

SOUTH AFRICA

**POLITICAL
IMPRISONMENT & TORTURE**



APARTHEID "A CRIME AGAINST HUMANITY"

South African Government policy is designed to maintain white political supremacy, economic and social privilege. *Apartheid*, the system of "separate development" has been introduced to institutionalise racial discrimination in order to deny blacks equal political, educational, employment and land ownership rights.

Apartheid divides the country so that 4 million whites, only one-sixth of the population, have rights over 87% of the country—including all the major urban and industrial centers. Half the black population lives in Soweto and similar townships on the fringes of industrial centres where they are denied all political rights. Only 13% of the land is allocated to blacks—divided into 10 ethnic "homelands". As a result blacks who live in "white" areas, where they are the mainstay of the economy, are regarded as "temporary" residents even though they may have been born there. They may be sent back to their tribal "homeland" at any time.

Blacks are severely restricted by pass laws—more than 250,000 being prosecuted and many imprisoned each year. Under these laws all must carry passes specifying where they live and work. To travel outside these areas without permission or to fail to produce a pass on demand is an offence. Recent changes in the pass laws further strengthen the "homelands" policy.

While *apartheid* exists people will be imprisoned for reasons of conscience. *Apartheid* violates fundamental human rights. The whole structure must be dismantled before the causes of political imprisonment can be removed. The United Nations recognised this fact by declaring *apartheid* a "crime against humanity" in 1973 and making 1978 International Anti-Apartheid Year

REPRESSION OF BLACK OPPOSITION

By means of institutionalised violence the South African Government prevents effective black political opposition. In 1960: The African National Congress (ANC) and the Pan-Africanist Congress (PAC) were banned. Both political organizations had mass popular support. Their leaders were detained or imprisoned.

In October 1977: Similar action was taken to suppress the Black Consciousness movement by banning the Black People's Convention (BPC), the South African Students' Organization (SASO) and 15 associated organizations.



Steve Biko: Died in Detention

DETENTION OF LEADERS

Most black leaders have been repeatedly detained, imprisoned or restricted.

A few examples:

Nelson Mandela leader of the ANC. Now serving a life sentence on Robben Island.

Robert Sobukwe leader of PAC. Jailed for 3 years then detained for 6 years before being restricted under a series of banning orders.

Steve Biko founder of the Black Consciousness movement. Banned for 5 years in 1973 and repeatedly detained for long periods before his death in security police custody in September 1977.

Many hundreds of South Africans have been subjected to arbitrary imprisonment and detention without trial. Others have died at the hands of the authorities.

REPRESSIVE LAWS

The Government possesses wide powers for the control and suppression of all forms of political opposition. Parties and organizations can be banned, public meetings prohibited, newspapers and publications banned. The ANC and PAC were banned in 1960. The anti-*apartheid* Christian Institute and 17 Black Consciousness organizations were banned in 1977. Publication of *The World* newspaper was prohibited in 1977 and members of its staff detained.

Detention and Torture

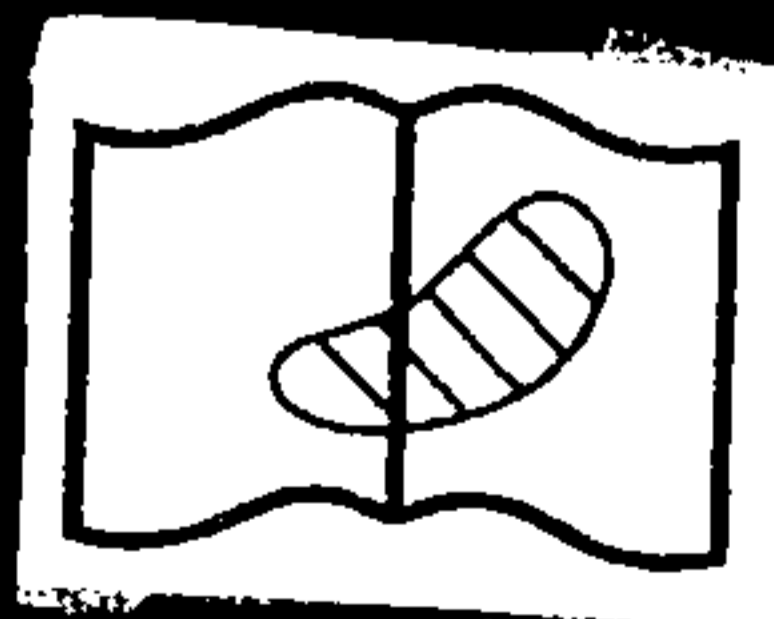
There are a series of extensive and draconian laws under which most political prisoners are held. These laws make any normal political activities into offences against State security and give the police extensive powers of arbitrary arrest and detention without trial.

The **Terrorism Act** was introduced in 1967 but made retroactive to 1962. It defines "terrorism" in very broad terms as any activity likely to "endanger the maintenance of law and order". Trials are summary and the burden of proof is placed upon the accused to show that there was no intent to commit "terrorism" as defined. The mandatory minimum penalty is 5 years' imprisonment: the maximum is death. Section 6 of the Act gives the police powers to detain anyone without charge and hold them incommunicado indefinitely, often in solitary confinement and subjected to torture.

The **Internal Security Act** was introduced in 1976 and amended and extended the terms of the Suppression of Communism Act. The Minister of Justice is given powers to impose 5-year "banning orders" on anyone suspected of engaging in "activities which endanger the maintenance of public order". Section 4 enables the Minister to order the preventive detention of anyone regarded as a threat to State security. Detention may be incommunicado and without trial for, in effect, an indefinite period.

In addition Section 6 of the Act allows potential State witnesses at a political trial to be detained incommunicado and without charge for 6 months—or until the trial at which they must appear is over—whichever is shorter. The Section also gives the Attorney General powers to issue an order preventing the release on bail of anyone charged under the Terrorism Act, Sabotage Act, or related security laws.

States of Emergency have been declared both regionally and nationally from time to time and have provided even more extensive powers of arrest and detention. A State of Emergency declared in the Transkei in 1960 continued in force until 1977. Other Emergencies were declared in the Ciskei in September 1977 and the following month in the Venda "homeland".



TORTURE AND DEATH IN DETENTION



Hoozen Haffjee: post autopsy photo showing injuries on arm

TORTURE

The use of torture by the security police has intensified since the outbreak of disturbances in Soweto in 1976. It is by no means a recent phenomenon. Torture is routinely used during the interrogation of political detainees to extract "confessions" and generally to intimidate the opponents of *apartheid*. Over the past 15 years at least 40 political detainees have died while in security police custody.

Testimonies describe the most common forms of torture as being: brutal physical attacks and beatings; electric shocks; being forced to stand for long periods, sometimes with small stones in the shoes; being forced to assume a sitting position the "invisible chair" for many hours; subjected to murder threats or threats against families; prolonged interrogation and sleep deprivation; psychological disorientation through long-term solitary confinement.

NO INQUIRY

Numerous allegations of torture have been made by former detainees, defendants and State witnesses at political trials. Amnesty International and other organizations have repeatedly urged an independent inquiry into these complaints which are well known to the Government. The invariable Government response has been that such allegations are groundless and an effective independent inquiry has been refused. They have also refused to repeal legal provisions which appear to invite, and even incite, the abuse of detainees by security police.

Reports detailing torture allegations have been banned as "undesirable" publications for instance, a report published in April 1977 by the Christian Institute of Southern Africa entitled *Torture in South Africa*.

GOVERNMENT APPROVAL OF TORTURE

The pattern emerges of tacit Government approval for continued security police use of torture. Security police work unchecked and have been responsible for the deaths of detainees in their custody. This was almost certainly the case with the following detainees who, among others, died in 1976-77:

Joseph Mdluli—killed within hours of his arrest by Durban security police in March 1976. Four policemen were charged with culpable homicide following the international publication of photographs showing extensive injuries on his body. Although it appears that he was killed by his interrogators they were acquitted for lack of evidence and the State refused to initiate further prosecutions.

Mapetla Mohapi—Black Consciousness leader found hanged in Kei Road Prison, Kingwilliamstown on 5 August 1976, three weeks after his detention under the Terrorism Act. Two doctors who attended a post-mortem on behalf of his family were themselves detained shortly afterwards and held without charge for four months. At an inquest in July 1977, Tenjiwe Mrintso, a former detainee, described how security policemen had almost suffocated her and then said "Now you see how Mapetla died". Both Mohapi's wife and a handwriting expert testified that an alleged suicide note produced by the police had not been written by Mapetla Mohapi.

George Botha—a 30-year-old schoolteacher who died five days after his arrest on 10 December 1976. He was alleged to have jumped 6 floors to his death while being escorted from one room to another at Port Elizabeth security police headquarters. Despite the testimony of a pathologist at the inquest that he had suffered extensive injuries 2 to 6 hours before his death, security police denied assault or ill-treatment of George Botha while in detention.

Steve Biko—founder of the Black Consciousness movement. Held at Port Elizabeth, he was taken to Pretoria, naked and in chains, the day before his death on 12 September 1977 almost a month after his detention under Section 6 of the Terrorism Act. When announcing Biko's death, Minister of Justice James Kruger claimed he had died 7 days after starting a hunger-strike. After this version was publicly challenged by Donald Woods, editor of an East London newspaper, and others, Kruger denied he had claimed the hunger-strike was the cause of death but refused to publish the official post-mortem report. Press reports that the post-mortem had revealed extensive brain damage led to the suppression of the main black newspaper, *The World*, and the detention of its editor. Donald Woods was silenced by the imposition of a 5-year banning order. Security police admitted at the November 1977 inquest that Biko had been kept naked and in chains and assaulted during interrogation. He died from head injuries, yet the police were absolved by the inquest magistrate.

At least 16 other political detainees died in custody between March 1976 and November 1977: **Luke Mazwembe, Ernest Mamasila, Wellington Tshazibane, Nanaoath Nshuntsha, Aaron Khoza, Hoozen Haffjee, Bayempin Mzizi and Bonaventura Malaza**—all are alleged to have hanged themselves. **Matthews Mabeane and Phakamile Mabija**—alleged to have died when they fell or jumped from the upper storeys of security police buildings. **Dumisani Mbatha, Thabo Mosala, Lawrence Ndzanga, Elmon Malele, Samuel Malinga and Elijah Loza**—all said to have died from "natural causes".

This series of deaths has provoked no effective action to remedy the situation nor even expressions of regret from the South African Government. Detainees continue to be held incommunicado and without protection—no thorough and independent investigations have been held into complaints against the security police.

BANNING

More than 170 people from all racial groups are now restricted under "banning orders". This number includes several people who are widely regarded as leaders of the black population such as Winnie Mandela, wife of imprisoned ANC leader Nelson Mandela, and Barney Pitso, a founder of the Black Consciousness movement. Steve Biko had been "banned" for 4 years until his death in detention. Well-known critics of *apartheid* are also banned like Dr Beyers Naudé and Reverend Theo Kotze of the Christian Institute and Donald Woods, editor of the East London *Daily Dispatch*. Churchmen, journalists, teachers, students and former political detainees are currently listed as banned.

banned people are neither charged nor brought before a court. Banning orders are administratively imposed by the Minister of Justice usually for periods of 5 years and are frequently re-imposed when they expire. No court of law can question the validity of such orders or instruct the Minister to lift or amend the restrictions. The only authority of the courts is in fining or imprisoning those who contravene the terms of banning orders.

The Government gives no specific reasons for imposing a banning order; the Minister of Justice merely asserts that the person was engaged in activities that could "endanger the maintenance of public order". Nor does this assertion need to be proved under the terms of the Internal Security Act.

PRISON CONDITIONS

Approximately 450 convicted political prisoners are currently serving sentences in South Africa mostly Africans but including people from all racial groups. They are imprisoned for violent and non-violent offences against the security laws and include several prominent black political figures including ANC leaders Nelson Mandela, Govan Mbeki and Walter Sisulu all imprisoned for life, and Black Consciousness leaders like Saths Cooper, Strini Moodley and Dr Aubrey Mokoape. The Namibian nationalist leader, Toivo Hermann ja Toivo, is also imprisoned in South Africa.

TREATED WORSE THAN CRIMINALS

A harsh and uncompromising attitude is adopted towards political prisoners. They are denied many rights and privileges usually given to criminal prisoners, even habitual offenders most categories of which receive remission of one third of sentence, may read newspapers and listen to radio broadcasts periodically. Political prisoners receive neither remission nor parole, they are subject to a complete news ban. Heavy censorship prevents even general news filtering through to prisoners.

Upon entering prison all political prisoners are classified according to their social, political or criminal background. Political prisoners are usually given the lowest grade D—which is normally reserved for habitual criminals. They are rarely upgraded. This grade determines their entitlement to diet, clothing, equipment and privileges. Category D prisoners may only receive 1 half-hour visit per month and receive 1 letter. The great distance between Robben Island, the main political prison, and most prisoners' homes means that most prisoners receive only one visit a year or less. Relatives fear harassment by security police and prison staff and even when visits do occur there can be no physical contact, only closely supervised discussion of personal and family matters is permitted through a wire mesh screen.

Racial Discrimination: continues even in prison. Black political prisoners are held at Robben Island maximum security prison, whites in a maximum security section of Pretoria Prison. Racial factors determine the treatment of prisoners. All whites are given divan beds and mattresses, black prisoners are given only sisal mats and blankets. Beds are given only for health reasons and when recommended by the Prison Medical Officer. Diet too is determined by race. This is commonly interpreted as an attempt to emphasise the inferior status of blacks and to divide black from white political prisoners.

Robben Island known as "the Island" and located several kilometres off the Cape Town coast it has historically been a place of imprisonment. It became notorious from 1960 onwards after the maximum security prison was built and information started to reach the outside world showing the harsh conditions suffered by political prisoners. These were particularly severe in the mid 1960s with frequent acts of brutality as the all-white prison staff tried to break the spirit and resistance of their black prisoners. Prisoners are forced to do heavy manual labour despite their meagre diet. In recent years international pressure has caused the authorities to make some material improvements but there is still clearly a desperate need for further action in many areas. Medical facilities are inadequate, the food is poor, letters are delayed, educational study is restricted, visits are infrequent and the staff are generally unsympathetic. Prisoners often complain about the news ban.

Life Sentences are being served by at least 38 prisoners. Like all political prisoners they have no prospect of parole or remission of sentence. Unless there is a change of policy they will die in prison.

Additional punishments are often imposed upon political prisoners when released. They are normally banned and banished to isolated "resettlement areas" like Illingi and Dimbaza in the Eastern Cape where they cannot find work, are harassed and under constant police surveillance.



CIVILIAN KILLINGS: AFTERMATH OF SOWETO

Hundreds, perhaps thousands of people were killed during the widespread civil unrest of 1976-77. Most of the dead were black shot by police during the disturbances in Soweto, Langa and other black townships. Many were schoolchildren. On 16 June 1976 police opened fire without provocation on unarmed black school students demonstrating against the use of Afrikaans as the official teaching language.

Disturbances continued into 1977 and spread throughout the country. It is impossible to be certain how many people were killed since the Government refused to issue figures or publish lists of the dead and injured. Instead, Government Ministers and officials tried to conceal the full extent of the killings. Press estimates indicate that at least 500 people were killed in the second half of 1976 the real figure is probably much higher.

Brutality by the police has been alleged by numerous witnesses to the disturbances—all of which have been ignored or denied by the Government which has taken action against those who made the claims. At least 15 black journalists who reported the Soweto riots were detained without trial for up to 4 months. In Cape Town the Reverend David Russell was prosecuted for publishing a report giving eye-witness accounts of random killing by the riot police. It claimed that at one stage riot police urged black migrant workers to attack neighbouring township residents and assisted by pointing out people to be killed. The report was banned and in October 1977 the Reverend Russell was banned for 5 years under the Internal Security Act.

The Minister of Justice, James Kruger, gave the official figures for arrests in September 1977. He said that 2,430 people had been arrested since the beginning of the disturbances.

BANNING AND BANISHMENT

Banned people are usually subjected to the following restrictions:

- House arrest usually from 6 pm to 6 am weekdays and from 12 am Saturdays to 6 am the following Monday morning. There is at least one case of 24-hour house arrest.
- Restriction to the district in which they reside.
- Prohibition from attending any social, political or other gathering where more than 2 people are present.
- Prohibition from communicating in any way with other banned people.
- They may not be quoted publicly or privately, either orally or in writing.
- They may not prepare, or assist in, the preparation of any publication.
- They may not enter any factory, school or university.
- They have to report to police either daily or weekly.
- They may be prohibited from receiving visitors at their homes.

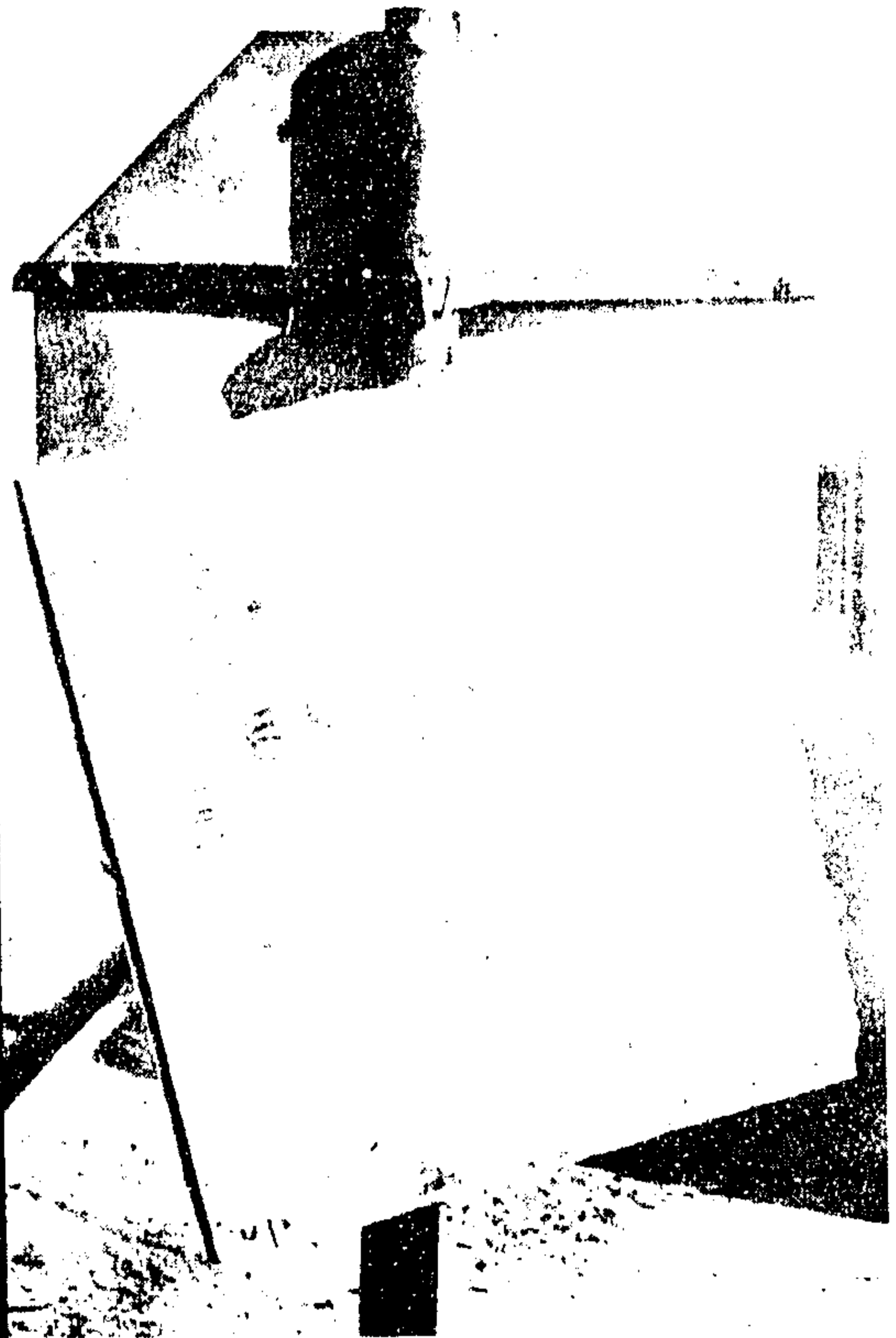
BANISHMENT

Banned people are often banished to remote parts of South Africa. For example, when banned in April 1977, Dr Mamphele Ramphele, a prominent member of the Black Consciousness movement, was restricted to a village near Tzameen 1,000 kilometres from her home in Kingwilliamstown. Winnie Mandela's banning order was amended in May to restrict her to Brandfort, 350 kilometres from Soweto where she had lived for more than 15 years. The use of banning orders permits the Government to punish opponents of *apartheid* without recourse to the courts. As such it is an extremely repressive tool for the control and suppression of political opponents.

WHAT YOU CAN DO

International pressure has had some effect in improving the immediate conditions of political prisoners in South Africa. If you want to help in this effort write to the South African Prime Minister:

Hon. B.J. Vorster
Prime Minister
Union Buildings
Pretoria
South Africa



- appealing for the release of political prisoners in South Africa
- urging the repeal of all repressive and discriminatory legislation
- pressing for an inquiry into allegations of torture and the deaths in custody of political detainees.

Send similar letters to the South African Embassy in your country.

If you want to be actively involved in the campaign to free political prisoners in South Africa contact the Amnesty International National Section in your country or your local Amnesty group.

AMNESTY INTERNATIONAL is an international Human Rights organization
which campaigns for the release of all Prisoners of Conscience

Published by Amnesty International Publications, 10 Southampton Street, London WC2E 7HF, England
© Amnesty International Publications January 1978. AI Index: PUB 82/00/78. Original Language: English
Printed in Great Britain by Russell Press, 45 Gamble Street, Nottingham NG7 4ET, England

