

Name: Solomon Modipane

Date of birth: Unknown

Date of death: 28 February 1969

In summary: Solomon Modipane, a member of the Hebron Bakwena-ba-Mokgopa in the Western Transvaal, resisted the encroaching apartheid government and the forced removal of his people from their land. However, his resistance came to end when he was arrested under the Terrorism Act in November 1968 and detained in the Silverton Police Station where police abuse resulted in his death on 28 February 1969.

Solomon Modipane, a member of the Bakwena-ba-Mokgopa¹ of the Western Transvaal, died in detention on 28 February 1969 while being held under the [1967 Terrorism Act](#). Modipane died in detention, reportedly from a fall, but it was later concluded that he died from police maltreatment. On 24 June 1983, the Government took action to forcibly remove the Bakwena-ba-Mokgopa from their land.

In 1911, the Bakwena-ba-Mokgopa people purchased two large farms in the Western Transvaal. The acquisition of the two large farms enabled them to prosper. They were able to live off and develop the land, building infrastructure such as schools, roads, and fences. They installed a system in which issues on their land would be brought before “The Reef Committee,” a group consisting of all the adult members of the Bakwena-ba-Mokgopa, those who lived on the farms and those who worked in the city. These meetings also facilitated the collection of money from its members, providing funds for the community’s land and eliminating the need for

¹ Bakwena-ba-Mokgopa is also Bakwena Mogopa, Bakwena baMogopa, and Bakwena in some sources.

government aid or assistance. Although this system was thriving, the distance between the two farms became a burden.²

The main group of Bakwena-ba-Mokgopa lived in the town of Bethanie about 60 kilometres North West of Pretoria. A smaller group of Bakwena-ba-Mokgopa lived in the town of Hebron, north of Pretoria and approximately 50 kilometres East of Bethanie.³ Due to the trouble of traveling to Bethanie for the Reef Committee meetings, the Hebron based group requested the instalment of a local sub-headman or assistant chief of the chieftdom to conduct Hebron related duties. At this time, rural peoples such as the Bakwena-ba-Mokgopa fell under the apartheid system of Bantu Authorities. The [Bantu Authorities Act of 1951](#) installed headmen in rural communities to act as a link between traditional leadership and the apartheid government while facilitating separate development. Headmen were often promoted if found cooperative, resulting in the abuse of power for the headman's self-betterment.

The Chief of the Bakwena-ba-Mokgopa, James Mamogale, was recognised by the apartheid government under the Bantu Authorities Act of 1951, allowing him to appoint headmen. Chief Mamogale first appointed Jacobus More⁴ from Tribal Headquarters, but cancelled the appointment due to the Hebron community's strong objections. Mamogale then appointed Herman More, also from the Tribal Headquarters in Bethanie. Again, objections were rampant, demanding the sub-headman be that of a Bakwena-ba-Mokgopa member from Hebron. The plea for a Hebron man as sub-headman was denied by Chief Mamogale and Herman More was Hebron's sub-headman. The Hebron group opposed Herman More, fearing he was on the

² Ntlemeza, "A Century of the Notorious 1913 Land Act" *Umrabulo - Issue No 39, 2nd Quarter 2013*, African National Congress, Accessed October 19, 2017, <http://www.anc.org.za/content/umrabulo-issue-no-39-2nd-quarter-2013-0>.

³ Bethanie is also spelt Bethani in some sources.

⁴ Jacobus More is also mentioned as Jacob More in some sources.

side of the apartheid government, unwilling to stand up for the rights of the Bakwena-ba-Mokgopa, and taking a greater interest in his own financial and political positions than those of the Bakwena. The forced removal from the Bakwena-ba-Mokgopa lands was justified by the government under the [Natives Land Act of 1913](#) and the [Development Trust and Land Act of 1936](#).⁵

The Natives Land Act of 1913 was essentially legal means for the government to ensure white settlers access to land and strip the indigenous peoples of their land without legitimate reason or explanation. In 2013, the [African National Congress](#) (ANC) published an article on the Natives Land Act of 1913 claiming, ‘The Act was intended to legalize and legitimize into statute the massive land robbery starting with settler colonialism itself and the wars of resistance and dispossession.’⁶ The Development Trust and Land Act of 1936 expedited the forced removals by adding land to the crowded reserves to which the displaced communities would be relocated. This act increased the percentage of South Africa’s land allocated for reserves from approximately seven percent to thirteen percent.

In early November 1968, Solomon Modipane, along with other members of the Bakwena-ba-Mokgopa, was arrested while protesting the sub-headman Herman More. It was alleged that the arrested persons had attempted to burn down the tribal offices of Herman More, while two of Herman More’s relatives were sleeping in the buildings. The police lacked hard evidence, so they resorted to releasing three of the eighteen prisoners in exchange for their statements providing evidence in the upcoming trial. The prisoners were then all released due to

⁵ "SAIRR 1969," South African History Online, July 16, 2013, Accessed November 21, 2017, <http://www.sahistory.org.za/archive/sairr-1969>.

⁶ Ntlemeza, “A Century of the Notorious 1913 Land Act” *Umrabulo - Issue No 39, 2nd Quarter 2013*, African National Congress, Accessed October 19, 2017, <http://www.anc.org.za/content/umrabulo-issue-no-39-2nd-quarter-2013-0>.

the apparent lack of evidence—only to be taken back into custody and held under the 1967 Terrorism Act, an act that allowed for indefinite detention without a trial. As described in Dugard’s, *Human Rights and the South African Legal Order*, ‘Although designed to combat terrorism, the Terrorism Act itself became an instrument of terror.’⁷

Solomon Modipane was released and then taken into custody to be held under the 1967 Terrorism Act on 25 February 1969. Three days later, Modipane’s death was reported—the cause described as slipping on soap. Little evidence has been discovered in connection with Modipane’s treatment and time under police custody. However, more is known about the treatment of Nicodimus Kgoathe,⁸ another Bakwena-ba-Mokgopa member in custody for the same dispute as Modipane. Kgoathe’s son Ben, provided an in-depth statement during the [Truth and Reconciliation Commission Trials](#) (TRC), revealing critical evidence regarding the treatment of the Bakwena-ba-Mokgopa prisoners during their time in detention.

Ben Kgoathe saw first-hand the effects of the poor treatment the prisoners endured when visiting his father at the Silverton Police Station in Pretoria. In his statement, Kgoathe’s son, Ben, describes his father’s unexpected absence after not returning home from work. He assumed Kgoathe was simply attending one of the tribal meetings. After missing a funeral and burial ceremony he was to conduct, Kgoathe’s son, Ben, knew there was a problem and contacted Kgoathe’s boss. It was then that his boss confirmed he had been taken into custody by the security police. From first learning about Kgoathe’s holding by the security police until 17 January 1969, the Kgoathe family had received no knowledge or update on Kgoathe’s situation or whereabouts. Kgoathe’s son, Ben, states during the TRC hearings:

⁷ John C Dugard, *Human Rights and the South African Legal Oder*, Princeton University Press, 1978.

⁸ Nicodimus Kgoathe’s name is spelt as Nicodemus Kgoathe, Nicodimus Cgoathe, Nichodimus Kgoathe and Nick Kgoathe.

When we arrived there we found my father. He was just lying on the floor, flat on the floor. He just raised his head and he recognized me and we greeted each other... When I asked what was the problem my father... he told me he slipped while he was bathing at Compol building in Pretoria. Now by then Sergeant Geldenhuys was listening and watching us. He asked me what is your father saying. I explained to him in Afrikaans that he slipped while he was washing. Now Sergeant Geldenhuys said Nicodimus tell your children what happened at Compol in the Compol building, and my father changed his statement. In his statement he said "I was called by the police on the 16th and 17th of January at Compol building". On the following day, it was Sunday, the 19th of January 1969... We went to the Silverton Police Station to see him. Even on that day we also found Sergeant Geldenhuys who allowed us to go and see him in the cells. We asked him that our father should be taken to the hospital. He promised us and said yes that he would make arrangements that my father be sent to the hospital.⁹

Kgoathe's son Ben, recounts the terrible state he found Kgoathe in and discovered he was sent to the Compol building for interrogations the two days prior to the family's knowledge of Kgoathe's sickness, leading them to believe that he was tortured at the Compol buildings. Once Kgoathe was admitted to the hospital on 21 January 1969, the doctor gained further evidence of his poor treatment. The TRC's, *Regional Profile Transvaal*, further explains Kgoathe's time in detention:

92 At the inquest, the district surgeon, Dr PJE Joubert, testified that he had examined Kgoathe two weeks before his death and had arranged for him to be admitted to hospital after finding that he moved with extreme difficulty. Dr Joubert stated: "It is my opinion that he was suffering from the after-effects of a concussion and needed to be treated by a specialist." He went on to testify that Kgoathe had told him that he had fallen in the shower room but, after the surgeon refused to accept this explanation, Kgoathe admitted that he had been assaulted. "It is my opinion that Kgoathe's injuries were the result of an assault," the surgeon told the court. He said that linear marks on the shoulders of the deceased could have been caused by a sjambok (whip) and the three u-shaped wounds behind the right thigh by the buckle of a belt.

93A sergeant at the Silverton police station also testified that Kgoathe had complained of body pains and said that he had been assaulted by the security police during interrogation, but said he refused to lay a charge. Police witnesses, including Warrant Officer F Smith, Warrant Officer J Venter and Detective Sergeant A de Meyer of the security police who interrogated Kgoathe on the 16 and 17 January, insisted that he had slipped and fallen during a shower on that day. The magistrate, Mr CG Jordan, found

⁹ Ben Kgoathe, Family/Victim testimony to the Truth and Reconciliation Commission, Johannesburg, April 29, 1996, Accessed through:
<http://www.justice.gov.za/trc/hrvtrans%5Cmethodis/kgoathe.htm>.

*that, in the light of the evidence, he was not in a position to conclude that any person was to blame for Kgoathe's death.*¹⁰

This information outlined at the TRC on Kgoathe's detention further argues the fact that torture and cover-ups were rampant in the apartheid police departments. The 1967 Terrorism Act created a legal avenue for virtually any detention for any length of time the police or magistrate deemed fit, therefore causing a drastic spike in the number of deaths in detention. In the case of the Bakwena-ba-Mokgopa resisting the dictatorial decisions of the chief, such as Modipane and Kgoathe, some detainees were in detention for eight months before receiving charges or being released.

Solomon Modipane's treatment, as well as the treatment of other detainees, were likely very similar to the barbaric treatment that led to Kgoathe's death. The Kgoathe family was able to push for Kgoathe's well-being and demanded hospitalization which was granted. His prison guard, Sergeant Geldenhuys, encouraged Kgoathe to tell his son, Ben, about his visit to Compol and told the TRC that Kgoathe admitted to having body pain and being assaulted by the security police but would not lay a charge. Kgoathe's doctor had also seen him two weeks before his death saw evidence of assault when he noticed whip marks and belt buckle shaped wounds. Even so, the magistrate neglected the evidence of assault to take the side of the three security police members who all claimed he had fallen in the shower. Unfortunately, in the situation of Modipane, the treatment endured by him can only be speculated by comparison to Kgoathe's treatment. The TRC Trials were able to impart a slight representation of justice by declaring in the conclusion of Modipane:

The commission finds that Solomon Modipane was arrested on 25 February 1969 and

¹⁰ South Africa Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, vol. 3, Cape Town: Truth and Reconciliation Commission, 1999, Accessed through: <http://sabctrc.saha.org.za/reports/volume3/chapter6/subsection11.htm>.

*died three days later in hospital. The commission finds that his treatment whilst in custody of the police resulted in injuries which caused his death. The commission finds that the South African Police (SAP) responsible for his death. The commission finds the Minister of the Police and the Commissioner of the Police responsible for the commission of gross human rights violations.*¹¹

Although no persons were explicitly named in the conclusion of the TRC trials as being responsible for assaulting Modipane, his death is placed on the South African Police, and their administration held accountable for allowing such heinous treatment of detainees. The TRC also declared, regarding Kgoathe:

*The commission finds further that the failure of the Magistrate to find the police responsible for the torture and subsequent death of Nicodemus Kgoathe created a climate of impunity that directly contributed to the commission of further gross human rights violations by the SAP.*¹²

The Truth and Reconciliation Trials also single out the Magistrate, claiming his failure to hold the acting law enforcement accountable for their actions and by allowing cruel violent treatment while in detention only made the police feel untouchable, only exacerbating the prejudiced legal system that was in place.

Jacob More, the very headman that Modipane resisted, succeeded Chief James Mamogale as headman of the Bakwena-ba-Mokgopa in 1978. That which Modipane and Kgoathe worried about came to be; on 24 June 1983, the government began to remove and evict the Bakwena. The [Black Sash](#), a non-violent white resistance organization of women, described the government's effort to evict the Bakwena-ba-Mokgopa from their land:

¹¹ South Africa Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, vol. 3, Cape Town: Truth and Reconciliation Commission, 1999, Accessed through: <http://sabctrc.saha.org.za/reports/volume3/chapter6/subsection11.htm>.

¹² South Africa Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report*, vol. 3, Cape Town: Truth and Reconciliation Commission, 1999, Accessed through: <http://sabctrc.saha.org.za/reports/volume3/chapter6/subsection11.htm>.

On June 24 1983 the people at Mogopa were amazed to see bulldozers enter their village. Jacob More and his followers, allegedly ten families, were taken to Pachsdraai. As they moved, their houses were demolished. Then the schools were demolished, as well as the churches. Roughly 100 more families left in dribs and drabs, some of whom moved mainly because they were concerned for their children's schooling and compensation. Later the engines of the water pumps were taken away by the magistrate. It is said that before Jacob More left he threw diesel in their remaining water.¹³

As a pro-apartheid headman and former policeman, Jacob More encouraged and facilitated the forced removal of the Bakwena, but the fighting spirit of Solomon Modipane demonstrated in the original resistance to the unjust removal persevered. The majority of the Bakwena-ba-Mokgopa refused to leave their land despite the complete destruction of their homes, schools, and water sources. The staunch resistance that men such as Solomon Modipane and Nicodimus Kgoathe put up inspired their people.

The Bakwena-ba-Mokgopa are one of the few peoples to have the land that was taken from them returned after the end of apartheid and one of the only peoples to retain possession of some of their ancestral lands during the apartheid. Solomon Modipane's resistance was continued by his people, allowing the Bakwena-ba-Mokgopa to surmount the unjust ways of the apartheid government and the forced removal of rural communities Modipane died contending.

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¹³ "Mogopa Rebuilds: A Story of Resistance," *Black Slash News*, January 31, 1984, Accessed October 19, 2017, <http://disa.ukzn.ac.za/bsfeb8400364843026004feb19845>.

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