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EDITORIALS

1

THE QUESTION

Twenty years ago France was rocked by the publication of a book called "The Question". It was Henri Alleg's account of his torture by French security forces in Algeria, and it provoked an outcry, not only in France, where the authorities did everything they could to suppress the book.

No doubt the almost universal reaction of every South African who read the book was "Well, thank God, that could never happen here!" But could it not? Britain, often regarded as the epitome of civilised and tolerant behaviour towards those it holds in custody, has been successfully arraigned before the European Human Rights Commission for torture of Irish detainees by its security forces. And if it could happen there, could it not happen here?

South Africa has created a web of security laws which provides safe and cosy conditions for potential torturers to go about their business if they should wish to do so. They provide for detention in solitary confinement without access to family, friends or lawyers, until the person detained has answered questions to the satisfaction of his interrogators. In many quarters the mere detention of a person in solitary confinement is regarded as a sufficiently effective form of

torture to persuade many of its victims to say to their interrogators what those interrogators want them to say. But in South Africa, over the years, a growing number of witnesses and accused have described in court, experiences they claim to have gone through, which go much further than passive detention in solitary confinement. Almost since the first detention act was passed, people charged with security offences have told of being forced to stand until their legs swelled up and they collapsed exhausted; of being kept awake for days; of continuous interrogation under these conditions, while exhaustion ate away at their resistance and awareness until they no longer knew whether what they were relating in response to their interrogation was what had actually happened or what their interrogators wanted them to think had happened. Recently evidence of this nature has become more common in such cases. Here are only a few examples, taken from press reports.

In a trial in Pietermaritzburg a Security Police officer told the court that ¹ "it had been necessary to interrogate one of the accused continuously for 43 hours". Another accused in the trial claimed ² "that he was assaulted by security police

on the day of his arrest. He said he was punched in the stomach, hit with fists and open hands, had pieces of gravel put in his shoes, and was made to bend and straighten his knees until he was 'unspeakably sore' ". Other accused were reported to have made similar, or worse, allegations. Cleopas Ndhlovu told the Supreme Court ³ "how he had been assaulted continuously for two days, given electric shocks and blindfolded for 13 days by Security Branch policemen". A defence witness, Russel Maphanga said that his interrogators made him take off his jacket, trousers, shoes and watch, he was told to squat with his back against the wall and his arms raised. ⁴ "Then I was interrogated further, and hit. Fists were piled into me. I was hit with open hands and fingers prodded me in the stomach". Two state witnesses were recalled at a later stage of the trial by the defence to refute the evidence they had previously given. Frans Kunene, after relating a story of prolonged police assault, said he eventually agreed to support police allegations against the accused because ⁵ "they were killing me". Harold Nxasana, a key state witness in this trial, was recalled to the witness box after his wife had filed an affidavit alleging he had told her he had been tortured in detention. Mrs Nxasana claimed that on a visit to her husband last year he had whispered to her ⁶ "You don't know what they did to me. They killed me!" At another meeting she asked her husband if he was prepared to tell the truth if she took the matter up. Her husband had replied "Oh yes, I am prepared. But as to the thing they will do to me thereafter, they will kill me". Mr Nxasana then proceeded to give his account to the court of the treatment to which he claimed the Security Police had subjected him . . . which, if true, was quite terrifying.

In the trial of 20 Ngoye students relating to the disturbances at that university last year, a state witness, E. Mqaba, was gaoled for refusing to give further evidence against his fellow students after days of pathetically confused evidence in which he alleged that shortly after his arrest a policeman told him that he was going to meet a police captain ⁷ "who had already killed ten people in detention". Mr Mqaba, who was arrested in July, claimed not to have been given a change of clothes until late in 1976. Mr Mqaba who, from press reports of the trial, appeared to be completely demoralised and disorientated by his experience in detention, finally refused to give further evidence, and was sent to gaol.

In the same case it was established from the diary of a security police officer ⁸ that one student, detained in solitary confinement for six weeks before his interrogation even began, had then been questioned for 31 hours 15 minutes non-stop by various interrogators.

In the inquest into the death of detainee Mapetla Mohapi, 27 year-old Miss Thenjiwe Mtintso stated that, while detained last year, ⁹ "I was made to stand in their office for three days and nights without food or drink while Captain Hansen sometimes hit my head against the wall or slapped or punched me". She said she was later warned by another security policeman that if she continued to lie she would go "the same way as Mohapi". Miss Mtintso alleged further that she was later taken to Kei Road police station, where Mohapi was alleged to have committed suicide. She said that she was put in a cell and Captain Hansen appeared with a wet towel. He told her to sit on the floor. "He put the towel over my head and in doing so he stood directly behind me and placed the towel over the

whole of my head until it reached my neck. He then pulled the two ends of the towel tight over and across my neck, which had the effect of making me feel I could not breathe. He held the towel in this position for what seemed to be a long time. All this time I was struggling and throwing my head back, trying to get breath and also was using my hands to try and get the towel off my face". Miss Mtintso alleged that this treatment was repeated three times and after the third time the towel was removed and she was left lying on the cell floor until she was eventually taken back to East London. Asked why she had not reported the assaults during her detention she said she had been warned by the Security Police that if she did she would be further assaulted.

In the trial in East London in which Mr Steve Biko, honorary president of the Black People's Convention, is charged with defeating the ends of justice, a state witness, 19 year old Mr Steki Linda, told how, on his way to the police station, he was taken to a hall, where he ¹⁰ "was smacked with an open hand and hit with a clenched fist". Under cross-examination Linda said that, before making a statement at the police station, he had heard screams coming from the other offices and he thought at the time the other detainees were being beaten. Another state witness, a 16 year old schoolboy, admitted under cross-examination ¹¹ that he had complained to his mother of pains in the ribs and shoulders and that he could not lift his arms after being released from detention. He had also complained to his mother that he had been beaten with a sjambok and a baton which the security police called "Black Power"

These are only some of the allegations of torture by the security police made in political trials during recent months. Add them to the number of deaths in detention, often allegedly through suicide, and the inference grows that grim things could be going on in some interrogation rooms.

Each allegation of police brutality is, of course, vehemently denied by the security police. They insist that all these stories of assault are part of a sinister plot to discredit them and to blacken South Africa's name. They say that the deaths in detention occur because detainees are under orders to commit suicide rather than give away information. It is not, to our minds, a very convincing story. Great play is also made of the fact that detainees so seldom complain of their treatment to the magistrates who are bound by law to visit them once a fortnight. It is not surprising that they don't for, it transpires, if the evidence of detainees is true, that the magistrate is invariably accompanied by one of the policemen involved in the interrogation into whose hands the detainee will be delivered for the next fortnight as soon as the magistrate has left. And even when he does complain there is no guarantee that anything will come of it. In the Pietermaritzburg ANC case, for instance, ¹²

Mr Potgieter, Assistant Chief Magistrate of Durban, in answer to defence questions, said that it was his duty to send detainee's reports of complaints and requests to the Secretary for Justice and the Commissioner of Police. He said he was never informed if the complaints were followed up and it was not within his power to investigate the complaints himself. And in the Ngoye case one of the investigating security police officers told the court he had not investigated a complaint by one of the accused because he did not think it necessary. He knew there was nothing going on.

What about the Courts before whom all these terrible stories are related, and then denied by a succession of police witnesses? Is there nothing they can do to uncover exactly what does go on in the interrogation chambers? It seems not. Remember the case of Joseph Mdluli, arrested one day in a state of good health, and dead the next, having been in the hands of nobody but the security police? Months later four security policemen were charged with culpable homicide. They were found not guilty because it could not be proved that they were present at the time of Mr Mdluli's death. But the judge was not happy and he remarked "I need hardly say that the problem of how Mdluli met his death is one that should be solved" Well, it will not be, for the Attorney-General of Natal announced recently that his department had carried out a further full investigation into the case and he had come to the conclusion he could not institute criminal proceedings against anyone. If it proved impossible in terms of our law to pin the Mdluli death on anyone, how on

¹ Natal Mercury, 15.3.1977;

² Natal Witness, 29.1.1977;

³ Natal Mercury, 8.2.1977;

⁴ Daily News, 4.2.1977;

⁵ Natal Mercury, 23.2.1977;

⁶ Natal Witness, 4.5.1977;

⁷ Daily News, 19.4.1977;

earth will it ever be possible in any other detainee's case?

The Government indignantly denies that there could be any systematic psychological or physical torture of political detainees in South Africa and rejects all requests for an inquiry. Yet evidence over nearly twenty years, in a succession of political trials, suggests that torture may be used systematically by some members of the security police. If Britain was prepared to accept the findings on torture in Northern Ireland of the Human Rights Commission, why shouldn't we submit our interrogation system to the investigations of a totally independent body, perhaps the International Red Cross? Or if national pride balks at that, what about a retired Judge of Appeal? Or any other acceptably independent inquiry?

All we want to know is this. Is torture being used by some policemen in the interrogation of political detainees or is it not? □

⁸ Weekend World, 26.5.1977;

⁹ Daily News, 16.3.1977;

¹⁰ Daily News, 13.4.1977;

¹¹ Daily News, 7.4.1977;

¹² Daily News, 8.3.1977;

¹³ Weekend World, 26.5.1977.

2

THE MANDELA VENDETTA

In 1964 Nelson Mandela was sentenced to life imprisonment. Since then he, and the other six black men sentenced with him at the famous Rivonia trial, have been on Robben Island.

In April 1977, twelve-and-a-half years later, the Press was taken on its first conducted tour of the prison since Nelson Mandela was sent there. The tour, as with all such tours of the institutions of any state, was we suppose, intended to show the newspapermen that Robben Island was not such a bad place after all. We note that, although the newspapermen were not allowed to speak to Mr Mandela, it is quite obvious, from their reports of his attitude to their party, that he did not want to speak to them, or be seen by them. No doubt he regarded the whole visit as the piece of official window-dressing it undoubtedly was. This being the case, and his attitude being obvious, we regard the attempts by some of the newspapermen to catch a glimpse of Mr Mandela, and the photographs taken of his cell, as an insensitive and unmannerly intrusion into that small area of privateness which, over the years, we hope he may have been able to create for himself on that grim island.

This intrusion on Mr Mandela has now been followed by an announcement that he is to be charged by the prison

authorities with "insolence". We await with interest details of his offence. Is it really possible that a man of Nelson Mandela's stature, at the age of 59, can be charged with insolence? We suppose that within the terms of prison regulations, it is. Within the terms of the outside world even the suggestion that such a thing could happen is ludicrous, and shaming.

Is this, perhaps, just another episode in the campaign of persecution which the Nationalist Government has waged without let-up and with increasing vigour against the Mandela family since the 1950's? While her husband has been on Robben Island, Winnie Mandela has been subjected to every conceivable form of harassment. She has been banned. She has been imprisoned for breaking her ban. She has been detained, and charged, and had the case against her thrown out, and has then been detained again. Her ban has been allowed to expire and, after a brief spell of relatively normal living, another has been imposed upon her. And according to evidence before the Cillie Commission an attempt was made by the Security Police to implicate her in last year's Soweto upheavals by persuading at least one young man, under duress, to give false evidence against her.