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South Africa
Deaths in Detention
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Ages / gender/occupations of detainees
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Human Rights Commission - Fact Paper 7

Introduction

Detention without trial in South Africa dates back to the early sixties. The first State of Emergency, declared in 1960, permitted detention without trial. The year 1963 saw the introduction of detention without trial into the permanent legislation of the land through the General Laws Amendment Act, No.37, one of the forerunners of the modern day Internal Security Act No.74 of 1982, still in daily use. To complete the picture, the so-called independent homelands upon their _ creation also introduced detention without trial as part of their copycat security legislation. All of these powers have served to produce the massive total of an estimated 78 000 detainees over the last 30 years.

The provisions of detention without trial are such as to place the detainee virtually at the mercy of the interrogator, away from any interference from the courts, lawyers, independent doctors, family or friends, and for as long as the interrogator wishes. These are the tools with which the law provides him. It is easy to understand that in these circumstances it might be difficult to resist the temptation to accelerate the process of extracting information by the use of coercion, and that such coercion could become systematised torture. That systematised torture has become widespread during detention over the years is widely recognised as a result of several studies (such as by the Detainees Parents Support Committee in 1982, the Institute of Criminology at U.C.T. in 1985 and the National Medical and Dental Association in 1987) as well as evidence which has persistently emerged from innumerable trials over the years. Without detailing here the various methods of torture in common use, one method, or group of methods, deserves special _ mention in this Fact Paper, namely torture involving strangulation in various forms, because of the high risk of death that is involved.

Along with the recognition of the widespread use of torture, there is also a realisation that such methods of interrogation carry with them the ever-present possibility, even inevitability, of the consequence of death, whether as a result of torture going too far, or the victim choosing death as the only relief. The fact is, that since monitoring first commenced in 1963, a procession of 73 deaths in detention has been recorded, or one death for every thousand detainees.

- For detailed information on the powers and practice of detention without trial, see:

0 HRC Fact Paper FP1 "Detention without trial"

0 HRC Fact Paper FP6 "Internal Security Act"

0 HRC Information ManualM1 "Anatomy of Repression"

Frequency of deaths

Since 1963 when detention without trial was first introduced on a permanent basis, there have been deaths in detention in each and every year with the exceptions of 1970, 1972 to 1975, 1979, and 1989. During the sixties there was a period of 6 years in which there was a regular occurrence of 2 deaths each year, but this jumped to 7 deaths in 1969. After the widely publicised death of Ahmed Timol in 1971, there was a period of 4 years in which no death was recorded. Then came the Soweto uprising of 1976 and within 2 years the mass detentions of that time had produced the horrific total of 26 deaths. The death of Steve Biko near the end of that period resulted in a world outcry and an almost instantaneous halt in the procession of deaths for a while. Then in the eighties the figures started slowly creeping up again and during the years of the States of Emergency (1985 to 1990) a total of 14 deaths was

recorded. The average for the total 27 year period of 2.7 deaths per annum has already been exceeded half way through 1990.

For a graphic representation, see Figure 1.

Ages of the detainees

The youngest detainee to die in detention was Dumisani MBATHA (No.27) at the age of 16, while the oldest was Ah YAN (No.10) at the age of 63.

0 8 detainees were 20 or younger

. 21 detainees were 21 to 30

- 8 detainees were 31 to 40

0 11 detainees were 41 to 59

0 5 detainees were 60 or older.

The ages of 20 detainees are unknown.

See Figurez

Gender of the detainees

All detainees to die in detention have been male with one exception, Nobandla BANI (No.68) who died at the age of 56 after 333 days in emergency detention.

Occupations of the detainees

Victims have emerged from all sectors of the community, particularly those identified as the usual targets of detention as a result of their opposition to apartheid. They include students, trade unionists, church workers, teachers, doctors and political activists in both township and rural communities.

Places of death

Deaths in detention have occurred in virtually all of the main centres where Security Police headquarters are located, but also in small towns and some rural areas where security police operate from police stations. Certain interrogation centres have gained a reputation above others for being the sites of an unusual number of deaths. These are:

0 John Vorster Square in Johannesburg: 7 deaths

0 Johannesburg Port: 4 deaths

0 Pretoria Prison: 5 deaths

0 Sanlam Buildings in Port Elizabeth: 4 deaths

The following is a geographical breakdown of where the deaths occurred:

' Transvaal

Johannesburg 14

Pretoria 10

Modderbee Prison 3

PAGE 2

3

3

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Insert to Fact Paper FP7

August 1990

List of

Deaths in Detention

(From September 1963

to June 1990)

PAGE i

LIST OF DEATHS IN DETENTION

; NAME DATE AGE PLACE DAYS OFFICIAL/

1 DIED HELD ALLEGED CAUSE

1963 1. NGUDLE, Solwandle 05/09/63 41 Compol, Preloria 17 Suicide by hanging

2. MAMPE. Bellington ??I09/63 ? Worcester 140 Undisclosed

1964 3. TYITA, James 24/01/64 ? Port Elizabeth ? Suicide by hanging

4. SALOJEE, Suliman 09/09/64 28 Johannesburg 65 Suicide. jumped from 7th floor

1965 7 5. GAGA, Ngeni 09/05/65 19 Transkei A Natural causes

6. HOYE, Pongoloshia 09/05/65 ? Transkei (1 Natural causes

1966 7. HAMAKWAYO, James 09/10/66 ? Pretoria Prison 13 Suicide by hanging

8. SHONYEKA, Hangula 09/10/66 ? Pretoria Prison 40 Suicide

9. PIN, Leong 19/11/66 ? Leeuwkop Prison, Pta 1 Suicide by hanging

1967 ; 10. YAN, Ah 05/01/67 63 Silvenon Poice! Sta. 37 Suicide by hanging

j 11. MADIBA, Alpheus 09/09/67 ? Namibia 1 Suicide by hanging

1968 ; 12. TUBAKWA, Jundea 11/09/68 ? Pretoria Prison 1 Suicide by hanging

13. Unknown person ??l??/68 ? ? ? Reponed by Min.

of Police

1969 14. KGOATHE, Nicodemus 04/02/69 ? Held: Silverton 85 Natural causes:

Police Sta. Bronchial pneumonia

Died: HF Verwoerd after slipping in

Hospital the shower

15. MODIPANE. Solomon 28/02/69 ? Held: Silvenon 3 Natural causes:

Police Sta. after slipping

Died: HF Verwoerd on piece of soap,

Hospital fatal injuries

16. LENKOE, James 10/03/69 '1) Pretoria Prison 5 Suicide by hanging

17. MAYEKISO, Caleb 01/06/69 ? Pon Elizabeth 18 Natural causes

police cells not specified

18. SHIVUTE, Michael 17/06/69 ? Ondangwa police cells A Suicide

19. MONAKGOTLA, Jaacob 10/09/69 ? Pretoria Prison 222 Natural causes: thrombosis

20. HAROON, Abdullah 27/09/69 45 Maitland Police Ste. 122 Natural causes: heart

(Imam) . Cape Town trouble caused by fall

down stairs

1971 21. CUTHSELA, Mthayeni 21/01/71 '? HeldzPondoland 40 Natural causes.

Died: Transkei hospital brain haemorrhage

22. TIMOL, Ahmed 27/10/71 30 John Vorster Sq, 5 Suicide, jumped

Johannesburg from 10th floor

1976 23. MDLULI, Joseph 19/03/76 50 Security H.Q., Durban (1 Injury to neck after falling against chair

24. TSHWANE, William 25/07/76 ? Modderbee Prison 21 Shot while trying to

East Rand escape, justifiable homicide

25. MOHAPI, Mapetla 05/08/76 25 Kei Road Jail 22 Anoxia and suffocation

East London as a result of hanging

26. MAZWEMBE, Luke 02/09/76 32 Caledon Sq., C. Town 21 Suicide by hanging

27. MBATHA, Dumisani 25/09/76 16 Held: Modderbee 9 Natural causes, extreme

Prison sympathetic system

Died: Far East activity with auricular

Rand Hospital fibrillation of heart

28. MOGATUSI, Fenuel 28/09/76 22 JohannesburgFon 70 Natural causes,

suffocation during an

epileptic fit

29. MASHABANE, Jacob 05/10/76 22 Johannesburg Fort 4 Suicide by hanging

30. Unknown man 05/10/76 ? Carletonville ? Undisclosed, police said

police cells allegation of assault

before death involved

31. MZOLO, Edward 09/10/76 40 Johannesburg Fon 8 Undisclosed

32. MAMASHILA, Ernest 19/11/76 35 Balfour, Transvaal 3 Suicide by hanging

33. MOSALA, Thalo 26/11/76 60 Butterworth, Transkei 87 Natural causes,

internal bleeding

34. TSHAZIBANE, 11/12/76 30 John Vorster Sq. 2 ' Suicide by hanging

Wellington Johannesburg

35. BOTHA, George 15/1276 30 Sanlam Building, 5 Suicide, jumped 6 floors

Port Elizabeth down a stainNell

1977 36. NDZANGA, Lawrence 08/01/77 53 Johannesburg Fort 51 Natural causes: heart failure .

37. NTSHUNTSI, 09/01/77 43 Leslie 26 Hanging, probably suicide

Nanaoth(Dr.) Police Sta.

PAGE ii

NAME DATE AGE PLACE DAYS OFFICIAL/
DIED HELD ALLEGED CAUSE

1

38. MALELE, Elmon 20/01/77 61 Held: John Vorster Sq 13 Natural causes:
Johannesburg haemorrhage after hitting
Died: Nursing home head against desk during
interrogation

39. MABELANE. Mathews 15/02/77 23 John Vorster Sq. 25 Accidental, fell from
10th floor

40. JOYI, Twasifeni 15/02/77 ? ldutywa, Transkei ? Post-mortem result not
revealed

41. MALINGA. Samuel 22/02/77 45 Held: Pietermaritzburg 22 Natural causes, heart
Died: Edendale Hospital disease & pneumonia

42. KHOZA, Aaron 26/03/77 35 Pmaritzburg Prison 106 Suicide by hanging

43. MABIJA, Phakamile 07/07/77 27 Tvl Rd Police Sta. 10 Suicide. jumped
Kimberley from 6th floor

44. LOZA, Elijah 01/08/77 59 Held: Verster Prison, 65 Natural causes,
Paarl. Died: Tygerberg stroke
Hospital, Cape Town

45. HAFJEJEE, Dr Hoosen 03/08/77 26 Brighton Beach 1 Suicide by hanging
Police Sta. Durban

46. MZIZI, Bayempin 13/08/77 62 Brighton Beach 35 Suicide by hanging
Police Sta. Durban

47. BIKO, Steve 12/09/77 31 Held: Port Elizabeth 24 Brain injury during scuffle
Died: Pretoria with police

48. MALAZA, Sipho 16/11/77 18 Krugersdorp police cells 138 Suicide by hanging
1978 49. TABALAZA. Lungile 10/07/78 19 Sanlam Building (1 Suicide, jumped from
. Port Elizabeth 5111 floor

1980 50. NDZU MO, Saul 10/09/80 58 Umtata, Transkei 9 Natural causes,
heart trouble, diabetes,
blood pressure

1981 51. MGQWETO, Manana 17/09/81 60 Engcobo, Transkei ? Unknown

52. MUOFHE, Tshifhiwa 12/11/81 28 Venda 2 Assault by police

1982 53. AGGELT, Dr Neil 05/02/82 28 John Vorster Sq., JHB 70 Suicide by hanging

54. DIPALE, Ernest 08/08/82 21 John Vorster Sq., JHB 3 Suicide by hanging

1983 55. MNDABE, Simon 08/03/83 23 Nelspruit Pn'son 14 Suicide by hanging

56. MALATJI, Paris 05/07/83 23 Protea Police Sta. 21 Culpable homicide:
Soweto shot in forehead at
point-blank range

1984 57. TSHIKU DO, Samuel 20/01/84 50 Held: Venda 77 Natural causes
Died: Tshizidzini Hospital

58. SIPELE. Mxolisi ??106/84 ? Sulenkama Hospital 1150 Unknown: police claim
Transkei he died in hospital
month after release

59. MTHETHWA, Ephraim 25/08/84 22 Durban Central prison 165 Suicide by hanging

' 1985 60. RADITSELA, Andries 06/05/85 29 Baragwanath Hospital 2 Fatal head injury; fell
Soweto from Casspir

61. NDONDO, Batandwa 24/09/85 22 Cala, Transkei 4 Shot by police

1986 62. KUTUMELA, Makompe 05/04/86 25 Lebowa 1 Police assault.

63. NCHABALENG, Peter 11/04/86 59 Lebowa 1 Police assault

64. JACOBS, Xoliso 22/10/86 20 Upington 129 Suicide by hanging

65. MARULE, Simon 23/12/86 20 Held: Modderbee Prison 183 Kidney failure
Died: Boksburg/ Benoni

Hospital

1987 66. MASHOKE, Benedict 26/03/87 20 - Burgersfort Police Sta. 215 Suicide by hanging

67. MNTONGA, Eric 24/07/87 35 1 Mdantsane Cells, Ciskei 1 Police assault

68. BANI, Nobandla 29/07/87 56 2 North End Cells 333 Stroke
Port Elizabeth

1988 69. ZOKWE, Sithembele 12/01/88 36 Butterworth, Transkei d Police shooting

70. MAKALENG, Alfred 26/08/88 27 Held: Nylstroom 804 Natural causes, fluid
Died JHB Hospital on the brain

1990 71. SITHOLE, 30/01/90 20 f John Vorster Sq. 4 Suicide by hanging
Clayton Sizwe 1 Johannesburg

72. TLHOTLHOMISANG, 26/03/90 37 & Klerksdorp 7 Police report: meningitis
Lucas 1

73. MADISHA, 01/06/90 30 Potgietersrus 130 Police report: suicide
Donald Thabela police station by hanging

1

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. Figure 1: Frequency of deaths

1963 i
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1969 i
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. Figure 2: Known ages at death,
9%
60 and
older
21% 1 20 and
younger
41 to 59
years
31 to 40 21 to 30
years Years
15%
. Figure 3: Places of death
15%
40%
JOHANNESBURGW
ui/l"
/

PRETORIA

14%

N.

TRANSVAAL

8%

. Figure 4: Known length
of detention

'SUICIDE'

By hangng

45%

Gk

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Small towns 8

Lebowa 2

Venda 2

- Natal

Durban 4

P'rnaritzburg 2

' Border

East London 1

Transkei 10

Ciskei 1

0 Eastern Cape

Port Elizabeth 6

' Western Cape

Cape Town 3

Worcester 1

0 Northern Cape

Kimberley 1

Upington 1

' Other

Free State 1

Namibia 2

Unknown 1

For a graphic representation, see Figure 3

Length of detention before death

The shortest time in detention before death occurred was 2 hours, in the case of Luke MAZWEMBE (No.26), while the longest period spent in detention up to time of death was 804 days, in the case of Alfred MAKALENG (No.70) held over 2 years under State of Emergency detention.

A remarkable 28 deaths occurred within the first five days of detention, 17 of them within 1 day.

0 Another 15 deaths occurred between 6 and 30 days

0 12 deaths occurred between 31 and 100 days

- 9 deaths occurred between 101 and 200 days and

0 4 deaths occurred after 200 days.

Period of detention is unknown in 5 cases.

The high incidence of death within 1 week of detention (over 40% of known cases) is a cause for serious concern about the intense pressures which detainees must face from the moment of their detention.

For a graphic representation, see Figure 4.

1 Causes of death

The causes of death are normally determined by a post mortem followed by an inquest in certain circumstances.

The post mortem is conducted by a district surgeon or state pathologist, and may be attended by a pathologist appointed by the family of the deceased (usually through their legal representatives) if the family was informed in time and if the family possessed the knowledge and resources to take action. The purpose of a post mortem is to establish the medical causes of death.

An inquest generally follows a post mortem only if the indicated medical causes point to a death other than from natural causes. It is then the duty of the inquest court to establish the cause and circumstances of the unnatural death and whether any person, through omission or commission, was responsible. Witnesses to a death in detention at an inquest are almost invariably confined to the police themselves, since detainees are by detention laws isolated from the outside world.

Death from natural causes

In 21 instances the cause of death was found or declared to be from natural causes. Of these the actual cause was not specified in 5 instances (Nos.5,6,15,17 & 57). Brain damage or ailments was the attributable cause in 4 instances (Nos. 21, 38, 70 & 72) and a stroke in 2 instances (Nos. 44 & 68). Heart ailments featured in

6 instances (Nos. 19, 20, 27, 36, 41 and 50) and pneumonia in 2 (Nos. 14 & 41). Other "natural" causes were suffocation during an epileptic fit (No. 28), internal bleeding due to gastric ulcer (No. 33) and kidney failure (No. 65).

In several instances of death by "natural causes" the fatal condition was said to have been triggered by unusual circumstances, such as:

- falling while taking a shower (No. 14)

0 injuries received when slipping on a piece of soap (No. 15)

0 injuries sustained in a fall down some stairs (No. 20)

- fainting and falling against a desk (No. 38)

Furthermore in several instances reference was made in the post mortem reports to unexplained wounds, cuts, bruises and abrasions.

Death by suicide

In 33 instances, the inquest courts have pronounced the cause of death as suicide by various means. This figure represents exactly 50% of all deaths for which causes have been declared.

The means of committing suicide were declared as follows:

- Suicide by hanging: 26

(Nos. 1, 3, 7, 9, 10, 11, 12, 16, 25, 26, 29, 32, 34, 37, 42, 45, 46, 48, 53, 54, 55, 59, 64, 66, 71, 73)

NE. NO. 25: Suicide is inferred rather than stated.

No. 37: Stated as "probably" suicide.

No. 73: Police report, no inquest yet.

0 Suicide by jumping from buildings: 5

(Nos. 4, 22, 35, 43, 49)

0 Suicide by unspecified means: 2

(Nos. 8, 18).

Death by accident

In 4 instances accidents whilst in the hands of the police, but absolving them of responsibility, were found by the inquest courts to be the cause of death:

0 No. 23 - Neck injury sustained in fall against a chair (police claimed there had been a struggle during an escape attempt)

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0 No.39 - Accidental fall from 10th floor of John Vorster Square while trying to escape.

- No.47 - Brain injury after falling against a wall during a scuffle with the police.

0 No.60 - Brain injury sustained in fall from police Casspir.

Death by police killing

Of 8 instances of police killing, one (No. 24) was adjudged to be justifiable homicide, involving shooting 1 while trying to escape. In the other 7 instances (Nos. 52, 56, 61, 62, 63, 67, 69), policemen were found to be : criminally responsible for the deaths, either during the course of inquests or during subsequent trials; all 7, with the exception of No. 56, were deaths at the hands of "homeland" security police (Venda, Ciskei, Transkei, Lebowa).

Death from undetermined causes

In the remaining 7 instances, cause of death is either unknown or undisclosed (Nos. 2,13,30,31,40,51,58)

For a graphic representation of causes of death see Figure 5.

Strange coincidences

A series of unexplained coincidences are to be found - within the records of deaths in detention.

They are as follows:

- The deaths of Ngeni GAGA (No.5) and Pongolosha . HOYE (No.6) occurred on the same day (9 May 1965) in the same area (Transkei) both within 24 hours of being detained, both from "natural causes", neither cause specified.

' The deaths of James HAMAKWAYO (No.7) and Hangula SHONYEKA (No.8) occurred on the same day (9 Oct. 1966) at the same place (Pretoria Prison) both said to be suicide. In response to a question in Parliament many years later, it was claimed that they were one and the same person, even though records show different detention dates.

0 The deaths of Leong PIN (No.9) and Ah YAN (No.10) occurred within 2 months of one another, both said to be suicide by hanging. Both had been detained in connection with smuggling illegal immigrants into South Africa from China.

0 The deaths of Nicodemus KGOATHE (No.14) and Solomon MODIPANE (No.15) occurred within 1 month (February 1969). Both were members of the Bakwena tribe who opposed the appointment of a tribal headman. Both were detained in Silverton Police Station (near Pretoria) and both died in HF. Verwoerd Hospital of "natural causes" said to have been precipitated by falling in the shower (No.14) and by slipping on a piece of soap (No.15).

- Of the 4 deaths that have taken place in the Johannesburg Fort, used in the aftermath of the Soweto uprising, three of them occurred within two weeks of one another (Nos. 28,29,31), each from different causes (epileptic fit, suicide by hanging and undisclosed, respectively). The fourth death in Johannesburg Fort took place just 3 months later (No.36).

0 The only 2 deaths to occur in the Pietermaritzburg Prison, occurred within 5 weeks of one another (Nos. 41,42).

0 The only 2 deaths to occur in the Brighton Beach Police Cells in Durban, occurred within 10 days of one another (Nos. 45,46). Both were declared as suicide by hanging.

0 The deaths of Makompe KUTUMELA (No.62) and Peter NCHABALENG (No.63) occurred within the same week in April 1986 in the same area (Lebowa). However the mystery was subsequently cleared up when it was established that both had died from

assault and torture by their interrogators.

Political deaths in police custody

Apart from deaths which have occurred whilst persons are being held in detention without trial under security legislation or emergency regulations, a substantial number have also died whilst in the custody of the 0 police either under a specific charge, or unspecified powers, but clearly in a politically related context such as the unrest situations prevalent since 1984. The vast majority of these deaths have occurred during, or have been attributable to police action during arrest or subsequent interrogation within a few hours or a few days. In fact there is often a fine line between deaths which occur during police action and deaths which occur while in custody.

Monitoring of such deaths on a systematic basis began only in 1984, and the following numbers have been recorded thus far:

1984

1985

1986

1987

1988

1989

1990

Total

H

0) i

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Conclusion

Deaths in detention are an inevitable by-product of detention without trial. All attempts by the authorities to eliminate such deaths by safeguards, directives, internal regulations, etc., have met with failure. It should be clear by now that nothing, short of the abolition of the abhorrent practice of detention without trial, will bring an end to these deaths.

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