

Name: Nicodemus Kgoathe
Date of Birth: Unknown
Date of death: 4 February 1969

In summary: Nicodemus Kgoathe was a father of eight who lived in Hebron and traveled to Johannesburg daily for work. He was politically active in his town and was arrested along with a group of men under the Terrorism Act in 1968. He was detained, tortured, and ultimately murdered while in detention at the hands of the police force. The Kgoathe family still suffers from the pain and sorrow that was caused by Nicodemus's murder and lives with the discomfort of not knowing who the killers are.

The apartheid state sought to control anti-apartheid resistance in South Africa. The police force targeted resisters of all races, who endured discriminatory and abusive treatment. Many victims were imprisoned, tortured, and killed during detention, all at the hands of the police force. The majority of police officers who were involved have not been held accountable for their unlawful actions. Many of the victims were imprisoned for activity that officials saw as threatening to the state, which implemented laws to arrest whomever they pleased. The victim's families often did not know the status of their loved ones when they were imprisoned and could do nothing to get them freed. Prisoners were often tortured and when police were asked how these prisoners received various injuries they would often respond by saying that an accident had occurred or self-harm had been the cause. Nicodemus Kgoathe is an example of one of these prisoners who was arrested for resisting apartheid, held in detention, and ultimately lost his life as a result. Medical professionals' evaluations of Kgoathe's corpse contradicted stories told by police about the cause of death. The lack of responsibility and accountability on the end of the police force responsible for this and many similar incidents tells the dark reality of apartheid.

Nicodemus Kgoathe lived in Hebron in North West, South Africa, with his wife and eight children and traveled to Johannesburg for work where he worked in a furniture shop.¹ He was arrested under violation of the Terrorism Act on 11 November, 1968 for what the state deemed as involvement in communist activity.² Nicodemus's political involvement was not kept a secret and was one of the reasons he found himself on the police force radar. "He was a supporter of the PAC and was detained for one hundred and eighty days without trial at Silverton Police Station, Pretoria."³ The Pan Africanist Congress (PAC) was formed after disputes among members in the African National Congress (ANC). Members who left the ANC formed their own political party partially because they believed promoted African nationalism over the multiracialism of the ANC. They believed that white members of the ANC were not fully committed as well. The PAC protested apartheid and quickly became targets of the police force because of their radical ideology.⁴

Few reports document the actual incident that led to Kgoathe's arrest. One such report described the incident, "...The Bakwena-ba-Mokgaba tribe has its headquarters at Bethanie, near Swartruggens, but a group of tribesmen lives at Hebron, to the north of Pretoria. This group pressed for its own local sub-headman."⁵ Kgoathe was part of a group that disagreed on the election of an official from Bethanie and pressed for a Hebron man to be elected; the group attempted to damage the local offices and protested in the streets.⁶ This group would meet

¹ Ben Kgoathe, Truth and Reconciliation Commission Human Rights Violations, Interview, April 29, 1996.

² Ibid.

³ Ibid.

⁴ South African History Online. "Pan Africanist Congress" March 30, 2011. [Http://www.sahistory.org/za/topic/pan-africanist-congress-pac](http://www.sahistory.org/za/topic/pan-africanist-congress-pac).

⁵ Muriel Horrell, *A Story of Race Relations in South Africa: 1969* (Johannesburg: South African Institute of Race Relations, 1970).

⁶ Horrell, *A Story of Race Relations*.

occasionally to discuss the status of their town. Members of this group were all arrested under the Terrorism Act in 1968. However, Kgoathe and one other member, [Mr. Solomon Modipane](#), died while they were in detention. Although Kgoathe died in detention, the other tribesmen were eventually acquitted of their charges of sabotage and arson and said that they would work with Bantu Authorities to have the official, Herman More, removed from his position.⁷

The arrest of Kgoathe and the wrongful imprisonment that followed was largely made possible by the laws that were implemented that gave the police extensive powers over South Africans. The only witnesses to the incidents that occurred to prisoners in detention were police, meaning that they did not have to worry about anyone testifying against them in court. Thus, they did not have the possibility of a witness connecting them to the tortures and crimes that they were committing. The Terrorism Act was just one of the many laws that permitted the police to arrest anyone they deemed as a threat to the apartheid state, Lennox S. Hinds, a professor at Rutgers University and a lawyer, analysed the act: “In 1967, The Terrorism act...allowed for indefinite detention for interrogation of suspected ‘terrorists’.”⁸ The implications of this law were very broad, as the definition of terrorist was not clearly defined. Police were also able to detain people for a long period of time without a trial or being convicted of a crime. The law did not obligate the police to release any information or updates to the victims’ families. Weeks, months, and years could go by and families might not know whether or not their loved ones were even alive anymore.

Deaths in detention were only one kind of state death during the apartheid years. In 1969, the Minister of Justice spoke about the country’s official executions: “It is a fact, that our

⁷ Ibid.

⁸ Lennox S. Hinds, “Apartheid in South Africa and the Universal Declaration of Human Rights” *Crime and Social Justice*. No. 24 (1985): pp 5-43.

execution rate is extremely high, but our crime rate is extremely high too. The increase in the crime rate is naturally, causing concern.”⁹ Here, the government only acknowledges the official executions, but not those who died in detention. The minister attributes state executions to an increase in the crime rate without acknowledging political prisoners—equating resistance with crime. Rather than propose a solution or modify the laws that target those that resist the apartheid government, he says it is concerning.

The Terrorism Act became a tool that the government would use to suppress resistance and torture detainees so severely that would sometimes lead to death.¹⁰ There were also other people that acted violently towards apartheid resistance such as vigilantes. A study was done based on cases in South Africa since 1910 and found that people of colour were much more likely to be imprisoned and executed for violent crimes than Whites.¹¹ This fact made people less afraid of the punishment they would face if they committed a violent act against people of color and led to increased targeting, beatings, and murders. It is important to keep in mind that the interrogations and torture were not only limited to men but also women and children.¹² The government wanted to keep all people who were going to resist apartheid and influence others to resist, off of the streets and in prison where they could not protest.

In order to protect the police force from accusations of torture and murder, the South African government implemented various laws that made it very difficult for the media to single out those who were guilty. In the Kgoathe’s case there was very little information released at all to the public and to his family. The government and police force carefully and methodically

⁹ Horrell, *A Story of Race Relations in South Africa*.

¹⁰ Lennox S. Hinds, “Apartheid in South Africa and the Universal Declaration of Human Rights” *Crime and Social Justice*. No. 24 1985, pp 5-43.

¹¹ Hinds.

¹² Hinds.

censored any information that was to be released to the public. One of these laws that protected the police was the Police Act. This law “provides that the police can decide what information is ‘untrue’ and arrest a journalist who does not conform to the police’s definition of the official truth.”¹³ It is apparent with this kind of power and protection, the police could literally define the truth however they pleased and would do so to protect themselves leaving them with no accountability.

State censorship in this way played an important part in the case of Nicodemus Kgoathe because his apparent injuries contradicted what the police said in reports. In reports security police stated that Nicodemus was allowed to take a shower during his interrogations, slipped and fell in the shower, and eventually got bronchial pneumonia as a result.¹⁴ Already this was a difficult story for people to believe, especially his son Ben Kgoathe, who visited his father before he was sent to H.F. Verwoerd Hospital where he died. In an interview, Ben Kgoathe was asked if there was any history of diseases in the family or if his father had any symptoms before he was arrested. Ben responded, “I don’t know of any sickness that attacked my father...even at work he was fine, there was nothing wrong with him, he didn’t have any problems.”¹⁵ This solidifies the argument that Nicodemus was in healthy condition before he entered the prison and developed his symptoms during detention. The doctors that treated him at the hospital prodded him with questions to figure out what had been the cause of his injuries. Initially, he said that he had fallen in the shower but he eventually changed his answer and confessed that he had been assaulted by

¹³ <http://www.jstor.org/stable/pdf/29766267.pdf>

¹⁴ Muriel, Horrell, *A story of Race Relations in South Africa:1969* “South African Institute of Race Relations, Johannesburg, 1970”.

¹⁵ Kgoathe, Ben. Truth and Reconciliation Commission Human Rights Violations. Interview, April 29, 1996.

the police while in detention.¹⁶ Doctors presumed that he was suffering from the effects of a concussion and also had belt marks from lashings as well as bruises and abrasions all over his body.¹⁷ Clearly these were physical signs that he had been tortured severely while he was in detention and shows that the police lied to reporters. The fact that Nicodemus lied to the doctors about how he received the injuries also shows that he was fearful of what the police might have done to him if they found out he told the truth. The police did not want the truth getting out to the general public of how they had tortured and killed a man who had done nothing wrong but protest. Police might have been afraid that the news would spark violent protests in the streets as well. The fact that the police did not come up with a more convincing story also suggests that they knew it was a false story and knew that they would get away with what had happened to Kgoathe during his time in detention. They were confident that the laws that had been put in place protected them from legal charges. During an interview with TRC, Ben Kgoathe said the following, “When we got the information that he was at the hospital we were not able to visit him. But on the 5th of February the police came to fetch us to identify his body.”¹⁸ The police most likely prevented the family from seeing Nicodemus until he died. They did not want him to see the injuries or have him tell them all of the terrible things that happened to him during his 180-day imprisonment.¹⁹

Unnatural deaths are investigated by inquest. In the inquest into Kgoathe’s death, the result was inconclusive: “The magistrate found that on evidence before him he was not in a

¹⁶ Horrell.

¹⁷ Horrell.

¹⁸ Ben Kgoathe, Truth and Reconciliation Commission Human Rights Violations. Interview, April 29, 1996.

¹⁹ Ben Kgoathe.

position to conclude that any person was to blame for Mr. Kgoathe's death."²⁰ This vague statement protected the police force from legal charges. The police still were able to decide what the official truth was as they dictated their statements to the media as well as the legal system. In 1970, the wife of Nicodemus hired a lawyer to sue the prime minister and the minister of police for damages, but there was never a settlement on the case and no compensation was rewarded to the family.²¹ This result was similar to all of the other men who were arrested along with Kgoathe that day under the Terrorism Act, for those who were not killed in detention were also not given any compensation for lost wages during their detention.

Although Nicodemus Kgoathe is the one who ultimately lost his life during detention, his family was also severely impacted by the incident. His death caused lost wages that supported the family of eight children to vanish. They lost the head of the family and live the feeling that justice was never achieved. When the son, Ben Kgoathe, began looking into his father's case and trying to discover the truth of what really happened to his father in detention, he became a target and the police followed and harassed him.²² This made it difficult for Ben to investigate his father's case and also showed again how the police were fearful that the story would go public and they would face legal consequences. Ben went to the security police to see if they would leave him alone and they proposed a deal that they would not harass him as long as he became their informant and would divulge information on suspected terrorists and communists and their whereabouts.²³ Some South Africans agreed to be informants for the government because of the

²⁰ Muriel, Horrell, *A story of Race Relations in South Africa:1969* (South African Institute of Race Relations, Johannesburg, 1970).

²¹ Kgoathe, Ben. *Ibid.*

²² Ben Kgoathe.

²³ Ben Kgoathe.

overwhelming fear of being arrested and tortured. Ultimately Ben declined this offer, therefore rejecting the money that was promised to him. He quit communicating with the police.

Evidence revealed in the last days of apartheid and in the years since the historic 1994 election shows death in detention was not rare; it caused families much pain both physical and psychological. In an interview Ben said, "...The government has cost us a broken family. It cost us health. My mother had lots of sickness...we lost property."²⁴ The government never offered any compensation to the Kgoathe family and as a result many of the eight children had to drop out of school and end their education because they could simply not afford to educate all of them. There was one police officer, Seargent Geldenhuys, who witnessed the torture and interrogation; he agreed that the treatment that Nicodemus received was immoral. Ben was later unable to locate him or even find out if he was still alive.²⁵ They identified the corpse and were able to see the injuries covering his body. The Kgoathes still feel a sense of uneasiness and anger as they believe justice has truly never been served and those in the police force who are guilty of this case are facing no repercussions.

The story of Nicodemus Kgoathe is not widely known and deserves world recognition to observe what an inhumane system apartheid really was and also to bring to light some of the dark realities that people otherwise may not have known about death in detention in South Africa. Kgoathe was just one of thousands of other South Africans who were detained in prison and endured terrible conditions. Many other families besides the Kgoathes believe that justice for their loved ones has not been served and live with constant uneasiness and anger. Some cases are current today and are still being investigated such as the [Timol](#) case. From the lack of sufficient

²⁴ Ben Kgoathe.

²⁵ Ben Kgoathe.

evidence and truthful witnesses, the legal cases for these incidents are difficult to advance and reach a conclusion.

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