

The purpose of this paper is to explore and evaluate [The Internal Securities Act, No.74 of 1982, Section 29](#) and its impact on the struggle of life during [apartheid](#). There is reason to believe that Section 29 and its broad coverage and manipulative nature gave way to abusive police practices, resulting in a series of [deaths in detention](#) during apartheid. The removal of [Habeas Corpus](#), vague and broad definitions fit for detention, limited safeguards, poor prison conditions, torturous interrogation techniques and various other factors associated with Section 29 negatively impacted the lives of many South Africans and helped shape the true face of apartheid.

Apartheid's success relied heavily on legislative action to forcibly separate South Africans based on the color of their skin. Persistent exposure to discriminatory action both legally and socially by the South African government led indigenous South Africans to seek resolution of unjust practices and equal opportunities for wage growth, education, and ownership. The [Nationalist](#) government after 1948 sought to neutralize and tranquilize any potential threats to the preservation of white power via 'low impact force' and other corrupt government programs and laws. Rising tensions and fears triggered the release of propaganda by the South African government around the world, masking racist legislative principles by building on global fears of communism and referencing the concurrent Cold War as the source. With the attention of the world, South Africa became a hotbed for social controversy; the state interpreted any actions towards justice as communism and acts of terrorism.

Seeking to eradicate justified political activism, the South African Government passed the '[General Law Amendment Act No 37 of 1963](#),' allowing for detainments of up to ninety days without a warrant or access to a lawyer for any political crime committed stripping individuals of access to safeguards and limiting authoritative perception to only the biased South African

Government. The [‘Sobukwe Clause’](#) within the General Law Amendment Act extended detention for a period of an additional 12 months for anyone convicted of a political crime.

Manipulation of legislation by the government often released political activists held under The General Laws Amendment on the ninety-day mark and re-detained them shortly after to limit any potential community engagement or empowerment. Greater resistance by South Africans against apartheid instilled greater fear in the South African Government and prompted harsher means of detention.

Seeking to reduce resource expenses and increase removal of political influence, the South African Government passed the ‘Criminal Procedures Amendment Act No. 96 of 1965’, or better known as the 180-day detention law. Broader forms of punishment enacted by Act No. 96 ordered 180 pretrial detention of any individual suspected of committing a crime with rights to extend detention an additional 180 days without any required approval and to the sole discretion of South African Police (SAP) and the State. Act No. 96 not only quadrupled time in detention, but also eliminated the need for interrogation to occur in order to facilitate detainment. This opened doors for multiple methods for detainment and continuation of such to occur including [solitary confinement](#).

Approaching the end of the 1960s, global views on personal freedom, universal acceptance and free love rapidly began to transform ideals. Political movements such as MK and the ANC with leaders in exile around the world began to successfully initiate global alliances to eradicate the insufficient judicial and governmental systems of South Africa. Great attention to social unrest and diversified efforts to overthrow government control instigated the passage of yet another legislative attempt at silencing those fighting for their freedom. The 1967 Terrorism Act shattered already limited barriers to detainment in place by previous legislation. The 1967

Act redefined definitions of terrorism to any action taken against resisting control of the state. Detainment under the Terrorism Act was indefinite and subject to all methods of interrogation and confinement methods. Right to detainment by the state unbound to any crime, but rather resistance to control autonomously handed power to the state and horrifically violated inherent human rights to personal freedom.

Since Section 29, like many of the prior discussed pieces to apartheid legislation, was embedded into a larger Act entitled the Internal Securities Act no. 74 of 1982, examination of the Act in its entirety is important in evaluating Section 29's ramifications. Section 29 intended to overhaul all previous detention legislations and impose harsher means of detainment with longer periods of detention. The four-part Act sought to identify and eliminate any potential threats to the South African government. Section 28 provides for long-term (12 months) 'preventive' detention. Section 29 provides for indefinite interrogatory detention. Section 31 provides for six months 'witness' detention. Section 50 provides for short-term (14 days) 'preventive' detention.¹ The state's near autonomy in detainment stripped individuals of their right to habeas corpus and provided a dangerous political playground for all South Africans looking to overcome apartheid. The removal of habeas corpus, or the right to challenge the legality of conviction with the intent to protect one's goodwill, eliminates principles rooted in human rights and personal liberty. The act in its entirety gave way for the state to not only detain individuals without trial, but allowed the SAP to detain 'witnesses' to incidents of civil unrest, keeping in mind all of these opinions are subject to the SAP. Limited protections in place promoted inequality within the police and judicial systems and often allowed for extensions of detainment with relative ease at the loose discretion of SAP higher forces. Section 29 of this act birthed the ability for SAP to use methods

¹ Max Coleman (ed), *A Crime against Humanity – Analysing the Repression of the Apartheid State*. Human Rights Commission of South Africa, 1998. <https://www.sahistory.org.za/archive/crime-against-humanity-analysing-repression-apartheid-state-edited-max-coleman>.

of interrogations a means to excuse their actions and opened up new opportunities for potential abuses of power. Backdoor and covert operations were a familiar tactic to the SAP and Section 29 now allowed for broader methods of brutal enforcement.

Interrogative pre-trial detention under section 29 facilitated questionable police practices and excessive brutality associated with many sudden deaths in detention. Physical interrogation and torture for the purpose of receiving information crossed deadly boundaries especially when considering nothing but suspicion was necessary to detain an individual. Mass detainment continued and eventually escalated to heightened levels during the declaration of a [State of Emergency](#) by the apartheid government, at which point any individual who participated in the support of ending apartheid was subjugated to detainment, interrogation and torture.

‘Participation’ was of course loosely defined and vast in nature. The [Truth and Reconciliation Commission](#) (TRC) characterized this pattern as, *‘a peak of severe ill treatment violations allegedly committed by the SAP in 1976, followed by a great increase in 1985 and 1986 during the states of emergency, then a lull followed by another peak in 1990, and then a steady decrease from that peak during the 1990s’*. ‘Intent’ began to take participation in everyday life and turn simple actions into reason for indefinite detainment and interrogation. These harmful actions against human rights allowed many to die for political reasons while in detention.

This unjust detainment and political persecution have had lasting effects on the South Africa we know today. Subsequently, post-apartheid South Africa [abolished the death penalty](#) in light of the numbers of deaths at the hands of police and the liberal use of the death penalty for political persecution during apartheid. Organizations such as the TRC promoted healing from wounds left by apartheid state. Besides cultural mending, the TRC has been a large resource in uncovering some of the brutal reality of life under apartheid. Given that the South African

government forcibly burned Government documents to destroy incriminating evidence at the end of Apartheid, statistics on factual numbers of deaths, records of detention and interrogation methods shall never fully be revealed. Amnesty hearings held by the TRC aid in producing extremely important accounts by victims and SAP. Recording of these incidents not only allows us as historians to examine techniques and torture methods utilized during apartheid, but also help us understand the true injustice experienced by members of the fight to freedom. Freedom fighters such as [Steve Biko](#) and Lungile [Tabalaza](#) who died in custody with stories untold now had a source of vindication.

In the case of Tabalaza, who died in detention while held under Section 29 of the Internal Securities Act, police accounts portrayed his death as suicide. Labeling death as accidental or suicidal while in detention was a frequent veil used by the SAP in an effort to shade their deadly practices. During the TRC amnesty hearing for Lungile Tabalaza, true circumstances were revealed via testimonies from his perpetrators,

'Photographs of bodies, smuggled to London, suggest he may have suffered injuries before the fall, and may have been suspended by his feet. At the start of the inquest in Port Elizabeth, the government pathologist acknowledged that several bruises and lacerations could have been sustained before he fell. Magistrate Willem Lubbe told the inquest that he had seen Tabalaza less than an hour before his death, but had refused to investigate allegations of assault made by Tabalaza. Lubbe said he was 'shocked' and regretted that he had not investigated Tabalaza's fears that he would be beaten if he did not make a statement when he was taken back to security police offices. The inquest held in October 1978 found no one responsible for his death. Justice Minister Jimmy Kruger and others tried to lessen the embarrassment of Tabalaza's death by portraying him as a

'common criminal'. Mr Kruger claimed that the barring of windows, which he had ordered to prevent such deaths, had not yet been completed in Port Elizabeth. In response to the outcry following Tabalaza's death, three Security Branch officers were transferred, including Colonel Goosen, the local Security Branch chief, who was posted to another district.

The commission found that:

THE ACTIONS OF THE SAP AND THE NAMED POLICE OFFICERS INVOLVED IN THE KILLING OF DETAINEES AT THE SANLAM BUILDING IN PORT ELIZABETH CON- STITUTE GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE SAP AND THE NAMED POLICE OFFICERS ARE HELD RESPONSIBLE' (TRC Committee Hearing Transcriptions).

In conclusion, Section 29 of the Internal Securities Act served as a means to suppress resistance to apartheid through a varieties of detentions that made individuals susceptible to police brutality and death at the hands of the police.

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