, an African needs the permission of a government official. To move from any area of the rural areas to a town or city, an African must have his Pass endorsed to that effect by a government official.

To certify that he is in full employment and his services are satisfactory, the employer of any African worker must endorse his Pass to that effect each month until the labour contract expires; in order to change jobs an African worker is required not only to seek the permission of his employer, but must

also receive the permission of a government official who will then endorse his Pass to that effect. In order to enforce these brutally oppressive laws, the White minority conducts spot checks at railway stations almost daily; each night the homes of African families, their residences, hostels or compounds may be subjected to raids. Consequently the prisons are filled as more than a quarter million Africans are prosecuted under the Pass Laws annually.

Apart from their direct and immediate application, to control persons and as a means of labour coercion, the laws passed in terms of 'Bantu Administration' and the Pass Laws have a wider application which can include political repression. In terms of the Pass Laws, for instance, any African may be expelled from an urban area, farm or mine if he engages in political or trade union activities in opposition to the White minority government. The system of 'Bantu Administration' also endows magistrates and government appointed chiefs with powers to banish and drive into exile any persons whom they deem a 'threat to the peace'. Hundreds of rural Africans who have opposed the Bantustan fraud have been victimised in this fashion.

In order to buttress its oppressive system, the White minority regime has instituted a rigorous system of censorship affecting journalism, literature, the theatre, the cinema and the fine arts. The range of laws affecting these fields of endeavour spans a whole gamut of repressive legislation, including the 'Riotous Assemblies Act' of 1928, the Suppression of Communism Act of 1950, the Prisons Act which makes it illegal to photograph any prisoners or a prison without the permission of the prison authorities, the Unlawful Organisations Act of 1960, the Sabotage and Terrorism Acts, etc.

\* **The 'Riotous Assemblies Act' of 1928** gave the Minister of Justice powers to deport any person from one area to another of the Minister's choosing without trial or recourse to appeal. Magistrates were also given powers to ban, prohibit or restrict meetings or processions. Subsequent amendments to this law gave the Minister of Justice power to ban persons from attending meetings.

\* **The Suppression of Communism Act of 1950**, in addition to banning the Communist Party, also extended the banning powers of the Minister of Justice as they affected persons. Subsequent amendments vested him with the power to restrict people to their homes and to name anyone he suspects of being a Communist regardless of whether such a person was a member of the Communist Party.

\* **The General Laws Amendment Act of 1953** made it illegal to participate in or to encourage others to participate in any acts of omission or commission whose objective was to bring about changes in the government of the country.

\* **The Unlawful Organisations Act of 1960** declared the ANC and the PAC illegal.



\* The Sabotage and Terrorism Acts vested every policeman with the power to detain without trial and hold incommunicado any persons they suspected of breaches of the state security laws for an indefinite period.

The atrocities catalogued in this pamphlet were perpetrated since the passage of the Unlawful Organisations Act in 1960. They necessarily cover only the most glaring and publicly known instances. The extent of these, limited as they are, is alarming enough. What needs to be underlined is that these atrocious deeds are not isolated instances in an otherwise wholesome picture. This reign of terror has one objective — the defence of the White minority's dominant position. This brutal repression has one source — the institutionalised dominance over the Black majority by this White minority. Ultimately the only means of bringing to a close this bloody chapter of South African history is to overthrow White minority rule. This the African National Congress is committed to doing.

Amandla nga Wethu!

Matla ke' Arona!

Power to the People!

May 1977

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In coöperation with the Anti-apartheid  
movement of the Netherlands.

## I An instrument of oppression

### Licence to Torture

The coming to power of the Nationalist Party in 1948 signalled an intensified assault on the oppressed people of South Africa. Such measures as the Suppression of Communism Act of 1950 outlawed previously legal political activity. Introducing the Public Safety Bill (later used to declare a state of emergency following the Sharpeville massacre in 1960), the Minister of Justice made the Nationalist government's intentions quite clear: 'You cannot fight the law of the jungle with the ordinary rule of law.' Subsequent years have seen the apartheid regime arming itself with still further legislation in the face of the growing resistance of the people.

Initially a vast array of laws were introduced closing off channels of legal struggle. Protests and strikes were ruthlessly crushed, leaders and activists of the liberation movement led by the ANC were continually harassed, banned, house arrested and jailed. In 1960 when the police opened fire on peacefully demonstrating crowds at Sharpeville, killing and wounding hundreds, countrywide outrage erupted and resistance flared. A state of emergency was declared, the liberation movement banned and thousands jailed, detained or exiled. In the Transkei where thousands of peasants rose in the Pondo Revolt, Proclamation R400 was brought in to facilitate the suppression of the uprising. The proclamation, which provides for a permanent state of emergency with wide powers of arrest and indefinite detention, is still in force today.

After decades of peaceful struggle had proved fruitless, with the few remaining avenues of organising for national liberation closed, and in the face of increasingly violent repression, the liberation movement signalled that the time had come to adopt new methods of struggle. A series of sabotage explosions in 1961, announcing the formation of the people's liberation army, Umkhonto We Sizwe (The Spear of the Nation), was accompanied by a manifesto which declared: 'The people's patience is not endless. The time comes in the life of any nation when there remain only two choices – submit or fight. That time has now come to South Africa.'

The 'no surrender' policy of the ANC and its allies has always made them the target of the fiercest attacks by the regime.

Announcing that the demand for 'rights were getting out of hand', Vorster promised to provide the police with whatever powers they needed. To assist him in this task Vorster chose fellow fascist van den Bergh (presently head of BOSS — the Bureau for State Security). Both men had been interned during World War II for sabotage activities against the Allied Forces. Vorster was a general in the Ossewa Brandwag, a fascist organisation with close ties to Hitler's Nazi Party.

The first prong of their attack was to pass even harsher legislation which would enable the racist regime to imprison its opponents. The General Law Amendment (Sabotage) Act of 1962 and numerous subsequent laws with very wide definitions of 'crimes against the state' have filled South Africa's prisons with many of her finest sons and daughters.

The second prong of the attack was to provide the police with unrestricted access to 'suspects' to facilitate their tasks of extracting information, so as to uncover the underground forces of the liberation movement, and attempting to intimidate both potential and actual activists. Assaults and torture had been commonly used on 'non-political' blacks in police custody in the past, but they began to be used more frequently on political activists when the Verwoerd regime created conditions which were a licence to torture.

### First Deaths

The General Law Amendment Act of 1963 — the 90-day law — enabled any police officer to detain suspected persons for up to 90 days, renewable on application by the police. Nobody was allowed access to a detainee but officers of the state and a magistrate. In practice this afforded detainees no protection (see Part III).

'The government decided,' said van den Bergh, 'to help the police by making available to them legislation which did away with hampering restrictions.' (*Rand Daily Mail* 22.11.71) Within three weeks 27 people had disappeared into Vorster's jails and in September 1963 the first known deaths in detention were reported. **Bellington Mampe**, detained in Worcester prison in the Western Cape, died on 1 September, and ANC militant and workers' leader '**Looksmart**' **Solwandle Ngudle** died on 5 September.

A fellow detainee described how a broom handle had been inserted under Ngudle's knees and above his arms so that he was pinioned. A canvas bag had been tied over his head; he was beaten and given electric shocks until he lost consciousness. Subsequently it was discovered that his toenails and fingernails had been extracted. Another detainee had been taken to Ngudle's battered corpse and told: 'We are at war and your lives are worth nothing.'

Speaking in 1971, van den Bergh attempted to justify the vicious laws: 'Existing legislation was useless in helping us to counter (the) threat . . . We had to decide whether to declare another state of emergency or whether to

make use of acceptable Western democratic methods to break down the growing conspiracy before it became too late.' (*Rand Daily Mail* 22.11.71)

Violence against the black population had always been part of the South African 'way of life', but the orgy of violence which took place during this period was unprecedented. Hundreds of political suspects were systematically and savagely tortured. The most sadistic elements from the various police forces (both black and white) were used to form the Security Branch after 1960. The man who headed the interrogation teams then, and in subsequent years has been responsible for countless instances of torture and numerous murders, was Sergeant T J Swanepoel, now a brigadier. Speaking at the trial of Nelson Mandela and other ANC leaders in 1964, Swanepoel explained: 'Ninety day detention is not for the ordinary criminal. It is a mighty weapon in our hands.'

In January 1965 the 90-day law was suspended. According to Vorster, 1095 people had been detained under it, of whom 272 had been convicted, while 94 were still awaiting trial. The liberation movement had been accustomed to working under legal conditions and was taken by surprise by the extreme methods of the police and suffered high losses. At this stage four people were known to have died in detention while scores had been severely injured — both physically and mentally.

The suspension of the 90-day law was not a change of heart but of tactics — the 180-day law took its place. The Criminal Procedure Amendment Act of 1965 allowed the detention of any person likely to provide evidence for the state in cases of political or serious criminal offences. This much wider legislation, which also tightened up the main provisions of the 90-day law, allowed torture to be used more readily and new techniques to be developed.

Although physical assaults remained part of the interrogators' arsenal, long periods of solitary confinement, deprivation of food and sleep and various combinations of physical and psychological torture became more prevalent. Detainees were kept in dark cells for months, in total isolation and at the mercy of the Security Branch. At times they were questioned continuously for several days, denied any rest, threatened with death, forced to do exhausting exercises, stand on bricks or crouch on imaginary chairs, until mind and body became too tired to distinguish between illusion and reality.

### **Closing the Loopholes**

In 1967 the remaining loopholes were blocked with a 'catch-all' new law, the Terrorism Act of 1967, which provided for indefinite detention in solitary confinement for those suspected of involvement in, or possession of information about, 'terrorist' activities. Nobody had the right of access to

detainees or to information, even confirmation, of detentions. People just disappeared.

This new law enabled the regime to combat the growing resistance with more systematic torture of suspects. Hundreds passed through the hands of the now seasoned interrogators who had learnt a great deal about physical and psychological torture. More deaths were reported and many were left injured and maimed. Leading ANC militants like **Alpheus Maliba** and **Caleb Mayekiso** were murdered by Vorster's thugs while in detention.

By 27 October 1971 police brutality claimed its twenty-second victim. The police claimed that ANC militant **Ahmed Timol** had jumped to his death from the tenth floor of the Security Branch headquarters in Johannesburg. The next day another detainee, **Mohamed Essop**, was discovered seriously ill in a Pretoria hospital, where even doctors, nurses and the hospital authorities collaborated in attempts to cover up his presence.

Trying to justify the actions of the Security Branch in the wake of public disquiet, van den Bergh made the issues brutally clear: 'Take these powers away from the police, and our freedom . . . will soon become a thing of the past. After all it is just these powers which enable you and me to enjoy freedom in a democratic country.' In other words, without violence the racist dictatorship would crumble.

### Increasing Resistance

The early 70s witnessed an upsurge in mass organised resistance — legal, semi-legal and underground. The ANC strengthened its underground structures to organise the people towards their goal of overthrowing the apartheid regime. The black workers, who bear the brunt of oppression, continued building their organisations and thousands took part in waves of strikes which in terms of South African law are illegal for a Black to participate in. The militancy of the youth expressed itself in the growth of such organisations as the South African Students' Organisation (SASO) and the South African Students' Movement (SASM).

The racists responded to the people's struggles in the only way they know — with greater violence, which in turn led to even more determined resistance. The regime continued to strengthen its arsenal of repressive legislation and arm itself to oppose the liberation forces. Numerous trials took place during which evidence of the widespread use of torture and assaults repeatedly emerged.

\* In November 1974 the families of five SASO and Black People's Convention (BPC) activists awaiting trial under the Terrorism Act made an urgent application for a court order restraining the police from assaulting them. The application was refused. One of the five subsequently collapsed in prison and was treated for 'suspected convulsions'. In September 1975 a defence

lawyer stated in court that the accused had been punched, kicked and slapped, and there had been a 'consistent series of assaults and psychological pressures'.

\* **Patrick Mgudlwa** was detained for over a year before being brought to court in February 1976, when he refused to give evidence for the state. 'I was subjected to brutality while in detention,' he testified. 'Nobody could help me. I was totally powerless in the cells.' He was sentenced to a year's imprisonment for 'obstructing justice', although he had already spent over a year in detention.

### Offensive Against ANC

In response to the resurgence of militant action, an offensive was launched against the liberation movement and a number of ANC and SACP (South African Communist Party) cadres were arrested. **Raymond Suttner**, sentenced to 7½ years' imprisonment for participating in underground work of the ANC and SACP, was given electric shocks in efforts to extract information.

Addressing a meeting at Witwatersrand University to protest against detentions, his mother spoke of the 'suave, well-groomed, well-spoken, kindly and courteous gentlemen (of the Security Police) who attempt to lull one into a sense of self-security.' They make 'small concessions which appear tremendous gains momentarily'. But anything of significance such as access to family, doctors or lawyers is refused. 'The ultimate horror is the eventual discovery that the front room boys, who act as though they are all on a committee of child-welfare, are also the backroom boys who administer "the treatment". My family no longer has to surmise what happens to people detained under Section 6 of the Terrorism Act. We know what happens and we are filled with bitterness.'

In November 1975 a massive wave of detentions began of people alleged to be involved in a nationwide ANC recruiting network. Among them were a number of trade unionists and organisers of the South African Congress of Trade Unions (SACTU). Scores of men and women detained in this swoop were also tortured while detained.

On 18 March 1976, leading ANC militant **Joseph Mdluli** (50) was taken from his home by the Security Branch, wearing only a raincoat and slippers. Within 24 hours his wife, **Lydia**, was informed of his death. She described the corpse which she was eventually able to see: 'His body was bruised, swollen and cut . . . he was lying on his back and a severe swelling stretched across his forehead and his left lower lip was bruised and cut.'

One of those charged with ANC activities following the November 1975 wave of arrests, **Anton Xaba**, told the court he had been interrogated for over 40 hours at a time, by a team led by Colonel C J Dreyer, chief of Natal

(Inland Division) Security Branch. He was punched, kicked and beaten; at one point he was held out of a window and told he 'ought to know how Timol died'. Another man, Michael Gumede, was beaten up and had weights tied to his testicles. Other detainees were given electric shocks, beaten, kicked and threatened with death. For months they were kept in total isolation, removed from their cells only for interrogation, and returned battered and bruised to await the next 'session'.

At the time of writing numerous other trials of ANC activists are being held and more are scheduled. Justice Minister Kruger announced in January 1977 that 'hardcore' members of the ANC had been arrested and several ANC networks uncovered. He said over 300 people were awaiting trial under the Terrorism Act, among whom were many ANC activists and trained guerrillas.

Giving evidence at the Pietermaritzburg trial of ten men charged with ANC activities, Colonel Dreyer said he regarded communists and ANC members as 'being at war with us'. He agreed that this attitude did affect the way interrogators treated people suspected of ANC or Communist Party links, but alleged that despite this all detainees were treated as 'humanely' as possible!

In the case of Harry Gwala, one of the accused in the Pietermaritzburg ANC trial, Colonel Dreyer stated that extreme methods of interrogation had to be used because it was believed that the ANC was planning an uprising on 16 December 1975.

### Children Tortured

During the uprising which began on 16 June 1976, when schoolchildren were gunned down in Soweto, frantic efforts were made to uncover the underground forces and cripple the people's protest. In these attempts the racists were prepared to torture even our young children. At Soweto's Protea police station, makeshift tents were erected to accommodate the scores of school pupils assaulted there. The following extracts are taken from statements made by some of these children:

- \* 'They took us to Protea. We were kept in a tent, guarded by police. Then they came and indiscriminately selected people for interrogation. I was taken to one of the rooms. I was asked to name prefects at school and SRC members. First I denied I knew any of them. That was the time they started beating me up. They were three - 2 whites and 1 black. The two whites beat me, not the black one. They were Riot Squad. They hit me on the face with fists. Then they hit me all over the body with a sjambok and a thick belt. After the beating I gave them two names, one of somebody already in detention, the other who had left school.'
- \* 'They took me to an interrogation room. They told me to take my

clothes off. I took them off and then they told me to sit on a chair behind the door. Then they fastened me to the chair by my wrists. Then they put something on my head, like a cap. I didn't see what it was. Then they came with a wet cloth and put it inside my mouth. Then I felt electric shocks going through my body. After five minutes the shocks stopped and they asked me if I would tell them the truth. I said I would tell them the truth. Then the shocks started again.'

\* 'They threatened to shoot me unless I agreed to say what they wanted. Then they put things on my head and gave me shocks. I was screaming and crying. When I got up I was dazed. One of them told me to sit on a chair but there was no chair where he pointed. I had to sit on an imaginary chair. He said I must sit there for two hours which was impossible. I fell and they laughed. Another policeman came in and lashed my back with a rod. They forced me to sign a statement and they took me back to the police station. After 31 days in detention I was released.'

\* 'There were six white police and one black. They told me to strip. I was completely naked. Then they took a small black wet sack and put it over my head. All this time I had been told to run on the spot. Then one of them came to twist the sack around my neck and I fell. They were asking me where was Khotso and also other members of the SRC. When I fell I was beaten with something on my back. Later, when the sack was taken off my head, I saw one of them holding a thick white plastic rod. They put the sack over my head and repeated the beatings three times. They wanted me to say that other students had been doing various things. I would not say what they wanted.'

## 18 Known Deaths in 1976

Within the twelve months following the murder of Joseph Mdluli, 18 political detainees are known to have died.

Several school pupils from Soweto were among them. 16-year-old **Dumisani Mbatha** was arrested during the heroic demonstration in the white city centre of Johannesburg on 23 September. Police alleged he 'became ill' and died two days later. In October, 15,000 people attended the funeral to pay their respects to this young comrade who had fallen in the struggle.

Soweto student **Fenuel Mogatusi** (22), who had been arrested in July, died in detention on 28 September. According to the police he 'suffocated during an epileptic fit'. His sister testified that he had been healthy and had never had an epileptic fit in his life!

News of the death in detention of another Soweto pupil, **William Tshwane**, was withheld from his family for over three months. He died the same day of his arrest in June and according to the police as a result of gunshot wounds



inflicted during an escape attempt.

**Zungwane Jacob Mashabane** (22) died in Johannesburg Fort prison on 5 October. The police said he hanged himself with a shirt. His funeral, attended by several thousand people, was attacked by police who opened fire without warning, killing seven and wounding 51 others.

Former general secretary of S.A.S.O, 29-year-old **Mapetla Mohapi**, was murdered in the Kei Road prison in East London on 5 August.

**Luke Mazwembe** (32) was arrested at 6 am on 2 September. The police claim he hanged himself within two hours of his detention. Comrade Mazwembe was a staff member of the Western Province Workers' Advice Bureau in Cape Town.

No official explanation was given for the death of **Edward Mzolo** (40) on 9 October, the third political detainee to die at the Johannesburg Fort prison in two weeks.

**Ernest Mamasila** (35) died within two days of his detention on 16 November. His family was told he 'hanged himself'

**Thabo Mosala**, who had been active in the fight against the Bantustan fraud in the Transkei, died on 25 November after 95 days in detention under Proclamation R400. According to the Transkei authorities, he died of 'natural causes'.

In December it was reported that veteran ANC militant **Twalimfene Joyi** had died in detention in Umtata, capital of the Transkei. Comrade Joyi had been charged with 11 others in 1969 with working for the ANC underground. After serving five years in jail he was banned and house arrested to Umtata.

Puppet Chief Minister Matanzima's rule of terror in the Transkei has received little publicity. Using the powers provided by the South African regime, Matanzima has not only attempted to silence all his opponents, but has also clamped down on information of his inhuman methods. Proclamation R400 has enabled Matanzima to torture political detainees largely in secrecy. Of the total of 40 known deaths of political detainees in South African jails, at least five have occurred under Proclamation R400 in the Transkei.

**Wellington Tshazibane** (30), a brilliant engineer with an honours degree from Oxford University, was detained on 9 December 1976, according to the police in connection with an explosion in Johannesburg's Carlton Centre. They allege he hanged himself two days later.

Police reported that schoolteacher **George Botha** (30), arrested on 10 December, was involved in the activities of underground units of the ANC in Port Elizabeth. They alleged that five days later he had thrown himself down a stairwell while being taken to an office for questioning. Despite the fact that the police say they knew he was an important ANC activist, they claim that they had not even questioned him during the five days he had

been detained!

**Dr Nabaoth Ntshuntsha** died in a police station at Leslie on 9 January after almost a month in detention. On the same day, **Lawrence Ndzanga**, trade unionist and ANC militant, was murdered in the Johannesburg Fort prison. Comrade Ndzanga, former national secretary of the Railway and Harbour Workers Union and a national executive member of SACTU, previously stood trial with 20 others, including Winnie Mandela, wife of ANC leader Nelson Mandela, and his own wife Rita, on charges under the Suppression of Communism and Terrorism Acts. Rita Ndzanga is currently on trial under the Terrorism Act. During his earlier period of detention Lawrence Ndzanga had been forced to stand on bricks for two days by Swanepoel.

On 20 January the Security Branch claimed another victim from amongst the ranks of longstanding ANC militants. **Elmon Malele** (52), who was one of the 156 people charged in the 1956 Treason Trial, was arrested on 9 January after an explosion at a Soweto house. **The police claim that Comrade Malele died in a nursing home in Johannesburg following a brain operation necessitated by a stroke.** His wife was also detained.

Yet another school pupil from Soweto died on 15 February 1977. **Mathews Mabelane** (23) disappeared in October 1976. The police say he was arrested trying to re-enter South Africa from Botswana, and that he fell from the tenth floor of Special Branch Headquarters in Johannesburg during interrogation.

**Samuel Malinga** (45) became the fortieth political detainee known to have died in police custody since the introduction of detention without trial in 1963. The official explanation for his death on 22 February was **respiratory failure caused by a heart attack.**



A victim of the June 16 police killings - shot from behind with a high velocity bullet from the Belgian FN rifle.

## II Perfecting torture techniques

Torture is simply one of the forms of violence necessary to maintain a non-democratic state which is not based on the will of the people but on their super-exploitation. The extension of the use of torture corresponds to the intensification of the struggle against the oppressor. In South Africa, the contempt with which whites have been brought up to regard their black fellow countrymen has made the white public, in general, callous to the massive use of force by police and troops in maintaining the system.

It would be difficult to over-emphasise just how common torture and assaults of blacks are in South African jails. In the words of a police officer charged with torturing an African prisoner to death in a small town, Bultfontein, in the Orange Free State: 'I don't think there is a police station in the country that does not use violence during questioning.' Another policeman who had administered electric shocks said that tying plastic bags around the heads of suspects was 'common in investigations'. (*The Observer*, London, 15.3.64)

In August 1976 (in another of the few of these cases which ever reach the courts) a Supreme Court judge found that four white policemen had extensively tortured three blacks suspected of theft. **The men had been beaten up, hung by the elbows and knees with sticks, tied to trees, given electric shocks and threatened with death.** One of the policemen apologised to his victims, saying: 'I am sorry but this is the sort of thing we have to do every day.' (*Sunday Times*, Johannesburg, 29.8.76)

A total of 135 people (the vast majority Africans) died in police custody during 1976. A staggering 117 people died in detention in addition to the 18 known deaths of persons held under the security laws. These figures were given by Kruger, the racist Minister of Justice, in Parliament on 23 February 1977. During 1975, 92 people died in detention according to similar official figures released in May 1976. Of these only seven survived longer than a week in prison! (Hansard, 21 May 1976)

It is clear that torture is employed in almost every police station in the country. From the similarity in methods used, it is also apparent that the torture is systematic and that the police are well trained in its used.

## Learning the Techniques

Not surprisingly, considering that two of the principal architects, Vorster and van den Bergh, had close links with Nazi Germany, many of the techniques have been adopted from the Gestapo. The United Nations Ad Hoc Working Group of Experts reported to the Commission on Human Rights in 1967: 'The procedure and methods utilised by the (South African) Security Branch and police for the interrogation of detainees and arrested persons are very similar to, if not identical with those reported to have been used by the Gestapo under Hitler's Nazi regime in Germany.' (Report of the Special Committee on Apartheid, A/8770, para 120)

In the early 60s the ANC discovered that many members of the Security Branch were being trained in interrogation and torture techniques in various countries. The cooperation between repressive regimes in this field becomes clear when a peasant in Brazil graphically describes the peculiar 'parrot perch' position used during electric shock torture in exactly the same way as detainees in cells all over South Africa. Colonel Dreyer of the Security Branch admitted during the Terrorism trial in Pietermaritzburg on 9 March 1977 that some Security Branch officers did go overseas to study interrogation methods. He did not say where!

From the experience of the French in Algeria the South Africans learnt many torture techniques, notably the use of electric shocks. South Africans trained by the fascist Portuguese secret police, PIDE, learnt new techniques used both in the former Portuguese colonies and in Portugal itself, including the deprivation of sleep. The South Africans have, of course, added a number of 'refinements' and different techniques derived from their own experiments.

## Methods of Torture

Torture in South Africa takes a number of forms, including solitary confinement (which applies to most detainees), various forms of intimidation and psychological torture, sleep and food deprivation, assaults of various types, electric shocks, suffocation and drug-induced 'confessions'.

**Assaults and beatings**, and **electric shocks** are widely used on political detainees as the quickest way of extracting information. In the recent period, with widespread unrest and large-scale detentions, hundreds have been tortured in these ways. It was this torture which killed Joseph Mdluli and has resulted in a number of recent deaths.

**Cleopas Ndlovu**, one of two men kidnapped from Swaziland and tortured at a remote camp in Northern Natal by the Special Branch, and one of ten men charged in Pietermaritzburg with ANC activities, described in court how he had been blindfolded and tied to a tree. His legs were shackled and he was beaten continuously by teams of police. He was kept tied and blind-

folded for nearly two weeks. He was given electric shocks by Lieutenant Taylor which a machine known as the 'cat', which Taylor said had been obtained from the FBI in the United States. The teams which tortured Ndlovu and others was led by Colonel C J Dreyer. Lieutenant Taylor was one of the men responsible for the murder of Joseph Mdluli a few days earlier.

One of the most widely used instruments of torture is electric shocks. Some of the machines used are known to be modified cardiac arrest shock machines. A variety of portable dynamos is also used. A South African army deserter who gave evidence to the United Nations of the use of torture by South African troops in Namibia, told how field telephones were used for administering electric shocks. 'Torture would begin when the club (drinking tent for regular troops) closed. The screams would go on until well after midnight. Officers boasted in front of me of using field telephones for electric shock torture to the genitals, nipples and ears. It was common knowledge that this was being done.' (*Guardian*, London, 30.8.76)

Electric shock torture is preferred because of the ease with which it can be administered, the extremely painful effects, and of course the fact that it leaves virtually no visible marks, particularly to the medically untrained eye.

Various methods of suffocation are also employed, the most prevalent being hooding. The South African adaptation of this notorious technique is the use of tightly fitting waterlogged hessian bags. The effect of this, often accompanied by enforced strenuous exercise, is a constant sensation of suffocation and paranoia. Thenjiwe Mtintso, a black journalist, detained on 17 August 1976, has told how she was tortured. 'I was made to stand in that office for three days and nights without food, drink or toilet facilities while Captain Hansen sometimes hit my head or slapped or punched me. . .

'Captain Hansen had a big wet towel with him . . . He told me to sit on the floor . . . He put the towel over my head. Then he pulled the ends over and across my neck. It made me feel I could not breathe. He held the towel like this for what seemed a long time. All the time I was struggling and threw my head back trying to get breath . . . When Captain Hansen took the towel away he said: "Now you see how Mapetla (Mohapi) died!"' (*Rand Daily Mail*, 16.3.77)

Suspects are often held under water in efforts to force them to make statements. Post mortem reports on Joseph Mdluli revealed that his lungs were waterlogged, indicating that he had been subjected to this brutal treatment.

Solitary confinement and various combinations of deprivation and psychological torture are extensively used. Most detainees are in fact kept in solitary even if other techniques are used. Prolonged solitary confinement has been condemned throughout the world as a cruel and inhuman punish-



ment.

Shanti Naidoo appeared in court after six months in solitary confinement and refused to give evidence against 22 people charged with ANC activities. She described her ordeal: 'I was interrogated. I was forced to make certain admissions because I couldn't stand the strain of standing on my feet for hours and hours . . . My mind went completely blank and I went to sleep standing and I had a sort of dream in which I was actually speaking to the officers who were interrogating me, in my sleep, and afterwards when I had sort of regained my senses, I was interrogated on this dream I had which was complete nonsense . . . The interrogation went on for five days without any sleep.' She was sentenced to two months in prison for refusing to give evidence, and after the two months she was detained for another four without trial — all the time in solitary confinement.

In 1963, sixty medical specialists, disturbed at the results of solitary confinement in South Africa, sent an appeal to the Minister of Justice in which they stated: '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 . . . We feel therefore that the present system of detention in solitary confinement is inhuman and unjustifiable and we appeal for its abolition.' With characteristic callousness Vorster dismissed their description of solitary as 'all nonsense'. He said: 'This is a political act. We shall not allow it to influence our judgement.'

### 513 Days Solitary

Tembani Phantsi, arrested in October 1975 whilst a pupil at Amanzimtoti High School, was held in solitary confinement for 513 days at Fort Glamorgan prison, East London. On 11 March 1977 he was released without charge or explanation. Azzari Ndebele, one of ten men charged with ANC activities in Pietermaritzburg, described to the court how after several months in solitary confinement he had lost his memory and could not even remember the names of his children. One of the state witnesses in this trial, Philemon Mokoena, was warned to 'behave' after he complained to the court. 'How long have I been locked up?' he asked. 'Last year. Now I will be locked up again.' He said solitary confinement was affecting his mind. At times he could not sleep whilst at other times he could not wake up.

Detainees are often denied food and sleep in efforts to intensify the effects of solitary confinement. Long periods of solitary confinement are interspersed with periods of intense and continuous interrogation often lasting for several days at a time. An American expert on solitary confinement, Dr Louis Jolyon West, testified in February 1977 at the Pietermaritzburg trial that he found debility, dependancy and dread in the evidence of both defendants and witnesses. Questioned by defence counsel, Colonel Dreyer of the Security Branch denied that anybody had been questioned for

days on end. He could not understand the purpose of such a technique, he said. The next day during further questioning he finally agreed that one of the accused, Harry Gwala, might have been subjected to continuous interrogation. He added that the alternation of harsh and 'soft' interrogators was purely coincidental. On 11 March, Captain George Wolhunter admitted to the court that he was in charge of a team that had interrogated Gwala for two days and nights without a single break. The purpose of this, he said, was not to deprive Comrade Gwala of any sleep or exhaust him, but to obtain urgently needed information which he was withholding.

A psychiatrist's report on a victim of prolonged solitary confinement in 1970 typifies much of the damage wreaked by this form of torture: 'He responded to me as if I were interrogating him — remaining quiet, defensive and expressionless in demeanor. Withdrawal and passivity seem to be important defences against the undoubted destructive effects of solitary confinement and (he) still shows these features. Perhaps psychotherapy and renewed contact with the outside world will mitigate some of the ravaging effects on the personality of solitary confinement.'

An increasingly prevalent innovation in interrogation techniques is the use of **drug-induced 'confession'**. Perhaps anticipating the large number of people who will have to be interrogated in the future, the Special Branch are currently experimenting with this new weapon of torture. Various drugs, introduced into the food of unsuspecting victims, can accomplish more in the way of mental disorientation than several weeks of intense psychological torture. Other drugs cause extreme pain to the recipient. Giving evidence during the Pietermaritzburg trial, where numerous witnesses and accused displayed acute mental disorientation, Dr Louis Jolyon West said that chemicals now existed that were more likely to get information than any other method.

Of all methods of torture, drugs leave the least trace, particularly where the recipient, with no knowledge of having been given drugs, merely thinks that he or she 'cracked' during solitary confinement.

The seventeen-year-old son of one of the accused in the Pietermaritzburg trial gave evidence indicating that he had been drugged during interrogation. In this case the Security Branch took precautions to ensure that suspicion was not too closely directed at them. **Linda Gwala** was kidnapped by three unknown men and taken to an empty building in January 1976. He was questioned about a statement he had made to the Security Branch. He was then given a sour mixture and two tablets to swallow, after which he has no recollection of events. Some time later, he awoke to find himself lying on a refuse heap in a nearby township.

The available evidence indicates that the Security Branch are still experimenting with newly-acquired techniques in this field. Without adequate medical evidence it is difficult to assess the extent to which drugs are being



used in interrogation, but it is clear that they will be employed increasingly. In addition, given the less than extensive post mortem examinations on dead detainees, and the lack of access by detainees to medical practitioners of any integrity, it is unlikely that a great deal of evidence of the use of drug inducement will emerge. The side effects and fatalities caused by chemical torture are likely to be masked, and to appear as various inexplicable 'illnesses' and deaths by 'natural causes'.

Amongst the 18 detainees known to have died since March 1976, the proportion of cases in which there is not much evidence of extensive physical injuries has doubled as compared with the 22 previously known deaths. This new pattern may be explained by a number of factors, including the increasing concealment of corpses on which injuries are extensive. It is also likely that the deaths of a number of political detainees are hidden by including them with deaths of 'non-political' detainees in whom there is generally less public interest.

Many of the deaths under interrogation in the last year are officially explained as 'suicide by hanging' and 'heart attacks'. These people probably died whilst being suffocated (as in the admission to Thenjiwe Mtintso that Mapetla Mohapi had been murdered in this way) or as a result of excessive electric shock application or drug overdoses. The international community must be aware of the various methods used by the South Africans to conceal what is happening in their prisons, so as not to be deceived about the extent of torture.

### III Hiding the evidence

#### At the Mercy of the Police

The detention laws have been designed to allow the interrogators unrestricted access to detainees with the express purpose of enabling torture to be systematically employed. It is principally for this reason that detainees are denied access to family, friends, lawyers and the courts.

In 1976 the Minister of Justice announced his intention to legislate to prevent names of detainees from being published. Once held, a detained person is completely isolated, powerless and totally at the mercy of the Security Branch. In these circumstances no one can interfere or intervene in the systematic torture of 'suspects'.

The only access a detainee does have to the outside world, other than the rare possibility of a smuggled message, lies in the provision that a magistrate may visit detainees 'if circumstances so permit'. This provides no protection. If there are any visits by magistrates, detainees are often reluctant to complain. If they do the magistrate merely ignores it or passes the complaint back to the police — the very people against whom the complaint is made. The Security Branch take swift retribution.

The assistant chief magistrate of Durban, giving evidence at the Pietermaritzburg trial of ten men accused of ANC activities, told the court that he had no power to investigate complaints. Of the 12 detainees he had visited, two had complained of assaults and he had reported this to police officers in charge. He denied refusing to note the complaint of Russell Maphanga, who had requested medical attention after assaults by police. He also denied that another detainee, William Khanyile, one of the accused in the trial, had complained of injuries to his ear after police assaults. The victims of torture have little chance of making their plight known whilst they are being held.

#### Judicial Cover-up

The judiciary in South Africa often claims to be powerless to criticise laws. In 1971 Barend Van Niekerk, Professor of Law at the University of Natal, was found guilty of attempting to defeat the ends of justice for a speech he had made in which he said: 'No doubt they (the judiciary) will tell you, it is not their function to criticise law but to apply it . . . But we must surely ask these lawyers when will a point ever be reached when their protests would

become justified? Will they still make this facile excuse for abject inactivity?’

The judiciary, drawn exclusively from the white minority, is inevitably influenced and motivated by the values and interests of the minority.

At his trial in 1962, ANC leader Nelson Mandela challenged the right of these courts to hear his case. ‘The white man makes all the laws, he drags us before his courts and accuses us, and he sits in judgement over us,’ he said.

In the case of torture of detainees, the judiciary has in the vast majority of cases accepted the word of the police. In 1969, Justice Boshoff rejected an application by Marks Monakgotla for an order restraining the police from assaulting or unlawfully interrogating him with a remark typical of the judicial view. ‘If your man is a terrorist then the police have every right to arrest him . . . Don’t expect me to make an order on baseless allegations. The allegations made by him are denied by several policemen. Why must I cast this terrible slur on the police?’ he asked. (Report of Special Committee on Apartheid, A/8770, para 422)

In 1964, in rejecting a similar application, Mr Justice Snyman declared that allowing detainees to have access to the courts would frustrate the very purpose of detention. In terms of the Act, he said, responsibility for the protection of citizens held in detention passed from the courts to the Minister of Justice, the Commissioner of Police and his police officers.

In political trials, where the accused and often the state witnesses have attempted to draw attention to torture employed by the Security Branch, the courts have ruled evidence irrelevant or ignored its implications, time after time. Dasingee Francis, who appeared in Natal Supreme Court in February 1969 after 421 days in solitary confinement, called for the court to protect him from further torture. He refused to give evidence for the state.

Mr Justice J S Henning said that Francis could not refuse to give evidence just because he had been tortured. He added that in any case he was not concerned with allegations of torture but only with the trial of the accused.

Even in this area, though, where the courts have in the vast majority of cases protected the Special Branch, new legislation is being introduced. The Criminal Procedure Bill, introduced into the apartheid parliament in January 1977, allows ‘confessions’ and ‘statements’ to be admitted at pre-trial inquiries. The Bill, when passed, will open the floodgates still further for confessions to be extracted under torture and produced as ‘evidence’.

### **Rigged Post Mortems**

From the outset, the Security Branch and the Government discourage and actively prevent any investigation into the deaths of detainees. In many cases (such as that of William Tshwane arrested with other Soweto students in June 1976 and allegedly shot dead during an escape attempt) bodies

are buried before anyone, even the family, is informed of the death.

Post mortems are often held before relatives or friends can arrange for private pathologists to be present. In the case of Elmon Malele, veteran ANC militant who died in detention allegedly during a 'brain operation' following a stroke, the post mortem examination was carried out on the day of his death, thereby preventing the family from appointing a pathologist.

A particularly inept attempt to hide evidence of the murder of detainees was the case of Comrade Ntshuntsha. Police claim that Dr Ntshuntsha hanged himself on 9 January 1977. But 16 days after his death they had still not released his body. On 25 January Dr J Gluckman, the doctor commissioned by the family, saw the body and refused to take part in the post mortem. He reported that incisions had been made on the body before the post mortem; one from throat to groin and the other from ear to ear, and these were said to have been made by the mortuary attendant.

Dr Gluckman said that the incisions had altered the appearance of the body so as to make impossible the special dissection of the neck which is required in cases of this nature. He added that such incisions were contrary to all recognised conduct in mortuaries, and infinitely more so in cases of unnatural death. 'In a lifetime of practising I have never heard of such a practice,' Dr Gluckman concluded.

Relatives of murdered detainees have to act rapidly and be determined and tireless in their demands for an inquest to be held, as left to itself the state will simply dispense with the procedure. The racist Minister of Justice, speaking in Parliament, explained the murder of Solomon Modipane thus: 'In the case of Solomon Modipane the district surgeon could not determine the cause of death. The documents were placed before a magistrate who endorsed them as follows: "Natural death - inquest not necessary."' (Hansard, 13 February 1970)

Despite all the obstacles, the evidence revealed in several inquests has shown conclusively that the detainees had been mercilessly tortured. In spite of this the magistrates concerned have dismissed this evidence. James Lenkoe was murdered in detention in 1969 by a team of interrogators led by Swanepoel. The police alleged that he had committed suicide by hanging himself. The district surgeon dutifully confirmed the cause of death as 'suicide by hanging'. The widow, Julia Lenkoe, managed to arrange a second post mortem examination of her husband's body. At the inquest Dr J Gluckman testified that copper deposits in a wound on the toe suggested that electric shocks had been administered. A second medical expert, Dr A R Moritz, an authority from the United States on burns, confirmed Gluckman's finding and testified that he was satisfied beyond reasonable doubt that burns on the body were the result of electric shocks. Julia Lenkoe testified that her husband's only belt had been left at home, and the belt with which he had allegedly hung himself was certainly not his.

The magistrate then refused to allow any further evidence to be admitted. The following exchange took place:

Counsel: 'If your worship will allow me to address you.'

Magistrate: 'There is nothing on which to address the court.'

Counsel: 'I want to make an application for witnesses to be called.'

Magistrate: 'That is being refused.'

Counsel: 'Well your worship hasn't heard me.'

Magistrate: 'I don't want you to address this court.'

Counsel: 'I want to make an application, which is my right.'

Magistrate: 'Yes, and that is being refused.'

Counsel: 'Before your worship will hear what my application is? Before refusing it? I can't understand how your worship can refuse an application before understanding its contents.'

(Bernstein: *The Terrorism of Torture*, p 30)

The magistrate then ruled the evidence of electrical shocks inconclusive and found that no blame could be attached to Lenkoe's death. Death was, he found, probably due to self-inflicted hanging!

The inquest into the death of Mapetla Mohapi began in January 1977. The police had alleged that Mohapi hanged himself with two pairs of jeans tied to his prison cell bars. The inquest was told by the state pathologist Dr R B Hawkes that Mohapi died from an application of force to the neck. Asked if he could say that the broad force applied to Mohapi's neck had been caused by two pairs of denim jeans, Dr Hawkes replied: 'No.' The inquest was then adjourned with the explanation that the court recording machine was faulty. Presumably if and when it reconvenes the police will have found a more plausible explanation for Comrade Mohapi's death.

At the inquest on Luke Mazwembe, another detainee alleged to have hanged himself in 1976, the police had an even more absurd explanation. Mazwembe had, they said, cut his blanket into strips with a razor blade, tied the strips together with twine, fashioned a noose and hanged himself from the window frame. They could not explain how a detainee held in strictest security had access to twine and a razor blade, except to say that they had been 'accidentally left in the cell'. The inquest was then told by Dr G J Knobel that it was possible that Mazwembe's suicide had been faked after his death. This inquest was also postponed, allegedly to allow the magistrate to study police files on Mazwembe.

The ludicrous explanations given by the authorities for the deaths in detention are an insult to the victims' families and to the people generally. Massive injuries are evident on corpses of detainees who 'slipped in the shower' or 'fell down the stairs'. Others fall out of tenth floor windows!

## The Murder of Joseph Mdluli

On 22 March 1976, two days after the murder of ANC militant Joseph Mdluli, a post mortem examination was held from which a private pathologist retained by the family was excluded. The family lawyer, Mr G Mxenge, demanded that a second post mortem be held. This was refused. On 24 March Mxenge was himself detained.

Mrs Mdluli remained adamant in her demands for a full investigation to expose her husband's murderers. On 12 April the Minister of Justice denied that there was any attempt to cover up the death of Mdluli.

Then on 13 May the ANC released photographs of Mdluli's corpse at a press conference in London and charged that he had been tortured to death. The photographs showed extensive injuries subsequently found to include a fractured cartilage and severe bruising to the neck, extensive bruising on the forehead, temporal area and back of the scalp, abrasions in numerous places, deep bruising near the rib cage, three broken ribs and numerous bruises and abrasions on the body and limbs. The brain was congested with haemorrhages although the skull was still intact. The lungs were blood congested and waterlogged.

In an unprecedented move on 11 June, following international protest, the Minister of Justice announced that four Security Branch policemen were to be charged with the culpable homicide of Joseph Mdluli. The trial that followed proved farcical and merely continued to conceal the responsibility for Mdluli's murder.

The four accused policemen, Captain D F van Zyl, Lieutenant A R Taylor, Detective Sergeants M P Makhanya and Z Ngobese, did not even give evidence. Instead the prosecutor produced an agreed statement of facts, thus avoiding a potentially revealing cross-examination of the accused. According to the police explanation, Mdluli was arrested on 18 March at about 10 pm and attempted to escape from the Durban Security Branch headquarters at 10 am the following morning, was restrained and a fierce struggle ensued. After the struggle Mdluli was calm and made no complaint of any injuries. This incident was reported to Major Coetzee who satisfied himself that Mdluli was not injured. Mdluli's interrogation continued with occasional breaks until about 8.30 pm, when he suddenly got up, held his head, staggered and, complaining of dizziness, fell with his chest or neck on to the back of the chair. The chair toppled and Mdluli fell against the door. Shortly after this, at 9.55 pm, he was dead.

This incredible explanation could not begin to explain the extensive injuries found on Mdluli. Giving evidence, state pathologist Dr van Straaten said that he was called to Fisher Street at about 11 pm and shown the body of Mdluli covered by a blanket. Photographs were taken and Dr van Straaten examined the body shortly after midnight. An officer demonstrated to him how Mdluli had fallen over and died, although he made no mention of Mdluli

hitting a chair. Dr van Straaten stated that his first reaction on examining the corpse was 'here is a man who could have been dead for anything up to 12 hours. I did not take the body temperature as there was the cream of police society telling me that the man had collapsed and died in their presence.' (*Natal Mercury*, Durban, 27.10.76)

When Dr van Straaten conducted the post mortem, he found numerous injuries which could not be accounted for by a single fall on top of a chair. He found that there had been more than one application of force to the area of the neck on which the fatal injuries appeared. Professor I Gordon, the chief state pathologist in Durban, corroborated Dr van Straaten's evidence. He examined the body on 22 March at the request of Dr van Straaten, who pointed out his findings. They decided to change the description of the cause of death from strangulation to 'the application of force to the neck'. He confirmed all the injuries and said, 'it seems that the application of blunt force took place at separate times and not in continuity.'

Acquitting the accused, Mr Justice James found that the case against the four policemen had not been proved. 'If police evidence was to be accepted at face value the four accused were not responsible for the death of Mr Mdluli. . . it was clear from the doctor's evidence that Mr Mdluli died almost immediately after receiving the neck injuries. If he had died of these injuries in the morning after a scuffle with the four accused, all the policemen in the building would have had to enter an elaborate conspiracy to conceal his death until evening. I consider the probabilities overwhelming that the accused did not give Mdluli the fatal injuries to his neck that morning. As this was the only occasion on which it is alleged that they assaulted Mdluli, it follows that they were not responsible for his death. It then follows that whatever view one may take of what occurred, all the accused are entitled to an acquittal on the charge they face.' (*Rand Daily Mail*, 29.10.76)

The carefully constructed prosecution case provided the four accused with alternative ways out. By alleging that Mdluli had died only late in the evening the four accused could avoid being found guilty of the charges because the prosecutor specifically charged that Mdluli had died in the morning. If they were found guilty it would have been on the basis of the admission of a scuffle taking place in the morning, in which case they could claim to have inadvertently killed Mdluli whilst attempting to restrain him. The judge could not accept that a whole building full of police could conspire to conceal the circumstances of Mdluli's murder. Dr van Straaten had neglected to take the body temperature and therefore could not be sure of the time of death. This stage-managed affair had the form of legality but was merely a continuation of the cover-up of Joseph Mdluli's murder. The clear evidence of Mdluli's widespread injuries could not however be reconciled with the untenable police explanation. The judge found their story open to 'very considerable doubts'. He concluded 'I need hardly say that the problem of how Mdluli met his death is one that should be solved and it is one of great



importance.'

As has been the case many times before, these remarks absolve the judge of any responsibility and refer investigation of the murders of detainees back to the very people responsible for them. In February 1977, the Natal Attorney General announced that the police investigation into the death of Joseph Mdluli, ordered by Justice James, had been completed. No new evidence had come to light, he said, and no further prosecutions would take place. Despite all the evidence that Mdluli had been tortured to death, those responsible have been absolved of their crime with the connivance of the state machinery and the judiciary.

### Conspiracy of Silence

The conspiracy of silence extends much further than the architects and perpetrators of torture. As described earlier, judges and magistrates by their unwillingness to speak out or attempt to protect detainees play a part in hiding the evidence. The press (all under white ownership), hemmed in by restrictive laws, practice self-censorship in futile attempts to prevent further action being taken against them. They refuse to pursue and expose the facts for fear of government action and because they too serve the interests of the privileged white minority from which they are drawn. Lack of information about the brutality necessary to maintain white supremacy is an important factor in preserving almost total white support for the system in one form or another.

The tentacles of the cover-up spread even further. Dr James Napier, giving evidence at the trial of ten charged with ANC activities in Pietermaritzburg, denied having treated Frans Kunene for injuries to his fingers. Kunene, who was detained under the Terrorism Act, lost all his fingernails as a result of torture. According to Dr Napier, Kunene and two other detainees were brought to his surgery in December 1975. Kunene was given an injection and some tablets for fever and headaches, and some ointment for painful joints, he said. The doctor denies that Kunene complained of the injuries to his fingers and says he did not even notice them!

Another detainee who was assaulted whilst in detention attempted to complain to a magistrate and get medical help from a doctor. In a statement he said: 'I complained to the magistrate about the police beatings, showed him my shoes with blood on them, shirt and clothes and how they were torn by the police. I had seen a doctor at the . . . police station before I saw the magistrate. When I saw the doctor with a uniformed African policeman, the doctor asked the African policeman: "What does this man want?" The policeman said: "This man is a terrorist." I told him I had been beaten by the police. The doctor waved me out of his room, refusing to examine me. When I was about to move out of the room he decided to give me a bottle of aspirin and a mixture for diarrhoea without examining me.'



Judges, magistrates, pathologists and doctors, nurses, clerks and others all participate in covering up the torture practised by the racist regime.

### **Institutionalised Torture**

At the inquest on Looksmart Ngudle, murdered in 1963, the counsel for the deceased's family addressed the court: 'I have here witness after witness who is prepared in terms of their statements to state that in the Pretoria Central Police Station, in a certain room there, they were assaulted whilst endeavours were made to take statements from them; each and every one of them gives evidence in the same way of the type of assaults to which they were subjected, namely, the handcuffing, the placing of the hand below the knees, a stick being placed through, a hood being pulled over their head, and electrical shocks being applied . . . **In my submission, if this evidence be true, I will have established a system which is being adopted by certain members of the Security Branch for the purpose of extracting information from . . . detainees . . .**' (Quoted by Helen Suzman in House of Assembly Debates, Hansard, 22 January 1964, col 143)

The magistrate ruled this evidence irrelevant: 'We are not sitting here as a tribunal investigating the circumstances of detention' he said. What the counsel was attempting to draw his attention to was the growth of an institutionalised and systematic machinery of torture. This monster has now grown to adulthood in South Africa.

The widespread use of torture in South Africa, and the readiness with which it is applied, even to young children, has aroused great public outrage. Even inside South Africa where information of torture is carefully concealed, the extent of its use cannot be totally hidden. But despite mounting calls for an impartial inquiry Vorster and his Justice Minister Kruger refuse to take any action. They will not because these deaths and injuries are not the result of occasional excesses by over-zealous interrogators. They are the result of systematic and brutal techniques of torture, practised by seasoned teams of highly trained torturers and sanctioned by the racist regime's leadership.

## Time for action

Can the international community remain unmoved by the weight of evidence of repression, torture and deaths in detention in South Africa? Most certainly not — at least we hope not, unless it is to be judged as guilty as the South African racists for their crimes against our people. The time now is for concerted and determined action on a worldwide scale to put an end to these unbridled acts of naked terrorism.

The African National Congress of South Africa calls upon you:

- \* As an individual, to mobilise opinion in your community, your union, your school or university, through letters and petitions, to demand a full investigation by the International Red Cross into the conditions under which political prisoners are kept in South Africa.
- \* As a voter, to enlist the support of your representative in the legislature to demand a United Nations Commission of Inquiry into the deaths of political detainees and the torture of detainees.
- \* As a union, professional body or other corporate institution, to lend your voice to the above demands and take adequate measures to back these demands.

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In December 1961, when the African National Congress launched the first actions in the war for liberation, it declared: **'A time comes in the history of any nation when only two choices remain: to submit or to fight.'**

The people of South Africa will never submit. We will fight on regardless of the cost until liberation is won. In order to bring nearer the day of liberation we call upon you to support our struggle.

- \* Render all the assistance you can muster to the liberation movement under the leadership of the ANC.
- \* Ensure that your government observes and implements both the letter and the spirit of all UN resolutions demanding the total isolation of the white minority regime in South Africa.
- \* Ensure that no companies or arms dealers in your country contribute to the arming of the white racist regime of Vorster.



A child victim of the June 16 police shootings.



The butchers of Soweto begin to drag away another murdered demonstrator.



The victim is dragged away to be dumped in police vehicle jammed full with other victims of police terror.