

TOTALITARIANISM - DETENTION

~~ED~~ 1 MARCH 1982 - 31 MARCH '82

Kikine

in 'good'
condition

Mercury Reporter

THE condition of Mr Sam Kikine, general secretary of the 85 000-strong South African Allied Workers' Union who was admitted to St Augustine's Hospital on Wednesday is 'good', an authoritative source said yesterday.

The same source said that no restrictions had been placed on treatment, though Mr Kikine was under police guard.

A legal representative for the Kikine family, who did not want to be named, said Mr Kikine was undergoing psychiatric treatment. While he was not allowed visitors, immediate family had been permitted to see him.

When asked why Mr Kikine was in hospital, Brig J R van der Hoven, head of the Security Branch at C R Swart Square, said it was for the doctors and myself to discuss.

CAPE TIMES 1/3/82

Concern of UCT staff on detained

Staff Reporter

THE death of Dr Neil Aggett in detention and the admission of four other detainees to specialist psychiatric wards confirmed misgivings on the effects of detention without trial expressed in December 1981 by staff members at UCT's Department of Psychology. 12 members of the department said in a signed statement on Saturday.

They said they had challenged the Minister of Police at the time to institute an independent, professional inquiry into detention without trial and related issues, but there had been no response.

"On December 5, we expressed our grave concern, as psychologists, at the likely immediate and delayed effects of detention without trial, and of solitary confinement, on the mental health of detainees, their families and on the population as a whole," they said.

"We challenged the Minister of Police to institute an independent, professional inquiry into these and significant related issues, which we elaborated at that time, but there has been no response to our challenge."

'No improvement'

They said the recent events concerning detention without trial confirmed misgivings expressed earlier and evidenced the seriousness of the effects of detention practices.

"The inadequacy of existing provisions for ensuring the health of detainees is obvious and the recommendations of the Rabie Commission do nothing to improve the situation."

The 12 psychologists said it was essential that all detainees be provided with regular access to psychiatric or clinical psychological care.

"This is especially true in the case of mental health. The occasional visit of a State-appointed district surgeon is no safeguard of the psychological health of those held in solitary confinement."

In addition to their challenge of last year, they posed the following questions to the minister:

- Why are the services of independent psychiatrists or clinical psychologists to regularly monitor the mental state of detainees not allowed?

- Why are detainees not permitted to see medical practitioners of their own choice?

"It is with considerable misgivings that we must construe that these basic human rights are denied because there is a need to conceal the realities of current detention practices."

"What evidence can the Minister of Law and Order offer which would reassure us (and the public) to the contrary?" the psychologists, headed by Associate Professor Arnold Abramovitz, asked.

Political Staff

THE Government was obviously using the Terrorism Act to detain political opponents and not only terrorists, Mr Harry Pitman, MP (PFP Maritzburg North) said today.

Mr Pitman made the claim today following the refusal of the Minister of Police, Mr Louis le Grange, to answer a question in Parliament on detentions last week.

Mr Pitman had asked Mr le Grange how any people who had been detained under Section Six of the Terrorism Act had been charged and convicted over the past four years.

Mr le Grange replied: 'In view of the volume of work involved in collecting and compiling the

Terror Act used to detain opponents—MP

particulars asked for, I consider it to be impracticable to furnish the information required.'

In an interview Mr Pitman said: 'This is absolute nonsense. The Government told Mrs Helen Suzman last week in reply to another question that 6 000 people had been detained since the inception of the act.'

'The department knows exactly how many people

had been charged and convicted each year under the Terrorism Act. Nothing comes easier than to establish that.

'This is a clear case of evasion. There is no other conclusion that one can come to other than the answer would be embarrassing to the Government.'

'The reason seems clear. Mr le Grange is

evading the question because the Act is being used to detain and intimidate political opponents and not to interrogate terrorists.'

Mr Pitman said the refusal of Mr le Grange to answer the question followed the pattern of behaviour of other Cabinet Ministers who were regularly refusing to answer questions on politically sensitive matters.

ARGUS 1/3/82

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Condition of four detainees is 'stable'

By STAN MAHER

THE condition of four detainees in the Johannesburg Hospital was yesterday described as "stable" by a hospital spokesman.

The detainees are Dr Liz Floyd, girlfriend of the dead trade unionist, Dr Neil Aggett; Mr Thozamile Gqweta, Mrs Esther Levitan and Miss Rene Roux.

"We are not worried about their condition," the spokesman said.

A spokesman for the SAP Public Relations Directorate said the security police would not comment on detainees' conditions, saying that this was a matter for the Department of Health and the medical staff concerned.

Dr Floyd, aged 26, from Jeppe, Johannesburg, has been in hospital since she collapsed soon after Dr Aggett was found hanged in his detention cell in John Vorster Square on February 5.

Mrs Levitan, a grandmother in her late 50s, was taken to hospital with a respiratory complaint on February 15. She is a member of the Black Sash and secretary of the SA Zionist Federation.

Miss Roux was admitted to hospital a week earlier than Mrs Levitan. Both women are being held under Section 6 of the Terrorism Act.

Mr Gqweta, who is also being held under Section 6, is president of the South African Allied Workers Union. He was taken to the hospital's psychiatric ward a week ago after two months in detention.

SAAWU's general secretary, Mr Sam Kikine, also held under Section 6, was taken to the psychiatric ward of a Durban hospital after having been detained since November 28.

A hospital spokesman last night referred inquiries about his condition to the doctor treating him.

Relatives have described him as being in "bad psychological shape".

A third SAAWU official, Mr Eric Mntonga, from the union's East London branch, is said to have been admitted to hospital. Neither the police nor the hospital spokesman had heard of him.

SOLUTION TO: GLS

ACCOUNTING A

(1) Premiums Treated as Business Expense

01, Jan 1: Insurance Expense

Bank

being payment of premium

Dec 31:

Income Statement

Insurance Expense

being closing entry

Years 02 and 03 - same as 01

04, Jan 1: Insurance Expense

Bank

Jan 2: Debtor (Insurance Company)

Income from Life Policy

being accrual of proceeds receivable

Jan 2: Income from Life Policy

Income Statement

being closing entry

New date set for Aggett inquest

Star 2/3/82 329

The inquest into the death of Dr Neil Aggett was today postponed to April 13 to enable Dr Aggett's family to petition the Minister of Police to allow other detainees to be interviewed by lawyers.

The application for postponement was made by Mr George Bizos SC who is appearing on behalf of Dr Aggett's family.

He told the magistrate, Mr L de Kok, that fellow detainees who were near Dr Aggett at the time of his death would be able to give information essential to the inquest.

Mr Bizos also said that a postponement was necessary so that the legal team for the Aggett family could inspect the cell in which Dr Aggett died, the adjacent cells and the interrogation rooms.

"The information available to us at this date is that at the time of Dr Aggett's death, he was in the immediate vicinity of persons other than police officers. We have reason to believe that these persons have vital information and we want to make it clear that unless we are given access to them, we will not be able to make a meaningful contribution to the inquest."

"It is with great reluctance that I am going to accede to the request from interested parties for a postponement to April 13 and basic reason for this is that it is in the interest of the public and justice that the case be heard as soon as possible," said Mr de Kok.



Senior Counsel for the Aggett family Mr George Bizos leaves the court accompanied by Dr Neil Aggett's sister, Mrs Jill Berger.

sible," said Mr de Kok. Mr Bizos told the court that the family did not have affidavits from policemen who were in charge of Dr Aggett.

Mr de Kok assured Mr Bizos that he would have access to the documents as soon as the court rose.

Mr P J Sehabont, SC, who appeared for the Minister of Police and the South African Police, said he would have to receive instructions from the Minister regarding the inspection in loco and interviews with detainees.

Mr de Kok said that as far as the inspection in loco of the cells was concerned, the authorities would have to be given time to make alternative accommodation available for other detainees.

Mr Bizos had asked

that the inspection be held today as the circumstances could alter.

Mr Bizos also asked for an immediate inspection of the cells and interrogation rooms at Security Police headquarters in John Vorster Square.

Mr de Kok refused, saying he would consider it when the inquest reconvenes on April 13.

Legal counsel for both parties agreed that the hearing be started "as soon as possible."

When legal representatives of both the Aggett family and the Minister of Police entered Court 18 this morning, the gallery was full.

Mr George Bizos SC and Mr D Kuny, instructed by Mr William Lane of Bell, Dowd and Hall, appeared for Mr and Mrs J A F Aggett, parents of Dr Aggett. Mr P G Haasbroek and Mr H G de Vries appeared for the State to assist in leading of evidence. Mr B J Sehabont SC and Mr S F Burner appeared for the Minister of Police and South African Police.

SOLUTION TO: GL5

(1) Premiums Treated as Business Expense

01, Jan 1: Insurance Expense	300
Bank	
being payment of premium	

Dec 31: Income Statement	300
Insurance Expense	
being closing entry	

Years 02 and 03 - same as 01

04, Jan 1: Insurance Expense	300
Bank	

Jan 2: Debtor (Insurance Company)	24 000
Income from Life Policy	
being accrual of proceeds receivable	

Jan 2: Income from Life Policy	24 000
Income Statement	
being closing entry	

Jan 2: Income Statement	300
Insurance Expense	
being closing entry	
Jan 31: Bank	24 000
Deb	
being	

(2) Premiums Treated	300
01, Jan 1: Life Ban	

Dec 31: Income Statement	300
Insurance Expense	
being closing entry	

Detainee warning for State

Mail Reporter

THE State would have to take note of the psychological consequences of indefinite detention and solitary confinement.

This warning has been sounded by the South African Psychological Association.

It also called on the Ministers of Police and Justice to view statements made by detainees in the same light as statements made under physical duress.

The association said in a statement that symptoms shown by detainees were the same as those shown by mentally disturbed people.

It said statements should be treated with scepticism. Research showed people in solitary confinement could not think coherently or remember accurately.

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Continued/

Biko - startling new facts

THE conduct of only one of the three doctors who treated Steve Biko before his death was investigated at an inquiry by the Medical Association of South Africa (Masa). The fact that he was not found guilty of disgraceful or improper conduct does not necessarily mean he was regarded as entirely blameless.

These facts emerged from an investigation by a Cape Town newspaper into the manner in which the Cape Midlands branch of the association came to the decision, which was accepted by its federal council — a decision which has not only been a source of controversy ever since, but also confusion.

The investigation established that the main points of confusion and misinterpretation have been:

- That Masa had exonerated all three doctors mentioned.
- That the decision of Masa's, and that of the South African Medical and Dental Council, not to act against the Biko doctors was the same one.

In reality the conduct of only one of the three doctors, namely Dr Benjamin Tucker, a district surgeon, was considered by Masa.

The other district surgeon concerned, Dr Ivor Lang, is not a member of Masa. The third doctor, Dr Colin Hersch, specialist physician, is a member, but the complaint did not question his merits for continued membership.

The decisions by Masa and the SAMDC, show certain parallels, and, in a sense, shortcomings.

Both decisions were based on conclusions arrived at by small committees of the parent bodies. Both committees also based their decisions, to a large extent, on studying a limited part of the record of the inquest.

In connection with the Masa decision, the following facts have now been established:

- The complainants were so keen to "score" against one man that, in correspondence, pressure was put on the committee to see the issue in a certain way. Members were, for instance, encouraged to read certain newspaper reports, described as "biased".

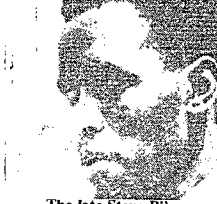
- Some of this correspondence, now being referred to in Masa as "not documents", will be available if an open inquiry into the issue is held.

- Although the impression was afterwards created

that the Ethics Committee had the full record of the inquest proceedings, they in fact had only three of the 23 volumes.

- Only three sets of the lengthy volumes were available to the four members who had to go through them in a limited time.

- All the members of the Ethics Committee would have



The late Steve Biko

'Evidence' was incomplete

preferred to have had access to the complete inquest record.

The Ethics Committee did not invite Dr Tucker to testify before them. They believed if they had he would not have agreed because of pressure on him from certain Government circles.

- The members knew of the three doctors in question and had had personal discussions with them, which to a certain extent must have influenced judgement.

A special inquiry held later

by Masa revealed that doctors Lang and Tucker were forbidden by the Department of Health to appear before the Ethics Committee.

The members of this inquiry, however, found that Dr Langs medical certification of Mr Biko just before his death was "unsatisfactory and incomplete".

Although members of the Ethics Committee have not been prepared to comment about their inquiry, which was held in camera, two of them have said that they believe important facts about the case had not come to light.

Said one, who would not be named: "There is a lot of ignorance about what has happened. But even with more evidence our decision about Dr Tucker would have been the same."

One member of the committee spoken to said that if representatives for Biko's family had allowed the medical evidence at the inquest to proceed more spontaneously, additional important facts would have emerged.

"The only way these facts can come to light, and a satisfactory conclusion be reached, is through a full appraisal of all three doctors by the body with jurisdiction over all three, the Medical and Dental Council", said the man.

Trade unionist who died in detention

AGGETT INQUEST

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Sweetan
2/3/82

THE inquest into the death of detained trade unionist, Dr Neil Aggett, opens in Johannesburg today.

Neil Hutchin Aggett (28), was found dead in his Security Police headquarters cell at John Vorster Square in Johannesburg on February 5.

Police said he had hanged himself.

The Transvaal sec-

retary of the African Food and Canning Workers' Union. Dr Aggett was detained in terms of Section 22 of the General Laws Amendment Act in November last year during a Security Police swoop.

Two weeks later, he was re-detained under Section Six of the Terrorism Act.

Neil Aggett was the

SA PRESS ASSOCIATION

46th person to die in detention since 1963 and the names of the dead were read out by Bishop Desmond Tutu, Secretary General of the South African Council of Churches, at an emotion-charged meeting in Johannesburg a week after the trade unionist's death. The meeting, called

to mourn Dr Aggett, was one of many held around the country in the wake of his death.

His death resulted in accusations that a vendetta was being waged by Government authorities against certain trade unions.

Mourning

Dr Aggett's death in solitary confinement also resulted in nationwide work stoppages of up to half an hour after his union had called for a "day of mourning".

Union spokesmen estimated 52 000 workers in some 83 factories supported the stoppages. Where there was not direct support for the stoppages from

employers, many "turned a blind eye" to them.

When Dr Aggett was buried eight days after being found hanging in his cell, about 2000 people attended the service at St Mary's Cathedral in Johannesburg.

Afterwards a group of about 1200 marched ahead of the funeral procession.

Although peaceful, mourners swamped traffic lanes on both sides of the road in defiance of police. National Party municipal election posters were torn down.

Police kept a low profile and did not intervene. The arrival of riot police spontaneously subdued much of the chanting and singing.

Trott Moloto in colour

YOU can only get them inside your Only Daily Newspaper, The SOWETAN. Pics of your favourite football stars, that is. And in full colour to frame or hang in your room.

Tomorrow we will have a portrait of

Moroka Swallows Limited Captain Trott Moloto, the 14th in our series of Sports Stars in your bright and breezy newspaper, The SOWETAN.

So don't miss it. It will also be packed with news around the

world, hot tips for the racing fans and lots of soccer stories of your clubs.

Only in The SOWETAN can you get such free offers. Not forgetting a chance to win yourself a R1000 Telefunken TV set.

ACCOUNTING A

SOLUTION TO: GL5

(1) Premiums Treated as Business Expense

01, Jan 1: Insurance Expense

300

Rhodes men 'weren't real revolutionaries'

CAPE TIMES 2/3/82 (M) 229

Own Correspondent

PORT ELIZABETH. — Rhodes University lecturer Guy Berger and journalism student, Devandiren Pillay, had dabbled in Marxist theory but were not the serious revolutionaries a Port Elizabeth magistrate appeared to have considered them, it was stated in the Grahamstown Supreme Court yesterday.

Berger, 25, and Pillay, 21, are appealing against their prison sentences of four years and two years

respectively for membership of the banned African National Congress and for activities which furthered its aims.

Judgment was reserved yesterday after Mr Justice Kanne Meyer and Mr Justice Howie had been told that both men had been in jail since sentence was passed in the Port Elizabeth Regional Court in March last year. Both were in detention for seven months before trial.

Mr Denis Kuny, appearing for Berger and Pillay, said yesterday that their sentences were disproportionately heavy in relation to the nature of their conduct, "which, when you boil it down, does not amount to very much".

"Unfortunately, when it comes to dealing with political offenders, there is a tendency to see their offences in the most serious possible light because the country is considered to be in danger and people mustn't rock the boat."

He said Berger and Pillay were not real revolutionaries who advocated violent action, but "dabblers". Berger, who was an intellectual, had never denied that he applied the Marxist tool of analysis to the South African situation, but this did not mean that he favoured the violent overthrowing of the State.

Mr Kuny said their conviction on the count of being members of the ANC was based on a presumption drawn from the ac-

tivities of which they were convicted on the second count.

The magistrate had misdirected himself by sentencing them separately on each count, and in the case of Berger by making the sentences run concurrently.

Berger, a lecturer in the journalism department, had organized study groups on Marxism, sent material on trade unions, to a friend in Botswana and discussed the ANC with friends.

"One wonders how mere discussions can be considered so sinister when the ANC is an organization which receives a high profile in newspapers and is hardly a forbidden subject."

Mr Kuny said the people who attended the seminars were students able to think for themselves and that Berger's activities should be seen in the light of a university environment, which encouraged discussion and analysis.

Berger's attitude had been that of an intellectual and the trade union material he had collected had formed part of a thesis which was highly theoretical in nature. It had not been shown at the trial that he was aware that the material he sent to Botswana would be used by the banned South African Congress of Trade Unions, Sactu, and that Sactu was the "trade union arm" of the ANC.

Pillay's activities, which involved formulating a code, discussing a demonstration against a rugby match and proposing a boycott of the Indian Council elections, also did not amount to a great deal, Mr Kuny said.

The code he had worked out with a man called Raj was never brought into operation and Pillay had done nothing at all about the proposed boycott and demonstration.

"These activities were all stillborn," Mr Kuny said.

Mr W L Kingsley, for the State, said the offences for which the two had been convicted had been viewed correctly by the magistrate as extremely serious ones.

Berger had clearly supported the ANC's violent objectives, as he read books on Marxism and guerilla warfare and propagated a total change in the status quo.

Berger's attitude was demonstrated in court when he said he believed South Africa's problems were not only political in nature but economic as well, and that the more he read the more convinced he became that a form of socialism would provide a more equitable solution.

Interjecting at this point, Mr Justice Howie said he wondered "what all this" amounted to. "Does it amount to anything we could not have heard in Parliament yesterday?"

Aggett inquest begins

OWN CORRESPONDENT

JOHANNESBURG. — The inquest on trade unionist Dr Neil Aggett begins at 10am today in the Johannesburg Magistrate's Court.

Dr Aggett, who was detained on November 27, 1981, was the 46th South African to die in security police detention since 1963. He was found dead in his cell at John Vorster Square at 1.30am on February 5. Police said he hanged himself.

Dr Aggett's death led to a deterioration in relations between the State and the trade union movement. About 85 000 workers around the country downed tools for 30 minutes to mourn his death.

UCT

Argus Bureau

THE ARGUS, TUESDAY MARCH 2 1982

Rhodes lecturer, student appeal

16/04/82 2/3/82

(329) (530)

PORT ELIZABETH. — Judgment has been reserved in the appeal by Rhodes University lecturer Guy Berger and ninejournalist student against their jail sentences under the apartheid security laws.

Berger, 25, and Pillay, 21, are serving effective four and two years sentences respectively, for membership of the banned African National Congress and for active participation in the last year.

By then both had been action, but were in detention for seven months.

Mr. Dennis Kuny, for the two men, said their sentences were disproportionate to their conduct which does not amount to very much. The two men were not serious revolutionaries who advocated violent study groups on Marxism, Berger had organised

tab sent material on trade unions to a friend in Botswana and discussed the ANC with friends. It had not been proved that he had sent the material to Botswana.

Their conviction on the count of being members of the ANC was based on a presumption drawn from the activities of which they were convicted on the second count. Therefore, the sentences should run concurrently rather than consecutively, Berger had organised

striation against a rugby match and proposed a boycott of the Indian Council elections.

Mr W L Kingsley, for the State, said the two men's offences had been aggravated correctly by the magistrate as extremely serious.

After arguing to the contrary, Mr Kingsley later conceded that as the count rose from the other the sentences should have run concurrently.

Aggett lawyers
Arrens 2/3/82 329
want to see cells

329.

—**JOHANNESBURG.** The inquest on Dr Neil Aggett was postponed today to April 13 to let Dr Aggett's family petition the Minister of Police to allow fellow detainees of Dr Aggett to be interviewed by lawyers.

He told the magistrate,

Mr Bizos also said a postponement was necessary in order that the legal team for the Aggett family could inspect the cell in which Dr Aggett died on February 5 at

than police officers. We have reason to believe that these persons have vital information and we want to make it clear that unless we are given access to them, we will

de Kok said that as the inspection of the cells returned, the authorities have to be given to make alternative accommodation available.

It is with great reluctance that I am going to accede to the request that the inspection in loco be held today because if it were not, the circumstances would alter.

The hearing was held in Court 18 at the Johannesburg magistrates' court. The gallery was

The parents of Aggett, Mr and Mrs J. E. Aggett, are in C. Town and did not attend today's hearing. They were represented in court by Mr. J. J. Aggett.

Dr Bizos told Mr de Kock that the family was possible owing to the world-wide publicity in this matter.³ (Contd on Page 3, col 1)

(Contd on Page 3, col 1) ✓

Aggett ^{2/3/82} ₃₂₉

(Continued from Page 1)

not in possession of affidavits from policemen who were in control of Dr Aggett at the time of his death.

Mr de Kok assured Mr Bizos that he would be able to have access to the documents as soon as the court rose.

Mr P J Sehaboit SC, who appeared for the Minister of Police and the South African Police, said he would have to receive instructions from the Minister regarding the inspection in loco and interviews with detainees.

Mr George Rios and Mr Willem van der Merwe, Mr W. K. Lane, of Balfour and Hall, appeared for Dr Aggett. The parents of Dr Aggett, Mr G C Haasbroek and Mr H G De Vries appeared for him. Mr J J Burger appeared for the Minister of Police and Mr S F Simmer appeared for the South African Police.

KIKINE VISITED

DETAINED trade unionist Mr Sam Kikine, who is receiving psychiatric treatment in a Durban hospital, was visited yesterday by Rev Rod van Zuylen, chairman of the Durban Central Regional Council of the Anglican Church.

Mr Van Zuylen said Mr Kikine was obviously under sedation, but participated in a private service he held for him in the presence of police guards. 3/5/82

"I met with no opposition from police or hospital staff and he is obviously in good hands, responding well to treatment," Mr Van Zuylen said.

He said he had left a Bible and prayer book with Mr Kikine and had told the police and medical staff he would visit him again. (329) (477)

3/3/82 **Vaal Cosas three 'detained'** 329

THREE executive members of the Vaal branch of the Congress of South African Students (Cosas) are believed to be in security police detention.

The three, Mr Gcina Malindi, Mr Lucky Twala and executive committee member Mr Tsheko Johnson, disappeared from their homes in Sebokeng and Evaton on Monday morning.

Later the same evening the families of Gcina and

Lucky received reports that they had been detained by the security police. The three's disappearance follows reports that the March rent increases in the Vaal were met with violent protest by youths in the area.

People who went to the superintendents' offices to pay their monthly rentals are said to have been stopped by groups of youths who discouraged

them from paying.

Lucky's mother, Mrs Alzinah Twala, said white policeman came to her home on Monday night and told her that her son had been detained. Police said he had been picked up in Zone 13 Sebokeng that morning.

A police spokesman yesterday said the three detentions could not be confirmed.

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 r so as to
 from the life
 edited direct

Note 2:

At the end of year 03, the life policy would be reflected on the partnership balance sheet as a non-current asset at the surrender value of R100.

Note 1:

03, Jan 1: Life Policy	300				
Bank					
Income Statement	60				
Life Policy					
Policy written down to surrender value					
(See Note 1 below)					
04, Jan 1: Life Policy	300				
Bank					
Jan 2: Debtor (Insurance Company)	24 000				
Life Policy					
Income from Life Policy					
being accrual of proceeds receivable					
Income from Life Policy	23 460				
Income Statement					
being closing entry					
Jan 31: Bank	24 000				
Debtor					
being receipt of proceeds					

Year 02 - same as year 01

(2) Premiums Treated as an Asset - Cont'd:

Union

official held

Star Labour Reporter

Another official of the General and Allied Workers Union (Gawu) has been detained by the Security Police.

Mrs Mary Niseke, secretary for Gawu in Johannesburg, was detained under section 22 of the General Laws Amendment Act yesterday morning. She is being held at John Vorster Square.

Her detention was confirmed by Security Police headquarters in Pretoria.

Aggett: Bid for detained to testify

CAPE TOWN

3/3/82 (329)

Own Correspondent

JOHANNESBURG. — Counsel representing the family of trade unionist Dr Neil Aggett at his inquest want security detainees to give evidence when the hearing resumes on April 13.

A postponement was granted yesterday by the magistrate, Mr Lourens de Kock, to allow the Aggett family's lawyers to apply to the Minister of Police for permission to obtain "vital information" from Dr Aggett's fellow detainees.

During the 35-minute hearing, Mr De Kock refused a request by the counsel, Mr George Bizos, for an immediate inspection *in loco* at John Vorster Square because "it would surprise people".

The inquest on Dr Aggett began 15 minutes late, at 10.15am at the Johannesburg Magistrate's Court in a tiny courtroom so packed that many had to stand in the aisle and doorway.

The press benches were crammed with representatives from the local and international press. Before the inquest, several television crews filmed an hour-long placard demonstration by the Detainees Parents' Support Committee outside the building.

Mr Bizos said at the outset that "no useful purpose would be served as far as the family was concerned" unless their lawyers had access to witnesses they believed had vital information, about Dr Aggett's death.

Those witnesses were detainees who were being

held in terms of Section 6 of the Terrorism Act at John Vorster Square, where Dr Aggett was found dead in his cell by police at 1.30am on February 5.

"We know access to these people is prohibited," said Mr Bizos. "But unless we are given access to detainees we won't be able to make a contribution to the proceedings. We intend to apply to the Minister of Police to use detainees as witnesses."

In reply to the magistrate's question on what power he as magistrate had to grant this, Mr Bizos said: "Your duty is to have the fullest possible inquiry. Any impediment to this is not a full or meaningful inquiry."

Mr Bizos said people other than police could not be precluded from giving evidence. It was "quite clear" that detainees had information about the death of Dr Aggett.

Mr Bizos also asked for an immediate inspection *in loco* of Dr Aggett's cell and interrogation room or rooms.

Mr De Kock — who can grant an inspection in terms of the Inquest Act — said an immediate inspection was not possible, although Mr Bizos had said that any delay would defeat the purpose.

The magistrate said it would not be fair "to surprise people" with an immediate inspection.

"We must give the authorities sufficient time to make alternative accommodation arrangements for detainees at John Vorster Square," he said.

UCT

German union condemns detentions

Staff Reporter

A GERMAN trade union operating in the food and beverage industries has written letters to the South African authorities protesting against the continued detention of South African trade unionists and calling for their release.

The letters, from the Hannover-based Gewerkschaft Nahrung-Genuss-Gaststätten (NGG), were addressed to the Prime Minister, Mr P. W. Botha, the Minister of Manpower Utilization, Mr S. P. Botha, and the Minister of Justice, Mr H. J. Coetsee.

The detained trade unionists, all being held under Section Six of the Terrorism Act, are Thoramile Gqwetha, Sisa Njikelana, Sam Kikine, Eoma Mashinini, Rita Ndzanga, Merle Favis, Allan Fine, Eric Mntonga, Sipho Pitjana and Maxwell Malingozi.

Mr Gqwetha, president of the South African Allied Workers' Union (Saawu), and Mr Kikine, a Saawu official, have recently been admitted to hospital.

The NGG urged the ministers to "contribute to the fulfilment of the International Covenant of Civil and Political Rights". Persons deprived of their liberty should be promptly brought before a judge, entitled to trial within a reasonable period or otherwise released, it said.

UCT

about 80 people attended.

DOM 31382 329
Detainees
left voteless

Mall Reporter

SECURITY detainees will not be able to vote in municipal elections as there are no special or postal votes.

Mrs Helen Suzman, MP for Houghton, said yesterday it was unlikely they would be allowed to go to the polls.

Aggett: bid for evidence of detainees

20M 3/3/82

329

By ANNE SACKS

LAWYERS appearing for the family of trade unionist Dr Neil Aggett at his inquest want security detainees to give evidence when the hearing resumes on April 13.

The inquest opened in the Johannesburg Magistrate's Court yesterday.

A postponement was granted by the magistrates, Mr Laurent de Kock, to allow the family 10 days to apply to the Minister of Police for an order to compel "witnesses of fact" from Dr Aggett's fellow detainees.

Mr De Kock refused a request by counsel for the family, Mr George Bizos, for an immediate inspection in loco at John Vorster Square, where Dr Aggett died, because "it would surprise people".

The inquest on Dr Aggett — the 46th South African to be killed in detention — began in a tiny courtroom so packed that many had to stand in the aisle and doorway.

The Press benches were crammed with representatives of local and international media.

Before the inquest, several television crews filmed a placard demonstration by the Detainees' Parents Support Committee.

Mr Bizos said at the outset: "no useful purpose would be served as far as the family was concerned" unless their lawyers had access to

witnesses whom they believed had vital information about Dr Aggett's death.

These witnesses were detainees being held under the provisions of the Terrorism Act at John Vorster Square, where Dr Aggett died in his cell at 1.30am on February 5.

"We know access to these people is prohibited," he said. "But unless we are given access to detainees we won't be able to make a contribution to the proceedings. We intend to apply to the Minister of Police to use detainees as witnesses, magistrate what power he had to grant this, Mr Bizos said. "You are to have the fullest possible inquiry. Any impediment to this is not a full or meaningful inquiry."

Mr Bizos said people other than police could not be precluded from giving evidence. It was "quite clear" that detainees had information about the death of Dr Aggett.

Mr Bizos also asked for an immediate inspection in loco of Dr Aggett's cell and interrogation room or rooms, saying any delay would defeat the purpose.

Mr De Kock — who may grant an inspection in terms of the Inquest Act — said it would not be fair "to surprise people" with an immediate inspection.

He said, "If the authorities sufficient time to make alternative arrangements for detainees at John Vorster Square," he said.



COMFORTING TOUCH... Mrs Jill Burger, right, sister of trade unionist Dr Neil Aggett, with a friend at yesterday's inquest into his death in detention

Picture: JIHMAN KUNIS

Arrest³²⁹ without trial²⁰¹¹ 'unjust'^{2/3/82}

HOLDING a man without trial in secret and incommunicado was "essentially unjust", according to a statement in the latest issue of the South African attorneys' journal, *De Rebus*, published in Pretoria this week.

The statement was made by a deputation from the legal profession after an interview last month with the Minister of Justice, Mr Kobie Coetsee.

"The concomitant deprivation of such a man's elementary right of access to legal advice and assistance by a lawyer of his choice runs quite counter to the basic principles of natural justice which are deeply imbedded in our common law," said the statement.

"We reiterated to the Minister our abiding concern at the extent to which there has been intrusion by the executive into these deeply held tenets essential to the protection of the individual.

"We also raised with the Minister questions concerning the detention of three attorneys in Natal," said the statement. — Sapa.

Detainee

Day in

329

Mercury

Durban is

3/3/82

March 13

Mercury Reporter

THE Durban Detainees Committee announced yesterday that March 13 has been declared a National Detainee Day which will be marked in Durban by a 24-hour fast and religious vigil, a conference and two special plays.

The Detainee Day 'will be a day of respect to persons incarcerated by the State who have no access to justice', the committee said.

'It is a day for calling on all people to demand the release of those held by the Security Police and the establishment of democratic values by scrapping arbitrary security laws and their inhuman consequences — detention in solitary confinement, physical debilitation and death in detention.'

The build-up to Detainee Day will include a meeting on the university campuses in the Durban area and three days of meetings and workshops at the University of Natal.

On March 12, an inter-faith service will be held to 'mark the start of the fast.'

On Sunday churches in the Durban area will hold a day of prayer for all detainees and their families.

Detained ³²⁹ granny now ^{Sowetan} under Section 6 ^{4/3/82}

By WILLIE BOKALA
A SENAOANE granny who was detained after Security Police had asked a hooded youth in leg irons to identify her, is now being held under Section Six of the Terrorism Act.

Also held under Section Six is a Senaoane youth, who was taken by police the same morning they detained the granny, Mrs Sanah Radebe, late last month.

A spokesman for the police said in Pretoria this week that Mrs Radebe and the youth, Mithuthuzeli Ephraim Madalani, were being held under Section Six.

Madalani was detained at a house in Se-

naoane and he was, according to his father Mr Ernest Madalani, brought home manacled in leg irons by Security Police who searched their house and yard.

The two were detained during a Security Police swoop in Soweto on the morning of February 15.

Mrs Radebe's husband, Geelboy, said police arrived at their Senaoane home at about 3 am that day, surrounded the house, searched inside and in the yard and presented the hooded youth who was asked to identify his wife.

UCT

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Ad. 16618 4/3/62
Minister considering churchmen's request

Own Correspondent

DURBAN. -- The Minister of Justice, Mr Kobie Coetsee, is seriously considering a request from seven leading churchmen in Durban that detainees be allowed visits by ministers of religion.

This information was relayed to Mr Paddy Kearney, director of Diakonia, the Durban based ecumenical agency, by the minister's private secretary yesterday.

Last month, leading representatives of the Christian, Jewish, Muslim and Hindu communities sent a telegram to Mr Coetsee asking permission for ministers of their faiths to visit detainees in Durban.

The detainees are all being held under Section 6 of the Terrorism Act.

The church spokesmen said they were anxious to minister to the detainees in accordance with the sacred writings of each of their traditions.

So far, detainees have been refused visits by ministers of religion, and at the end of last year Diakonia, in conjunction with the Detainees' Support Committee, organized a meeting to inform Durban ministers of the constraints placed upon them.

Three more unionists in detention, page 3

UCT

Three more unionists in detention

329

Own Correspondent
JOHANNESBURG. — Three more trade unionists — including the general secretary of the General and Allied Workers Union, Mrs Mary Ntseke — have been detained in Johannesburg under security legislation.

This means that 13 unionists are now being detained and that 24 have been held over the last year, according to figures given in Parliament by the Minister of Law and Order, Mr Louis le Grange.

In addition, nearly 300 unionists have been held by Ciskeian authorities over the past year.

Mrs Ntseke and two ordinary GAWU members, Mr E G Shabangu and Mr Solly Pholoto, were detained on Tuesday, according to a union spokesman.

Confirmed

He said they had been asked to report at John Vorster Square on Friday and on subsequent occasions. "They reported on Tuesday again but did not return," he said.

A spokesman for the SA Police Public Relations Division confirmed the

detentions and added that the three were being held under Section 22 of the General Laws Amendment Act. This clause provides for 14 days' detention without trial.

Two others GAWU officials, its president Mr Samson Ndou and an organizer, Mrs Rita Ndzanga, are also in detention. They are being held under Section Six of the Terrorism Act — which provides for indefinite detention — and were detained in late November.

Veteran

Mrs Ntseke is a veteran trade unionist who was active in union work in the Fifties.

She later became a clothing worker and was active for a time in the National Union of Clothing Workers.

Some years ago, Mrs Ntseke became the general secretary of the Black Allied Workers Union, which supports the black consciousness philosophy.

But she broke away from BAWU to form GAWU, which backs a non-racial approach.

UCT

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Release of 3 detainees confirmed

329

D. J. J. 1/15/42

JOHANNESBURG — Three security detainees held here were released yesterday, the police division of public relations in Pretoria disclosed last night.

They were Mrs Esther Levitan, a member of Black Sash and secretary of the South African Zionist Federation; Miss Linda Bernhardt, 28, manager of the pop group Joy; and Mr Ralph Wortley, the director of the careers guidance unit at the University of the Witwatersrand.

Mrs Levitan, a grandmother of two in her late 50s, was detained under Section Six of the Terrorism Act on January 5. After contracting a respiratory illness on February 13, she became one of seven detainees to be admitted to hospital during the past two months.

She has been discharged from hospital, and spent last night with relatives in Johannesburg.

Mr Wortley was detained on January 8, and Miss Bernhardt on February 23. Miss Bern-

hardt was arrested under Section 22 of the General Laws Amendment Act immediately after disembarking at Jan Smuts Airport after a flight from New York.

Last night Mr Ian Bernhardt, her father, said his daughter was sleeping and "very, very tired".

Mr Bernhardt, who is involved with music management here, said: "Linda's been through an awful experience and is very happy to be back with the family."

Mr Wortley spent the first night out of his cell in two months listening to music and reading newspapers. He had been warned not to discuss his case.

Mr Wortley said he was visited occasionally by members of his family, but he was allowed no news of the outside world. The first he had heard of the death of Dr Neil Aggett, whose body was found hanging in his cell at John Vorster Square, was yesterday morning after his release. DDC.

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Note 1:

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Jan 2: Debtor
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04, Jan 1: Life Policy
Bank

Dec 31: Income Statement
Life Policy
Policy written down to surrender value
(See Note 1 below)

03, Jan 1: Life Policy
Bank

Year 02 - same as year 01

(2) Premiums Treated as an Asset - Cont'd:

EAST LONDON — Mr Thozamile Gqweta, the president of the South African Allied Workers Union (Saawu), has been released after 86 days in security police detention.

But on his first day of freedom yesterday after his fifth spell of detention without trial in two years, Mr Gqweta was arrested at his Mdantsane home by Ciskei security police.

Mr Gqweta said he was taken to the Zwelitsha offices of the Ciskei Central Intelligence Service, where he was told by Major-General Charles Sebe, the Director General of Ciskei State Security, that he would have to report to the Mdantsane police station three times a day.

Mr Gqweta said he had been taken from his home at 6.30 am, driven to Zwelitsha 40 km away and released again at 9 am. He said he had been told to report to the police station at 6 am, 6 pm and 10 pm every day.

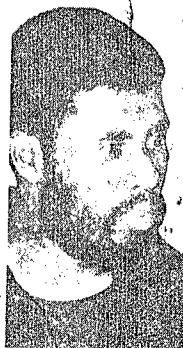
Approached yesterday General Sebe said he was "not prepared to comment."

Mr Gqweta was released in East London on Wednesday afternoon. On February 8, while in detention, he was admitted to a psychiatric ward at a Johannesburg hospital.

After a visit to him at the time his brother Robert said he was suffering from a headache and loss of memory and had difficulty in speaking.

Gqweta out after 86 days

5/5/82 Daily Dispatch
329
144-A



MR GQWETA... last night's picture.

Mr Gqweta said yesterday that he was feeling better but was still undergoing treatment in East London. He said he had been released because of the state of his health.

"The doctors recommend that in order for me to recover 100 per cent I must be in contact with my family, close friends and the community."

Another two East London-based officials of Saawu, Mr Sisa Nkkelana, the vice-president of the union, and Mr Eric Mntonga, the branch chairman, are both still being held under Section Six of the Terrorism Act. They were also detained in early December.

Another Saawu official, Mr Sam Kikine, the general secretary, has been in detention since November and was recently admitted to a Durban psychiatric hospital.

Mr Gqweta expressed his greatest appreciation yesterday to all those who had sympathised with him during his stay in hospital. — DDB

More released, Page 5.

1457A
Gqweta
must E. Post
report 5/3/82
3 times 329
a day 127

By KEITH ROSS

EAST LONDON — Mr Thozamile Gqweta, president of the South African Allied Workers' Union, who was released from detention this week, has been told to report to the Ciskei police three times a day.

A spokesman for the union deplored the instruction and expressed fears that Mr Gqweta — an "unwell man" — would be harassed by the Ciskeian police.

Last month Mr Gqweta received treatment in the psychiatric ward of the Johannesburg Hospital.

Mr Gqweta was released on Wednesday after 86 days. It was his fifth spell in detention.

On his first day of freedom he was arrested in his Mdantsane home by the Ciskeian police. He was taken to Zwelitsha, 40 kilometres away, and released after 2½ hours.

Mr Gqweta was told he had to report to the police station at 6am, 6pm and 10pm each day.

"This will cause great hardship to Mr Gqweta, who is still not well," said the SAAWU spokesman.

The spokesman said his union was, however, grateful for the release of Mr Gqweta. "We appreciate the concern the authorities have shown for Mr Gqweta's welfare," he said.

Mr Gqweta said: "The doctors recommend that in order for me to recover completely I must be in contact with my family, close friends, and the

GOGWETA IS

Section 5/3/92

329

14/12

14/12

THE National President of the South African Allied Workers' Union, Mr. Thozamile Gqweta, who has been released from detention, is likely to be called to give evidence for the State in a terrorism trial in Ciskei.

Mr. Gqweta, who was being held under Section Six of the Terrorism Act, was released and returned to Mdantsane on Wednesday. He was detained, along with the national Vice President, Mr. Sisa Ntshelana, on December 8 last year.

In February Mr. Gqweta was admitted to the psychiatric ward of a Johannesburg hospital.

The Attorney General of Ciskei, Advocate Jure Jurgens, yesterday confirmed that Mr. Gqweta had been released so that he could be a State witness in a terrorism trial in Zwelishsha. The four accused are members of Saawu.

On further questioning, however, Advocate Jurgens said he had not decided finally whether to call Mr. Gqweta to give evidence for the State.

"There is a possibility that I will call him as a witness," Advocate Jurgens said, adding that: "My calling him as a witness was nothing to do with his detention in South Africa."

OUT OF JAIL

SOWETAN REPORTER

that he would be giving evidence for the State in the trial. The police had said nothing about his giving evidence. He believed he was being released for health reasons.

"They (the Security Police) said nothing about being a State witness. I was released for health reasons."

Mr. Gqweta said the chief of the Security Police on the Witwatersrand, Colonel H. Muller, had approached the Minister of Justice, who had agreed that he should be released.

Mr. Gqweta was released.

Mr. Gqweta said he had been instructed by Ciskei police to report to the Mdantsane police station on three

The Minister of Police announced early last month that the unionists presently being held under Section Six would be brought to trial later this year.

The Ciskei police had also told him not to do any work for Saawu or to address any meetings, Mr. Gqweta said.

He was later released.

An authoritative source also confirmed that Mr. Gqweta had been released to give evidence in the trial.

Mr. Gqweta denied was for me to go back to the treatment home in Mdantsane. The treatment was to go back into detention. The doctors were treating me for hours after the South African Security Police had returned him to his home in Mdantsane.

Asked why Mr. Gqweta was brought to trial at the end of March or early in April, Mr. Gqweta said he was brought to trial at the end of March or early in April.

BUSINESS STUDIES

love your CARE DRUTINIES thoo Studies

MALES AND FEMALES will play important roles in the country's economic development. You will require practical training

MORE QUESTIONS OVER BIKO

Four-and-a-half years after the death in detention of black consciousness leader, Steve Biko, questions over the manner of his death remain. The inquest finding, that no-one was to blame, has never been widely accepted.

Last week, a complaint was lodged with the SA Medical and Dental Council (SAMDC) concerning the conduct of the doctors involved in the Biko case, Ivor Lang, Benjamin Tucker, and Colin Hersch — about whom complaints had been previously lodged. In addition, a complaint has also been lodged about the conduct of a fourth, previously unimplicated, Port Elizabeth doctor.

The complainants, five medical practitioners, are Professor Frances Ames, head of the Department of Neurology at Groote Schuur, Edward Barker, senior surgeon at the University of Natal Medical School, Professor Trefor Jenkins, head of the Department of Human Genetics at Wits, Dr Leslie Robertson GP, and Professor Phillip Tobias, head of the Department of Anatomy and Dean of the Faculty of Medicine at Wits.

A previous complaint lodged with the SAMDC in January 1978 by consumer ombudsman, Eugene Roelofse, was dismissed by the SAMDC on the grounds that a committee of preliminary inquiry which investigated the complaint believed that no *prima facie* case which required investigation existed. The Medical Association also took no action.

However, Roelofse's questions were directed at establishing criminal or ordinary negligence by the doctors, whereas the new inquiry is based on different issues.

The complainants have assembled new evidence to support their allegations. They contend that on the basis of uncontradicted evidence led at the inquest, supplemented by evidence revealed by an ad hoc inquiry commis-

sioned by the Medical Association of SA (MASA) a *prima facie* case does in fact exist which calls for investigation followed by appropriate action.

Otherwise the SAMDC should make it explicitly clear to the medical profession in this country and abroad, and to the general public, that the conduct of the doctors, as proved by uncontradicted evidence and as admitted by them, is in accordance with the standards of professional competence and ethical conduct expected of medical practitioners in SA, and that other doctors may so conduct themselves in future without fear of disciplinary proceedings against them.

The new complaint offers evidence to the SAMDC which, it is claimed, was not available when Roelofse's case was considered. And if the complaint does not meet with a satisfactory response, they

will consider taking the SAMDC decision to the Supreme Court.

Evidence includes a letter written to the Natal Coastal branch of MASA by Professor Ockie Gordon, one of the assessors at the inquest, in which he offers an opinion which would seem to provide grounds for a new complaint.

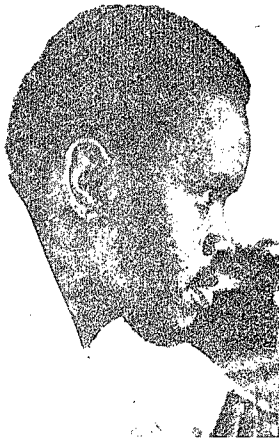
A MASA ad hoc committee enquiry under the chairmanship of advocate Issy Maisels QC found that SAMDC's decision not to hold an inquiry was "somewhat surprising, if not unfortunate, having regard not merely to the public interests, both nationally and internationally, arising out of the Biko case, but in the interests of the medical profession itself."

The complainants are not alone in their call for an official inquiry. Indeed, Hersch himself has made a number of requests both orally and in writing for a public inquiry to enable him to clear his name — a right which the complainants suggest should be accorded him.

They also allege that a number of material conflicts of evidence exist between the medical witnesses and the police and also between the medical witnesses themselves; and that these conflicts cannot be resolved without further investigation.

So it would seem the SAMDC has a number of options. It could call an immediate inquiry to canvass complaints. It could refuse to do so on the grounds that the matter has already been properly considered — which the complainants deny. Or it could appoint a further committee of preliminary inquiry to make recommendations as to SAMDC actions.

A decision will be awaited with interest by both the SA medical profession and the international medical fraternity, particularly as it could influence SA's membership of international medical bodies.



Biko ... a fresh look at the evidence

(329) *Harwood Q Col 311*
Detainees *5/3/82*

305. Mr. P. R. C. ROGLER asked the Minister of Law and Order,

- (a) How many detainees under the Terrorism Act have received hospital attention during detention since the introduction of the said Act, and if so, on what basis?

The MINISTER OF LAW AND ORDER:

- (a) and (b) In view of the volume of work involved in collecting and compiling the particulars asked for, I consider it to be impracticable to furnish the information required.

Question 6.

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229 Mr. Thozamile Gqweta 27/3/82
Hansard Col. 277-278
28 Mr. S. A. PITMAN asked the Minister of Law and Order:

(1) Whether Mr. Thozamile Gqweta was detained during the past five years; if so, (a) on how many occasions and (b) for what period of time on each such occasion;

(2) whether Mr. Gqweta was charged with any offences during these years; if so, what offences?

The MINISTER OF HEALTH AND WELFARE (for the Minister of Law and Order):

(1) Yes.

(a) On two occasions by the South African Police.

(b) From 26 June 1981 to 4 August 1981 and again from 10 December 1981 to 3 March 1982 when he was released.

(2) No.

Mr. Thozamile Gqweta

*29. Mr. S. A. PITMAN asked the Minister of Justice:

(1) Whether Mr. Thozamile Gqweta was convicted of any offences during the past five years; if so, what offences;

(2) whether Mr. Gqweta is in hospital at present; if so, (a) when was he admitted and (b) why?

The MINISTER OF INTERNAL AFFAIRS (for the Minister of Justice):

(1) Unknown. To establish this, his fingerprints has to be taken. The Criminal Procedure Act, 1977 only authorizes the taking of the fingerprints of persons arrested on criminal charges. This does not apply to Mr. Gqweta.

(2) No, he was released from detention on 3 March 1982. (a) and (b) fall away. I nevertheless refer the hon. member to part (1) of my reply to question No. 21 on 26 February 1982.

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VERTICAL EQUITY

Rich earns R20 000 p.a. 20% as a base + 12% = 32% tax
Poor earns 2 000 p.a. 20% as a base + 2% = 22% tax

HORIZONTAL EQUITY

Rich earns R20 000 p.a. 30% goes to tax
Poor earns R2 000 p.a. 30% goes to tax.

329 Detainees 5/2/82
11/1/82 2/2/82
33. Dr. M. S. BARNARD asked the
Minister of Law and Order:

- (1) (a) How many detainees have been hospitalized since 16 February 1982 and (b) for what reasons;
- (2) whether the relatives of such detainees have been informed of their being hospitalized; if not, why not; if so, when;
- (3) whether the detainees may be visited by their relatives; if not, why not; if so, how often;
- (4) whether the detainees have been seen by private doctors; if not, why not?

The MINISTER OF HEALTH AND WELFARE (for the Minister of Law and Order):

(1) (a) Two.

(b) One for treatment of an ulcer and the other one for treatment for psychosis. The one first mentioned has already been discharged from hospital and it is expected that the other one will be discharged today.

(2) Yes, in one instance on the day he was admitted and in the other instance on the day after his admission.

(3) Yes, daily for one hour during the morning and one hour during the afternoon.

(4) No, because the medical and specialist treatment and care provided in the hospital are quite adequate.

MARCH 1982

274

329 Detainees 5/3/82
Howard G. 61.270
*23. Dr. M. S. BARNARD asked the
Minister of Justice:

- (1) Whether any of the detainees recently admitted to hospital for psychiatric treatment had a history of any psychiatric condition requiring treatment; if so, how many; if not, how long after being detained was a psychiatric condition diagnosed in each case;
- (2) whether the causes of their developing these conditions have been ascertained; if so, what are the causes?

† The MINISTER OF INTERNAL AFFAIRS (for the Minister of Justice):

- (1) It is not within the knowledge of the Department of Justice whether a detainee has previously received psychiatric treatment or not, as it is information which only the person concerned and his doctor possess.
- (2) It is accepted that the question whether a psychiatric condition exists in any specific case and what the possible causes of such condition are, can only be answered by doctors after a thorough investigation of the person concerned. It is therefore not practically possible in general to refer to the causes of the development of such a condition. The question of course arises whether it is justified to publicly discuss the psychiatric condition of any person concerned, even if it would have been possible to determine the causes.

Security police free 4 detainees

ARGUS
5/13/82

329

Argus Correspondent

JOHANNESBURG. — Four detainees, including a Johannesburg grandmother, have been released from security police detention at John Vorster Square.

They are: Mrs Esther Levitan, a member of the Black Sash and secretary of the South African Zionist Federation; Miss Linda Bernhardt, a well known entertainment personality and manager of the pop group Joy; Mr Ralph Wortley, director of the careers guidance unit at the University of the Witwatersrand; and Mr Thozamile Gqweta, a Ciskeian Labour official.

Mr Gqweta, president of the SA Allied Workers' Union (SAAWU), was re-detained in Ciskei on his first day of freedom yesterday, but was later released.

Mrs Levitan, who was detained on January 5 and was being held under Section 6 of the Terrorism Act, was one of several detainees to be admitted to hospital during her detention.

ON ARRIVAL

Mr Wortley was detained on January 8 and Miss Bernhardt on February 23 when she arrived at Jan Smuts Airport after a trip to the United States.

She was held under Section 2 of the General Laws Amendment Act, which allows for a 14-day detention period without the detainee being brought to court. She was released before the period expired.

All the releases were confirmed by security police headquarters in Pretoria in an announcement last night.

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Funeral: Issel barred

6/2/82 (329)
C. Harold

BY not allowing banned detainee Mr Johnny Issel to attend his mother's funeral on Saturday, the government had 'made people more aware how detention separates them from their dearest — even in times of death,' says Mr Issel's wife, Shahieda.

'And I want people to be aware of this,' Mrs Issel said on Monday. 'I knew that they wouldn't allow Johnny to come to the funeral and I felt very upset for the family.'

'He's the eldest and he was very close to his mother and his brother and sister although he did not see them very often,' she continued.

Mrs Issel said the funeral of her husband's mother, Mrs Ivy McQuin,

had been marred by the refusal of a minister of the Congregational Church to allow her to be buried from the church because of the 'guest speakers.'

'The priest wanted to run the service alone so we held the funeral from the home,' she added.

Speeches by Mr A M Omar, Mr Issel's attorney, and Mr David Petersen, a family friend, highlighted the plight of detainees.

CRIED

Mrs Issel said she found it difficult to explain to her three children why their father could not attend his mother's funeral.

'My eldest daughter, Leila, cried her heart out. She is growing up with all these things around her

and I told her that she must remember that the crying doesn't stop here.'

'She understands what is happening to Johnny and she is learning to cope with it,' Mrs Issel said.

She said the Security Police were very much in evidence during the funeral procession but added that they had kept a low profile and that there were no incidents.

The Detainees Parents' Support Committee protested against the Minister of Justice's refusal to allow Mr Issel to attend the funeral. They said in a statement that because the Minister could not give a reason for Mr Issel's detention, they could not see why 'this human right is being denied him.'

29.2 Sun
 6.74 WED
 5.71 TH

Ex-detainee tells of illness

ROM 6/3/82

(329)

By ANNE SACKS

ESTHER Levitan had never been to hospital before her detention under Section Six of the Terrorism Act.

But in the past two weeks the 55-year-old Black Sash member and SA Zionist Federation secretary has been in hospital twice suffering from stomach erosion caused by anxiety and tension and high blood pressure.

Mrs Levitan said yesterday visits from her children, who live in London, while she was in hospital were better than all the medicines in the world.

Mrs Levitan was detained at John Vorster Square on January 5 and released from the Johannesburg Hospital on Thursday.

Yesterday she was clearly enjoying the caring attention of her mother, who had just arrived from Cape Town, her son Jonathan, daughter Lesley and two young grandchildren.

Jonathan and Lesley were each allowed one-hour visits every day, and Esther said just seeing them was the world's best medicine.

A week after she was detained, she developed high blood pressure and was admitted to hospital for two nights.



MRS ESTHER LEVITAN
anxiety and tension

She was readmitted about 10 days ago after she was examined by the District Surgeon. She was kept under 24-hour guard, and was also visited by a magistrate every day.

Although she suffers from intermittent headaches and nausea, the stomach pains have decreased. She is receiving physiotherapy and psychotherapy.

"I have never been in hospital in my life," she said. "Now it's been twice in two weeks."

Detainees: ^{CAPE TIMES} Parents angry ^{6/3/82} ³²⁹

Staff Reporter

THE Detainees' Parents' Support Committee in Cape Town has condemned the authorities' delay in replying to their letter detailing "punitive treatment" of people being held in terms of security legislation.

The letter was addressed to the chief of the security police, Lieutenant-General Johan Coetzee, on January 28 — six days before the death in detention of trade unionist Dr Neil Aggett. Copies were sent to the Minister of Police, Mr Louis le Grange, and the Minister of Justice, Mr Kobie Coetsee.

To date, the committee has received no answer from General Coetzee. The two ministers acknowledged the letters 24 days after receiving them.

In a statement issued yesterday, the committee said: "Are we not entitled to more prompt attention from people holding such power and responsible to the people of this country?"

Patients

"While people die in police cells and become hospital patients as a result of their treatment, the ministers and their departments think about it for 3½ weeks before even acknowledging the letter."

The letter to General Coetzee said the committee had evidence that "the powers given to your

officers and to those of the Prisons Department have been used to harass and victimize detainees and their relatives, causing suffering which can only be categorized as punishment".

The committee cited the case of Mitchell's Plain community leader Mr Johnny Issel, who is being held under Section 10 of the Internal Security Act at Modderbee prison near Benoni in the Transvaal. Section 10 allows a detainee to have access to relatives, legal representatives and other prisoners.

"This detainee has been moved to a prison 1400km from his home. His wife (with small children) and attorney find it very difficult to exercise their right to access."

"The net effect of this is clearly one of harassment to the detainee, unnecessary anguish and cost to

his wife and a very adverse psychological effect on the children," the letter said.

In the case of Dr Liz Floyd, the common-law wife of Dr Aggett, the committee said her parents have never been officially notified of her arrest. Medical text books and puzzles were accepted, but later returned "because the detainee did not want them".

The committee said Dr Floyd, a medical doctor, had specifically requested the books and puzzles. "The only inference that can be made is that the books have been withdrawn as a form of 'punishment'."

● Dr Floyd's father, Mr Hugh Floyd, said yesterday his daughter had now been transferred from a psychiatric ward in Johannesburg General Hospital to a medical ward.

She said she had requested a visit every week, but it had been refused. Brigadier J. R. van den Hoven, chief of Durban's security police, said yesterday he would discuss the matter only with Mr Gordhan's relatives. — DDC.

His wife, Mrs Pravina Gordhan, said yesterday she was desperately worried about her pharmacist husband, especially after the

Masa official: SA the target (329)

CAPE TOWN — The "hostile, uninformed half truths and fabrications" aimed at the South African Medical Association since the death of Steve Biko in 1977 is a well-planned and co-ordinated attack on South Africa, says Masa's general secretary, Dr C. E. M. Viljoen.

This was stated in a supplement to the February edition of the South African Medical Journal, drawn up by Dr Viljoen in compliance with a resolution taken by the Masa executive last year.

Dr Viljoen said a superficial reading of all

allegations against Masa showed that identical words were used.

"It would be naive... to come to any other conclusion than that this is a well-planned and co-ordinated attack... against the country itself."

Answering allegations that Masa discriminated between its members and practised "apartheid medicine," Dr Viljoen noted that any legally qualified medical practitioner living in South Africa could become a member.

"Out of approximately 10 000 members there

are more than 700 Asians and 200 blacks," he said.

"A favourite ploy of critics is to quote the doctor/patient ratios according to racial groups."

"And that is to imply that while there is one medical practitioner for 500 white South Africans there is only one for 40 000 black South Africans."

Dr Viljoen said black, Asian and coloured patients were treated mostly by white doctors because they represented the majority of doctors.

Denying that Masa was

involved with the Security Police and "the torture and murder" of political prisoners, Dr Viljoen said: "Not a shred of evidence has been produced to support this."

He stated that regarding the treatment of Steve Biko, Masa "did not condone or endorse the findings of the SA Medical and Dental Council regarding the conduct of the doctors responsible."

But "there was nothing legally and constitutionally further the association could do." — DMC.

(329)
No visits
— family
6/3/82
worried

By ANNE SACKS

THE family of a Durban security detainee, Mr Pravin Gordhan, 31, are worried because they have not been allowed to see him since he was detained on November 27.

His wife, Mrs Pravina Gordhan, said yesterday she was desperately worried about her pharmacist husband, especially after the death in detention of trade unionist, Dr Neil Aggett. "I am very frightened," she said.

She said she requests a visit every week but this is always turned down.

It is believed a few other Durban detainees have also never been allowed visits.

Brigadier J R van den Hoogen, chief of Durban's Security Police, said yesterday he did not wish to discuss the matter with the Rand Daily Mail.

"I will discuss it only with his relatives," he said.

rugby

inations at the University of
rt, has been invited to be an
ational piano competition in

6/3/82 PM

The Wi

The Manager did not discuss the problem of the "demon" with the patient, but declared by the end of the interview that he thought it had been a case of "demon" and has seen four or five other cases. The patient, Mr. Flinn, is a 32-year-old male, married, has been married 10 years, and has three children. He is a victim of alcoholism, and has been hospitalized repeatedly.

The first detainee had been discharged from hospital and the other was expected to be discharged yesterday, the Minister said.

"If section six of the Terrorism

Act is necessary and the only way to

shows that he is not guilty of any

In reply to another question by Mr. Chairman, the Minister of Justice, Mr.

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NO VISITS
family
worried

By ANNE SACKS

THE family of a Durban security detainee, Mr. Provia Gordon, 51, are worried because they have not been allowed to see him since he was detained on November 21.

His wife, Mrs. Provina Gordon, said yesterday she was desperately worried about her pharmacist husband, especially after the death in detention of trade unionist Dr. Nell Aggett.

"I am very frightened," she said.

She said she requests a visit every week but this is always turned down.

It is believed a few other Durban detainees have also never been allowed visits.

Inspector J. F. van der Merwe, chief of Durban's Security Police, said yesterday he did not wish to discuss the matter with the Rand Daily Mail.

"I will discuss it only with his relatives," he said.

SP question teacher

RDH 6/3/82

Mali Reporter

A FORMER Bosmont, Johannesburg, teacher, Mr Rashid Khan, was detained briefly this week for questioning by the Security Police.

It is believed he was questioned about his dismissal this year from the Chris Jan Botha High School in Bosmont for staying away from school on June 16 to observe the anniversary of the 1976 unrest in black townships.

A spokesman of the public relations division of the South African Police declined to comment on what he called a "routine investigation".

Fifteen Johannesburg and Cape teachers allege they were barred from teaching by the Director of Coloured Education because they stayed away on June 16 last year.

Students organised a school boycott on that day in remembrance of those who died during the unrest.

Eight teachers at Chris Jan Botha High and Eldorado Park High were dismissed from their posts at the beginning of the year.

The teachers said in a statement that a number of teachers had been dismissed, transferred or demoted in the past few years because of their political beliefs.

They said they were more vulnerable because they had temporary posts, and believed they were an example to other teachers to toe the line.

The Director of Coloured Education, Mr A J Arendse, could not be contacted for comment.

CAPE Times 6/3/82 (##) 329 (331)

Soweto student tells of smuggled letters

Own Correspondent

JOHANNESBURG. — A former Soweto student leader has told a Vanderbijlpark magistrate that she wrote and smuggled notes and letters to her mother and two lawyers because the security police were forcing her to confess that she was a member of the South African Youth Revolutionary Council (Sayrco).

Miss Mary Masabata Loate, 23, gave this evidence while she was cross-examined by the prosecutor, Mr J Swanepoel. She has now spent two days in the witness box.

Miss Loate and Mr Sidney Khotso Seatlholo, 25, have pleaded not guilty to two counts under the Terrorism Act. The magistrate is Mr A H Barlow, sitting in the Vanderbijlpark Regional Court.

Both accused were members of the Soweto Student Representative Council (SSRC) which was banned on October 19, 1977.

The state alleges that Miss Loate was the secretary and Mr Seatlholo the president of Sayrco. Sayrco was formed out-

side South Africa by former members of the SSRC.

Miss Loate denied that she was a member of Sayrco. She said she first heard about the organization when she read a report in a Johannesburg newspaper on June 17 last year. She further heard about Sayrco when she was questioned by the police at Protea police station.

Miss Loate said she wrote and smuggled the notes and letters while she was held at Krugersdorp by the security police. She wrote to her mother, who is a Johannesburg attorney, Miss Priscilla Jaua, and a senior advocate, Mr G Bizos.

Miss Loate's mother brought an urgent Supreme Court interdict against the police in July restraining the police from assaulting her daughter.

Miss Loate said she was assaulted by a Lieutenant Trollip and was forced to admit that she was a member of Sayrco. She asked her mother to remove her reference book, passport, dairy and books and not give them to the police.

When asked by Mr Swanepoel why she did not want the police to see her books, Miss Loate

said: "I do not deny that I am a person who is not politically minded. I am in possession of banned books at home."

Miss Loate asked her mother in one of the notes that a cake and tea party must be held at her home to appease her ancestors. She wanted to appease her ancestors because of her constant police detention. She spent more than 18 months under security police detention.

When asked whether her political views had changed since she had given evidence for the state in the Kempton Park trial where leaders of the SSRC were charged with sedition, Miss Loate said she did not hold the same political views as those

she held before she testified at the trial.

"But that does not mean that I am not aware that a black man in this country is oppressed. I suffered by being detained for 18 to 19 months. I decided to help my society by getting involved in cultural organizations rather than politics," Miss Loate said.

She said the security police took her round the country to visit her friends because "Trollip was hammering on the fact that I was recruiting round the country." Mr Seatlholo, the former president of the SSRC, closed his case without giving evidence in his defence.

The hearing continues on Tuesday.

Ministers quizzed on treatment of unionist

CAPE TOWN 6/3/82 (ASS PM) (329)

Political Staff

HOUSE OF ASSEMBLY. — The South African Police detained the president of the SA Allied Workers Union, Mr. Tazamile Gqweta, twice within a year without laying charges against him, the Minister of Police, Mr. Louis le Grange, said yesterday.

Between June 26 last year and March 3 this year, Mr. Gqweta spent nearly four months in detention.

Replying to questions tabled by Mr. Harry Pieman (PPP, Pinesow), Mr. Le Grange said Mr. Gqweta had been detained by South African police between June 26, 1981, and August 4, 1981, and between December 10, 1981, and March 3, 1982.

Asked if he had been charged with any offences, Mr. Le Grange replied: "No."

The minister did not disclose how many times Mr. Gqweta has been detained by the Ciskei police although it has been reported that he has been held five times by them.

Mr. Pieman said afterwards that the detention of Mr. Gqweta was nothing but victimization.

"He has been detained repeatedly but he has never

been charged. "If section six of the Terrorism Act is necessary and the only way to find out crimes, this action clearly shows that he is not guilty of any offence."

In cases like this, the very least the government could do is to give some explanation," Mr. Pieman said.

This action could only have the effect of disruption of the activities of the union, he added.

Mr. Pieman asked Mr. Coetsee, said it was "unknown" whether Mr. Gqweta had been convicted of any offences during the past five years.

Mr. Coetsee said: "To establish this, his fingerprints have to be taken."

"The Criminal Procedure Act, 1977, only authorizes the taking of the fingerprints of persons arrested on criminal charges. This does not apply to Mr. Gqweta," Mr. Coetsee said.

In reply to a question tabled by Dr. Marius Barnard (PPP, Pinesow), Mr. Coetsee said the Department of Justice did not know whether any of the detainees admitted to hospital for psychiatric treatment had previously re-

ceived psychiatric treatment "as it is information which only the person concerned and his doctor possess."

Mr. Coetsee said it was not practically possible "in general" to refer to the causes of a psychiatric condition because "it is accepted that the question whether a psychiatric condition exists in any specific case, and what the possible causes of such condition are, can only be answered by doctors after a thorough investigation of the person concerned."

Mr. Coetsee also said: "The question of course arises whether it is justified to publicly discuss the psychiatric condition of a person concerned, even if it would have been possible to determine the causes."

He also told Dr. Barnard that the answer to the question that two detainees had been hospitalized since February 16, 1982.

"One for treatment of an ulcer and the other one for treatment of psychosis."

The first detainee had been discharged from hospital and the other was expected to be discharged yesterday, the minister said.

Release a surprise

THE release from detention on Thursday, confirmation of Mr Zwelakhe's innocence, the Sisulu after the State Media Workers' Association closed its case in the trial of South Africa said Vanderbijlpark terror in a statement.

Mr Sisulu, a former president of Mwas, was held as a possible witness in the trial of two former Soweto student leaders, Miss Masabata Loat and Mr Khotso Seatlolo.

He was released on Thursday night, after being confined for more than eight months.

However, his release does not affect the three year banning order he is presently serving, and he may not take up work or be quoted.

STATEMENT

In a statement issued on Friday, the acting president of Mwas, Mr Goba Ndlovu said: 'Sisulu's release came as a surprise although it had been rumoured he would be released some time next month.'

'All along Mwas knew Sisulu was innocent, and his release has confirmed this.'

'In our view, he was detained simply because he represented the aspirations of black people.'

Mr Sisulu was detained on June 20 last year under Section 22 of the General Laws Amendment Act which was changed to Section 6 of the Terrorism Act 14 days later.

In December this was changed to Section 12B of the Terrorism Act, which allows for the detention of State witnesses until the State closes its case.

thus served to secure the ultra-exploitation of owners was this of the gold mining companies. In other types of discrimination a very important role in the ultra-exploitation of labour, as did nation wielded by property

the accumulation of profit; the accumulation of profit through the mining of gold on the Rand was critically dependent on the ultra-minimisation of labour costs; the resolution of this problem was made possible by the ultra-exploitation of non-white labour in the system of production established by white property owners in South Africa, a system of production which included a racially discriminatory system of class domination and forced labour, which served to secure the extreme powerlessness of non-whites generally and of non-white workers in particular, and thus to permit the ultra-exploitation of non-white labour; the profitability of the mining companies came to be secured through the operation of various specific forms of racial discrimination, which served to secure

consolidation and large-scale implementation of the compound system, and the system of wage minimisation.

It may be noted in passing that the term 'colour bar' has not usually been used in relation to the exploitation of labour. The tendency, in the study of the socio-economic aspects of race relations in South Africa and elsewhere, has been for the term to refer merely to one particular type of racial discrimination - discrimination in access to employment. The 'colour bar' has usually meant the 'job colour bar' (of the white workers). The reasons and significance of this usage aside - they will be discussed later on - it is clearly unjustified. For racial discrimination (and other forms of discrimination) in the socio-economic sphere may be and has been of other types, such as measures securing the ultra-exploitation of labour, as did

not system, the pass system, the wage minimisation system. bars included but were not of forced labour. The latter race system, the pass system and also including such discriminatory political franchise which served to secure and ability of non-white labour.

bars also included the discriminatory system of wage minimisation which, through the ultra-minimisation of time rates, and of piece rates (the maximum average system), and the latter ticket system of unpaid and extra-contractual labour, served to secure the ultra-exploitation of non-white labour.

The involvement of the mining companies in racial discrimination was partly an involvement in exploitation colour bars already in operation, already instituted by property owners in South Africa - such as the contract system, the pass system and the compound system. And it was partly an adaptation and extension of this discrimination to meet their own specific interests - in such forms as the institution of minimum long term contracts, the

undisputed fact, and the companies were themselves the first to acknowledge it. It was not so much the richness of these fields that attracted the necessary capital, the Chamber of Mines declared (in something of an understatement) in view of the very poor grade of the ore, 'as it was their apparent continuity and the fact that they could be worked efficiently by cheap native labour.' (102) The Chamber did not tire of emphasising that: 'There is no factor in the industrial fabric of the mines of greater importance than the native labour supply.' (103) 'Without the native', the 'South African Mining Journal' observed, 'the Witwatersrand gold mining industry would not exist, or, if it did exist, then only on a very small scale.'

Detainees mend in hospital

Political Staff

THE ASSEMBLY —
Two detainees had
been put in hospital
since February 28, the
Minister of Police, Mr
le Grange, told the As-
sembly yesterday.

In reply to Dr M S
Barnard (PFP Park-
town), Mr le Grange
said one was treated
for an ulcer and the
other for psychosis.

One had already
been discharged and it
was expected that the
other would be dis-
charged today.

Their relatives had
been informed and
could visit them for an
hour in the morning
and an hour in the
afternoon.

The detainees, whose
names were not given,
had not been seen by
private doctors because
the medical and spe-
cialist treatment and
care provided in the
hospital were adequate,
Mr le Grange said.

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6/5/82

Lawyer tells why he voted for — and against — detentions

AN eminent South African attorney, whose signature appears on two conflicting security legislation inquiry reports — one by leading lawyers and the other by the Rabble Commission — has explained his support for each.

The Rabble Commission rejected most of the recommendations of the lawyers' report submitted to the Government shortly before appointment of the commission.

The lawyers called for urgent revision of security laws, and appealed for additional safeguards for detainees.

Mr S W (Billy) van der Merwe, a former president of the Association of Law Societies, "report signed both first the societies' report, criticising detention without trial, then the Rabble Commission report, recommending retaining detention without trial.

Mr Van der Merwe, also a former president of the Transvaal Law Society, was the chairman of the special eight-man ad hoc committee, representing the law-yr association that drew up their report. It is the voice of South Africa's 4,500 practising attorneys, and the committee — two representatives from each provincial law society — submitted its report on security legislation in the wake of the death

By KITT KATZIN

A REPORT on the roles of audience for members of British Royal commissions — commissioned by Prime Minister H J Giddens, 71 years ago and addressed to the then Home Secretary, Mr Winston Churchill — states (in part): "Those selected as commissioners should be as far as possible, by persons who have not committed themselves to either side of the questions involved in the review, so as to render the probability of an impartial and a unanimous report practically impossible."

RABBLE EVIDENCE CHANGED

HIS MIND ...

In detention of black consciousness leader, Steve Biko. It described this event, and the death in detention of Joseph Mafini, as well as many others, as "cogent evidence of misuse of power". Although the Rabble Com-

mission acknowledged some of the law societies' objections to the provision and administration of security laws, its proposals to protect detainees fell far short of the safeguards the lawyers proposed.

Mr Van der Merwe, and Mr William Lane, of Johannesburg, who had been on the ad hoc committee — the Rabble Commission — and the Minister of Justice, Mr Alwyn Schabass, in 1979, and which has since remained under wraps, was unanimous. It was described by legal sources as an "exceptional achievement" in the sense

that senior representatives of South Africa's four major law societies could agree on law recommendations and findings on security legislation — in spite of widely differing political views.

However, lawyers are "bitterly disappointed" that the report has not been pressed surprise that Mr Van der Merwe served on the Rabble Commission. I asked him how he reconciled the dual role he played in this regard.

He said, in general terms, he changed his views on some aspects of security legislation, including those dealt with in the law soci-

eties' report, after studying evidence submitted to the Rabble Commission.

"Many lawyers concerned with security legislation," Mr Van der Merwe said, "could easily differ on these issues". For this reason, he could not see why some of the report had been pressed

on the ad hoc committee. "As far as I am concerned, there was no conflict of interest." He disagreed his presence on the Rabble Commission could have had an effect on the commission's ability to view the lawyers' report impartially.

(The Association of Law Societies itself submitted evidence to the Rabble Com-

mission. This was based on some of the findings and recommendations of the special committee's original report.)

Mr Van der Merwe said he did not agree that the commission's recommendations were drastic, in relation to the lawyers' report, and said the Rabble Commission should be seen against the background of practical circumstances.

In Natal, where many terrorist and subversive activities had occurred, the high-ranking officer in command of some police officers was a warrant

arrest a suspected terrorist he could not be expected to travel great distances to enlist a brigadier to do the job.

In seeking to create safeguards for detainees, the Rabble Commission rejected independent supervision of the police or the authorities either by the judiciary or by Parliament. It recommended a "reasonable solution" to problems in the area of security legislation, though he con-

sidered this may not be the final solution.

Referring to one safeguard sought by the lawyers' report to protect detainees — that detentions should be by warrant and signed at least by a police brigadier — Mr Van der Merwe said this should be seen against the background of practical circumstances.

In Natal, where many terrorist and subversive activities had occurred, the high-ranking officer in command of some police officers was a warrant

Govt tackled on security legislation

SOUTH AFRICA'S lawyers, who severely criticised the country's security laws, have again expressed total opposition to the concept of detention without trial.

They have declared in a special statement that it is "essentially unjust" to hold a man in secret and incommunicado. The statement was issued by a delegation, representing the Association of Law Soci-

eties and the General Bar Council, which had talks in Cape Town last month with the Minister of Justice, Mr H J (Kobie) Goosen, on the administration of security legislation.

And in a second development in the continuing upheaval over security laws, the two associations will submit representations and comment on the Rabble Commission recommendations to Mr Coetsee in Cape Town next week.

By KITT KATZIN

Mr R M Marais, SC, chairman of the General Bar Council, and Mr G C Cox, president of the Natal Law Society — published a statement on de-

tion of the right of individuals to be deprived of their liberty except by due process of law.

This meant after trial and conviction in public by a court of law of a recognised and publicly known offence.

"We urged that, where a situation exists which justifies a framework of security legislation to enable the State to discharge its duty to

tenets essential to the protection of the individual.

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S/Express

1/3/82

Welz joins Sunday Express team

ONE of South Africa's top investigative reporters, Mr. Martin Welz, 36, has been appointed Political Correspondent of the Sunday Express.

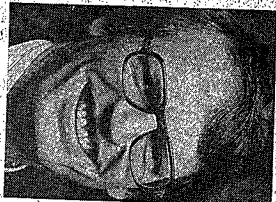
Mr. Welz was chief of the Sunday Times bureau in Pretoria where his work concentrated heavily on investigation of the public work concentrated heavily on investigation of the public work concentrated heavily on investigation of the public work.

As a result of our investigation into the application of the pass laws by commissioners' courts he was called to give evidence last year, before a select committee of the House of Commons.

Mr. Welz was educated in Worcester, Cape, and at the University of Pretoria, before serving articles to qualify as an attorney. His legal experience includes working as clerk to Mr. Justice Galgut.

He switched to journalism in 1975, joining the Pretoria News as a reporter and later working for Rapport.

In 1979 Mr. Welz took a year's leave from the Sunday Times to work as a freelance journalist in London, including a spell on the London Sunday Times' investigative team, Knight.



● MARTIN WELZ

The commission essentially recommends a major streamlining of security laws, including retaining detention without trial and other security penalties.

However, the commission's proposals to protect detainees fall far short of the safeguards sought by South Africa's lawyers.

These were contained in a report drawn up by the Association of Law Societies on behalf of the country's 4,500 practising attorneys. The Government put the report wraps more than two years ago.

This week the delegation that met last month at the Association of Law Societies' annual conference in London.

trial in the attorneys' journal, De Rebus.

Saying the very nature of their profession was concerned with the "doing of justice", not only between man and man, but equally between man and State, the statement added:

"We recognise the perpetual dilemma of the executive arm of the organised state in remaining faithful to its duty in protecting the public while carrying out its equally vital duty of doing justice to the individual member of the public and, moreover, doing justice in such a way that it can be seen to be done."

Basic to this obligation, however, was the recognition that it can be

against the law, "with which he has been charged and against which he has been able to defend himself."

"Holding a man without trial in secret and incommunicado," said the statement, "is essentially unjust."

"The concomitant deprivation of such a man of his elementary right of access to legal advice and assistance by a lawyer of his choice is a quite counter to the basic principles of natural justice which are deeply embedded in our common law."

"We reiterated to the Minister our abiding concern at the extent to which there has been intrusion by the executive into these deeply held

greater the powers granted to the State, the greater should be the provisions for the supervision and control of those who exercise executive powers on behalf of the State."

At the time of the discussion the delegation had not studied the Robie Commission report but agreed with the Minister that it would submit representations to him at a later date.

The delegation also asked Mr. Coesee to release three attorneys detained in Natal or to charge them if they had committed an offence.

They also discussed the question of unrestricted access by lawyers to awaiting trial prisoners.

COM 8/3/82

'SP chief ignored letter from parents'

(529)

Mail Correspondent

CAPE TOWN. — The Detainees' Parents' Support Committee has condemned the authorities' delay in replying to a letter in connection with the treatment of people held under security laws.

The letter was sent to the chief of the Security Police, Lieutenant-General Johan Coetzee, on January 28 — eight days before the death in detention of Dr Neil Aggett.

Copies were sent to the Minister of Police, Mr Louis le Grange, and the Minister of Justice, Mr Kobie Coetsee.

The committee has received no answer from General Coetzee. The two Ministers acknowledged the letters after 24 days.

In a statement, the committee said: "Are we not entitled to more prompt attention from people holding such power and responsible to the

people of this country?

"While people die in police cells and become hospital patients as a result of their treatment, the Ministers and their departments think about it for three and-a-half weeks before even acknowledging the letter."

The letter to General Coetzee said the committee had evidence that "the powers given to your officers and to those of the Prisons Department have been used to harass and victimise detainees and their relatives, causing suffering which can only be categorized as punishment".

The committee cited the case of a Mitchell's Plain community leader Mr Johnny Issel being held near Benoni under Section 10 of the Internal Security Act.

Section 10 allows access to relatives, legal representatives and other prisoners.

But because he has been moved to a prison 1400km from home, his wife, small children and attorney find it difficult to exercise their right to see him.

In the case of Dr Liz Floyd, girlfriend of Dr Aggett, the committee said her parents had never been officially notified of her arrest.

Medical text books and puzzles were accepted, but later returned "because the detainee did not want them".

The committee said Dr Floyd had specifically requested the books and puzzles. "The only inference that can be made is that the books have been withdrawn as a form of 'punishment'."

• Dr Floyd's father, Mr Hugh Floyd, said yesterday his daughter had now been transferred from a psychiatric ward in the Johannesburg Hospital to a medical ward.

229 Jan 8/3/82

A challenge to the Minister of Police

By the time this article appears it will be almost six months of solitary detention for Barbara Hogan and Cedric de Beer, both detained on September 22 1981, and for Auret van Heerden and Alan Fine, detained two days later. And, unless something startling happens meanwhile, we shall be no closer to a solution of the riddle as to why they are detained.

In terms of the recommendations of the Rabie Commission (which the Government says it is adopting in toto) detention for longer than six months will have to be submitted to — and approved by — the Minister of Police.

Though these recommendations are not yet on the statute book, we urge that the Minister publicly, in Parliament, confirms that he is reviewing / has reviewed the files about these detainees and that — if he considers their further detention necessary — he clearly and cogently gives detailed reasons for their continued detention under section 6 of the Terrorism Act.

Else let him release them forthwith! Half a year out of these young people's lives, isolated from family friends and legal representation, without a charge raised against them is surely not tenable, not defensible.

We demand their immediate release as also of the other detainees, some of whom are also approaching their six months' detention. Hanneken

OUR VIEW



The Detainees' Parents Support Committee

Koornhof, Clive van Heerden, Keith Coleman and others.

Let us give our picture, as supplied by the respective relatives, of the first four mentioned detainees. We challenge the Minister to state in what way these idealistic, caring, gentle individuals have merited the abhorrent punishment meted out to them:

of detention. In 1977, during week of mourning to mark the 1976 Soweto unrest, detained for six days.

★ ★ ★

Barbara

★ ★ ★

Jan 8/3/82

Campaign builds for independent doctors

DETAINEES: PLEA FOR SUPPORT

329
Soweto
8/3/82

FIFTY foreign medical organisations have been approached by the Detainees' Parents Support Committee in an effort to intensify their campaign to force the Government to allow independent doctors to examine political detainees.

Black leaders yesterday came out in full support of the campaign, which also appealed for the support of 45 local medical bodies, student organisations and trade unions.

Mrs Albertina Sisulu of the Federation of South African Women said past events have removed all the confidence that the public could have had in the efficiency of district surgeons in their treatment of detainees.

"The shabby treat-

By SAM MABE

ment given to Steve Biko shortly before his death has left us with no doubt that some district surgeons owe their loyalty more to the Government than to the medical profession.

"We can only be assured of the safety of our detained fellow men if they are examined by independent doctors. In fact, we can be pleased only by the total scrapping of detention without trial laws and thereafter we would not need to have campaigns of this nature."

The Rev David Nkwe of the Anglican Church in Jabavu said: "In any democracy, you'd expect things to be done openly and I see no reason why any right-thinking person should not support this campaign."

He added that the more publicity is given to the campaign locally

and abroad, the better it will be for the rallying of support from all concerned people. He also said the detention without trial law has no business to be in South Africa's statute books.

Mr Leonard Mosala, a Soweto community leader, said the Government had trampled on the fundamental principle of human justice by removing the people's right of habeas corpus.

"And once this happens, the lives of the people are placed squarely in the hands of the Government's police system, which is the only system that allows the inexplicable disappearance of people."

"Citizens of this land are unprotected by the legal system of the country which has ceased to be a shield of justice for the people, but has become an instrument of oppression, persecution and

torture by the Government.

"This is because the police are not accountable to anybody for their actions. The need is now for South Africans to fight tooth and nail for the restoration of the all important principle of human justice, the principle of habeas corpus," Mr Mosala said.

The heightening of the DPSC's campaign follows the recent brush-off they got from the Government when the Minister of Police, Mr Louis le Grange, turned down a request that an independent panel of doctors be allowed to visit detainees.

Organisations approached for support include the World Health Organisation, the British Medical Association and other organisations in Nigeria, Zimbabwe and France.

1. Use of black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book (s) are used.

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Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

Student detained

A KRUGERSDORP student who survived last month's bomb blast which killed three other students in an old mine building in the West Rand has been detained under Section Six of the Terrorism Act.

And his mother, Mrs Maria Musi, who has been allowed once to see him, said at the weekend that her son had a broken leg and a deaf ear, sustained during the explosion.

Her son, Zandile Musi (18), was found pinned down by fallen bricks and concrete when police arrived on the scene of the explosion at a derelict mine building on the outskirts of Krugersdorp.

Sandile

9/3/82

Detainees Week organised

ARGUS 9/3/82
329

Argus Correspondent

JOHANNESBURG. — Mounting opposition to South Africa's detention laws has resulted in the organisation of a national 'Detainees' Week' to be held from March 12, with support activities in all major centres.

Co-ordinating the activities is the Detainees' Parents' Support Committee which has played a major role since its inception in October last year, in keeping the public and media eye focused on the plight of detainees.

The committee estimates that 200 detainees are still being held by the security police with no indication as to whether they will be charged or released.

MORE AWARE

The aim of Detainees' Week is to make the general public more aware of the effects of security legislation, a spokesman for the committee said.

Among events scheduled for Johannesburg will be:

● An all-night vigil from 6 pm on Friday March 12 to 6 am on Saturday March 13 to launch the week. The vigil will be held at Khotso House, 42 De Villiers Street, and there will be an opening prayer by the Rev Peter Storey, and discussions and poetry reading throughout the night.

● A 24-hour fast by participants in the vigil.

● A petition will be circulated in Johannesburg for signatures on the morning of Saturday, March 13. Interested parties can add their signatures up to March 25.

● Placard demonstrations every morning from Monday, March 15 to Friday March 19 in John Vorster Square.

● A seminar on the Table Commission report by Dr D van Zyl Smit of the University of the Witwatersrand's law faculty in the University's Senate House B2 on Saturday, March 13 at 2.30 pm.

● A benefit performance of the play Arabi at the Market Theatre on March 17.

● A play highlighting the traumatic effects of detention written and

produced by actress Vanessa Cooke, will be performed for the first time at the Market Theatre at 6 pm on Friday March 19.

Entitled Four Paces by Two — the play will continue to run from Monday the following week.

Press

... while individual suffers from severe limitations, characterised by a well defined imitation.

It is not that if one accepts optimum, then the conflict of efficiency would appear to cease to be would maximise their this would represent an phase in which there were no "laws". In this discussion is the which to me represents a clear part - that the evolution of the from unrestricted free competition state (the efficiency of efficiency) - role for the state (the role of nations of efficiency and equity) - but an evolution in the idea of the state.

realised that while many productively efficient, externalities of production) can still arise. Having bordered on a residential in order for smoke pollution.

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will be \$320 and it is

D. Aspatch 9/3/82

Mdantsane man sues police

(25) (329)

EAST LONDON — An Mdantsane man, Mr Frank Tonga, is suing the Minister of Police for R15 000 for injuries alleged to have been suffered while in security police detention here.

In his claim Mr Tonga alleges that he was frequently assaulted by members of the security police from September 8

to September 24 last year.

A spokesman for Mr Tonga's attorneys said yesterday that the minister had until a month after service to reply to the summons.

The registrar of the supreme court here confirmed that the summons had been issued yesterday. — DDR

Remarks on detainees 'callous'

Religion Reporter

DIMENSION, official organ of the Methodist Church, has accused the National MP for Verwoerdberg, Mr A Vlok, of 'callousness' toward detainees, and said the system he defends is contrary to God's law.

An editorial article in Dimension refers to remarks made in Parliament by Mr Vlok on February 17, in reply to allegations by Mrs Helen Suzman (PFP, Houghton) about the treatment of detainees and their loneliness.

Mr Vlok is reported to have replied: 'I want to ask her this: if they are being interrogated, why are they so lonely?' amid laughter from Government benches.

UNCHARITABLE

Dimension said: 'We doubt whether anything has been said (about detention) which is as callous as the remarks made by Mr Vlok.'

'We wonder if he — and those on the Government benches who found his uncharitable comments so amusing — have ever heard of the injunction of Jesus: Inasmuch as ye have done it to the least of these my brethren, ye have done it to me.'

The article added: 'Recent events — from the death in detention of Dr Neil Aggett to the admission of detainees to hospital and psychiatric wards — illustrate that South Africa's detention legislation has become a malignant monster that eats at the very fabric of our society.'

'The tragedy is that these laws are made and applied by people who — very genuinely — claim they are Christians.'

'Well, in our opinion, these laws are anything but Christian. No law which leads to a situation in which prisoners of the security police prefer death to detention can ever be consistent with the teaching of Christ.'

'The Government claims it is faced with a "total onslaught", a nice catch-phrase that appears to be used as an excuse to justify almost any harsh action taken or contemplated.'

'We believe the time has come for another type of total onslaught — an onslaught of prayer.'

Prof slams action on unionists

ROM 9/3/82

By STEVEN FRIEDMAN
Labour Reporter

A KEY Government labour adviser has criticised police action against trade unionists and called for an end to all forms of race discrimination and changes to the country's official bargaining system.

Prof Blackie Swart, chairman of the industrial relations committee of the Government's National Manpower Commission, says the death in detention of Dr Neil Aggett "need never have happened" and has "cast a further shadow" over the credibility of Government labour reforms.

Prof Swart is head of the industrial relations department at Stellenbosch University's business school.

His views appeared in the Sunday Tribune.

Prof Swart lauds reforms introduced by the Department of Manpower but says co-operation is lacking between State departments to co-ordinate labour policies.

Actions by other Government departments, such as police involvement in strikes, and last year's pension proposals, "though they could be sound in principle...complicate the delicate balance that

exists between labour and management".

He adds: "Comments by politicians, especially ministers not directly involved in labour matters, tend to complicate and retard progress towards a 'normalised' labour market."

He spells out changes he believes will aid labour reform.

These include education reforms as proposed by the De Lange committee, and an internal political solution to avoid a situation in which the factory floor is the only place blacks have a vote.

Prof Swart calls for the removal of all forms of discrimination. "The term 'justifiable discrimination' is a contradiction, and actually means justifiable injustices".

He says the official bargaining system will have to be adapted. Direct negotiations between unions and employers at company level "have come to stay" and although industrial councils "remain advantageous" in certain circumstances, they will have to change.

Prof Swart argues that "establishing credibility" through plant-level bargaining can lead to more centralised bargaining, which could ultimately lead to new, adapted industrial councils.

For written reply:

329 *Hundreds Q. Col. 341-3*
Detainees *10/3/82*

87. Mrs. H. SUZMAN asked the Minister of Law and Order:

- (a) How many persons were detained under (i) section 22 of the General Law Amendment Act, No. 62 of 1966, (ii) section 6 of the Terrorism

Act, No. 83 of 1967, and (iii) section 13 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, No. 41 of 1971, in 1980 and 1981, respectively, (b) for how long was each such person detained and (c) how many such persons are still being detained?

The MINISTER OF LAW AND ORDER:

Parents of *Sowetan* *329* detainees *10/3/82* plan action

THE Detainees Parents' Support Committee has declared next week a "Detainees Week," to mark nation-wide opposition to the Detention Laws.

A petition in the form of a declaration will be launched this week and the public is invited to record its rejection of political detentions by signing it. Various activities are planned throughout the country from March 12 to 20.

Among the events scheduled by the Johannesburg Committee are:

- An allnight vigil at Khotso House on March 12, starting from 6pm. The vigil will be opened by the Reverend Peter Storey, followed by talks, poetry reading etc. As a further act of solidarity, some participants intend fasting for 24 hours from Friday 6pm.

- The Declaration will be launched for signatures on March 13, in which the Public Support Group will play a prominent part. Deadline for signatures is on March 25.

- Religious services will be held on appropriate days during Detainees Week by the Christian, Islamic and Jewish faiths.

Placard demonstrations will be held each morning from March 15 outside John Vorster Square and other points. Also in line is a benefit performance of the play "Marabi" which will be held at

the Market Theatre on March 17. An opening night of the Committee's play, "Four Paces x Two" will be on March 19 at the same venue, starting at 6pm.

Seminars, concerning various aspects of detention and security legislation will be held during Detainees Week.

Listed in the petition are the following facts upon which the Committee bases its demand for the release of all detainees and the abolition of the detention laws:

- There are currently more than 200 people in detention.

- Detainees have no access to their doctors or lawyers.

- Few detainees have had visits from their families.

- In the last two months at least six detainees are known to have been hospitalized, three of whom were placed in psychiatric wards.

- Trade unionist Dr Neil Aggett died whilst being detained under Section 6 of the Terrorism Act on February 5, and he is the 52nd detainee to have died in police custody.

- Detention is being used in an attempt to crush opposition to apartheid and minority rule. The security laws are used to label opposition of apartheid as "criminals".

The Declaration also calls for all detainees to have regular access to their relatives, their lawyers and independent medical attention.

Bricks kill sangoma

(131) Sowetan 10/3/82
 A doctor was killed and four other seriously injured when they were pinned by bricks and concrete from a crumpled shelter being demolished by workmen Monday night.

Five people were sleeping in the brickcrete shelter on the corner of Boom and Reets, Marabastad, in Pretoria when they were unaware of the sleeping people being demolished the dilapidated structure.

The doctor, known only as Maletsware, died on the spot and the four

SPEAK out

C.J. 10/3/82

Out. 206
Synod 329

urged

Own Correspondent

PRETORIA. — The Reformed Ecumenical Synod (Res) was urged yesterday to speak out on issues such as death in detention and the treatment of squatters.

The Dr Allan Boesak of the Nederduits Gereformeerde Mission Church was responding to a list of questions put to the meeting by the interim committee of the Synod, and charged that the questions did not touch on the burning issues in the country.

The meeting, held in Pretoria, went into closed session yesterday to discuss the questions from the interim committee — the highest governing body of the Res which acts as liaison between the different churches in the group.

Credibility

Before the meeting closed, Dr Boesak asked why questions on death in detention and the squatter issue were not asked.

He said the Res should also address itself to the security laws and the recurrence of death in detention. The credibility of the Res hinged upon its view of these issues, he said.

Referring to one of the questions from the interim committee — that member churches should elaborate on the role of the Broederkring and the Broederbond in their churches — Dr Boesak said he was "astounded" by this question.

'Same power'

"Does the interim committee wish to imply that the Broederkring and the Broederbond have the same kind of power in South Africa?" asked Dr Boesak, himself a member of the Broederkring organization of clergymen.

Earlier the meeting failed to formulate any clear resolutions on the question of dual membership of churches of the Res and the World Council of Churches.

Reports of the three committees, which met in closed session at the meeting to discuss the issue, would be forwarded to a central committee and the issue would be discussed at the next meeting of the Res in 1984, the meeting decided.

(329) PM 10/2/82

National week for detainees launched

By JAYNE LA MONT

THE Detainees Parents' Support Committee is launching a National Detainees Week from Friday during which the public will be invited to sign a declaration rejecting political detentions.

Various events, including an all-night vigil, are planned in most of the major centres of South Africa.

The Johannesburg branch of the committee has organised the following events as part of the week which ends on March 20:

● An all-night vigil from 6pm on Friday to 6am on Saturday at Khotso House, De Villiers Street, Braamfontein. The public is asked to participate in the vigil, which will be opened by the Rev Peter Storey, president of the South African Council of Churches. There will be songs, poetry reading and talks during the

night and several participants are to fast for a 24-hour period.

● Various religious services will be held by Christian, Islamic and Jewish congregations.

● Placard demonstrations will take place each day from Monday to Friday next week outside John Vorster Square.

● A benefit performance of the play "Marabi" will be held at the Market Theatre on Wednesday evening and the play "Four Paces x Two" will open at the Market Theatre on Friday evening at six.

● Details of seminars on various aspects of detention and security legislation to be held during the week will be announced later.

The declaration of solidarity will be launched for signing by the public on Saturday morning at various centres. Signatures for the declaration will be accepted until March 25.

THE STAR

11/3/82

This abridged list of people known to have died in detention was compiled from records kept by the SA Institute of Race Relations and the Detainees' Parents Support Committee. It is as accurate as it can be in circumstances where the Security Police consistently refuse to assist The Star with lists regarding security detainees. Two

names omitted were Jacob Mashabane and Fennel Mogatusi. Both died in 1976. Observers such as the SA Institute of Race Relations believe they were security detainees, but the Prisons Department said they were awaiting trial prisoners, one for robbery and the other for theft. Story by David Braun.

Thermometer of Justice

(329)

Mystery of dead detainees

Over the last two decades 50 people are known to have died while in detention under security laws of South Africa, Transkei, and Venda.

Of these, half were said to have committed suicide, seven died accidentally and 10 died of natural causes. The circumstances of the deaths of eight detainees are not known.

Relations show that only 31 of the 50 deaths resulted in inquests. A dozen bodies had mysterious marks, wounds, bruises or swellings which were not necessarily the cause of death.

Of the 25 detainees who committed suicide, 18 hanged themselves in their cells, using items of clothing or bedding. Five were said to have jumped

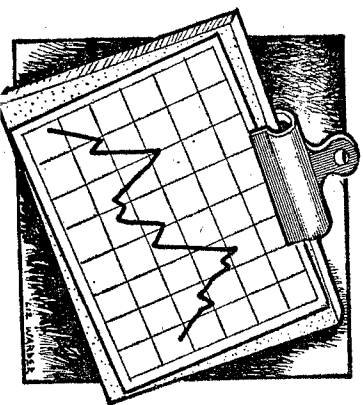
Of those who were said to have died naturally, five died of heart failure and one died of a stroke. No details of the ailments of the other five are recorded.

Several of the detainees appeared to have died in mysterious circumstances.

They included:

● Solwande Look-smart Ngude, who was found hanged in his cell in 1963.

At the inquest the State said Ngude had given information to the police which led to arrests the day before he died. He was



handcuffs while in the interrogation room.

Police evidence was that Biko became violent at one interrogation session and had to be subdued by the police. Biko's death was not investigated until after his death, when it was found that he had hit the back of his head against a wall.

After the incident the police asked the district surgeon to examine Biko. This doctor, Dr Lang, signed a certificate stating that he had found no evidence of "abnormal pathology."

At the inquest Dr Lang admitted he

thologist, testified that at least three blows were needed to inflict the brain injuries.

The magistrate found that no one was criminally responsible for Biko's death.

● Elton Malele died after undergoing two brain operations by a neurosurgeon. Police evidence at the inquest was that Malele fainted while being interrogated and had hit his head against a desk. The magistrate found that his death was not due to any act or omission by anyone.

● Neil Aggett was found hanged in his cell. Mrs Helen Sizman, Opposition spokesman on justice and Civil Rights, told Parliament she had received a letter which alleged Aggett was

THE STAR 11/3/82

DEATHS OF PEOPLE IN DETENTION UNDER SECURITY LAWS			
Date	Name	Place	Attributed cause
5.9.63	Solwandle Looksmari Ngudie		Suicide by hanging
Sep. 1963	Bellington Mampe	Worcester	No details available
24.1.64	James Tyita		Suicide by hanging
9.9.64	Suliman Saloojee	Johannesburg	Jumped from seventh floor
9.5.65	Ngeni Gaga		Natural causes
9.5.65	Pongoloshu Hoya		Natural causes
Aug. 1966	James Hamakwayo		Suicide by hanging
9.10.66	Hangula Shonyeka		Suicide (no further details given)
19.1.66	Leong Pin	Leeuwkop Prison	Suicide by hanging
5.1.67	Ah Yan	Silverton	Suicide by hanging
9.9.67	Alpheus Madiha		Suicide by hanging
11.9.68	J B Tubakwa	Pretoria Prison	Suicide by hanging
1968	Unnamed person mentioned in Parliament		No details available
5.2.69	Nicodemus Kgoathe	Pretoria	Slipped in the shower
28.2.69	Solomon Modipane	Pretoria	Slipped on the soap
10.3.69	James Lenkoe	Pretoria	Suicide by hanging
1.6.69	Caleb Mayekiso	Port Elizabeth	Natural causes
16.6.69	Michael Shivute		Suicide; No further details
10.9.69	Jacob Monnagotla	Pretoria	Natural causes
27.9.69	Imam Abdullah Haron	Maitland	Fell down the stairs
1970	No deaths		
21.1.71	Mthayeni Cuthsela	Umtata	Natural causes
27.10.71	Ahmed Timol	John Vorster Square	Jumped through 10th floor window
1972	No deaths		
1973	No deaths		
1974	No deaths		
1975	No deaths		
19.3.76	Joseph Mdluli	Durban	Fell on a chair
5.8.76	Mapetla Mohapi	East London	Death by hanging
2.9.76	Luke Mazwenbe	Cape Town	Suicide by hanging
28.9.76	Dumisani Mbatsha (16)	Modder B Prison	Natural causes
6.10.76	Unnamed	Carletonville Police Cells	No details available, but head injuries
9.10.76	Edward Mzolo	Johannesburg Fort	No details available
14.10.76	William Namodi Tshwane	Modder B Prison	No details available
19.11.76	Ernest Mamashila	Balfour (Natal)	Suicide by hanging
26.11.76	Thalo Mosala	Butterworth	No details available
11.12.76	Wellington Tshazibane	John Vorster Square	Suicide by hanging
15.12.76	George Botha	Port Elizabeth	Jumped six floors down a stairwell
9.1.77	Nanoath Ntshumtsha	Leslie	Suicide by hanging
9.1.77	Lawrence Ndzanga	Johannesburg Fort	Natural causes
20.1.77	Elmon Malele	Johannesburg	Hit head against a desk after fainting
15.2.77	Mathews Mabelane	John Vorster Square	Fell from 10th floor
15.2.77	Tswafeni Joyi		No details
22.2.77	Samuel Malinga	Pietermaritzburg	Natural causes
26.3.77	Aaron Khoza	Pietermaritzburg	Suicide by hanging
7.7.77	Phakamile Mabija	Kimberley	Jumped through sixth floor window
1.8.77	Elijah Loza	Cape Town	Natural causes (stroke)
3.8.77	Hoosen Haffesjee	Durban	Suicide by hanging
13.8.77	Bayampin Mzizi	Durban	Suicide by hanging
12.9.77	Steve Bantu Biko	Pretoria	Hit the back of his head against a wall
16.11.77	Bonaventure Sipho Malaza (18)	Krugersdorp	Suicide by hanging
10.7.78	Lungile Tabalaza	Port Elizabeth	Jumped through fifth floor window
1979	No deaths		
10.9.80	Saul Ndzumu	Umtata	Natural causes
12.11.81	Tshifhiwa Muofhe	Venda	"Found dead in his cell". No further details
5.2.82	Neil Aggett	Johannesburg	Still to be determined

out of tall buildings and two committed suicide in an undisclosed manner.

Explanations given by the security police for the accidental deaths of detainees were: slipped in the shower room; slipped on a piece of soap; fell down the stairs; fell on a chair; hit head on a desk while in a faint; hit head against a wall while in a scuffle; and fell 10 floors from a window ledge.

then realised he faced death either by the proper processes of the law or at the hands of his previous associates.

Counsel for the widow said that an advocate who had seen another prisoner was informed that Ngudle had not committed suicide but had died as a result of torture.

● **Nicodemus Kgoathe** died of bronchial pneumonia. At the inquest a doctor

said Kgoathe had first told him he had slipped in the shower but then changed his story to having been assaulted by policemen during interrogation.

The doctor said the marks, wounds and abrasions on the body were more likely the result of an assault than a slip in the shower room.

Two members of the security police testified Kgoathe slipped in the shower room. The magistrate was unable to conclude any person was to blame for Kgoathe's death.

● **Solomon Modipane** died three days after he was detained in 1969. According to a Press report the head of the CID said Modipane had received "certain injuries" when he slipped on a piece of soap, but this was not necessarily the cause of death.

The magistrate endorsed the post mortem report that death was due to natural causes and found that no inquest was necessary.

● **James Lenkoe** hanged himself with his belt in Pretoria local prison. The prison surgeon found death was due to hanging. The family insisted on another post mortem to be carried out by a doctor appointed by the widow.

Counsel for the widow told the inquest there was medical evidence that proved beyond doubt Lenkoe had been given an electric shock on the day he died. Three pathologists testified there was a mark on his toe consistent with a very recent electric burn mark.

Verdict: death by self-inflicted hanging.

● The body of the **Imani Abdullah Haron** had 26 separate bruises on its front, back and side. A police officer testified that Haron had fallen down stairs.

A pathologist testified that some bruises were older than others and not all could have been caused by the fall. The official finding was that Haron had died of heart failure, brought on in part by his fall.

● **Mthayeni Cuthela's** body had bruises, weals and a cut on the head. The official cause of death was natural causes.

● **Joseph Mdluli** was found dead in his cell the day after he was detained. Mrs Mdluli claimed after viewing the body that it showed injuries on the forehead and lip, and the stomach was dilated to twice its normal size.

Three months later the Minister of Police announced that four policemen would be

homicide arising from the death of Mdluli, hence no inquest would be held.

Police witnesses at the trial said Mdluli struggled with police officials as he attempted to escape. He staggered and fell, hitting his chest or neck on a chair.

Doctors testified that the injuries were too diffuse to have been caused by a single fall over a chair.

The judge acquitted the four policemen but said medical evidence cast grave doubts on the evidence of the policemen who testified for the State.

● **Luke Mazwemba** died in Cape Town on the same day that he was detained under Section 22 of the General Laws Amendment Act. He hanged himself with a noose made of strips of blanket cut with a razor blade and tied together with twine.

Police were uncertain how he obtained the razor and twine. The post-mortem found several wounds on the body, including swelling and bruising of the right cheek bone, slight swelling of the lower scrotum, abrasions on an ankle and on both shoulder blades. Police were unable to explain these injuries.

Verdict: suicide by hanging.

● **George Botha** jumped a railing and fell six floors down a stairwell of the security police headquarters in Port Elizabeth.

The pathologist's evidence was that he found skin abrasions on the shoulder, upper chest, right upper arm and armpit which indicated wounds, probably two to six hours before death.

The inquest magistrate said he was not able to judge how these injuries had been sustained as no relevant evidence had been led. He found that Botha had died of a head injury sustained when he fell, which was not due to any offence committed by any person.

● **Steve Bantu Biko** died as a result of a brain injury consisting of three main lesion areas. The post-mortem also found slight injuries to the left of the chest wall and to the anterior abdominal wall. There were various skin abrasions between 12 hours and eight days old. There was a cut on the top lip and on the left forehead.

Evidence at the inquest was that Biko was kept naked in his cell while in detention in Port Elizabeth and

signed this certificate incorrectly as Biko had refused food and water, was weak in all four limbs, had a laceration on his lip, a bruise near his second rib, swollen feet, ankles and hands and slurred speech and could not walk properly. Dr Lang said the police suggested to him that Biko could be shamming.

Biko's condition had deteriorated so it was decided to send him to the prison hospital in Pretoria. Biko was in a state of semi-coma when he was helped into a police Land Rover and was placed naked on cell mats on the vehicle's floor with blankets over him.

Professor Procter, a leading neurological pa-

made to stand naked and do exercises while being beaten with rolled up newspapers by security police interrogators.

The inquest into Aggett's death is still to be completed.

★ ★ ★

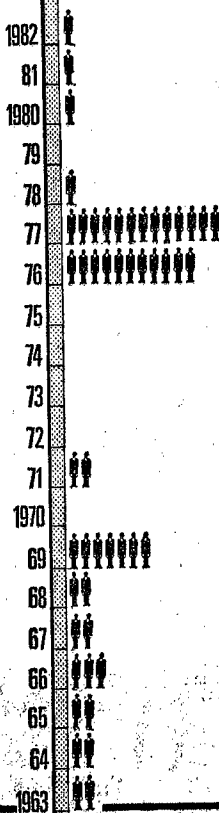
Of the 50 people who have died in detention, at least seven were under 25. At least five were older than 50 and at least 16 died within four days of being detained.

Although one death did lead to the charging of four police officers, no member of the security police has been convicted in connection with any of the deaths.

THE STAR

11/3/82

Recorded Deaths in Detention



This graph, reading chronologically from the bottom, shows the number of people who have died in detention over the last 20 years. Notable features include the cessation of deaths for four years after the outcry which followed the death of Ahmed Timol in 1971; a sharp increase probably associated with the many detentions after the Soweto riots in 1976; and a decrease after the much-publicised death of Steve Biko.

Since the Thermometer of Justice was last published two months ago, 36 people are known to have been detained. Many of these were trade unionists. Some were students from the University of the Western Cape.

Highlights of the last two months included the death in detention of Dr Neil Aggett, his funeral and the international and domestic reaction to his death; the taking to hospital of seven detainees; the release of the report of the Rabie Commission into Security Legislation; increased action by the Detainees' Parents Support Committee; and the lifting of the banning orders of 12 people.

On February 5 Dr Neil Aggett, Transvaal secretary of the Food and Canning Workers Union, was found hanged in his cell. His death, the 50th in detention since 1963, unleashed a storm of protest in South Africa and overseas.

Parents of other detainees demanded, and were allowed, to see their children.

The International Confederation of Free Trade Unions and the American Federation of Labour - Congress of Industrial Organizations (AFL-CIO) slammed detention without trial and Dr Aggett's death. In Australia, trade unions began a week-long boycott of all South African shipping, to be followed by a week-long boycott of South African Airways.

The Swedish Foreign Minister delivered a "strong protest" against alleged violation of human rights in South Africa to the South African representative in Stockholm.

The Detainees' Parents Support Committee set up a panel of independent doctors to examine all detainees. The Government rejected this idea, saying the detainees' health needs were well catered for by the various district surgeons.

Concern for the well-being of the detainees increased sharply when within a few weeks of each other seven detainees had to be taken to hospital.

36 more arrested

women detainees were admitted to hospital under the names of "Mrs Black" and "Mrs Brown." Two other women admitted were Esther Levitan and Rene Roux.

Three detainees were admitted for psychiatric treatment. They were Sam Kikine, Thozamile Gqweta and Liz Floyd, Dr Aggett's girlfriend.

Early in February the Rabie Commission report of its inquiry into Security Legislation was made public.

While some proposals regarding detentions without trial were welcomed, there was an outcry that the Rabie Commission had failed to recommend the abolition of this type of action.

On February 25 Zwelakhe Sisulu, president of the Media Workers Association of South Africa (MWASA) was released after 251 days in detention. He was not charged.

Other detainees released in this period included: Dumile Makjanda, chairman of the

Motor Assembly and Components Workers Union, Maxwell Madlingozi, Mxolisi Didize, Zandile Mjuza and Sipho Pityana. The latter four were all trade unionists.

Also released were: Esther Levitan, a member of the Black Sash, Vuyisile Mdeleleni, a Soweto poet, Steven Kitson, a British citizen, Ralph Wortley, a member of the University of the Witwatersrand staff, Kathy Hunter, Daphne Smith, Jabu Sithole, Marita Claims, Nathan Erasmus, Isaac Ngcobo and Linda Bernhardt.

The banning orders on 12 people were lifted. They were: A A Adarem, M M Mpumlwana, M F Mpumlwana, M Dyani, D Adler, P Tshume, J T Matthews, D D Qeque, S Ramlogopa, E Maigas, H Phungula, and M Ngubeni.

Three people were banned for five years from attending gatherings: David Siponono of Umlazi, Mawala Ramgobin of Verulam and Sheila Weinberg of Johannesburg.

POLITICS

78 held under Terror Act

THE ASSEMBLY — The Minister of Police, Mr Louis le Grange, said yesterday that 78 people were being held in detention in terms of the Terrorism Act.

During last year 320 people had been detained in terms of the law.

This represented an increase of 222 in the 1980 figure.

Mr Le Grange was replying to a question by Mrs Helen Suzman (PFP, Houghton).

During 1981, 950 people had been detained in terms of the Terrorism Act, Section 22 of General Laws Amendment Act and Section 13 of the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act.

In the previous year 996 people had been detained in terms of the three laws.

At present, there were no people being detained in terms of the General Law Amendment Act, 78 in terms of Section Six of the Terrorism Act and six in terms of the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act.

Asked how long each person had been detained, Mr Le Grange replied: "In view of the volume of work involved in collecting and compiling the particulars asked for, I consider it to be impracticable to furnish the information required."

Many of the people detained in terms of the Terrorism Act were originally detained in terms of the General Law Amendment Act. The total number of detentions for 1981 and 1980 were, therefore, lower than numbers detained under all three laws.

In a statement, Mr Le Grange also said that detainees would not be allowed access to their ministers of faith "at random."

He was replying to seven representatives of the Christian, Jewish, Muslim and Hindu communities who recently sent a telegram to the Minister of Justice, Mr Kobie Coetsee, asking permission for ministers of their faiths to visit detainees in Durban.

Mr Le Grange said he wished to assure that in principle he favoured detainees receiving spiritual help, but that it "should be appreciated that for various reasons ministers and other representatives of faiths cannot be allowed access to detainees at random."

"As you are no doubt aware there is a considerable number of chaplains, representatives of almost all church denominations in the service of the SAP, the SADF, and the prisons service who would be only too pleased to provide spiritual sustenance to a detainee if requested to do so," said Mr Le Grange.

"Depending on the circumstances of each case at any particular time a chaplain will, at the request of the detainee, be permitted to provide spiritual help and nurture to such a detainee."

Mr Paddy Kearney, director of Diakonia, the Durban-based ecumenical agency, said the question regarding chaplains for the Muslim, Hindu and Jewish religions had not yet been answered.

"We will have to explore the minister's statement carefully but I cannot say yet what action will be taken."

Investigations were made by Diakonia after it was revealed by Mrs Sylvia Favis, mother of detainee Merle Favis, that her daughter had not been allowed to see Rabbi Selwyn Franklin, of the Orthodox Jewish Congregation in Durban.

One of the representatives, the Reverend John Borman of the Methodist Church said last night that because of the widespread doubt and concern over the treatment and conditions of detainees he "would have expected that the minister would have welcomed the offer and requests by senior clergy to visit them."

"However, I welcome the minister's assurance that prison chaplains may have access to detainees and I hope that detainees are fully informed about this possibility," he said.

Trade unions warn on detentions

THE independent trade union movement in South Africa has warned the Government that the workers will not 'sit idly by while detentions continue.'

In a statement issued in Cape Town yesterday, 13 independent unions endorsed demands for the unconditional release of all detainees and the scrapping of security laws that permit the continued harassment and detention of trade unionists.

The statement follows a series of solidarity meetings of the unions throughout the country recently.

WIDESPREAD

The unions noted that the latest wave of detentions was the most widespread and serious attack so far. It had removed the leadership of several unions and had resulted in one death.

Several others were sent to hospitals or placed under psychiatric care.

'We note increased use of security laws by South African and Ciskeian authorities and Security Police harassment of trade unions that includes detentions, raids of union offices and so on.

The unions noted widespread allegations of torture and maltreatment of detainees.

EXPLANATION

The explanation given by the authorities for the detentions was 'utterly rejected' by the unions.

'We were told there would be a trial early this year in response to the initial outcry at the detentions, yet no such trial has taken place.'

Attempts by the Department of Manpower Utilisation to distance themselves from the State action were also 'utterly rejected.'

The independent unions condemned the Trade Union Council of South Africa (TUCSA) for a statement issued on the day of the funeral of Dr Neil Aggett, dissociating themselves from the protests against his death in detention.

DISGRACE

'Such a statement is a disgrace to any organisation purporting to represent workers and an insult to the workers they claim to represent.

Their statement represents an attack on unions showing solidarity on the death of a trade unionist.

'It is particularly ominous in view of the fact that the last such attack by TUCSA on trade unions was followed by a wave of bannings of trade unions in 1976.

'Let the Government note that the independent trade unions and the workers are not going to sit idly by while these detentions continue.'

UNIONS

The following independent unions demanded the unconditional release of all detainees:

Council of Unions of South Africa (CUSA), Federation of South African Trade Unions (Fosatu), General Workers' Union (GWU), Food and Canning Workers' Union (FCWU), African Food and Canning Workers' Union (AFCWU), Commercial and Catering and Allied Workers' Union of South Africa (CCAWUSA), Black Municipal Workers' Union, Media Workers Association of South Africa (MWASA), Cape Town Municipal Workers' Association, South African Allied Workers' Union (SAAWU), Orange Vaal General Workers' Union, Motor and Assembly and Components Workers' Union of South Africa (MACWUSA).

Wits students get 10 days' jail under Security Act

**Own Correspondent
JOHANNESBURG.**
— Four university
students will spend
10 days in jail after
being convicted yes-
terday on charges
under the Internal
Security Act.

The Wits students ap-
peared before regional
magistrate Mr J H Oost-
huizen who sentenced
them to 360 days — then
suspended 350 days of the
sentence for five years.
They will serve 10 days in
jail.

When considering the
sentence, Mr Oosthuizen
said, he took into account
the fact that the students
had been in custody for
seven months.

The students are Benja-
min David Greyling, 20,
formerly of Argyle Court,
Smit Street, Joubert Park;
Elaine Rose Mohamed,
20, of Wanderers Road,
Newclair; Michael Antho-
ny O'Donovan, 21, of

Homestead Avenue,
Randfontein, and Leslie
Lax, 23, of Hunter Street,
Yeoville.

Changed plea

They were convicted
yesterday after changing
their plea of not guilty to
guilty and admitting they
committed the offences
between July 28 and 31
last year.

They had earlier plead-
ed not guilty to charges of
making posters or plac-
ards and displaying them
to celebrate the 60th an-
niversary of the banned
South African Communist
Party, also that they pur-
sued the purpose and
aims of an unlawful orga-
nization.

Mr M Basslian, for the
defence, said his clients
had been given permis-
sion to write examina-
tions in February while
in custody.

He said Greyling com-
pleted his BA degree, Mo-
hamed and Lax finished
the second year of a BA
degree and O'Donovan
passed all subjects except
one in his first year.

To continue

Mr Basslian asked the
court for a suspended
sentence, saying all his
clients wished to contin-
ue their studies at Wits.

He said registration for
this year closed at the
university last month. The
authorities at Wits were
prepared to register them
on condition they would
be available for studies
not later than April 1.

He said evidence led by
the State earlier did not
show that the students
were members of the
SACP or that any one of
them was a ringleader.

The students would lose
a lifetime chance of con-
tinuing with studies if
they should be sent to
prison for a lengthy
period.

Police told the court,
when the trial started last
month, that Greyling has
been in custody since
July 31 last year and the
other three since August
11 last year.

Jubilant

Jubilant relatives and
friends of the four stu-
dents hugged and kissed
each other outside the
court after sentence was
passed.

Greyling's mother, who
was overcome with joy
after she was earlier seen
crying in court before
sentence was passed, said
she had always trusted in
God since her son was ar-
rested.

She said she felt re-
lieved and happy that her
son would be able to con-
tinue studying.

Mohamed's father, Dr I
J Mohamed, senior lectur-
er in mathematics at Wits,
said he was happy his
daughter and her friends
decided to change their
plea of not guilty to avoid
a lengthy trial.

"No criminal can complain if he is jailed. But he can complain if he is jailed without a trial, for until he is proved guilty he is presumed to be innocent."

"Yet, under the Emergency Regulations, which started falling over the country like the autumn leaves of Val Ambrosia, men were arrested and interned without even being charged with any offence, without even being charged in which they accusers were."

"Informers remained anonymous."

"That indictment against detention without trial — during a declared war, mind you — was made by Dr Hans van Rensburg the Commandant-General of the Ossewa Brandwag (OB) — which launched a militant campaign against the decision of the government to join the side of the Allies in World War Two."

"The OB, as the organisation was known, and the State was known, stood staunchly for the Republic and were too militant even for the National Party — which eventually expelled them."

Among the people involved, the OB included the former Prime Minister and former President, Mr John Vorster, and General Hendrik van den Bergh, the former head of the Bureau for State Security (BOSS).

Dr Van Rensburg resigned his post as administrator

Detention without trial: a

of the Free State to lead the OB against the government of the day.

Some years after the war ended and after the OB had been disbanded, Dr Van Rensburg wrote an autobiographical sketch, *Their Paths Crossed Mine*, which I have just read.

When one looks at his criticisms of arbitrary state power by the Smuts Government between 1898 and 1945, and at the "brave acts of defiance" by the OB and their supporters, one can only be astonished that the government of the day in 1962 is unable to see any parallels with today.

Dr Van Rensburg wrote that the sharpest blows of the war government fell on the Storm-Jaers through hundreds — who were arrested to be killed by political detectives and seeking fresh information from a harrowed fellow-Afrikaner.

"Where a young man was taken into custody for political reasons in these days, it was never necessary to arrest him from his cell to find the nearest S.J. — unless the police had made a bloomer and taken the wrong man."

"When a coup had to be undertaken to help an endangered comrade, or when a man was urgently necessary to transport



General J. C. Smuts — bitter criticism of detentions without trial by his wartime government.

an escapee, there were no political reasons in these days. It was never necessary to arrest him from his cell to find the nearest S.J. — unless the police had made a bloomer and taken the wrong man."

Dr Van Rensburg wrote: "In so breaking the law, we took no pleasure. 'In the process we, obviously, endangered

striking parallel

comforted ourselves that the path seems to have been mapped out for the Boer people by history."

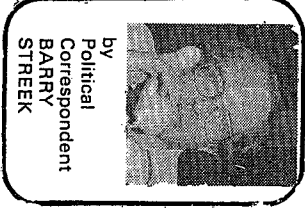
Much of the book avoids implicating individuals by name — that would be an interesting story — but Dr Van Rensburg does quote from some newspaper headlines at the time, which tell their own story.

"Police chief on hundreds of arrests."

"Probably high treason charge against 35 men."

"In the past few days 314 members of the South African police have been relieved of their duties and placed under arrest, apart from thirty this morning violent explosions at Verrezeniging, Delmas and Potchefstroom blew a charge of high treason is being investigated."

"Further, 59 railway constables are under arrest. (Vaderland, January 21, 1942).



Political Correspondent BARRY STREEK

"The authorities are of opinion that the plan was carefully prepared and that it was executed by numerous saboteurs." (Star, February 2, 1942).

"Communications cut in Free State. Plan prepared on a large scale." (Burger, February 2, 1942).

Dr Van Rensburg then adds: "There was no report of injury or loss of life."

Then, there was the story, which is frustratingly vague for obvious reasons, of the six white men, on the six white men, who were arrested and the head of the security police in Pretoria, in May 1945, and removed "certain documents."

"Punctually at one-thirty this morning violent explosions at Verrezeniging, Delmas and Potchefstroom blew up power-lines, ten of them carrying 80 000 volts, and two of 132 000 volts." (Vaderland, January 28, 1942).

Dr Van Rensburg described the raid as "their boldest coup" and said it showed a con-

"Careful preparations."

"All telegraph and telephone communication between Bloemfontein and the Union and the east hours of the morning yesterday. Also, railway telegraph and telephone lines in various parts of the Free State have been destroyed."

tempt of all rational considerations.

Dr Van Rensburg also described how a 16-year-old schoolgirl, Elsie Nel, "a vital witness in a high treason trial in 1940" refused to give evidence for the state.

"Her evidence was essential to the Crown and she refused to speak."

"She was committed to prison and there the detectives threatened her with all their tricks. She did not seem vastly impressed."

"For a man a prison cell is no thing. It is a prison, and should there fore be able to endure it."

"To a schoolgirl of 16 surrounded by grim looking warders and police, it must have been a nightmare."

"Neither was she left in peace. Interrogation followed. Interrogation threat followed threat."

"After a week she was to appear in court again and, if she refused to testify, then go in again for another spell and another and another I necessary."

"If the police faces became grimmer and grimmer as they tried to intimidate this girl, one must not blame official: over-much. It was mere job was to the internal security and internment measures."

One could go on. The parallels are there and it is tragic that lessons from history are not learned."



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Mad

Kikine

**back in
police**

custody

329

E.P. Post

17/3/82

DURBAN — Detained trade unionist Mr Sam Kikine, discharged from a Durban hospital where he had been receiving psychiatric treatment, was taken into police custody on condition he would no longer be held in isolation cells, his lawyer said.

He said the psychiatrist, who has treated Mr Kikine since he was admitted to St Augustine's Hospital about two weeks ago, had recommended the conditions of discharge, which had been accepted by the police.

Mr Kikine, the general secretary of the South African Allied Workers' Union, was detained in November last year, and had spent about 90 days in solitary confinement before he was admitted to hospital.

Mr Kikine is being held under Section 6 of the Terrorism Act. The head of Security Police in Durban, Brigadier J Van den Hoven, would not comment on the discharge or detention of Mr Kikine. "I will discuss it with his relatives," he said.

...were currently
d the Pacific Ocean. — Sapa-AP

Unionist
leaves
hospital

329
10/3/82
NUSA
15A

DURBAN — The detainee, Mr Sam Kikine, general secretary of the 85 000-strong South African Allied Workers' Union, was discharged today from St Augustine's Hospital where he had been receiving psychiatric treatment since February 26.

Mr Lionel Goldman, administrator of St Augustine's, said Mr Kikine left the hospital premises under police guard.

Mr Kikine was detained on November 26

D. Asatch *11/3/82* **Kikine not to be isolated?** *(329)* *(USA)*

DURBAN — Detained trade unionist, Mr Sam Kikine, had been discharged from hospital on condition he would no longer be held in isolation cells, his lawyer said yesterday.

Mr Kikine had been receiving psychiatric treatment.

Mr Kikine's lawyer said the psychiatrist who had treated Mr Kikine since he was admitted to hospital about two weeks ago had recommended the conditions of discharge, which had been accepted by the police.

The psychiatrist declined to comment yesterday, but said he was satisfied with the conditions of the discharge.

Mr Kikine, the general secretary of the South African Allied Workers' Union, is being held under Section Six of the Terrorism Act and had spent about 90 days in solitary confinement before he was admitted to hospital.

The head of security police here, Brigadier J. van den Hoven, would not comment. — SAPA.

Logical
totally

star (3 29)
11/3/82 (134)
**Unions warn
on detentions**

By Drew Forrest
Independent black and non-racial trade unions representing more than 150 000 workers have warned that they "would not sit idly by" while the detention without trial of trade unionists continued.

In a hard-hitting joint statement the unions said yesterday the recent wave of detentions is "the most widespread and serious attack so far" and has "made a mockery of the State's new labour dispensation."

The statement was released by most major independent worker bodies including Cusa, Fosatu, the SA Allied Workers' Union, the General Workers' Union, the Food and Canning Workers' Union, The African Food and Canning Workers' Union, the Commercial, Catering

and Allied Workers' Union and the Media Workers' Association of South Africa.

It is an important prelude to this year's independent union summit meeting, scheduled for April 24 and 25 in Johannesburg, at which the detention of unionists is bound to feature prominently.

Noting the "widespread allegations of maltreatment of detainees," the unions reject explanations offered by the authorities for the detentions.

"We were told there would be a trial early this year," they say. "It is now clear that the State does not, and never did, have the evidence for such a trial."

The unions describe the statement released by the Trade Union Council of SA (Tucsa) on the day of Dr Aggett's funeral as "a disgrace to any organisation purporting to represent workers."

Law chiefs: Rabie offers no safeguard

204 12/3/82 329

By GERALD REILLY
Pretoria Bureau

THE Rabie Commission on security legislation failed to recommend effective safeguards against death or injuries in detention, according to the Association of Law Societies of SA.

The association, reacting to the Rabie report yesterday, said that apart from more than 40 deaths in detention, reports of detainees being referred to hospitals for psychiatric treatment gave rise to grave concern.

In a statement issued in Pretoria its president, Mr Monty Knoll, said the association had recommended to the Minister of Justice a number of safeguards which would go a long way towards

remedying the situation.

They included the keeping of full records by the uniformed police branch on each detainee, with notes taken at all stages of detention, including medical examinations, all interrogations, and notes of the physical and mental health of the detainee.

The association had also recommended the presence of a senior magistrate during interrogations.

The association has urged that wherever possible, detainees should be charged and prosecuted under the common law.

It found certain Rabie recommendations fell short of what it believed to be necessary.

Among these were:

● A failure to introduce suffi-

cient safeguards to ensure people were not detained without justification;

● A lack of provision for detainees to be visited by their lawyers; and

● A lack of provision for payment of compensation to detainees.

The association also questioned whether the banning laws had achieved their objective.

"In effect, sentence is imposed without any trial at which the accused is given the opportunity of meeting the accusations against him. The possibility of miscarriages of justice must be ever-present."

The association charged that the civil remedies for misuse of power were inadequate.

● See Page 9

Rabie report falls short, say lawyers 329

The Association of Law Societies has welcomed some of the recommendations of the Rabie Commission on security legislation, but said in certain respects the recommendations "fell far short" of what it believed was necessary.

In a statement in Pretoria yesterday the association's president, Mr J E Knoll, said the association's full council had departed the Rabie report and its recommendations in Cape Town last week

and had conveyed its views to the Minister of Justice.

It was clear from its report that the commission had given "full and careful" consideration to the associations' representations "and had gone some way" towards meeting the association's submissions. "Thus, for example,

the provision for a review board in the draft internal security Act recommended by the commission is a distinct step forward," Mr Knoll said.

"The association believes, however, that the board should be independent and its members should not be subject to instant dis-

missal by the State President who is given power to remove them at any time."

The association also commended the commission's recommendation that the multiplicity of offences on the statute book in respect of terrorist activities and sabotage be reduced, and that the existing

statutorily imposed minimum sentences be removed.

"The association does not deny that there is a need, under the conditions prevailing, for security legislation to enable the State to discharge its duty to protect the public. It reiterates, however, that the greater the

powers granted to the State the greater should be the measure of the supervision and control, by effective independent bodies or persons of those who exercise extraordinary powers on behalf of the State.

"The commission rejected the view that the Common Law and the normal judicial process could ensure the safety and security of the public. It also urges that where it is possible to charge the accused under the Common Law and, also, a prosecution of

the Common Law and the normal judicial process could ensure the safety and security of the public. It also urges that where it is possible to charge the accused under the Common Law and, also, a prosecution of

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the Common Law and the normal judicial process could ensure the safety and security of the public. It also urges that where it is possible to charge the accused under the Common Law and, also, a prosecution of

people were not detained or kept under detention unless their detention was and continued to be justified.

● Lack of provision for detainees to be visited by their lawyers subject to suitable safeguards.

● Lack of provision for payment by the State of compensation for people who had been detained. — Sapa

Detainees petition seeks public support

(229) Shaw
12/3/82

Members of the public in Johannesburg will be asked tomorrow to put their signatures to a "detention declaration" in the form of a petition been drawn up by the Detainees' Parents Support Committee and calls on the

public to join forces in the demand for the release of all detainees and the abolition of detention laws as part of the National Detainees Week. The Public Support Group will assist the signature collectors at points in Johannesburg.

The declaration says: "There are at present more than 200 people in detention. (The Minister of Police, Mr le Grange, has in parliament set this figure at 78 but DPSC spokesman Dr M Coleman says this refers only to detainees held under Section 6.

Detainees are kept in solitary confinement — a cruel form of mental torture. Detainees have no access to doctors or lawyers and few have had visits from their families. In the past, two months, at least six de-

tainees are known to have been taken to hospital. Three were placed in psychiatric care. On February 5, 1982 trade unionist Dr Neil Asgett died while being detained under section 6 of the Prevention of Terrorism Act — the 82nd detainee to die in police custody.

Detention is being used in an attempt to crush opposition to apartheid and minority rule, and security laws are being used to label opponents of apartheid as criminals."

concerning alleged misdeeds in South West Africa, will give evidence before the Board of Inquiry.

Mr. H. H. SCHWARZ, Mr. Speaker, arising out of the hon. the Minister's reply, may I say, firstly, that I welcome the statement he made. Secondly I should like to say that, as regards the activities of the Defence Force to win the minds and hearts of the people, Kavanago has had the best record. I should like the hon. the Minister's assurance that none of these allegations will in any way stop the efforts of the Defence Force to continue with that campaign.

The MINISTER: You have my assurance.

Question standing over from Wednesday, 10 March 1982.

Flood disaster: insurance claims

"25. Mr. B. B. GOODALL asked the Minister of Health and Welfare:

Whether (a) he and (b) any official of his Department has received representations regarding insurance claims (i) from and (ii) on behalf of the survivors of the flood disaster of January and February 1981; if so, (aa) what was the nature of such representations, (bb) from whom were they received and (cc) what was his response thereto?

THE MINISTER OF HEALTH AND WELFARE:

(a) I bear no knowledge of any representations which might have been addressed to me;

(b) a consultant, Cape Town, made representations to the Chairman, Disaster Relief Fund, about the Laingsburg disaster with reference to press reports which appeared during March 1981, regarding insurance compensation paid to the disaster victims. His

representations were subsequently also referred to the said Chairman by the hon. member for Edenvalle.

In a letter dated 22 October 1981 the hon. member for Edenvalle was informed as follows by the Chairman of the Disaster Relief Fund:

"As far as his suggestions regarding insurance are concerned, I wish to point out that my board is mainly concerned with the material relief of victims and that the investigation at Laingsburg as envisaged by the consultant is a task which cannot be undertaken by my board. I would, however, suggest that the matter be taken up with the Registrar of Financial Institutions."

For written reply:

Handled

Detainees

12/3/82-374

88. Mrs. H. SUZMAN asked the Minister of Justice:

(1) (a) How many persons were detained under (i)(aa) section 10(1)(a) and (bb) section 12B of the Internal Security Act, No. 44 of 1950, and (ii) section 215*bis* of the Criminal Procedure Act, No. 51 of 1977, in 1980 and 1981, respectively, (b) for how long was each such person detained and (c) how many such persons are still being detained;

(2) whether any such persons were (a) charged, (b) convicted and (c) acquitted under (i) any of the above Acts or (ii) any other statutory provisions; if so, how many under each such Act or other statutory provision?

The MINISTER OF JUSTICE:

(1) (a) (i) 1980 1981
192 11
(It is presumed that the question relates to section 10(1)(a)*bis* of the Act.)

(b) (ii) 1980 1981
4 7
(It is presumed that the question relates to section 185 of the Act.)

(b) Section 10(1)(a)*bis* of the Internal Security Act, 1950:

Persons	Duration of detention	Persons	Duration of detention
8	7.5.80-2.8.80	2	13.6.80-26.9.80
1	7.5.80-26.9.80	4	20.6.80-28.6.80
1	7.5.80-10.11.80	1	20.6.80-28.7.80
4	29.5.80-1.6.80	3	20.6.80-28.7.80
1	29.5.80-4.7.80	1	20.6.80-29.7.80
11	29.5.80-2.8.80	1	20.6.80-30.7.80
4	29.5.80-29.7.80	1	20.6.80-1.8.80
1	29.5.80-30.6.80	4	20.6.80-5.8.80
2	29.5.80-26.9.80	1	20.6.80-10.8.80
1	3.6.80-26.7.80	2	23.6.80-2.8.80
4	3.6.80-11.8.80	1	25.6.80-2.8.80
1	4.6.80-29.7.80	3	25.6.80-26.9.80
1	6.6.80-30.6.80	1	25.6.80-1.8.80
2	6.6.80-29.7.80	5	26.6.80-2.8.80
8	6.6.80-26.9.80	2	30.6.80-10.8.80
1	6.6.80-2.8.80	5	1.7.80-2.8.80
4	7.6.80-29.7.80	1	2.7.80-10.8.80
1	8.6.80-29.6.80	1	4.7.80-26.9.80
1	8.6.80-30.6.80	2	8.7.80-26.9.80
2	8.6.80-23.7.80	4	11.7.80-10.8.80
3	8.6.80-6.8.80	4	13.7.80-2.8.80
1	9.6.80-29.7.80	1	15.7.80-10.8.80
2	9.6.80-1.8.80	2	15.7.80-26.9.80
1	9.6.80-6.8.80	1	18.7.80-26.9.80
15	9.6.80-10.8.80	10	31.10.80-7.2.81
1	11.6.80-2.8.80	1	4.11.80-7.2.81
1	11.6.80-10.8.80	2	5.11.80-7.2.81
2	12.6.80-6.8.80	14	7.11.80-3.3.81
1	13.6.80-29.6.80	3	7.11.80-7.2.81
1	13.6.80-18.7.80	1	17.11.80-7.2.81
5	13.6.80-1.8.80	1	18.11.80-7.2.81
4	13.6.80-2.8.80	1	19.11.80-7.2.81

FM 12/3/82 (322)

MORE DETAINEES

For the month of March, thus far, seven people have been detained under Section 22 of the General Laws Amendment Act and one under Section 6 of the Terrorism Act.

This brings to 41 the number of people detained without having been charged in the first three months of 1982, according to a list prepared by the SA Institute of Race Relations this week. The list is "as accurate as possible, but is likely to have some names of people since released and not have the names of all those in detention," according to the institute.

About 200 people from all over SA, including the homelands, are currently in detention under security laws. Detainees include students, trade unionists, churchmen, lawyers and teachers.

'Detainee Week' prayers

NR 645 12/3/82

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A NATIONWIDE campaign to focus on the plight of the 280 people presently held in detention starts in Cape Town tomorrow with a weekend of prayer.

Thousands of people are expected to associate themselves with a declaration on detention sponsored nationally by the Detainee Parents Support Committee, and hundreds of people have volunteered to distribute the declaration during the week.

Church leaders throughout the Peninsula

have been approached to associate themselves publicly with the call to release all detainees.

They will be asked to mention detention in their sermons on Sunday and to distribute the declaration to their churches.

Lecturers at the University of Cape Town have been asked to observe one minute of silence during classes at the university on Monday.

On Friday, St George's Cathedral will open its doors to those who wish to pray for detainees.

Detainees' Week will end with a protest rally a

week tomorrow at St Mark's Church, Church Street, Crawford.

According to records kept by the South African Institute of Race Relations, 280 people are now in detention. In Cape Town, 11 people have been detained under Section 6 of the Terrorism Act since January 1. Three have been released without being charged.

Community leader Johnny Issel has been held under Section 10 of the Internal Security Act since November 2 1981.

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out new frms
The answer with a que or shd r
be m. n. it wd m the drcd to the command
May will then to pns drcd pncd
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the answer will mnt pncd r, one way fr
mns ga mnt mnt r mnt mnt mnt mnt
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A public crisis of confidence

The public no longer believed detainees were not maltreated, the Association of Law Societies of South Africa said yesterday. Reacting to the recommendations of the Rabie Commission on security legislation, the association called for far more stringent controls on detention.

THE Association of Law Societies of South Africa believes the most disturbing omission from the Rabie Commission report on security legislation is that it makes no recommendations to prevent the death or injury of detainees.

In a statement yesterday outlining the association's reaction to the report, its president, Mr. Morry Knoll, stressed the need for effective safeguards to prevent death or physical or mental injury during detention or interrogation.

Apart from more than 40 deaths in prison, reports of detainees being referred to hospitals for psychiatric treatment was also cause for grave concern, he said.

"The public no longer believes detainees are not maltreated, and no evidence is far as the report is concerned has been produced to enable offenders to be brought to book."

The association has recommended several safeguards to the Minister of Justice which would go a long way towards remedying the situation.

Among the recommendations:

- Family next of kin and a lawyer be informed immediately of the detention.
- A detailed code for handling detainees be laid down and uniformed police are present at interrogation.
- All interrogations kept by the full formed branch of the police on each detainee, with notes made during all stages of detention, and which include all medical examinations and interrogations, and which detail the detainee's physical and mental health.
- All doctors nominated by the Judge President have access to detainees at the start of detention and at intervals of not more than seven days.
- A senior magistrate be present during interrogations.

The association welcomed the fact that the number of offences constituting terrorist activities had been reduced to three main categories — terrorism, subversion and sabotage.



MR KOBIE COETZEE... Minister of Justice

offences be narrowed. The association urged that, wherever possible, accused should be charged and prosecuted under common law.

There seemed no good reason why, if the overblown machinery of the State were put to the test, the commission should be reduced to three main categories — terrorism, subversion and sabotage.

The association identified certain commission recommendations which fell short of what it believed necessary.

- Three examples of sufficient safeguards to ensure people are not detained without justification.
- Lack of provision for detainees to be visited by their lawyers.
- Lack of provision for payment by the State of compensation to detainees.

ment by the State of compensation to detainees.

The commission had rejected the association's submissions that emergency legislation should be brought into effect only for limited periods when a sense of law and order existed, and that all detentions should be by warrant issued by a senior police officer, and confirmed by a Judge President within 14 days.

To prevent injustices at the outset, the initial detention should be of limited duration only. Mr. Knoll said.

The association recommended by the commission for reviews of detentions and hearings were too long.

The review powers conferred on the Chief Justice were limited and fell far short of a general review of the merits of the detentions. The association wanted laws which would have achieved their objective.

the association says injured persons would be nominees of the Minister of Justice and could in no sense be described as independent.

The association considers the recommended new offence of failing to report terrorists a dangerous result in members of a family informing on one another.

It lists other matters apparently ignored by the commission.

- A detainee has the right to know why he is being detained and what conditions govern his detention.
- The methods employed nor is there any apparent limit to the duration of solitary confinement, with no enforceable right for the detainee to ask for clarification of his position.
- Inadequate safeguards exist against misuse of detention provisions. The commission appears to have accepted the police case without giving sufficient consideration to the danger that the granting of wider powers must inevitably lead to their abuse.

The association has also drawn attention to two areas needing urgent consideration — inadequate civil remedies for misuse of power and the fact that the period of prescription is too short.

The commission accepted in the association and the need for far-reaching amendments to the Inquest Act to facilitate independent investigations where police are involved.

'Missiles'

hurled at detainee protest

1-18-64 13/3/82

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3/8/82

Weekend Argus
Correspondent

JOHANNESBURG. — Blankets were hung over windows at the SA Council of churches Johannesburg headquarters last night to ward off 'missiles' hurled at a group of more than 400 people gathered to protest against detention without trial.

The vigil began at six o'clock last night and ended at the same hour this morning. It was held to protest against the continuing detention without trial of several student and trade union leaders who have been held for some months.

A spokesman said that last night bottles or bricks were hurled inside the back of Khotso House in the city, and some windows were smashed.

BLANKETS

'We hung up some blankets to cover the windows so as to keep away further missiles,' the spokesman said.

The vigil was to mark the beginning of National Detainees' Week during which the public would be invited to sign a declaration rejecting detentions without trial.

Next week there will be daily placard protests outside John Vorster Square and Christian, Jewish and Islamic religious ceremonies will be held.

For the declaration, signatures will be collected until next Saturday.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

- Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
- Do not write in the left hand margin.
- All answer books must be handed to the commissioner or to an invigilator before leaving the examination.
- part of an answer book is to be torn out.

Indicates are not to communicate with other candidates or with any person except the invigilator. Candidates are so instructed. All books, notes, pieces of paper or other material may be brought into the examination room.

ING

Initials	
ner,	

It is hoped that on each day next week there will be some activity to highlight detention.

LISTS

Bishop Stephen Naidoo of the Catholic Church said they would circulate special lists with the names of detainees to all parishes and ask that special prayers be held.

Bishop Patrick Matongwe of the Anglican Church said he supported the focus on detention.

I think it is important that everybody supports the focus, because detentions are bad, he said.

COURT

Imam Ali Gerdien of the Muslim Judicial Council said he supported the move.

11 held	13/3/82 (329)
EXTERNAL	(2)
INTERNAL	(3)

'As a Muslim I cannot support the system of detention without trial. They should rather bring people to a court of law.'

'By detaining people, it seems as if the authorities fear these people or it could also mean there is no charge against them', he said.

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

TY OF CAPE TOWN
TION ANSWER BOOK

Section 4

Support for national Detainees' Week

RELIGIOUS leaders have come out in support of a national 'Detainees' Week,' called for by relatives and friends of people in detention.

The focus on detention in Cape Town starts with a weekend of prayer on Saturday and will culminate in a protest rally next Saturday.

200 PEOPLE

The 'Detainees' Parents' Support Committee is also circulating a declaration on detentions, which they hope will show public support for detainees.

The committee said there are currently more than 200 people in detention, who are not sure whether they would be released or charged.

By
Ryland
Fisher

'Until detainees are released, they should be allowed regular access to their families, lawyers and independent medical attention,' the committee said.

'I think it is important that everybody supports the focus, because detentions are bad, he said.'

11 held

Eleven Cape Town people are currently being detained under Section Six of the Terrorism Act, which allows for 14 days detention without access to family members.

Most of the detainees were picked up after returning from a trip to Zimbabwe at the end of last year.

Mr Matthew Mofoka, also of Cape Town, was arrested last Tuesday after returning from Lesotho.

He is being held in Bloemfontein under Section 22 of the General Law Amendment Act, which allows for 14 days detention without access to relatives.

Mitchells Plain community leader Mr Johnny Isel is still being held under Section 19 of the Internal Security Act at Middelbush Prison.

Those detained under Section Six are: Mr Benjamin Julius, Mr Lionel Scholander, Mr Barends, Mr Frank Anthony, Mr Roger Ganiel, Mr Jullian Sauts, Mr Johannes Mamele, Mr Freddy Schroeder, Mr Wilfried Apollis, Mr Gerrit Steenberg and Mr Gerald Clams.

Worldwide plea goes out on detainees

By ANTON HARBER

THE Detainees Parents' Support Committee has appealed to more than 130 local and international medical organisations to support their call for an independent panel of doctors to have access to detainees.

And the response of the Medical Association of South Africa (Masa) to the appeal will be closely watched, since it may affect their precarious membership of the World Medical Association (WMA).

In a letter to the medical bodies, the Parents' Committee said that in the wake of the death in detention of Dr Neil Aggett it is "no longer possible for the medical profession to remain neutral on these matters".

The letter set out five demands based on the guidelines for the treatment of prisoners adopted by the WMA in Tokyo in 1975:

- The police recognise an independent panel of doctors chosen by the Parents' Committee and family doctors;
- These doctors be given the right to examine all detainees when they are first held and at least once a week thereafter;
- If recommended by these doctors, specialists have access to detainees and, if hospitalisation is recommended, this should be done;
- Medical examinations and reports should be private; and,
- Parents be told of every visit to the detainee by a district surgeon and its reasons.

The letter has been sent to most of the

national bodies tied to the WMA.

Failure by Masa to support the parents' demands will give ammunition to those seeking South Africa's expulsion from the WMA.

South Africa was recently readmitted to the world body after being expelled in the wake of the death of black consciousness leader Mr Steve Biko in detention in 1977.

A doctor speaking on behalf of the Parents' Committee said yesterday although their ultimate aim was the release of detainees, "safeguards are needed to protect the health of those still being held".

The parents have already selected a panel of independent doctors and requested they be given access to the detainees. The Minister of Police Mr Louis le Grange has turned down the request, Masa could not be contacted for comment last night.

● The Parents' Committee is collecting signatures for a declaration rejecting political imprisonment as part of a National Detainees' Week, and was due to launch the week with an all-night vigil at Khotso House, Braamfontein, Johannesburg, last night.

The committee will be collecting signatures at various centres until March 25.

Other activities during the week are:

- Various religious ceremonies by Christian, Islamic and Jewish congregations;
- Placard demonstrations outside John Vorster Square from Monday to Friday;
- Seminars on aspects of detention and security legislation; and,
- Benefit performances of two plays, "Marabi" and "Four Paces X Two".

Official Staff

Y 23 of the 126 people who had been detained under the security laws and then charged in 1981 were found guilty, the Minister of Justice, Mr. Kobie Coetsee, disclosed in the House of Assembly yesterday.

A further 32 people had their charges withdrawn or they were acquitted.

Replying to questions tabled by Mrs Helen Suzman (FFP Houghton), Mr Coetsee said 69 cases were still pending.

Mrs Suzman said afterwards that these figures were "an indication of the wide use of these laws, well beyond the intention expressed in Parliament by the minister at the time when these laws were introduced".

Detention figures given

CH4 Times 13/3/82 (329)

Mr Coetsee also told her that 192 people in 1980 and 11 in 1981 had been detained in terms of the preventive detention provisions of the Internal Security Act.

Persons of the provisions for potential witnesses in terms of the Internal Security Act, 63 people had been detained in 1980 and 57 in 1981.

The minister gave the details of how long these people had been detained under both provisions. In one case, 19 people who had been detained on March 30, 1981, as potential witnesses were still in detention.

Mrs Suzman said: "It takes an awful long time in these cases where people are detained as witnesses to come to court. When one considers they are held in solitary confinement without access to the outside world, they are very likely to have been held for some months before under section six of the Terrorism Act, the whole operation of these laws becomes even more formidable."

"A most depressing aspect of all this is that the hardship suffered by these

people will in no way be alleviated even if all the recommendations of the Rabie commission are implemented."

Mr Coetsee said 15 other people who had been detained on November 27 last year and three others who had been detained on December 2 as potential witnesses were still in detention.

In terms of the provisions for detention of potential witnesses under the Criminal Procedure Act for criminal trials, four people were detained in 1980 and seven in 1981.

Of the 23 people who had been detained and charged under the Terrorism Act, four had been found guilty, five acquitted and the remaining cases were still pending.

A further 16 had been charged with statutory offences, six found guilty and two acquitted.

Mr Coetsee also pointed out that section six of the Internal Security Act at present.

The minister said four of the people who had been detained under section 22 of the General Law Amendment Act had been charged with statutory offences and found guilty under the Terrorism Act, and 74 had been charged under other statutory provisions, of whom eight had been found guilty, one acquitted and 47 cases were pending.

The provisions of this law and the other detention provisions in the General Law Amendment Act, the Abuse of Powers and Rehabilitation Centres Act "relate to the detention of people for purposes of interrogation".

SACC vigil under 'siege'

By Jon Qwelane

Blankets were hung over the windows at the SA Council of Churches' headquarters in Johannesburg last night to ward off "missiles" being hurled into the building, where more than 400 people had gathered to protest against detention without trial.

The vigil lasted 12 hours from 6 pm.

It was held to protest against the continuing detention without trial of several student and trade union leaders.

An SACC spokesman said bottles or bricks were hurled into the back of Khotso House in the city. Some windows were smashed.

He did not know who the attackers were.

"We do not absolutely rule out the possibility of right-wing elements, but it could have been an irate flat dweller," he said.

The vigil was to mark the beginning of National Detainees Week, during which the public will be invited to sign a declaration rejecting detentions without trial.

Letters have already been sent to more than 130 local and international medical associations to support a call for independent physicians to attend detainees.

During the week there will be placard protests outside John Vorster Square every day.

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2. The Cape Times, 5
13/3/82

Detainees: Week of solidarity

THE Detainees Parents' Support Committee of Western Cape announced yesterday that they had joined with similar committees in Johannesburg and Durban to launch a national week of solidarity with detainees.

During the focus week which begins today, the committee will collect signatures in support of a Declaration on Detentions, which calls for the immediate and unconditional release of all detainees and the abolition of security laws.

The committee has called on the public to add their voices to this call. They have also asked lecturers at the University of Cape Town to observe a minute's silence during lectures at the start of the week and have requested religious leaders to focus attention on the issue of the detainees.

Parents of detainees and other speakers will launch the focus week at a lunchtime meeting at UCT on Monday. To mark the end of the week there will be a further meeting at St Mark's Hall, Athlone, next Saturday. Speakers will include trade unionists, relatives, lawyers and churchmen.

"Our immediate demands are for access by family, lawyers and independent doctors," a committee statement said.

ACTIONS ON TRADE UNIONISTS AND ON THE MEDICAL PROFESSION

DOCTORS OFFER CARE FOR SECURITY DETAINEES

A CONCERNED medical community has begun taking action to try to improve security detainees' health checks.

A panel of doctors has told the Detainees' Parents' Support Committee that it is available to treat or consult detainees.

The committee is leading a growing lobby to ask the Government to allow private medical inspections of detainees.

The doctors' panel, under Dr Duncan Saunders, of the department of commu-

nity medicine at the University of the Witwatersrand, includes specialists in psychiatry, clinical psychology and a specialist physician.

The panel will change every four months to enable as many members of the medical profession as possible to involve themselves in the issue of detention without trial.

This week the parents' committee mailed letters to medical organisations throughout the world calling for support in their demand for better medical

care for detainees and the establishment of an independent medical panel to attend to detainees.

The Minister of Police, Mr Louis le Grange, has opposed such a panel.

Three weeks ago a group of leading medical practitioners sought clarification from the Registrar of the South African Medical and Dental Council on the Biko case and its effect on subsequent medical care of detainees.

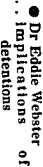
The death of black consciousness leader

Dr Steven Biko while in security police detention in 1977 sparked a final controversy over the conduct of Dr Yong Lang and Dr Benjamin Tucker who attended Mr Biko.

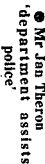
The group has called on the SAMDC to "make it explicitly clear that the conduct of Dr Lang and Dr Tucker was in accordance with the philosophies of the SAMDC and that doctors may act in the same way without fear of action being taken against them." The SAMDC has yet to reply.

Professor Philip Tobias, dean of the medical school at the University of the Witwatersrand, said: "While we find security legislation that permits detention without trial to be repugnant, as long as it remains, we believe provisions giving access to medical care for detainees should be urgently revised."

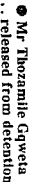
"We are emphatic detainees should be allowed access to doctors of their choice, apart from the periodic visits by district surgeons allowed for in some legislation at present."



TWO Government departments are on a collision course over labour.



Employers and academics have said the department, under Minister Mr Fanie



Kikine of Saawu (who had

The tug-o-war over SA's labour policy

The death-in-detention of D. Neil Aschelt has provoked what promises to be serious constitutional debates between the State and independent unions and between the government and departments. Employees say they are the main industrialist employer of which both CARLENE BELTRAMINI and the Government are part. She says she will investigate reports and raise the history of independent unions and what they will mean to South African labour and the country's foreign image.

both been in detention for some months) had brought years of hard work by the department "back to zero".

"We have called on the Government on a number of occasions to bring labour leaders to trial.

Prof Swart said that although action by other Government departments, such as police involvement in strikes and the detention without trial of trade union leaders "could be sound in prin-

The Government says these people are threatening the security of the state. The only way that can be resolved is in court. If they are not brought to court it creates the impression that they

Dr Jan van Zyl, executive director of the Federate Chamber of Industries, is common with a high proportion of the employers interviewed criticised the "difficult

are being harassed for being unionists, while that may not be the case."

Trade unionists of the largely non-racial 'independent' unions are increasingly cynical of State labour reforms and the motives of the Department of Manpower Utilisation.

cutties arising with the Department of Police, which is not concerned with labour but which interferes in labour by detaining unionists and not bringing them trial.

Mr Jan Theron, general secretary of the African Food and Canning Workers' Union (of which Dr Neil Aggett was Transvaal regional secretary), has accused the department of actively as-

"The policy of the Department of Manpower Utilization is very clearly non-intervention in the labour field, even keeping we clear of labour disputes.

And a Natal organiser of the 100 000-member Federation

Management at some of the few dozen 'progressive' businesses which have officially recognised independent trade unions have also complained that their machines have been tampered with, that their telephones have been tapped and that they have been requested for inter-

Mr Peter Wrighton, managing director of the planning Premier Group, echoed the unease of many employers that trials had not followed actions by poll against trade unionists.

"The trade unions will radicalised if their leaders are put away," he said, "but I'm missing any claim that unions were presently radicalised." Frustrations about lack of political representation

A leading labour law said: "Trade unions have

funds cut off, union leader

are being detained for lengthy periods and meetings are prohibited in homes and in "independent" Botswana. In "independent" Botswana a trade union meeting of more than 20 people cannot legally be held without a magistrate's permission.

against trade unionists. "But they will never succeed in checking this growth," The chances of the Government eradicating the labor movement again: they did with the South Africa can Congress of Trade Unions (Sactu) in the early 1980s are less, as the union-

have adapted to deal with that threat." This is an adaptation son employers have already praised.

Saawu, which has five of six executive members detention, praised the excellent negotiating skills the unionists who have taken

S/Express

14/3/82

Contrary to their apparent aims, repressive Government action is serving only to unify and strengthen the previously fragmented trade union movement.

One of the rallying cries of the burgeoning non-racial trade union movement was put to the test the week after Dr Aggett died.

More than 85 000 workers in hundreds of factories throughout South Africa stood in silence next to idle machines or left the shop floor during a half-hour tribute to Dr Aggett.

The stoppage, which industrial sociologists have termed a 'political strike' was the first incident in which workers took industrial action of a political nature on the shop floor and not in the form of a 'stay-away'.

It was also the first political strike called by trade unions in more than two decades.

Dr Eddie Webster, an industrial sociologist at the University of the Witwatersrand, said the stoppage was significant because unions had previously been reluctant to become directly involved in political action,

"but had been provoked into action against repression".

"They are now likely to widen their involvement in those issues."

"Managements and the State should seriously consider the implications of detentions," he said.

The independent trade union movement began emerging as a strong force after the 1973 strikes.

Their presence was bolstered by the Wiehahn reports, which paved the way for legitimate black trade unions, although some did not register and most adopted a non-racial stance.

Mr Phiroshaw Camay, general secretary of one of the more important trade union movements to emerge, the Council of Unions of SA (Cusa), said the Wiehahn reports and changes in legislation had lent legitimacy to black trade unions in the eyes of employers.

Employer-approved liaison committees were increasingly rejected by workers and employers began to deal with and sign recognition agreements with trade unions at company level.

2 Durban Detainees' Support
itee.

VANDA HENNIG takes a look at the
s of this and similar groups formed
cently in Cape Town and Johannesburg
and at some of the horrors associated
with the present system of detention
without trial.

VICTIM OF JAIL WITHOUT TRIAL



Anisha Gordhan, 4. She said goodbye to her father more than three months ago and hasn't seen him since

The horror of the police detentions

**Solitary confinement is
torture, says Professor Vorster**

...were were
five of them. Yes,
Security Police.

"They searched our
home for two hours. No,
they didn't find any-
thing banned.

"Towards the end of
the search, they said
they were taking Pravin
away for questioning.
They didn't say under
what Act or for how
long.

Anisha, our
daughter — she's four
— said goodbye to her
father.

"We haven't seen
him since. I've made

(329) S. Pillay
14/3/82

SWAMY TRIBUNE
14/3/82

Weekly requests to visit him (to the Security Police) but they've all been refused. No, no reasons are given."

Pravina Gordhan's story is a typical one.

Her husband has not been charged. He has not been allowed access to a lawyer. He has not been permitted a visit by a minister of religion. She doesn't know when she'll see him again. Some days she wonders if he is still alive.

Here is just one of hundreds of families from all race groups that have been torn apart by South Africa's nightmarish detention laws that have seen children, parents, husbands, wives, disappear from their homes.

Often they are never charged or put on trial, but reappear after 51, 53, 193 days, usually in solitary confinement. Released. No explanations given...

Victims of South Africa's security legislation; spotlighted in recent weeks by the death in detention of Dr Neil Aggett, as well as the increasing number of detainees requiring psychiatric treatment and hospitalisation.

Six of the Terrorism Act of 1967 gives the Security Police power to detain suspected persons for interrogation — indefinitely — and without any access to legal assistance. The police are not obliged to give reasons for these detentions or to justify their actions.

"I've been worried about Pravina since Neil's death. Pravina refers to Neil Aggett who last month became the 46th or 47th person

PROFESSOR CHARL VORSTER

of the psychology department at the University of Durban-Westville has called for the outlawing of solitary confinement and the rejection by the courts of any confession or admission of guilt made after solitary confinement.

In a Press interview last month, he described solitary confinement as a most severe mental torture. "It is at the same level as the giving of electric shocks or other physical torture — it is just that it appears more innocent," he said.



LEFT: Barbara and James Adam, snubbed by former 'friends' and shunned by relatives.

This week a lecturer in the psychology department at Natal University in Durban described solitary confinement as mental, social and emotional torture.

"The basic assumption of psychology is that the human condition is a social condition. Solitary confinement, by its very nature, cuts right through this," he said.

There was a clear and accepted link between solitary confinement and certain severe psychological effects, he said. These included emotional changes, such as

anxiety, panic, fear, anger and depression; in excessive changes such as depressive day-dreaming and fantasising, not uncommonly associated with visual and auditory hallucinations.

Intellectual changes such as an extreme difficulty in thinking logically and coherently, and social changes caused by the severe social isolation and resulting in the need for the deliberate establishment of personal relationships.

One had to beware, however, of taking results of experimentation into sensory deprivation at face value.

In an experiment, participation was voluntary and participants were sometimes even paid. Explanations were usually given and often there was the possibility of getting out if things became unbearable.

An experiment, too, had a beginning, an end and a certain structure.

A person in the solitary confinement of detention, on the other hand, had no control over his or her surroundings; did not know how long he or she would be there, and by the very nature of the circumstances, was subjected to fear.

committees. These I, late to parents, finance, publicity and a combination of health and legal aspects.

Its ultimate long-term aim, says Paddy Kearney, a member of the steering committee, is the abolition of the present system of detention — or at least its substantial modification.

"One important way they're doing this is by providing a forum for the discussion of South Africa's security laws and their effect on the community," explained a spokesman for the publicity sub-committee.

"Because these detained cover a wide range of the political spectrum, the Support Committees have a variety of people — from those who have never been politically active to those who have spent a life-time working in opposition to National Party policies.

"The Durban Detainees' Support Committee, similar to its counterparts elsewhere, comprises four sub-

All this could only serve to greatly magnify any laboratory induced effects.

There were also unknown variables such as methods of interrogation that had to be taken into account.

Psychologists were presently prevented from studying interrogation procedures in South African prisons. The lecturer, who asked not to be identified, said there were definite and devastating effects resulting from submission to solitary confinement. These increased proportionately with time spent in this condition.

was received from the Minister of Police to a representation sent in February by the major faiths of the Greater Durban area to the Minister of Justice. It turned down a request that they be allowed to administer to the spiritual needs of detainees.

In what is seen as a small concession, however, it was indicated that in some cases, where a detainee requested it, he or she could be permitted access to a prison chaplain.

There is presently a move afoot for the introduction of generally accepted standards and ethical standards relating to detainees for members of the medical and legal professions.

Meanwhile, nobody can be sure just what the detainees are suffering. But for their families, the uncertainty and fear lives on. "All you can do," says Pravina, "is live from day to day." In hope.

UNIVERSITY OF CAPE TOWN

Police interrupt car protest on detentions

DURBAN — Police this weekend pulled posters off cars and disrupted an intended car procession through Durban organised by the Durban Detainees' Support Committee, said Mr Paddy Kearney, director of Diakonia, and member of the steering committee.

The Saturday morning procession was part of the National Detainee Day called by the committee for March 13.

Mr Kearney said about a dozen cars had collected at St Joseph's Convent in St Andrew's Street.

Posters were put on the cars drawing the public's attention to the continued detentions and calling for a change to the existing security legislation.

He said they intended to drive through the centre of town but when two cars left the premises they were stopped by police and the posters were pulled off the cars.

Mr Kearney said the security police then searched the cars and took away posters and leaflets that had not been banned in Friday's Government Gazette.

"Major G. Fourie told those gathered they would be investigating the possibility of charging the committee for their campaign against the security laws," he said.

Pamphlets were also found during the day which attempted to disrupt the National Detainee Day. The pamphlets called the De-

tainees' Support Committee "the enemy".

About 300 people attended the conference on Saturday afternoon where Dr Duncan Innes, an industrial sociology lecturer at Wits, said he was horrified to find on his return to South Africa that detention without trial had come to be accepted.

He said more than 2318 people had been detained under South African security laws since 1977 and there was no indication that the number of detentions was likely to decline in the future. — DDC.

Bricks thrown into hall during vigil

JOHANNESBURG — Participants in a vigil for political detainees on Friday night sang, chanted and listened to speeches, music and poetry until dawn on Saturday, ignoring bricks hurled through the windows of the hall they were using.

As the high-spirited crowd of about 400 sang freedom songs and heard a number of speakers condemn detention laws, bricks thrown intermittently from the courtyard of a flat behind the hall in Khotso House, De Villiers Street, smashed the windows and sprayed glass into the room.

Organisers covered the windows with blankets to stop the glass from spraying onto people and the meeting continued.

Yesterday Dr Max Coleman of the Detainees Parents' Support Committee, who organised the vigil, said they had

not reported the matter to the police.

Police said yesterday they had no knowledge of the incident.

Dr Amanda Hill, of Baragwanath Hospital, told the meeting the response of the Medical Association of South Africa to a call to support the campaign for an independent panel of doctors to have access to detainees was being keenly awaited.

She said afterwards that if Masa gave their support, the campaign would be considerably strengthened. If they did not, it would give ammunition to those seeking Masa's expulsion from the World Medical Association.

The Parents' Committee collected signatures for a declaration condemning political detentions. They will be collecting signatures for the declaration until March 25. — DDC.

EVERY CANDIDATE MUST enter in column (1) the number of each question (in the order in which it has answered); leave columns (2) and blank.

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NOTE CAREFULLY

1. Enter at the top of the block on question you are answering.
2. Blue or black ink answers. The use of red or green ink is not allowed. Underlining, erasing, and which pencil marks are not allowed.
3. Names must be written in the left hand margin (e.g. graph paper, examination book(s) are used).
4. Do not write in the left hand margin.

notes, pieces of paper or other material brought into the examination room are not to communicate with other candidates or with any person except the invigilator.

Candidates are not to communicate with other candidates or with any person except the invigilator.

An answer book is to be torn out.

Examination books must be handed to the invigilator or to an invigilator before leaving the examination room.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

RAND DAILY MAIL, Monday, March 15, 1982

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Leading Cape clergymen say they will support protest

Mail Correspondent

CAPE TOWN — Prominent clergymen have promised to sign a declaration of protest and conduct a hunger strike against the Government's new out South Africa, a spokesman for the local Detainees' Parents' Support Committee said at the weekend.

The declaration was launched throughout the country on Saturday, and it is part of a nationwide

Detainees' Week campaign to focus attention on the plight of more than 200 people being held in detention under security legislation.

Various events, including an all-night vigil, are being held in major centres throughout the country this week.

In Cape Town, Saturday and Sunday were observed as days of prayer for detainees.

Seminars will be held this week of discuss various aspects of detention and security legislation.

The committee spokesman said seven local clergymen had indicated that they would sign the declaration.

They are the Roman Catholic Archbishop of Cape Town, the Catholic Auxiliary Bishop of Cape Town, Bishop Stephen Ndlovu, the

Anglican Dean of Cape Town, Bishop Desmond Tutu, the African Bishop Suffragan of Cape Town, Bishop Patrick Matlole, Father Des Curran, secretary of the Western Province Council of Churches, Father Owen Franklin, director of the Centre at St George's Cathedral, and the Catholic vicar-general in Cape Town.

Signatures to the declaration will be accepted until March 22, it was said.

There are currently over 200 people being held in detention throughout South Africa.

Detainees have no access to lawyers.

In recent months, at least six detainees held under Section Six of the Terrorism Act have been admitted to hospital, three of them to psychiatric wards.

On February 5 this year, trade unionist Dr Neil Aggett died in detention. He is the 52nd person to die while being held under security legislation.

Detention and security laws are used to crush opposition to apartheid, government

policy and minority rule. These laws are used to label the opponents of apartheid as "criminals".

In the light of the above, we demand the immediate release of all detainees and the abolition of the detention laws. Until this demand is met, we call for all detainees to have regular access to their families, lawyers and independent medical attention.

P. T. O

Detainee meeting ignores hoodlums

By ANTON HARBER

BRICKS smashing through windows were ignored on Friday night as people at a Johannesburg vigil for political detainees sang, chanted and listened to speeches, music and poetry until dawn on Saturday.

As the high-spirited crowd of about 400 sang freedom songs and heard a number of speakers condemn detention laws, bricks thrown intermittently from the courtyard of a flat behind the hall in Khotso House, De Villiers Street, smashed the windows and sprayed glass into the room.

The crowd moved away from the back of the hall, organisers covered the windows with blankets to stop the glass from hitting people — and the meeting continued.

Yesterday Dr Max Coleman of the Detainees Parents' Support Committee, who organised the vigil, said they were unable to find the brick-throwers and had not reported the matter to the police.

Police said yesterday they had no knowledge of the incident.

Dr Amanda Hill, of Baragwanath Hospital, told the meeting the Medical Association of South Africa had been asked to support the campaign for an independent panel of doctors, who would have access to detainees. The association's response was being keenly awaited.

She said afterwards that if the association gave its support, the campaign would be considerably strengthened.

If it did not, it would give ammunition to those seeking to expel the association from the World Medical Association.

The meeting was also ad-

dressed by Mr Wantu Senzile, president of the Congress of South African Students; Dr Ismael Mohammed, whose daughter, Elaine, is serving a 10-day sentence under the Internal Security Act; Miss Judy Maller of the Wits SRC; Miss Amanda Kwadi of the Women's Federation; and Mr David Webster, of the Conference of Academics for a Democratic South Africa.

The Parents' Committee collected signatures for a declaration condemning political detentions. They will be collecting signatures for the declaration until March 25.

● The committee will hold a placard demonstration outside the Johannesburg Supreme Court at 9am today.

Other events planned for Detainees' Week include:

● Religious services in Christian, Islamic and Jewish congregations.

● Benefit performances of the plays "Marabi" at the Market Theatre on Wednesday evening and "Four Paces x Two" at the Market Theatre on Friday.

● A number of seminars on aspects of detention and security legislation.

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10M
15/5/82

GENERAL NEWS

Detention protest at court

Star 329
15/3/82

By Carolyn Dempster

A placard protest outside the Rand Supreme Court today marked the continuation of National Detainees Week in Johannesburg.

Protesters from the Detainees' Parents' Support Committee, Black Sash and Public Support Group plan one-man stands outside

the court every day from 9 am to 10.

Violence marred the start of National Detainees Week when bricks were hurled through windows of Khotso House in De Villiers Street during an all-night vigil on Friday.

Despite this, spokesmen for the groups in-

volved said the detainee declaration/petition was well received by the public when circulated for signature on Saturday.

Other activities planned for this week are a benefit performance of the play "Marabi" at the Market Theatre, with placard demonstrations before

and after, a play written specially for National Detainees Week — "Four Paces by Two," — by Vanessa Cook, on Friday.

● The placard demonstration outside the Supreme Court coincided with the trial of Mr R Adams and Mr Themba, charged with conspiracy to blow-up the Brixton Tower.

Black Sash call for end to detentions

ARGUS 15/5/82

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Argus Correspondent acknowledge the
DURBAN. — If the security police had nothing to hide they would not have prevented parents questioning the detained children on their treatment in detention, the national conference of the Black Sash heard yesterday.

Mrs Audrey Coleman, a Transvaal delegate to the conference and mother of Keith Coleman, who is presently being held under Section Six of the Terrorism Act, said following Dr Neil Aggett's death in detention earlier this year the security police had granted relatives visits.

She said that the security police had refused to

DOCTORS
She said the Detainees' Support Committee had asked for an independent panel of doctors to assure them that those in detention were in good health but this had been refused.

The national conference unanimously condemned the practice of arbitrary arrests and detention as being a violation of the civilised concepts of liberty and human rights, which negate the fundamental rights of habeas corpus and the principle of the rule of law.

RELEASE

Demanding the abolition of the detention laws and the immediate release of all detainees, the Black Sash pledged to act unceasingly to achieve this.

Copies of their resolution will be sent to the Government, opposition political parties and homelands leaders.

Question 5:
for an ind
decentralize

Clergymen to say release detainees

Staff Reporter 329

SEVERAL prominent Cape Town clergymen had undertaken to sign a declaration protesting against continued detention of people throughout South Africa, a spokesman for the local Detainees Parents' Support Committee said at the weekend.

Last night the Anglican dean of Cape Town, Dean Edward King, confirmed that he had signed the petition. The petition had gone out to all the churches, he said.

Father Desmond Curran, secretary of the Western Province Council of Churches, said the petition had also been signed by the Catholic Archbishop of Cape Town, Owen Cardinal McCann.

The declaration, launched throughout the country on Saturday, is part of a nation-wide Detainees' Week campaign aimed at focussing attention on more than 200 people being held under security legislation.

Various events, including an all-night vigil, will be held in major centres throughout the country during the coming week.

In Cape Town, Saturday and Sunday were observed as a "weekend of prayer" for detainees. Seminars will be held this week to discuss various aspects of detention and security legislation.

The committee spokesman said other local clergymen had indicated they would sign the declaration calling for release of all detainees. They are the Catholic Auxiliary Bishop of Cape Town, Bishop Stephen Naidoo; the Anglican Bishop Suffragan of Cape Town, Bishop Patrick Matongwe; Father Des Curran, secretary of the Western Province Council of Churches; Father Owen Franklin, director of the Centre at St George's Cathedral; and Father Laurie Henry, the Catholic vicar-general in Cape Town.

therefor

Detention

campaign

starts

ARCUS
15/3/82

at UCT 329

THE National Campaign Against Detentions gets under way in Cape Town today when staff and students at the University of Cape Town observe a minute's silence during the fourth lecture in solidarity with detainees.

Other events organised by the Detainees' Parents' Support Committee to focus on the plight of 208 people currently being held in detention includes a meeting in the Rhodes Room at lunch time today.

A Declaration on Detentions will be circulated throughout the Peninsula during the week.

Detainees' Week will end with a protest rally at St Mark's Church, Church Street, Crawford.

The Declaration on Detentions says security laws and detentions are used in an attempt to crush opposition to apartheid, Government policy and minority rule. Security legislation is used to label opponents of apartheid as criminals.

'We demand the immediate release of all detainees and the abolition of detention laws. Until this demand is met, we call for all detainees to have regular access to their families, their lawyers and independent medical attention.'

Demand for the release of all detainees

CAPL-TIME 15/3/82
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A statement by the Detainees' Parents' Support Committee

OVER the past weekend, attention has been drawn to the issue of detentions throughout the country in a national Weekend of Prayer for Detainees. This week a declaration calling for the release of all detainees and for the end to the detention system, is being signed in all centres.

This is all part of a nationally co-ordinated campaign — the result of the joint efforts of the Detainees' Support Committees in Johannesburg, Durban and in the Western Cape.

As people were detained in each centre, their families and friends felt the need to campaign for their release and to gain strength by working together. They formed committees to fulfil these needs. We have tried through publicity to apply pressure to the authorities to gain limited rights for people in detention. The nature of the detention system and the security legislation is such that detainees have no rights, and every little "concession" has to be hard fought for.

In addition to these immediate needs, our committees have taken up more general long-term demands. We have generated publicity to highlight the nature of detention and its widespread use in South Africa. Many South Africans are unaware of the implications of the detention system for the

individuals concerned, for their families, and for the organizations of which the detainees are part.

Over the last five months that our Detainees' Parents' Support Committee has been working, it has grown in numbers and changed in direction. As more people have been detained in the Western Cape, we have tried to establish contact with the families of these detainees. With time, more parents and families have joined our ranks, and we have tried to offer support and assistance to the newcomers and to their relatives in detention.

Horried

Most South Africans have reacted with disgust and anger to the latest rash of detentions. They have been horrified by the tragic death of Neil Aggett and the admission of several detainees to hospital. But the response of many people is still to raise the cry "Charge or release" — let the courts decide if they deserve punishment.

Here is shown both a respect for the impartiality of the South African legal tradition and an abhorrence of administrative punishment decided on in secret. But we believe that the call of "Charge or release" is wrong, and this for two reasons.

Firstly over the last 30 years, the courts have condoned detention for long periods, bannings, banishments and torture in the form of solitary confinement. The courts sentence people for breaking their banning and banishment orders. They have accepted as evidence statements from detainees who have claimed they were tortured. They refuse to regard solitary confinement itself as a form of torture.

Over the last 30 years, the government has progressively criminalized actions which oppose their policy. Laws like the Internal Security and Terrorism Acts are framed in such wide terms as to make any person who opposes the government liable to conviction. Legal restrictions are placed on the most innocent demonstrations of opposition to the government. You can't hold a placard in Adderley Street without breaking the law. Outdoor political meetings are illegal. The government tries to defeat its opponents by making as many of their actions as it can illegal. Acts of opposition against the government are made acts of criminals by definition.

This has all become part of the South African legal tradition. Whatever the level of integrity of judges, they are operating within a judicial system fatally flawed by the unjust laws passed by Parliament. If an Act is passed which conflicts with the rule of law and afterwards it is enforced by the courts, then the whole judicial system cannot escape corrosion. Thus the rule of law no longer operates in South Africa.

So our call should be "Release all detainees", since the "laws" that people are tried under are designed to make "criminals" out of all those freedom-loving people who work for genuine democracy in South Africa.

Secondly, most detainees are never charged; yet they spend months and even years in detention waiting for the police to complete a case so weak that the attorney-general declines to prosecute.

Where security trials do occur, they often drag on, draining the finances of the defendant. In the current Mpetsha trial, a statesman of the trade union movement and township youth leaders have been on trial for one year exactly this week. Before that they spent months in detention. So again we say: Release all detainees.

In cases where detainees are charged and found guilty, it must be pointed out that (a) the security legislation outlaws actions of opposition to the government which are allowed in all freedom-loving countries; and (b), where laws exist to so restrict legal peaceful opposition, it is inevitable that some people will turn to those illegal acts of opposition that are violent.

The central question to be answered is why the South African government resorts so extensively to detention. Most organizations strongly opposed to the government have been affected by detention and the conclusion must be that detention is used precisely to silence this opposition. The Terrorism Act is not used to combat terrorism, but to terrorize.

Why preferred

But we need to ask why detention is the preferred method of control. There are two reasons. First, detention is aimed at silencing individual leaders within the opposition organizations. But such leaders only give expression to deep-seated grievances. Picking off the leadership will not stifle broad-based opposition.

Second, detention is for all its inhumanity and transgression of the rule of law, effected according to laws passed by Parliament. It is therefore a method of repression whereby the government can hide behind an spurious legality and continue to proclaim its adherence to "Western values".

Those organizations which, like it or not, are required to become involved in some way in the administration of these security "laws" — principally the legal and medical professions but also others such as educators and psychologists — must act to oppose detentions.

If these organizations and professions denounce detentions for what they are, the true character of our present government, as systematically violating elementary human rights, will be fully exposed. Detention is incompatible with democracy. All true democrats should unite to condemn detention.

Demand for the release of all detainees

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Here is shown both a respect for the impartiality of the South African legal tradition and an abhorrence of administrative punishment decided on in secret. But we believe that the call of "Charge or release" is wrong, and this for two reasons.

Firstly over the last 30 years, the courts have condoned detention for long periods, bannings, banishments and torture in the form of solitary confinement. The courts sentence people for breaking their banning and banishment orders. They have accepted as evidence statements from detainees who have claimed they were tortured. They refuse to regard solitary confinement itself as a form of torture.

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UCT meeting on detainees

Staff Reporter 329

AT the University of Cape Town today, the Detainees' Parents' Support Committee of the Western Cape will launch its week of solidarity with detainees.

The meeting, starting at 1pm in the Rhodes Room, will be addressed by committee member Mr Hugh Floyd, whose daughter Liz Floyd is in detention, the Rev Chris Nissen, a priest from Venda, Mr Don Foster, a lecturer in the university's psychology department, Ms Kate Phillip, vice-president of the Students' Representative Council, Professor P Folbe, chief physician at Groote Schuur hospital, and Mr Bonacedric Mayson, a UCT student.

Minute's silence

The committee has requested that staff and students observe a minute's silence during the fourth lecture. Members of the staff have been asked to announce the meeting and to read a declaration calling for the release of all detainees.

During the focus week the committee will collect signatures in support of the declaration.

ARGUS 15/3/82

ANC blames 'Boss' bomber

Argus Bureau

LONDON. — The African National Congress's activities in Britain and Western Europe have been disrupted by the explosion that destroyed their offices in North London.

No one has claimed responsibility for placing the 4.5 kg bomb that caused extensive damage to property.

Police are looking for a man seen leaving the area soon after the explosion at 9 am yesterday.

The ANC insists that the bomber was an agent of the South African Government.

This view was shared by all the speakers at the major anti-apartheid rally in Trafalgar Square after the explosion.

A spokesman for the South African Embassy here denied that South African agents were responsible.

But the denial did little to staunch the growing accusations of what most claimed was 'Boss involvement'. Detective

(Contd on Page 3, col 1)

ARGUS 15/3/82

Bomber

(Continued from Page 1)

Chief Inspector Hilton Cole of the Anti-Terrorist Squad said: 'There is no way of describing this device from what is left of it.'

'The rear of the building is practically destroyed. It was a hefty bomb and we think it was placed rather than thrown.'

'He refused to speculate about the Boss charges, but said: 'We are looking into any question of a connection with the anti-apartheid rally.'

An elderly shocked woman was taken to hospital.

Stallholder Mr Sam Roberts said he dashed towards the building after the explosion.

'I ran into the Athena Cafe next door to call the emergency services and found people trapped behind a jammed door.'

'The place was full of gas fumes and smoke was billowing out.'

Sources close to the ANC claimed that the aim of the attack was to destroy files of suspected South African agents.

The 4000 people in Trafalgar Square opposite the South African Embassy were told the ANC offices had been 'completely destroyed.'

Police said the process of sifting through the wreckage for clues could take several days. The building would be sealed off until at least tomorrow.

ANC members would not say what material was kept in their offices.

ANC researcher Mr Vernet Mbatha, who was asleep in the building narrowly escaped injury.

He was on one of the upper floors of the four-storey building in Penton Street, Islington.

The back wall was 'lown away. The blast ried through the premises, ripping out shop windows up to 50 m away on both sides of the road.

Police cordoned off the area for two blocks, creating chaos at the Chapel Street Sunday market.

Penton Street, in the distinctly untrendy part of Islington, is a row of small shops, with a profusion of cheap cafes, fish and chips shops, Chinese takeaways and Greek restaurants.

Radio and television news bulletins used the explosion as their lead item throughout yesterday, and referred to the ANC as the major 'liberation movement' of South Africa.

All of these reported that the finger of suspicion was pointed at the South African Government.

● The Minister of Police, Mr Louis le Grange, said today he did not think it necessary to react to 'laughable' suggestions that the South African Police had been involved in bombing the ANC's London offices.

Asked whether South African whites supported the ANC, Mr le Grange said: 'It is a well-known fact that several white South Africans identify themselves abroad with the ANC's attacks from overseas.'

Asked what steps would be taken to counter foreign people entering South Africa to help the ANC, he said the success that the South African Police achieved in identifying the people involved in the rocket attack was sufficient proof that they were prepared to deal with insurgents.

Lengene's mother squashes rumours

Sowetan 15/3/82 (138) (300) (208) (311) (329) (32)

THE family of Mr Peter Lengene, former member of the banned Soweto Students' Representative Council (SSRC), is adamant that their son is not in Soweto.

The family said it was baffled by reports in a Sunday newspaper suggesting that Peter Lengene was with relatives in Soweto.

"Peter is still in the hands of the police," said Mrs Lengene, the mother of the former

student leader who is alleged to have crossed into South Africa "to come home" after he had been a refugee in Botswana since 1977.

Mrs Lengene was obviously under heavy strain and refused to answer in detail some of the questions about her son's mysterious "kidnapping" from Botswana into South Africa.

"I've had enough from you people," she said hysterically.

"It's the Press this

side, then it's the Security Police. There is also the public that keep on questioning me about my son as if I knew. All this is ruining me. I can't take it any longer. Leave me in peace."

She added: "But I can tell for certain, Peter is not in Soweto. It's all propaganda. If he is in Soweto, then the police know where. We don't. None of my relatives is hiding him."

Mrs Lengene said she had been allowed to see

her son only once. He was in the hands of the police, but she would not say where she had seen Peter or what kind of discussions took place during their meeting.

Peter Lengene's name came under the spotlight after he was allegedly kidnapped from Botswana on February 6. He is said to have handed himself over to the authorities of his own free will.

He is reported to have refused to return to Botswana, after the Botswana Commissioner of Police, Mr Simon Hirschfield, visited South Africa personally to "persuade" him to go back while he was checking on the kidnapping claims.

Pandemonium at meeting

15/3/82 (138) (300) (208) (311) (329) (32) Sowetan

A MASSIVE meeting of the National Union of Furniture and Allied Workers of SA, attended by close to 10 000 people at the Johannesburg City Hall on Saturday, got off to a rowdy start and ended abruptly when three-quarters of those present walked out.

The meeting, dominated by insults, rough treatment of members, disrespect for the executive, aimless shouting and general disorderliness, started at 9 am but ended about 45 minutes later.

The meeting was called to discuss a number of burning issues, including the Provident Fund and election of new members into the executive.

It was chaired by the white vice-president of the union, a Mr Tibserani, who refused to talk to the Press or to give his full name.

A report by the general secretary, Mr Moham Laralam, sparked off the row when members were given the

had discussed the workers' demands with employers, but management remained firm on their 50 percent offer.

A coloured member grabbed the microphone and accused the executive of selling out and said "these mmagwe ... yos are eating with the employers".

A group of blacks in a corner were caucusing loudly and plotting to replace the white members in the executive with blacks and coloureds.

The microphones on the executive table were taken over by members who were all speaking at the same time — one moving a motion of no-confidence, another proposing closure, another proposing the executive

Black Sash protests detentions

By Alex Ball

Three members of the Black Sash demonstrated for an hour outside the Johannesburg Magistrate's Court this morning against detention without trial.

16/3/83

Mrs Aimée Mockcroft, Mrs Susan Trathen and Mrs Phoebe Gould took turns holding placards which read: "Your silence condones. Detention is evil." They said they were protesting to assist the Detainees' Parents Support Committee.

Call to release detainees

Education Reporter

'I FEEL sick in the stomach. We wait for the telephone call which will say: "Don't worry about your father. He is dead..."

With these words Peter Mayson tried to describe his feelings about his father, Mr Cedric Mayson, who was detained on November 27. He was one of the speakers at a meeting at the University of Cape Town to launch a national declaration on detention yesterday.

'After three-and-a-half months some relatives are allowed to visit detainees and some not. Some can take it and some cannot,' he said.

Mr Hugh Floyd, father of Dr Elizabeth Floyd, who was detained and then admitted to a psy-

chiatric ward when she heard of the death in detention of her close friend Dr Neil Aggett, spoke about the 'uncivilised' laws of South Africa.

The difference between the civilised and the uncivilised is that the civilised person realises that the means can never justify the ends. The uncivilised takes his own action.

'The record of the ends achieved by using security legislation here is pretty dismal. Most detainees are released without comment or explanation for their detention.'

Mr Floyd said that the effects of solitary confinement and interrogation had caused him and his family much anguish.

'The reality tends to be as bad as what you may imagine in some of your worst dreams.

'If this treatment is given to a blonde, female doctor, what happens to black males?' Mr Floyd asked.

The only way back to civilisation was a return to the rule of law. While people may disagree on various issues involving political ideologies, they could not but join in a call to scrap uncivilised laws.

SRC vice-president, Kate Phillip, called for the unconditional release of all detainees.

We are not calling for them to be charged or released. The laws of this country embody much that we are fighting against.

In the name of law and order the army and police are used against people. It is absurd to look at the law for justice,' she said.

Effect of detention is 'fear of madness'

Education Reporter

ANY information extracted from detainees under interrogation and in solitary confinement should be inadmissible on psychological grounds, Mr Don Foster, a lecturer in UCT's psychology department, said yesterday.

He was speaking at a lunch-time meeting at the university on the effects of solitary confinement or sensory deprivation. The meeting was to launch a national declaration on detention as part of a national week of solidarity with detainees.

Some of the effects he mentioned were cognitive mental disorientation, time and body disorientation, accompanied by panic and fear of madness. There were changes

in sleep patterns, fluctuating appetite, hallucinations, delusions and 'every characteristic of madness and psychosis'.

However, Mr Foster said that there were ways of resisting these effects.

DESTRUCTIVE

What was most destructive was the relationship between the captor and captive during detention.

Features of this relationship were the 'de-individualisation' of the detainee. Arrests were made at peculiar hours, clothes were removed, the detainee was subjected to abuse and inadequate explanations. He or she was isolated from normal information sources, shouted at under interrogation and subjected to non-specific threats.

The effects on society

as a whole are damaging. It is the responsibility of psychologists, psychiatrists and everyday people to make sure that they stop immediately,' Mr Foster said.

BIKO

Dr P Folb, professor of Pharmacology of UCT, said there was no assurance in law that what happened to Steve Biko could not happen again.

'In fact, the death of Neil Aggett confirms our misgivings.'

The Rev Chris Nissen, a minister in Venda, warned that 'fear, brutality, chaos and disorder is the order of the day in Venda'.

He urged people not to forget the conditions of the 18 people detained there, 'under a police force more cruel than their masters in Pretoria'.

200 students told solitary is torture

Cape Times 16/3/82 (329)

Staff Reporter

THE father of detainee Dr Liz Floyd yesterday described solitary confinement and interrogation as "a form of torture and punishment inflicted without trial or judicial inquiry at the whim of the Security Police".

Mr Hugh Floyd, a member of the Cape Town Detainees' Parents' Support Committee, was addressing a lunch-time meeting at UCT called by the committee to protest against detention without trial and security legislation.

More than 200 students attended the meeting, which forms part of the national week of solidarity with detainees.

Other detainees

Dr Floyd, a medical doctor, was admitted to a psychiatric ward in February after the death in detention of her common-law husband, Dr Neil Aggett. She is one of several trade unionists and academics presently being held under Section Six of the Terrorism Act.

"If this is the treatment meted out to a white, blonde female doctor, what happens to a relatively unsophisticated black male?" Mr Floyd asked. He called for a return to the rule of law and habeas corpus and the "scrapping of these uncivilised laws".

Ms Kate Phillip, vice-president of the University of Cape Town Students' Representative Council (SRC), said the call to either charge or release detainees was "absurd" because South Africa's laws were fundamentally unjust.

She said the country's "draconian

detention laws" were used to enforce the oppression of the majority of the people and silence or crush any opposition to the State.

"It is absurd to expect justice in the laws of this country. It is in the name of law and order that the army and police are used against the people of this country," Ms Phillip said.

Dr Don Foster, a senior lecturer in the university's psychology department, said a combination of sensory deprivation and the inter-personal relationship between a captive and his captor was a form of "psychological terror" with "the most destructive results".

He said methods of sensory deprivation such as prolonged immersion in water or prolonged stay in a dark room brought about mental disorientation, restlessness and severe anxiety, time disorientation, loss of appetite, nightmares and hallucination.

'More cruel'

The Rev Chris Nissen, a priest who worked in Venda, said: "Fear, brutality, chaos and disorder are the order of the day in Venda. The police in Venda are more cruel than their masters because they are filled with fear. Pastors have been detained, electrocuted and had their hair pulled out."

Mr Nissen was a personal friend of Mr Tshifhiwa Muofhe, a Lutheran lay minister who died in detention in Venda in November last year. Mr Muofhe and several other clergymen were detained after the ANC attack on Sibasa police station on October 27.

~~327~~ (329) Hansard Q61.
397-8
Police Force: charges against members

16/3/82
329. Mr. P. R. C. ROGERS asked the
Minister of Law and Order:

- (a) How many convictions have resulted from charges laid against members of the Police Force by detainees or members of their families since the commencement of the Terrorism Act and (b) how many of those convicted were (i) Whites, (ii) Coloureds, (iii) Indians and (iv) Blacks?

329 *Hansard Q. 601.396-7*
Terrorism Act: detainees
16/3/82
Mr. Mr P. R. C. ROGERS asked the
Minister of Law and Order:

(a) How many persons detained under

the Terrorism Act have escaped from custody since the introduction of the said Act and (b) how many such persons (i) were subsequently re-arrested and (ii) are known to have left the country?

The MINISTER OF LAW AND ORDER:

(a) 11.

(b) (i) None.

(ii) 11.

Copy 10/5/82 229

Union man detained in Natal

Own Correspondent

DURBAN. — The detention of Mr Matthews Oliphant, general secretary of the Natal-based National Federation of Workers, has been condemned by independent trade unions in the Durban area.

Four other union officials were detained at the

same time but apparently they have been released.

According to Brigadier J R van der Hoven, officer commanding Durban's security police, Mr Oliphant has been transferred to John Vorster Square in Johannesburg. It is not yet known under which security law he is being held.

(329) Hansard Q. Col. 409-
Detainees
17/3/82 410
*20. Mr. P. R. C. ROGERS asked the
Minister of Law and Order:

- (1) Whether his Department keeps records relating to the number of detainees having received hospital attention; if so,
- (2) whether such records go back to 1963; if not, how far back do they go;
- (3) whether such records are (a) updated and (b) consolidated from time to time; if not, why not; if so, how often?

†The MINISTER OF DEFENCE (for the Minister of Law and Order):

17 MARCH 1982

410

- (1) No.
- (2) and (3) Fall away.

General election: anonymous document

*21. Mr. D. J. N. MALCOMESS asked the Minister of Law and Order:

- (1) Whether any person has been charged with (a) producing and (b) circulating in the Port Elizabeth area an anonymous document concerning a Parliamentary candidate during the last general election;
- (2) whether the case is still being investigated; if not, why not?

The MINISTER OF DEFENCE (for the Minister of Law and Order):

- (1) (a) and (b) No.
- (2) No, because of a lack of substantive evidence no progress could be made with the investigation.

329/12 Sowetan 17/3/82

PETER LENGENE RIDDLE DEEPENS

THE riddle of the elusive Mr Peter Lengene, former member of the banned Soweto Students' Representative Council, continues.

There have been conflicting reports that he is a free man and walking the streets of Soweto, while Mrs Lengene, his mother, is adamant that her son was still in the hands of the police.

And police would not give any indication either on the whereabouts of the young Mr Lengene. A police spokesman from the Directorate of Public Relations in Pretoria told **The SOWETAN** that they were no longer prepared to comment further on matters relating to Mr Lengene.

"There is nothing we can tell you about Mr Lengene apart from what we have already told the Press," the spokesman said.

The police were asked to react to a report in a Sunday newspaper that Mr Lengene is living in Soweto with

By LEN KALANE

relatives and is not in any way in police hands.

But Mrs Lengene said: "I would have known if he was around here. As far as I am concerned my young Peter is still with the police."

The refusal by the police to comment on Lengene's case is deepening the riddle of his whereabouts. The Sunday newspaper claimed to have carried out an extensive interview with Mr Lengene "at some house" in Soweto where "he is staying as a free man".

Mr Lengene, who has been a refugee in Botswana for five years, is alleged to have been kidnapped across the border into South Africa. Authorities say he is refusing to go back to Botswana and prefers to

remain in South Africa.

Mr Lengene was among the first batch of students who crossed the border illegally into neighbouring countries after the 1976 Revolt, spearheaded by the SSRC, of which he was a

member.

He is the son of the former "mayor" of Soweto, Mr Peter Lengene, who died last year. Mr Peter Lengene (Snr) was the second "mayor" of Soweto and chairman of the now defunct Urban Bantu Council (UBC).



MRS LENGENE: "Peter with police."

unpublished labor market of the home

Vandals scare detainee's wife

By Trevor Jones
Crime Staff

Vandals in Yeoville last night smashed the windows of a car and caravan belonging to Mrs Penelope Mason, wife of a Security Police detainee.

Later a man telephoned and threatened to "get" her.

Mrs Mason, whose husband Cedric has been in detention since November 27, said she had heard "an almighty noise" at 11 pm.

"I decided not to go outside because it was late and I was alone," she said.

"At midnight a man telephoned and said, 'Penelope, look tonight the windows, tomorrow you.'"

"He then repeated

the threat and hung up."

Mrs Mason today discovered that two caravan windows and the back windscreen of the car had been smashed.

This was the second time in a month that the vehicles had been vandalised.

The incident came on the eve of Mrs Mason's visit to her hus-

band, who is being held at John Vorster Square.

"When I telephoned the Hillbrow police to report the incident they seemed to be more interested in my having a charge so that I could claim from my insurance company," said Mrs Mason.

"When I asked if they could provide me with protection tonight, they said it was not possible but that they would send a patrol car around every hour."

Mrs Mason said she felt she had to take the threats seriously.

"When you have children in the home you cannot afford to ignore the threats," she said.

Police are investigating.

CAP T.M. 17/3/82/329
Petition to release detainees

Staff Reporter

THE Detainees Parents' Support Committee will set up tables in Adderley Street today where members of the public can sign a declaration calling for the release of all detainees.

A spokesman for the committee said the tables would be set up outside the Adderley Street entrance to Woolworths. They would be staffed from 8am to 9.30am, 12pm to 2pm, and again from 4pm to 5.30pm.

The declaration was

launched on Saturday as part of a national week of solidarity with people detained under security laws. Detainees' Week will end with a mass meeting in St Mark's Church, Lawrence Road, Athlone, on Saturday.

The committee spokesman also announced that the Scratch Club in Longmarket Street would have "Rhythms against Detention" concerts tonight and on Friday night. The declaration will also be available for signing at the club.

Adequate

(11)

Terror Act: eleven ^{0. dispatch} escapees since 1967: ^{17/5/82}

By ⁽³²⁹⁾
BARRY STRECK

CAPE TOWN — The Minister of Law and Order, Mr Louis le Grange, said yesterday that 11 Terrorism Act detainees had escaped from custody since the introduction of the law in 1967.

Relying to a question tabled in Parliament by Mr Pat Rogers (NRP, King William's Town), the minister said that none of the 11 detainees had been re-arrested.

He also said that all 11 of the detainees were known to have left the country.

In reply to another question by Mr Rogers, the minister said statistics were not kept of the number of the convictions which had resulted from charges laid

against members of the police force by detainees or members of their families.

For this reason the information required by Mr Rogers was not readily available, Mr Le Grange said.

In reply to a question tabled by Mr Vause Raw (NRP, Point), Mr Le Grange said that five police stations had been attacked between January 4, 1980, and the present.

Mr Le Grange said none of the five police stations had been structurally protected but three had been guarded by armed guards.

The minister said he wanted to add that the protection of police stations throughout the country was enjoying high priority.

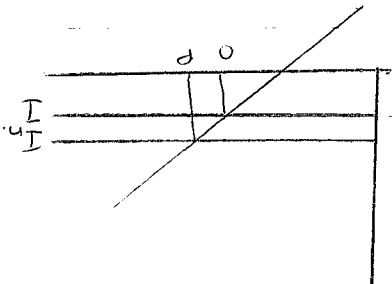
Police detain union chief

Argus Correspondent
DURBAN.—Mr Mathews Oliphant, general secretary of the National Federation of Workers (FWU), detained by security police on Saturday, is being held under Section 22 of the General Law Amendments Act, family sources said today. The head of security police in Durban, Brigadier J van den Hoven, said Mr Oliphant was detained by Johannesburg security police.

He declined to give further details saying the family had been told and that it was not in the public interest to do so.

Two of the four other trade unionists detained on Saturday and released on Monday had their identity documents seized. They are Mr Magwasa Maphalala of the NFU and Mrs Nombusa Zungu of the Domestic Workers' Union.

Brigadier van den Hoven said Mrs Zungu and Mr Maphalala could collect their documents today.



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Freedom for three

Labour Reporter

THREE trade unionists detained early this month have been released, it was learned yesterday.

Mrs Mary Ntseke, general secretary of the General and Allied Workers Union, and two members, Mr Elliot Shabangu and Mr Solly Pholothe, were held under Section 22 of the General Law Amendment Act, which allows 14 days' detention without trial.

Mrs Ntseke was released after a week, the others after three days.

The general secretary of the Natal-based National Federation of Workers, Mr Matthews Oliphant, was detained at the weekend with four other unionists.

Only Mr Oliphant it is believed is still in detention.

Public won't hear
'detainee' interview

By ANNE SACKS

THE SABC has silenced a Radio Today report on the nationwide Detainees' Week.

A spokesman for the Detainees' Parents' Support Committee said yesterday an SABC reporter had interviewed him at the weekend on the aim of Detainees' Week, the role of the DPSC, conditions under which detainees are held, and security laws in general.

He was told the next day the three-minute report — intended for Radio Today — was unsuitable for broadcast.

Mr Kim Shippey, director

of English Radio, said yesterday he was not aware of the item.

The acting editor of Radio Today, Mr Peter Beiles, could not be contacted but an SABC spokesman said items were rejected for a variety of reasons, including lack of newsworthiness.

The DPSC spokesman said in the radio interview that security laws had not inhibited violent protest over the last 20 years but had had the opposite effect.

"So one can say that our security laws are in themselves terroristic," he said.

329 (109) Mr. Thozamile Gqweta *Hansard*
Q. Col. 4/11 17/5/82
*23. Mr. S. A. PITMAN asked the Minister of Law and Order:

Whether Mr. Thozamile Gqweta was detained by the Ciskei authorities during the five-year period which ended on 30 November 1981; if so, (a) on how many occasions and (b) for what period of time on each occasion?

The MINISTER OF DEFENCE (for the Minister of Law and Order):

The hon. member is advised to obtain this information directly from the Ciskei authorities.

Questions over from Friday, 12 March 1982.

THE STAR 18/3/82

NEWS analysis

Three hundred local and 200 international medical bodies last week received letters seeking support in the fight against South Africa's draconian security legislation which denies detainees basic human and medical rights.

With the letters was a copy of the Declaration of Tokyo and this statement by the Detainees' Parents' Support Committee: "We feel that the recent death of Dr. Neil Asgett in detention and the physical and mental health of South African detainees generally are issues upon which the medical profession can no longer remain neutral."

If medical practitioners adhere to the Tokyo Declaration — a guideline on treating people in detention and imprisonment adopted by the World Medical Association in 1975 — they cannot but object to the treatment of detainees in South Africa.

The activities of Detainees Week have been organised by the Detainees' Parents' Support Committee and are being backed by the Black Sash. Dr Anthony Zwi, one of the organisers of the letter appeal, says the response from local bodies has been extremely encouraging.

"We have been given to understand that the District Surgeon Association will be meeting in the near future to discuss the issues we presented in the letter and to discuss the demands the DPSC has made in view of deaths in detention, the hospitalisation of detainees and the allegations of abuse."

Other groups which have indicated their full support for the Detainees' Parents' Support Committee's demands are: the Natal Health Workers' Association, the medical graduates body, the Nusas National Directive for Health, the Transvaal Medical Society and members of the University of the Witwatersrand Medical School.

Over the past two months, two detainees have

Doctors of the world are asked to help with 'pro

National Detainees Week has forced the South African public to confront the realities and effects of detention without trial.
CAROLYN DEMPSTER reports...

Six years ago tomorrow Mr Joseph Muthali, aged 36, died in police detention after being taken into custody.

At the time of his detention on March 18, 1976 Mr Muthali, a hawker and herbalist of Lamontville, Durban, was in good health, according to his wife Lydia.

When she saw her husband's body a day later there was severe bruising on his

forehead, a cut on his hip, his stomach was distended and he had two small cuts behind his ears. She noticed these injuries after the post-mortem had been performed by a Government pathologist assisted by two private medical doctors. Thousands of mourners attended the

been admitted to psychiatric wards and two to general medical wards.

Besides this, there have been allegations of abuse by detainees who have been released or were giving evidence in court.

Solitary confinement — used by the security police as an interrogative tool in detentions without trial — has been shown to have a psychologically dangerous effect.

A statement this week by members of the University of the Witwatersrand's Psychology Department point to the effects of prolonged solitary confinement:

• the occurrence of hallucinations, paranoid-like delusions, disorientation in time, body illusions and a range of emotional anxiety reactions;

• "increased suggestibility" and susceptibility to social influence; and

• "Obviously, under these pressurised circumstances, statements made by detainees may not be made freely or voluntarily," the statement says.

At present records indicate there are some detainees who have spent up to 11 months in solitary confinement.

Legal bodies have also been placing increasing pressure on the Government to re-evaluate the role now played by the legal profession, met the Minister of Justice in February this year the following was stated: "Holding a man without trial in secret and incommunicado is essentially unjust."

of a death in jail

Mdluli funeral on April 5 1976 and a call was made for a full inquiry into Mr Mdluli's death. On April 9 the attorney investigating the case, Mr T Skwesl, was ordered to hand in his passport. No reason was given by Mr Jimmy Kruger, the Minister of Police, as he had promised the public an

inquest and the case was sub judice.

Irregularities surrounding the post-mortem prevented the completion of the police investigation and the inquest was never held. Three months later Mr Kruger announced that four policemen would be charged with culpable

homicide arising from the death of Mr Mdluli. They were acquitted at the trial.

In the interim, Mrs Mdluli claimed R29 000 from the Minister of Police. The claim was rejected, but three years later a record amount of R15 000 was paid to Mrs Mdluli in an out-of-court set-

tlement. The Attorney General did not respond to her lawyers' demands to re-open the case.

Today the Public Support Group, an organisation of concerned individuals is investigating the situation of Mr Mdluli's family and similar cases and researching material in order to cast more light on the circumstances surrounding the death of detainees.

tection of detainees'

Unless provision was made for protecting the rights of the individual, this continual deprivation would continue to run counter to the "basic principles of natural justice which are embedded in our common law".

After a reading of the Rabie Commission the same delegation — Mr J E Knoll, president of the Association of Law Societies of South Africa; Mr R M Marais SC, chairman of the General Council of the Bar of South Africa; and Mr G C Cox, president of the Natal Law Society — stated that the recommendations fell far short of what was necessary.

Among the many people detained in recent months, a number are students. The effect this has on the ensuing trust between lecturer and

students and even among the students themselves, has been sharply attacked by academics.

"I would like to argue that the State is at present destroying the fabric of university life — that the principles of open and free inquiry and the trust between teachers and students are being seriously undermined," said Mrs Jacklyn Cock, lecturer in the sociology department at the University of the Witwatersrand.

Three basic "offensives" which were eroding the important role of universities as catalysts of social change were:

- the infiltration of spies on to campus;
- censorship of literature;
- detention of students deeply involved in research or post-graduate studies.

50%



UNIVERSITY OF CAPE TOWN EXAMINATION ANSWER BOOK

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

	Internal	External
(1)	(2)	(3)
1	10 1/2	
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Examiners' Initials		

Matie concern over Aggett's death

Boland Bureau

STELLENSBOSCH. — The University of Stellenbosch's student parliament has unanimously expressed its concern at the death in detention of trade union leader, Dr Neil Aggett.

At its latest meeting it expressed its appreciation that there would be discussions between the Medical Association of South Africa and the Minister of Justice, Mr H J Coetzee and the

Minister of Health, Dr L A van Kummik, over the issue. It passed a motion requesting that the concerned Ministers be asked in writing to speedily bring their attention to the appeals of the Medical Association and to the physical and psychological circumstances surrounding South African detainees.

Mr Pieter Bosch, who proposed the motion, said in his motivation that the death of Dr Aggett had resulted in substantial harm to South Africa and that it had disturbed domestic relations.

The motion was passed with spontaneous applause. At the same meeting the parliament passed a motion, by a majority of hands, urging the par-

Another motion passed criticised the apparent unanimity.

1. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

Detainees ³²⁹ see family for first time in three months

Mercury Reporter

TWO men being held by the Security Branch in Durban have during the past two days been granted their first contact with family members since being detained more than three months ago.

Durban lawyer Mr Bulelani Ngcuka was visited by his brother Vuyani for half-an-hour on Tuesday and Mr Mpiolo Taho yesterday received an hour-long visit from his sister Phateka.

Both visitors travelled from the Eastern Cape — Mr Ngcuka from Middle-drift and Miss Taho from Mdantsane.

Mr Vuyani Ngcuka claimed yesterday that he first tried to see his brother in February, only to be told by the Security Branch in Durban that his brother Bulelani did not want to see him.

Mr Ngcuka says that at the time he was very worried about his brother's condition because 'he must have been in a bad condition to have refused a visit by someone from the outside'.

'When I saw my brother on Tuesday I asked him why he had not wanted to see me in February and he said the Security Police had never asked him if he wanted a visit from his brother,' Mr Ngcuka said yesterday.

'Apart from being

shocked at what I told him, my brother looked well ... as well as a man who hasn't seen anyone but his captors for 107 days can look.

'We were not allowed to speak about his detention and were told we could only discuss personal matters.'

Mr Vuyani Ngcuka said he was glad that he had seen his brother but demanded that he be released immediately.

'I am not satisfied with a concession of this sort,' he said.

'I am opposed to the laws which can put my brother away from the world for such a long time without giving him the chance to defend himself in a court of law.'

The head of the Security Branch in Durban, Brig J R van der Hoven, would not comment yesterday on the claim made by Mr Ngcuka, saying it was 'a family matter between the two men and I am not going to discuss their private lives with a newspaper'.

Miss Phateka Taho said after her visit yesterday that her brother appeared to be in good health, though slightly nervous.

'We were not allowed to discuss his case at all,' she said.

'But I am glad I saw him for the time I did and feel a lot better for it.'

Report on Detainees' Week withdrawn

Own Correspondent

JOHANNESBURG. — The SABC has withdrawn a Radio Today report on the nationwide Detainees' Week.

A spokesman for the Detainees' Parents Support Committee said yesterday that a SABC representative had interviewed him at the weekend on the aim of Detainees' Week, the history and aims of the DPSC, conditions under which detainees are held and security laws in general.

He was told the next day that the three-minute report — intended for the early morning news magazine programme — was unsuitable for broadcast.

Mr Kim Shippey, director of English Radio, said yesterday he was not aware that the item had been either solicited or rejected.

Although the acting editor of Radio Today, Mr Peter Beiles, could not be contacted yesterday, an SABC representative said items are rejected for a variety of reasons, including their newsworthiness.

The DPSC spokesman said in the radio interview that over the past 20 years, security laws had not inhibited violent protest but had had the opposite effect.

~~A monopoly is a situation in which the entire market is supplied by one industry. In a monopoly the demand curve of the firm is the demand curve of the market.~~

~~Question 2~~

NRG 45 18/3/12

Detainees 'medically examined'

Political Staff

IN terms of standing police instructions detainees must be medically examined as soon as possible after arrest, the Minister of Health, Dr L. A. P. A. Munnik, told Parliament yesterday.

Dr Munnik, who was replying to questions asked by Dr Marius Barnard, (PFP Parktown), said that after the initial examination the detainee could be examined again by a district surgeon at the request of the detainee or of the police.

'The treatment of such a person is entirely in the hands of the doctor.'

HISTORY

Dr Munnik said when a detainee was examined the doctor also took his medical and psychological history into account.

In reply to another question asked by Mr Pat Rogers (NRP, King William's Town), the Minister of Law and Order, Mr Louis le Grange, said his department did not keep records relating to the number of detainees who had hospital attention.

ARGUS 19/3/82

Rabbis 329

THE heads of Jewish congregations in three provinces have joined other religious leaders in condemning the continued detention of people throughout South Africa.

condemn detentions

The Senior Rabbi of the Jewish Reform Congregation in Cape Town, Rabbi D Sherman, and, Rabbi B Braak, East London, Rabbi I Richards Durban, Rabbi W Blumenthal, Johannesburg, have signed the Declarations on Detentions demanding the immediate release of all detainees and the abolition of detention laws.

In Cape Town about 700 copies of the petitions are being circulated.

The declaration was to be available in Adderley Street on Tuesday but after legal advice, the Detainees' Parent Support Committee decided not to set up the tables.

The petition, circulated throughout the country as part of a national campaign against detentions, has been signed by the Anglican Dean of Cape Town, the Very Rev E L King, and by the Catholic Archbishop of Cape Town, Owen Cardinal McCann.

The campaign against detention will culminate in a public meeting on Saturday afternoon in St Mark's Church, Church Street, Crawford.

There will be speeches, poetry and music. UWC students will stage a play.

CAPE TIMES 11/2/62
329
**Appeal
to PM on
detainees**

Staff Reporter

AN IRISH lawyer concerned with human rights, Mr Leonard Silke of Galway, has urged the Prime Minister, Mr P. W. Botha, to immediately release seven detainees unless they are charged and brought to trial.

He also urged Mr Botha in a letter to institute an independent inquiry into the circumstances of Dr Neil Aggett's death in detention last month.

"I would ask you on humanitarian grounds to immediately order the release of Sisa Njikelana, Eric Mntonga, Sam Kikine, Rita Ndzanga, Emma Shinina, Alan Fine and Merle Favis.

"I am also concerned, as a lawyer involved in human rights, with the death of Neil Aggett in detention," Mr Silke said.

He also sent the letter to the Minister of Manpower Utilization, Mr S. P. Botha, and the Minister of Justice, Mr H. J. Coetzee.

Mystery over release of Security Act convict

D. Dispatch
19/3/82

200
329
27

JOHANNESBURG — A mysterious note in the file of prisoner Mr Michael O' Donovan says he will be deported after he is released today from The Fort where he is serving a 10-day sentence under the Internal Security Act.

But the authorities know nothing about the directive.

However, a Prisons Department spokesman at The Fort said yesterday Mr O' Donovan would be released today.

Mr O' Donovan, 21, a political science student at the University of the Witwatersrand, completes his 10-day prison sentence today after being convicted on charges under the Internal Security Act.

He holds an Irish passport and has permanent residence status.

A note in his prison file says he is to be deported, but no one knows who authorised the note.

A spokesman for the Department of Internal Affairs said yesterday

the matter would be "followed up".

He declined to comment further because, he said, the press was not entitled to information concerning a private individual.

Brigadier C. G. Matthee of The Fort said he was aware of the note, but that no deportation order had been issued as yet.

"As far as the prison is concerned, he is not being deported," he said.

Brigadier Hennie Muller, chief of the Johannesburg Security Police, said yesterday he was not aware that Mr O' Donovan was to be deported, and could not

confirm or deny it.

Mr O' Donovan's mother, Mrs Mary O' Donovan, is baffled. She said she had been told by prison authorities yesterday that her son would not be released because he was going to be deported.

Then they told her about the note.

Mr O' Donovan was told by the Department of Internal Affairs yesterday that the matter would be investigated. She had the impression that the department had certain documents about her son.

She said she would take legal action if her son was not released. — DDC.

ARGUS 19/3/82
329

Masa in new bid on care of detainees

Argus Correspondent

JOHANNESBURG.

The Medical Association of South Africa will explore new proposals in an effort to ensure detainees receive medical treatment from a practitioner of their choice.

This follows the Government's rejection of suggestions made by Masa at a top-level meeting in Cape Town yesterday.

The chairman of the federal council of Masa, Professor J N de Klerk, the vice-chairman, Professor N S Louw, and Professor David McKenzie, met the Minister of Health, Dr L A P A Munnik, the Minister of Justice, Mr H J Coetsee, and General Mike Geldenhuys, the Commissioner of Police.

Professor de Klerk said the possibility of detainees having practitioners of their or their families' choice was discussed.

REJECTED

The Government rejected the proposal 'for reasons of security,' he said.

Professor de Klerk said the Government delegation was told that Masa's legal advisers believed Section 6 of the Terrorism Act interfered with the rights of a practitioner to treat a detained patient.

General Geldenhuys outlined in detail procedures followed in medical care of detainees.

REAL ATTEMPT

After a thorough discussion of this procedure and problems identified by members of Masa, it was felt by the Masa deputation that there was a very real attempt by the authorities to provide the best possible medical care for detainees within the limit of the Act, Professor de Klerk said.

Masa was assured detainees are visited on a continuing basis by three responsible individuals who are not members of the establishment.

Durban

329 ~~12~~
unionist

NDM 19/3/82
detained

Mail Correspondent

DURBAN. — Security police have confirmed that Mr Matthews Oliphant, general secretary of the Durban-based National Federation of Workers, is being held under Section 22 (1) of the General Laws Amendment Act at John Voster Square in Johannesburg.

Mr Magwaza Maphalala, the union's national organiser, said yesterday this had been confirmed by the union's attorney, who had telephoned Brigadier J R van den Hoven, officer commanding Durban's security branch.

Mr Maphalala also said the Security Police had returned his identification document, confiscated when he was detained with Mr Oliphant on Saturday.

(329) (P)

Star 19/3/82

Detainees: Masa seeks new ideas

The Medical Association of South Africa will explore new proposals in an effort to ensure detainees receive medical treatment from a practitioner of their choice.

This follows the Government's rejection of suggestions made by Masa at a top-level meeting in Cape Town yesterday.

The chairman of the Federal Council of Masa, Professor J N de Klerk, the vice-chairman, Professor N S Louw, and Professor David McKenzie met the Minister of Health, Dr Munnik, the Minister of Justice, Mr Coetsee, and General Mike Geldenhuys, the Commissioner of Police.

In a statement afterwards Professor de Klerk said there was discussion of the possibility of detainees having consultations with practitioners of their or their families' choice. The Government rejected the proposal "for reasons of security", he said.

INTERFERED

Professor de Klerk said the Government delegation was told that Masa's legal advisers believed section six of the Terrorism Act — the "detention clause" of the act — interfered with the rights of a practitioner to treat a detained patient.

General Geldenhuys outlined in detail procedures followed for the medical care of detainees.

The Masa delegation said it felt there was a very real attempt by the authorities to provide the best possible medical care for detainees.

Nov 19/3/82

ANC man 'heard voices in cell'

329 380 381

An ANC official began hearing voices in his cell in his fifth week of detention, the Rand Supreme Court heard yesterday.

Mr Robert Adam (26) of Yeoville and Mr Mandla Themba (25) of Soweto have pleaded not guilty to charges under the Terrorism and Internal Security Acts.

Mr Adam had admitted he had written a report for the ANC for an attack on TV equipment at Brixton Tower Johannesburg.

Dr Jacobson said that on November 2 Mr Adam complained that he had severe headaches, felt confused and was hearing his father's voice and other voices.

EXPERT

Dr Jacobson recommended police to allow him more exercise and time in the open air.

Dr Carel van Rensburg, a bomb expert, said that if the explosives recommended in Mr Adam's report had been planted the TV equipment and building could have been wrecked.

Mr Justice Bosshoff adjourned the trial to Monday.

(2)

80

and this is a very exceptional case.

when the MPC : MPC GAV

What detainees' parents want the world to know

THE medical profession can no longer remain neutral in matters concerning the physical and mental health of detainees.

This is the view of the Detainees' Parents Support Committee (DPSC), which launched an international drive this week — Detainees' Week — to strengthen their demands for safeguarding the health of detainees.

The parents' group sees this as an interim measure, stressing that the health of detainees can only be ensured when detentions cease and all detainees are released.

Letters appealing for support for the DPSC's demands have been mailed to more than 180 local and overseas medical associations, including the World Health Organisation, the World Medical Association, and medical associations in countries throughout the world.

The support of these groups, the parents said in their letter, would indicate to the South African Government the widespread dissatisfaction with a system which allowed people to be detained indefinitely and held in solitary confinement with no right of contact with the outside world.

Several local medical groups have already pledged their support for the parents' demands. They include the Medical Graduates' Association, the Nusas National Directive of Health, the editorial board of Critical Health, the Medical Students' Council, the Natal Health Workers' Association, and the Internists' Representative Committee at the King Edward VIII Hospital, Durban.

The parents' demands are based on the Declaration of Tokyo — guidelines for doctors treating people tortured or punished while in detention or in prison, and adopted by the World Medical Association in Tokyo in 1975.

The Detainees' Parents Support Committee has made an appeal to the world's medical community to protest to the South African Government against detention without trial. ANNE SACKS reports.

The demands are that:

- Family doctors and the independent panel of medical doctors established by the DPSC be recognised, and that these doctors have the right to examine all detainees;
- Panel members or family doctors assess the health of detainees when detained;
- Panel members or family doctors see every detainee at least once a week;
- The panel or family doctor have the right to call on independent specialists, who will also have access to detainees and whose recommendations will be followed;
- All examinations of detainees take place in private and that all reports remain confidential and are not handed to Security Police;
- The panel or family doctor and the DPSC be informed of every visit by a district surgeon, the cause of the visit and the findings;

The demands arise out of the death in detention of trade unionist Dr Neil Aggett — the 56th South African to die in detention since 1963.

Parents said his death in February nullified assurances from the State that there had been no abuse of the more than 170 people now in detention.

Parents' fears were further aggravated by Mrs Helen Suzman's disclosures in Parliament that Dr Aggett was assaulted while in detention.

Adding to their deep concern is the fact that at least eight detainees are known to have been admitted to hospital while in detention.

Prompted by these developments, the DPSC teleaxed the Minister of Police demanding that all detainees be examined by a panel of inde-

pendent doctors.

Around the same time, the DPSC set up a panel of five medical doctors, headed by Dr Duncan Saunders of the Department of Community Medicine at the University of the Witwatersrand, and including a psychologist, gynaecologist and specialist physician.

The doctors agreed to be available for four months before being replaced by a new panel in an attempt to involve as many medical practitioners as possible in the issue of detainee health.

A few days later, the Minister of Police, Mr Louis le Grange, sent a telegram to the parents in reply to their demand. He said he could not accede to their request, because the medical care and treatment of detainees "is sufficiently provided for" by district surgeons.

Parents said they were dismayed but not surprised by the Minister's response. However, it confirmed their worst fears that the Minister "had something to hide".

"We are traumatised by the detention of our relatives, the death of Dr Aggett and the hospitalisation of other detainees. He has totally ignored our anxiety," parents said.

"We fear maltreatment or even torture of detainees is continuing, and we fear even more that detainees will have to be admitted to hospital due to the effects of solitary confinement, or, more ominously, due to interrogation methods.

"This is especially since we can no longer accept the assurances of the Chief of Security Police that no one has died in detention in the past three years."

Meeting on detentions

PRG 63
19/3/82
329

A PUBLIC meeting Imam Geerdien of the about 200 people current- tomorrow which forms Muslim Judicial Council, ly in detention. the climax to the Mr T Mpetha, a parent of National Campaign one of the accused in the Against Detentions in Mpetha trial. Mr S Cape Town will include a Davids, a lecturer in speech by a parent of one psychology at the Univer- of the accused in the sity of Cape Town and Mpetha trial and a play Miss Dl Cooper of the performed by students of the General Workers' Union. the University of the Western Cape. A city attorney, Mr R ant, Julian Sauls, Vassen, will chair the Johannes Mannel, Charles meeting. Claims, Gerrit Stellen- berg, Freddie Schrouder, national campaign has Alfred Appolis and Speakers will include focused on the plight of Johnny Issel.

Handwritten notes:
10/10/82
10/10/82

Handwritten notes:
11/11/82
11/11/82

(329) *Hansard Q. 61.428-429*
Charges against members of Police Force
19/3/82

*4. Mr. P. R. C. ROGERS asked the Minister of Law and Order:

- (1) Whether his Department keeps records relating to the number of members of the Police Force who have been convicted on charges laid against them by detainees or members of their families; if so,
- (2) whether such records go back to 1963; if not, how far back do they go;
- (3) whether such records are (a) updated and (b) consolidated from time to time; if not, why not; if so, how often;
- (4) whether such records make provision for the nature of the (a) charges laid and (b) action taken against such members;
- (5) whether any such members have had

(255) 329 Hansard Q 6149-44
Prisons Service: charges against members
19/3/82

309. Mr. P. R. C. ROBERTS asked the
Minister of Justice:

- (1) (a) How many convictions have resulted from charges laid against members of the Prisons Service by detainees or members of their families since the commencement of the Terrorism

205 people in detention

By JOSHUA RABOROKO (229)
ABOUT 205 people from all over South Africa, including the homelands, are currently in detention under security laws.

According to a list released by the South African Institute of Race Relations yesterday, the detainees include students, trade unionists, churchmen, lawyers and teachers.

So far this month, seven people have been detained under Section 22 of the General Laws Amendment Act and one under Section Six of the

Terrorism Act. This brings to 41 the number of people detained in the first three months of 1982, according to the list. "This list is as accurate as we can make it according to the information which we have collected," the institute says.

"There may be people who have been released whose names appear on the list and there may be people who are presently detained whose names do not appear in this list.

The institute appeals to people to help keep the list as accurate as possible.

C. Herald (329)
20/3/82
**'No detainee
safeguards'**

STEVE BIKO'S fate could easily befall any of the other people presently in detention, says Dr P Folb, professor of Pharmacology at the University of Cape Town.

He was addressing a lunch-time meeting at the university to launch a national declaration on detentions as part of the national week of solidarity with detainees.

Dr Folb also said: 'In fact, the death of Neil Aggett confirms our misgivings. There is no assurance in law to prevent what happened to Steve Biko from happening to others.'

Mr Don Foster, a lecturer in the psychology department, said that any information extracted from detainees under interrogation and in solitary confinement should not be admissible on psychological grounds.

FEAR

He mentioned that mental disorientation accompanied by panic and fear of madness were some of the effects resultant from detention. There were changes in sleep patterns, fluctuations in appetite, delusions and hallucinations. Mr Foster also said that there were ways of resisting these effects.

The relationship between the captor and the captive during detention was considered to be most destructive.

The detainee was arrested at peculiar hours, his own clothes were removed and inadequate explanations were given for his detention. He or she was shouted at while being interrogated and was also subjected to threats, he said.

It was the responsibility of psychologists, psychiatrists and everyday people to ensure that this stops immediately, he added.

Students' Representative Council Vice-President Kate Phillip, demanded the unconditional release of all detainees.

'The army and police are used against people in the name of law and order. It is absurd to look at the law for justice,' she said.

Families visit detainees

20/3/82

329

Smiley
his patch

EAST LONDON — Two detained men have had their first personal contact with family since they were detained more than three months ago.

Mr Vuyani Ngcuka of Middledrift saw his brother, Durban lawyer Mr Bulelani Ngcuka, for half an hour on Tuesday and Miss Phateka Taho, of Mdantsane, saw her brother, Mr Mpilo Taho, for an hour on Wednesday. Both men are being held in Durban.

Mr Ngcuka said early in February he had

sought to visit his brother and had been told by Colonel I. Coetzee, of the Durban security police, that his brother did not want to see him.

Mr Ngcuka said he was worried about his brother's condition because "he must have been in a bad condition to have refused a visit from someone from the outside."

Mr Ngcuka said his brother had denied this week that the police had asked him if he wanted a visit from him.

"My brother looks well — as well as a man who has not seen anyone but his captors for 107 days can look," he said.

Mr Ngcuka said he was glad he had seen his brother but demanded that he be released immediately.

"I am opposed to the laws which can put my brother away from the world for such a long time without giving him the chance to defend himself in a court of law," he said.

Our Durban correspondent reports that the

head of the security branch in Durban, Brig J. van der Hoven, would not comment on Mr Ngcuka's statement, saying it was "a family matter between the two men and I am not going to discuss their private lives with a newspaper."

Miss Taho said her brother appeared in good health though he was slightly nervous.

"We were not allowed to discuss his case at all," she said, "but I am glad I saw him for the time I did, and feel a lot better for it." — DDR

Granny to sue police

By CHARLES MOGALE

SOWETO granny Mrs Sannah Radebe who was released from security detention last week is to sue the police for alleged assaults she suffered in detention.

Mrs Radebe (55) was released last Wednesday after spending 29 days under Section 22 of the General Laws Amendment Act.

"I have already instructed my lawyers and they are taking the matter up," she said from her Senoane home yesterday.

HOODED

Mrs Radebe, who spent most of her detention period in solitary confinement, was detained early on February 15 after a hooded youth had been asked to identify her.

"The police came here in the early hours of the morning," she said, "and asked a hooded boy if he knew me. They had said they wanted a certain John, and I told them I only knew of a Stanley, who is my son.

"I was very angry at the boy and asked him who he was. He said his name was Peter. The police searched the house and confiscated a pile of documents. They also searched Stanley's car, which was parked outside the house. They then left." Mrs Radebe said.

PROMISE

Later the same morning, the security police returned and started all over again searching the house.

"After searching the house, they asked me to go along with them, promising to return me the same day. However, when we got to Protea Police Station, I was handcuffed and sent to Jabulani Police Station. It then dawned on me that I was detained," she said.

During the detention, she had a spell in Moroka and De Deur Police Stations.

NEPHEW

"It was the very first time in my life that I saw the inside of a cell. I will never forget the experience," Mrs Radebe said.

Meanwhile, her nephew Mr Jabu Ngwenya, who lives opposite her home, is still being held under Section Six of the Terrorism Act.

COLOSSEUM (Lessors: Ster-Kinekor)
QUIBELL BROS present
TODAY TODAY
MPHAHLALATSANE THEATRE
SEROKENG



SUING: Granny Sannah Radebe to sue the cops.

Benton honours Sharpeville

THE Brook Benton show scheduled for Mphatlalatsane Hall in Sebokeng, Evaton, did not take place yesterday as the promoters had cancelled it in deference to calls to honour the

Sharpeville memorial services.

According to impresario Derek Quibell, for the promoters, the postponement suited tonight better. The show will be at 6pm and 9pm.

This is Brook Benton's final week at Colosseum and the shows of the American singer will be on Tuesday, Wednesday and Thursday 8.30am, Friday, Saturday at 6.15 and 9.15.

Simon Mzolo



MORE than 1 000 people attended the funeral of the chairman of Africa Dance Academy, Mr Simon Mzolo, who died in a car accident a week ago.

Mr Mzolo, who was against expensive funerals, was given a simple funeral. His coffin was not decked with wreaths and mourners had to pay 50 cents for trans-

porting foods which are becoming fashionable at township funerals.

According to Mr P Molefe, chairman of the Diepkloof Health Committee, Mr Mzolo was buried in an inexpensive simple coffin — all according to Mr Mzolo's wishes when he was alive.

'Dem

hammer of a : who said a ha. "so-called" whi rals cannot get to a situation they condone i

2nd Times 22/3/82 (329)

End of detention week

By YAZEED FAKIER

CLENCHED fists, protest poetry and fiery speeches slamming detention laws marked the end of detention week at a meeting in Athlone on Saturday.

About 600 people gathered in St Mark's Hall in Lawrence Road and watched plays depicting the loneliness of solitary confinement and its effects on family life.

Speeches were often punctuated by cries of "amandla ngawethu" (power is ours) and "aluta continua" (the struggle continues).

The president of the Congress of South African

Students, Mr Wantu Zenzile, said that to close one's ears to the call of the people and to close one's eyes to the "evils perpetrated by the system" was "treacherous".

A psychology lecturer at the University of the Western Cape, Mr F Davids, said solitary confinement was used by the State to break down the defence of the individual.

The treatment of detainees and effects of detention made the validity of statements by them "highly questionable".

Ms Di Cooper, an organizer for the General Workers' Union, said the Government did not rule

at the will of the majority of South Africans.

"As a result terror must be part of our lives," she said.

The arrest of hundreds of trade unionists and the death of Dr Neil Aggett were "part of a consistent campaign by the Government against organizations trying to give voice to the people of South Africa".

"The Government must know it has blood on its hands. They can lock up our leaders but there are more leaders to take their place. We will not be intimidated and will continue to fight for a free and democratic South Africa."

329 204 22/3/82
**Mayers petition SA to
free political prisoners**

NEW YORK. — Mayors Mr Edward Koch of New York City, Mr Andrew Young of Atlanta, and Mr Al Gleeson of London have signed an appeal to South Africa to free political prisoners, a UN committee reported at the weekend.

They were among more than 1 400 mayors in 32 countries who signed the appeal.

The committee said Mr Michael Kelly, Lord Provost of Glasgow, had organised the petition.

The petition says: "I, the

mayor of... appeal to the Government of South Africa to release immediately and unconditionally all prisoners detained for their political views under their apartheid laws.

"Release of such prisoners from long years of imprisonment would help to bring about a spirit of reconciliation. I hereby proclaim my support and feelings of solidarity with political detainees in South Africa and call in particular for the immediate release of Nelson Mandela."

— Sapa-AP.

CAPE TOWN 329
22/5/8

Unionist held

Own Correspondent

DURBAN. — The Security Police have confirmed that Mr Matthews Oliphant, general secretary of the Durban-based National Federation of Workers, is being held under Section 22 (1) of the General Laws Amendment Act at John Vorster Square in Johannesburg.

Mr Magwaza Maphalala, the union's national organizer, said yesterday this had been confirmed by the union's attorney, who had telephoned Brigadier J R van den Hoven, officer commanding Durban's security branch.

Mr Maphalala also said the Security Police had returned his identification document, confiscated when he was detained with Mr Oliphant on Saturday.

In terms of Section 22 of the General Laws Amendment Act a person cannot be held for more than 14 days, unless further committed by a judge.

22/3/82
329

IT was not part of medical ethics for doctors to work against any State — whatever its politics — which detained people without charge or trial, a senior lecturer in the Department of Radiology at the University of Stellenbosch wrote in the latest issue of the South African Medical Journal.

Querying an earlier article in the SAMJ written by Professor S R Benatar, head of the medicine department at the University of Cape Town, Dr Schulman said: "I wish to question the general principles upon which Professor Benatar and others of our profession reported in the daily press seem to be asking us to base our ethical attitudes as doctors towards the cases of Mr Steve Biko and Dr Neil Aggett.

"Medical ethics apply to our jobs as doctors, that is to those circumstances in which individuals seek our professional advice and trust us to do a good job for them. It is not part of our medical ethics to work individually or as a profession against any State, whatever its political complexion, which detains suspected dangers to it without charge or trial, or subjects them to periods of solitude, or does not permit them to see physicians of their own choice whenever they wish."

- Approved of the government or the system.
- Believed such practices were wrong at all times.

Dr Schulman said he subscribed to the third view and wondered if proponents of the second view meant what they said.

"Suppose a suspected nazi spy has just been detained. Would proponents of (the second view) not acquiesce in practice to a session with the thumbscrews so as to gain as much overall beneficial information as possible in the shortest possible time, and then call in a doctor to heal the damage?" asked Dr Schulman.

"To get the record straight, I should point out to Dr Schulman that I did not say, or imply, that doctors or the medical profession should act against the State, but rather that we should serve as a conscience and as a force to improve those inadequacies pertaining to health in our society.

"A common tactic used by politicians is to label all criticism in South Africa as being politically-motivated, anti-State and disloyal, and it grieves me that Dr Schulman should resort to this tactic in his criticism of my reminder to our colleagues of their broader social and moral medical responsibilities."

Professor Benatar said all UCT medical students took oaths committing themselves to serve the public weal and humanity — in addition to the individual patient.

Cape Herald man UWC student held

AK645 23/3/82 329

A UNIVERSITY student and a newspaper advertising representative were detained by security police at 4 am today.

They are Mr Armien Abrahams, 30, of the Cape Herald and Mr Ebrahim Patel, a final-year BA student at the University of the Western Cape.

Mrs Amelia Abrahams said two security policemen searched her home but took nothing.

They later telephoned her and said her husband was being held at Caledon Square under Section 50 of the Criminal Procedure Act. She was told to bring clothes for him.

A friend of the Patel family said this was the third time Mr Patel had been detained.

She said the police did not say under which law they were holding him but said they were taking him to Johannesburg.

Mr Patel was detained in 1980 for four-and-a-half months under Section 10 of the Internal Security Act.

The following year he was held for three months under Section 6 of the Terrorism Act but was not charged.

At the time of Mr Patel's detention, the home of his girlfriend, Miss Gairo Daniels, was searched by security police.

Miss Daniels said the police arrived at 4 am.

'They knocked very loudly and when we let them in they searched the house. My mother was so upset that she had an asthma attack.'

APPEAR BEFORE MAGISTRATE

The head of the security police in Cape Town, Brigadier Hennie Kotze, said today Mr Patel and Mr Abrahams were being held under Section 50 of the Criminal Procedure Act of 1977.

In terms of the Act, the men have to appear before a magistrate within 48 hours of their detention or be released.

However, the terms under which they are being held could be changed to allow for a longer detention period without a court appearance.

329

Hansard Q. 61.445
Detainees 23/9/82

162. Mrs. H. SUZMAN asked the Minister of Justice:

- (1) Whether the persons appointed to visit persons detained in terms of section 6 of the Terrorism Act paid visits to detainees during the period 30 June to 31 December 1981; if so, how many visits were paid;
- (2) whether any complaints of ill-treatment were reported to him as a result of such visits; if so, (a) how many and (b) what steps have been taken as a result of the reports?

The MINISTER OF JUSTICE:

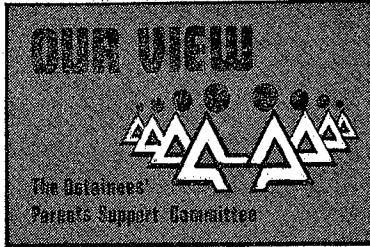
- (1) Yes, 467.
- (2) There were certain complaints of alleged assaults.
 - (a) 12 persons alleged that they had been assaulted.
 - (b) Two cases were referred to the Attorney-General, who declined to prosecute. The other cases are either still being investigated or are being prepared for consideration.

Accusers are ³²⁹ the guilty ones ^{Star 23/3/82}

At the meeting called by the SRC of Wits University at the University Great Hall on February 11 1982, in the wake of Neil Aggett's death, a member of the DPSC in her talk on behalf of the Committee said, inter alia: "The accusers will be seen as the guilty party."

After six months of detention in solitary confinement and the mental torture this represents, and the detainees' evidence on physical threats, naked interrogation, months of being transported in handcuffs or leg-irons and of being stripped, four students, all around 21 years of age, in the case of the State v Greyling, Mohamed, O'Donovan and Lax, were finally brought to court under the Internal Security Act.

They were accused of having made some posters commemorating the 60th anniversary of the SA Communist Party.



After six months' labour the State gave birth . . . to a mouse, a little mouse.

We have stated before that the court case(s) the State would bring against the detainees would be seen to be dagger thrusts in water. Ten days' effective imprisonment was the sentence meted out to the above four by the magistrate, after they finally pleaded guilty so as not to continue with a court case that had already taken up a few months and was not to end for some further months. The proceedings in court had meanwhile brought to light the despicable methods used by the Security Police, as already detailed. That much is now on record.

Other cases, if the Attorney-General can put them together, will show similar treatment of innocent individuals; treatment meted out before they were brought to court, let alone convicted, and hence — oh, Mr Pik Botha — innocent because not proved guilty.

The minimum sentence provided for by the law was one of 365 days — of which, in this case, the magistrate suspended 355 days to result in an effective sentence of 10 days.

It proves, we feel, that the magistrate viewed the previous lengthy periods of detention and custody with some concern and did not consider that the State's case merited further extreme punishment.

But the six months in solitary confinement, the mental torture, the physical threats; all this is not wiped off the slate. It remains on record as an indictment

Police, whose own "file" is growing. It gets added to the dozens of deaths in detention, to the affidavits by parents of detainees already in the possession of lawyers. One day, in one form or another, the accusers will be the accused, however big the walls at present being built around John Vorster Square.

* * *

Our pen picture detainee: Mrs Emma Mashinini (52) whose father (81), sisters and brother, husband Tom and three daughters are all most anxious about her lengthy and continued detention.

Emma was educated at township schools near Johannesburg. At the age of 18 she joined the clothing industry as a machinist. Thirty years later (1979) she was appointed organising secretary for the CCAWUSA, which has grown to about 35 000 members, spread in all the provinces. Emma is actively involved in various aspects of community work and is a practising member of the Anglican Church. She has been in detention since November 27 1981.

* * *

Our "declaration": Elsewhere in today's Star appears our advert with the text of the declaration which we are asking the public to sign and return to the address given, in support of "Detainees' Week" and our campaign to have all detainees freed and the detention laws abolished.

Our play: "Four Paces by Two" will be on at the Market Street Theatre from today, at 6 pm daily, and we urge the public to go

Rabie report discussed by panel of MPs

23/3/82
H. S. WILKINS (229)
Political Reporter

THE Rabie Commission had avoided investigation of Section Six of the Terrorism Act and the nearly four dozen deaths in detention, Mr Harry Pitman, Progressive Federal Party MP for Pinetown, said at Natal University in Pietermaritzburg yesterday.

Describing the report as a 'manicured mouse', he told about 250 students that the commission had not heard evidence from one detainee or from any policeman who undertook interrogations.

His rejection of extraordinary measures to maintain the security of the State was condemned by Mr Danie Schutte, a

nominated National Party MP.

Mr Pat Rogers, the New Republic Party spokesman on Justice, was the third of a panel of three MPs from the major political parties to share a platform on the issue of the Rabie report into security legislation.

Visits

Mr Rogers said the NRP did not question the right of a country's executive to improve measures whereby the rule of law and its procedures were improved.

His party proposed improvements to the recommendations of the commission affecting the conditions of detainees.

District surgeons should be allowed to see the detainees within a week, and a person held should also be visited by his private doctor in that period. A person should be detained for a maximum of 14 days, instead of the proposed 30 days, before his detention became subject to review.

Mr Rogers said the non-judicial review panel proposed by the commission should be scrapped and replaced by a full judicial tribunal.

Mr Pitman said the commissioner had not 'applied his mind to the real question in South African security laws' — Section Six of the Terrorism Act.

Factory

As long as there was provision in security legislation giving the Minister of Police the power to detain anyone indefinitely without recourse to the courts, it was no use improving the provisions of other Acts.

He described the Section Six provision as a 'witness factory' in that State witnesses were detained until evidence had been obtained to support the prosecution's case.

An international jurist who had visited South Africa in 1972 had described a trial in terms of the Terrorism Act as having the form of justice, but not the substance of justice.

Mr Pitman said that the experience in Ireland, where more than 1 000 people had died through terrorism, a commission of investigation had found that detention stimulated terrorism.

In Israel, where short-term detentions took place, there had been only four administrative detentions since 1957.

Inspection

A country was entitled to have security laws but these should be exercised by proclaiming martial law. At the very least, there should be judicial control of detainees.

A person should be entitled to access to his lawyer at all times.

Mr Schutte said the very fact that the Government produced the report showed it wanted to subject security legislation to inspection.

He said the commission had found that personal freedoms should be of the highest priority and only in special cases should this be interfered with.

The security of the country should not be tested in the world around it.

Where the Rabie Commission goes wrong on detention

PROF MATHEWS



IN 1974 the House of Commons enacted legislation providing for detention without trial in Britain for the first time since the Second World War.

The measure authorised detention for investigation and interrogation and was aimed at the IRA terror campaign in Britain. It followed the notorious pub bombing in Birmingham in which 21 people died and 180 were injured.

Prior to that there were 99 bombing incidents in Britain during 1974 resulting in 19 deaths and injuries to 145 people. As these incidents tellingly demonstrate, the British detention law sought to counter one of the toughest and most ruthless terror groups operating anywhere in the world.

Despite this, the measure has been condemned by responsible critics as draconian, as constituting an intolerable invasion of individual liberty and civil rights. Even a government-appointed commission, while concluding that the measures were still needed in 1978, declared that such powers should not be allowed to "shade into part of our permanent legislation".

What is the period of detention authorised by this law and so roundly denounced by civil libertarians in Britain? The answer is a maximum of seven days.

This example should assist South Africans to view in better perspective the indefinite and other detention laws which have shaded into our permanent legislation and which the Rabie Commission wishes to keep in operation without the need for regular review and renewal.

It is relevant to this comparison between Britain and South Africa that, in the former country, there are greater non-legal restraints on the exercise of such powers. There is a more vigorous parliamentary system in which all the people are represented, and a free and active electorate and Press to keep watch over and to expose the exercise of such powers in order to prevent abuse.

In South Africa, Parlia-

The complex proposals of the Rabie Commission inquiry into security legislation are being welcomed by the Government as a means of providing detainees with better protection.

But Professor ANTHONY MATHEWS disagrees. As head of the department of law at Natal University, he is widely considered the country's leading authority on security legislation.

In this assessment of the commission's proposals relating to detention without trial, Prof Mathews believes the commission "has sought to legitimise both pre-trial and preventive detention for indefinite periods as part of our permanent legislation".

He concludes: "Some of the 'controls' over detention which it recommends may be viewed as minor improvements but can in no sense be regarded as safeguards conforming to rule-of-law requirements. The proposals create the appearance of controls but the substance is lacking. The individual, whose interests the commission set out to balance as against those of the State, has clearly been left in the lurch and the Executive retains virtually unrestricted power over his life and liberty."

ment is unrepresentative of all the population groups and does not effectively exercise the power to scrutinise the administration of its laws. The Press and the people are severely hampered by a web of restrictive and repressive legislation.

In short, the absence of powerful extra-legal checks on the abuse of power in South Africa makes it imperative to have adequate legal controls. As we shall see, this is precisely what the Rabie Commission does not recommend.

Detention laws fall into two categories — preventive and pre-trial detention. The pre-trial variety aims at securing information about subversive activities either to facilitate the prosecution of offenders or to counter subversive operations by the intelligence gained from interrogation.

Preventive detention has a radically different purpose — that of removing from the political arena people whom the government regards as troublemakers or agitators. Following an inadvertent remark by one of our Ministers this kind of detention has become known as "cooling off" detention.

Parliament in South Africa began to enact a series of detention laws in the early Sixties and South Africans currently "enjoy" a rich variety of such laws. The Rabie Commission has recommended that both forms of detention should continue with minor modifications which it describes somewhat optimistically as safeguards.

Preventive or "cooling off" detention is a drastic type of emergency or crisis law. It authorises the Government to lock up free citizens not on account of what they have

actually done, but because of what the Government thinks they might do.

For that reason, it constitutes a major inroad into individual freedom and political liberty. The people of a society in which such detention is regularly employed cannot be said to be free. It is the kind of "security" measure that is characteristic of authoritarian and totalitarian regimes and is generally unknown in the Western democracies except in times of war or other grave emergency.

It has been extensively used in Northern Ireland in the form of internment but in the past five years it has been abandoned there as counter-productive even though a government-appointed committee (the Diplock Committee) pronounced its use in that society as "inevitable".

The South African Government should take a cue and reject or modify the Rabie proposals for continued detention without trial in South Africa.

The preventive detention law currently in force in South Africa is a model of what such a law should not be, at least if we wish to retain any democratic pretensions.

Though the law has to be renewed annually this can be achieved by a proclamation issued by the State President — in other words, it is in effect a permanent law. While the law remains in force, detention under it may be indefinite.

The decision of the Minister on detention is final and no court of law may intervene. There is an advisory committee but its decisions are not binding and it is not required to observe elementary rules of procedural justice. The advisory committee under this law has operated in such secrecy that the identity of its members is unknown.

The Supreme Court in South West Africa has held, in relation to a similarly constituted committee there, that the rules of natural justice, including the rule against bias, are not binding on committee members. This seems to epitomise the type

of justice envisaged by the Government when it set up the advisory committee system.

In 1979 Israel reformed its preventive detention legislation inherited from the British. The main features of the present Israeli law are the following. Detention is permissible only during a declared national emergency. Within 48 hours of arrest the detainee must be brought before a Supreme Court judge who has power to confirm or set aside the order. Detention is permissible only for reasons specified by the law. The court has access to the full security docket on the detainee and it decides what information may be given to him and what material is too sensitive for disclosure.

While the court does not view its task as one of substituting its judgment for that of the Minister, it does examine the merits of the decision to see that adequate grounds for detention exist. This is a detention law with real safeguards and which, as far as is humanly possible, seeks to give effect to the Rule of Law and to the requirements of democratic government.

It was enacted in Israel (but not in the militarily occupied zones) at the time when the internal security threat and the external threat from powerfully armed enemies surpassed anything that South Africa currently faces.

If the Rabie Commission wished to secure a real balance between security interests and the rights of the individual, there was an example which it could have used with great effect. If anything constitutes a political judgment on the part of the commission it was the decision to pass up that opportunity.

There is no objective knowledge or principle which tells us that the Israeli model would be unsatisfactory or unworkable in South Africa.

The Rabie recipe for preventive detention may be briefly described. The law is to be permanent and the ordinary courts excluded from pronouncing on detention orders.

An advisory committee will be set up but the proce-

dural requirements fall far short of Rule of Law standards. The detainee may only be told of the grounds on which the Minister is willing, according to his view of public policy permits. The committee is not required to give the detainee a hearing but may allow an appearance in its discretion.

It is unclear to what extent the rule of natural justice will apply but their operation is clearly limited. Only if the advisory committee disagrees with the Minister is the matter referred to a judge (of the Appellate Division) who is empowered to set aside the detention if satisfied that the Minister acted *malà fide*, outside his powers or on grounds that are not legally permissible.

In this one instance, where the advisory committee and the Minister disagree, something like a satisfactory safeguard applies. But even here there is a need for caution.

In the first place, the grounds on which the Appeal Court judge may act are limited and do not appear to permit a review of the merits. Secondly, the detainee has no legal right to a statement of the grounds upon which the order was made and is in the position, as a writer has put it, of arguing with a Sphinx.

This is not good enough where preventive detention is applied in peacetime in terms of a permanent law.

The Rabie proposals on the other form of detention — pre-trial detention — are even more disconcerting. The detainees who have died have all been pre-trial detainees and adequate protection of future detainees calls for drastic reform of the law.

There is every likelihood that abuses will continue and tragedies of the past repeated unless three main principles of reform are adopted by the legislature:

● The total period of pre-trial interrogation should be short. In dealing with the IRA, Britain relies on a combination of 7-day detentions and efficient police detection work. Interrogation of persons held in isolation for much longer than that is a form of mental torture; there

TO GETS HI-FI GETS HI-FI GETS PHOTO



Soviet gas deal widens the US-European rift



criticises Commission

is surely evidence enough of that. Limiting the maximum period of detention for interrogation is the most important safeguard for protection of the individual.

● The detainee or his relatives or friends should be entitled to an investigation by the ordinary courts where there is a well-founded apprehension that his physical or mental health is in jeopardy. The exclusion of the courts from jurisdiction over the welfare of the detainee has clearly permitted abuse of detention powers.

● Apart from magisterial visits, or visits by Government-appointed officials, regular visits by a doctor from a panel appointed by the Medical Council should be compulsory.

None of these requirements is met by the proposals of the commission. Pre-trial interrogation could be continued indefinitely under the system it recommends, with two provisos.

The Minister is required to authorise detention for longer than 30 days in writing; and the review board must consider and report to the Minister on detentions for longer than six months.

In each case, however, the Minister's decision is final and this means that in respect of the duration of pre-trial detention the executive may do as it wishes and is not subject to the restraining power of the court. In the second place, the courts will not have access to a detainee in cases of apprehended ill-treatment.

Why the judges cannot be entrusted with this important supervisory role is a mystery not satisfactorily explained by the commission.

Finally, visits by the magistrate would become compulsory under the commission's proposals and the officials appointed by the Minister to see to the detainees' interests would have access. Medical attention will continue to be the responsibility of district surgeons. These safeguards did not save Dr. Neil Aspinall from death, and new and independent elements of control are clearly required.

THE American diplomat put it quite simply and clearly: "In the end," he said, "it boils down to weighing the damage to the Soviet Union against damage to the Western Alliance."

He was talking about how much economic pressure to apply to the Soviet Union in the hope of wringing concessions in Poland and elsewhere.

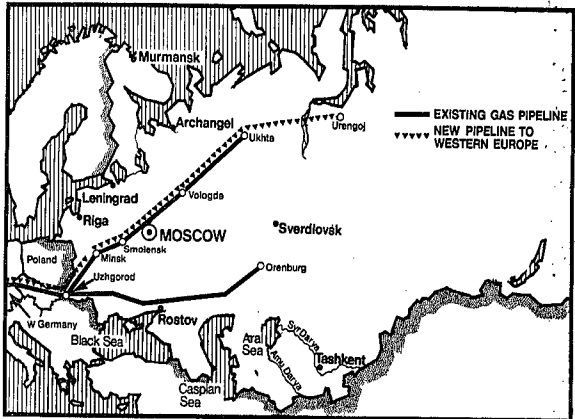
The Reagan Administration is all for a big clamp-down on trade with Moscow. Soon after the military takeover in Warsaw, President Ronald Reagan announced a set of trade sanctions and called for European support.

The Europeans slowly and grudgingly gave some. But they have balked at the idea of cancelling the Euro-Soviet gas pipeline deal which will provide many West European firms with big contracts and France, Germany and Italy with most of their gas needs from the middle of this decade.

The debate over the pipeline and East-West trade continues to rage across the Atlantic. And every time a gloomy financial report leaks West from the Kremlin it is read with worried frowns in Western Europe because they know it will only encourage American hardliners to believe that another turning of the collective Western economic screw will deal a body blow to the Soviet System.

For the third year in a row the Russian's grain crop has failed. It is expected to cost them R7 000-million in foreign exchange for imports to make up the shortfall. Drought has hit sugar beet production so more imports are needed here to.

There are other interesting indicators. The world's gold



Talks are taking place in Europe between a delegation led by Mr James Buckley, the US Under-Secretary for Security Assistance, and senior European officials about the Siberian gas pipeline and possible further sanctions against the Soviet Union. The pipeline is a big issue in Washington and anger over Europe's insistence on proceeding with the project is growing. TOM ARMS reports.

and oil exchanges have recently been awash with Soviet contributions, all going at ridiculously low prices; and the Kremlin's debts to Western banks nearly doubled — from R6 000-million to R10 000-million — in the first nine months of 1981.

But all the diplomats, academics and bankers generally say that, despite these signs of weakness, the Soviet economy is basically sound and largely invulnerable to Western economic pressures.

All this is not to belittle the Soviet's economic problems. The most pressing is the future of oil production — the Soviet Union's major hard currency earner along with

gold, precious minerals and arms.

The CIA prediction that Soviet oil production will start to drop dramatically in the mid-80s is now widely accepted. To replace hard currency earnings from oil sales, the Soviet Union plans by 1984 to start exporting natural gas to Western Europe from Siberia through a 4 000km pipeline.

The pipeline has been the target of successive American administrations, none more so than President Reagan's. It will make West European consumers heavily dependent on Soviet energy supplies and thus, argues Washington, subject to the same political pressures that

the Arabs exercise over Europe now.

Blocking the pipeline deal would also have the effect of hitting the Soviet Union's hard currency earnings and therefore its ability to bail out East European economic disasters or to deal with agricultural catastrophes.

The European experts knock these arguments. Their biggest disagreement with Washington centres on the fact that they need Soviet gas to maintain industrial production.

In all discussions on the subjects the Americans have been unable to offer an alternative source which is as cheap or as reliable as the Russians.

329

Hansard Q. Col. 476
Detainees

24/3/82

357. Mrs. H. SUZMAN asked the Minister of Justice:

- (1) How many persons are detained at present under (a) section 10 (1)(a) *bis* and (b) section 12B of the Internal Security Act, No. 44 of 1950;
- (2) whether any such persons in each such category have been detained for longer than three months; if so, (a) how many, and (b) for what period, in each case?

The MINISTER OF JUSTICE:
Position as on 16 March 1982:

- (1) (a) 1
- (b) 34
- (2) Yes
 - (a) Category (1)(a) 1
Category (1)(b) 19
 - (b) Category (1)(a) Since 21 November 1981.
Category (1)(b) Since 30 March 1981 in the cases of all 19 persons.

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329

Hansard

Detainees

24/3/82

Q. 601-479-480

381. Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) Whether any (a) males and (b) females under the age of 18 years were detained in terms of security laws during the second half of 1981; if so, how many in each category;
- (2) whether any of them were tried for any offence; if so, (a) how many, (b) for what offence in each case and (c) how many of them were convicted of the offence charged?

The MINISTER OF LAW AND ORDER:

- (1) Yes.

For written reply:

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Detainees

24/3/82

Hansard Q. Col. 469

145. Mr. R. A. F. SWART asked the
Minister of Police:

How many (a) males and (b) females
under the age of 20 years in each race
group (i) were detained in 1981 and (ii)
are still in detention?

K² The MINISTER OF POLICE:

The statistics required by the hon.
member are not kept, and are also not
readily available.

x $\frac{b}{2k}$

329

Hansard Q. 601.478
Internal Security Act
479 24/3/82

379. Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) How many persons were charged with offences under the Internal Security Act in the second half of 1981;
- (2) how many of them (a) were (i) released without trial, (ii) acquitted and (iii) convicted of lesser offences and (b) are still on trial or awaiting trial;
- (3) for what period was each person de-

Detentions condemned by Mwasa, residents

AKG-us
24/3/82

329

THE detention of Mr Mr Abrahams and of Mr Armien Abrahams has Ebrahim Patel and further demands the release of all detainees' Western Cape regional executive of the Media The Grassy Park/Lotus Workers' Association of River Residents' Association South Africa (Mwasa), of which he is a member. condemning the detention of Mr Patel, 'a well-known resident of Grassy Park and a member of the association.

Mr Abrahams and a University of the Western Cape student, Mr Ebrahim Patel were both detained at their homes in Cape Town yesterday morning. 'Mr Patel has been detained twice before without being charged or any reasons given.

'That Mr Abrahams' detention should come shortly after the country-wide Detainees' Week campaign is proof of the authorities total disregard of the people's peaceful protests against detention without trial,' the Mwasa statement said. 'We believe he is being deliberately victimised and regard as sinister the need to send seven security policemen to arrest one young man and to ransack his parents home,' the statement said.

'The arrest of Mr Patel and Mr Armien Abrahams adds two more names to a long list of victims of South Africa's unjust and inhumane laws. 'We join the nation in calling for the release of all detainees and the abolition of all detention laws.'

'The union demands the immediate release of

12 detainees claim assaults

Mr. Trevis 24/3/82 Political Staff

329

HOUSE OF ASSEMBLY. — Twelve Terrorism Act detainees alleged they had been assaulted while in detention during the last six months of 1981, the Minister of Justice, Mr. Kobie Coetsee, said yesterday.

Mr Coetsee said the people appointed to visit detainees had made 467 visits between June 30 and December 31 last year.

Replying to a question tabled by Mrs Helen Suzman (PFP Houghton), Mr Coetsee said: "Twelve persons alleged that they had been assaulted."

Asked what steps had been taken, Mr Coetsee said: "Two cases were referred to the Attorney-General, who declined to prosecute. The other cases are either still being investigated or are being prepared for consideration."

Adequate

11 1/2

Two City men detained, then sent to Rand

By ENRICO KEMP

TWO City men detained by the security police yesterday morning were transferred to Johannesburg late yesterday afternoon, according to the chief of the security police in Cape Town, Brigadier H W Kotze.

They are Mr Arminen Abrahams, an advertising representative at the Cape Herald and a member of the Media Workers' Association of South Africa (Mwasa), and Mr Ebrahim Patel, a final-year BA student at the University of the Western Cape.

Brigadier Kotze said both men were being held under Section 50 of the Criminal Procedures Act. In terms of the section, they must appear before a magistrate within 48 hours. The court may order further detention under a specified charge, or the terms of detention could be altered to allow the security police to hold them for a longer period without trial.

Mr Abrahams was detained at his Claremont flat shortly before 4am yesterday. His wife Amelia said two security policemen had searched the flat for about 20 minutes before leaving with her husband. Nothing was removed from the flat.

Mrs Abrahams was allowed to deliver clothing for her husband to Caledon Square.

Mr Patel, detained twice in the past, was fetched at his Grassy Park home early yesterday.

Security police also searched the Belhar home of his girlfriend, Miss Gairo Daniels.

Mr Patel was detained for 4 months under Section 10 of the Internal Security Act in 1980. Last year he was held for three months under Section Six of the Terrorism Act.

Mr A M Omar, an attorney acting for the two men, said he was in-

formed late yesterday afternoon that they had been transferred to Johannesburg and were being held under the Criminal Procedures Act.

The Western Cape regional executive of Mwasa yesterday condemned the detention of Mr Abrahams and Mr Patel and called for the unconditional release of the two men and all other detainees.

Mwasa said in a statement that the detentions, coming after the countrywide Detainees' Week campaign, was "proof of the authorities' total disregard for the peoples' peaceful protests at detention without trial."

"Mr Abrahams has always conducted himself in a responsible manner and we have no reason to doubt the sincerity of his activities."

"We will not call for him to be 'charged or released', for we had no part in the making of the laws under which he may be brought to court."

"We therefore demand that he be immediately released," the statement said.

The horror of 'solitary'

OVER 170 South Africans are in solitary confinement. They are mostly being denied contact with the outside world.

Vanessa Cooke's one-woman drama about solitary confinement stands as a fine example of the way in which theatre can be used to help audiences participate in the experiences of their fellow human beings.

And in staging the 50-minute political drama, the Market Theatre has affirmed once again that theatre need not be the playground of the shallow and frivolous.

By skillfully portraying disorientation, mental confusion and anxiety, Miss Cooke (who devised the drama in conjunction with parents of detainees) allows the audience to empathise and sympathise with people plunged into the realities of South Africa's harsh detention laws.

Indeed, the audience is plunged into the drama of detention from the outset — in a darkened auditorium with police banging on the door

THEATRE

Anne Sacks

Four Paces by Two

The Laager, Market

and demanding: "Maak oop, dit is die polisie!"

The title is derived from the size of a police cell, which can be covered by walking four paces down and two across. Scores of people have been held in such conditions for as long as six months.

Miss Cooke deals with the other aspects of detention by slipping easily into the role of the policeman — the civil servant simply doing his job — the relative who is allowed a visit, and the psychologist outlining the consequences of solitary confinement.

The ongoing drama is high-

lighted by constant reminders, in the form of hand-printed placards, that the family also suffers, that the Security Police in Natal refused Christmas visits, that nine more have been held in a police swoop, and so.

But all along, she never lets go of the main thrust of the play; that is, solitary confinement is in itself a form of mental torture.

24/3/82 329
Student is detained
for the third time *stan*

CAPE TOWN — A University of the Western Cape student, Mr Ebrahim Patel, was detained at 4 am yesterday by Security Police at his Grassy Park home.

A friend of the family said this was the third time he had been detained.

She said the police had not said under which law he was being detained but that they were taking him to Johannesburg.

Mr Patel was detained in 1980 for 4½ months under Section 10 of the Internal Security Act. Last year he was detained for three months under section 6 of the Terrorism Act.

He is doing the final year of a BA degree.

At the time Mr Patel was picked up, the home of his girlfriend, Miss Gairo Daniels, was searched by Security Police. — Sapa.

Rogers speaks on Rabie Commission

329

PIETERMARITZBURG — The Rabie Commission had avoided investigation of Section Six of the Terrorism Act and the nearly four dozen deaths in detention, Mr Harry Pitman, Progressive Federal Party MP for Pinetown, claimed at Natal University here.

Describing the report as a "manicured mouse", he told about 250 students that the commission had not heard evidence from one detainee or from any policeman who undertook interrogations.

Mr Pitman's rejection of extra-ordinary measures to maintain the security of the state was condemned by Mr Danie Schutte, a nominated National Party MP.

Mr Pat Rogers, the New Republic Party spokesman on justice and MP for King William's Town, was the third of the panel of three MPs to speak on the issue of the Rabie Report into security legislation.

Mr Rogers said the NRP did not question the right of a country to improve measures whereby the rule of law and its procedures were improved.

His party proposed improvements to the commission's proposals affecting the conditions of detainees.

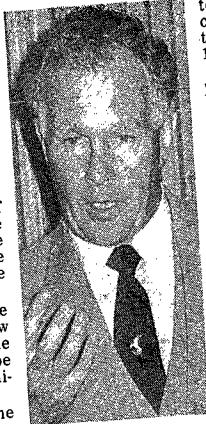
District surgeons and private doctors should be allowed to see each detainee within a week of his being held.

A person should be detained for a maximum of 14 days, instead of the proposed 30 days, before his detention became subject to review, he said.

Mr Rogers said the non-judicial review panel proposed by the commission should be replaced by a full judicial tribunal.

Mr Pitman said the commission had not investigated the "real question" — Section Six of the Terrorism Act. As long as there was provision for the Minister of Law and Order to detain anyone indefinitely without recourse to the courts, it was no use improving the provisions of other acts.

He described the Section Six provision as a "witness factory" in that state witnesses were detained until evidence had been obtained to support the prosecution's case.



MR ROGERS

An international jurist who had visited South Africa in 1972 had described a trial in terms of the Terrorism Act as having the form, but not the substance of justice, Mr Pitman said.

And in Ireland, where more than 1 000 people had died through terrorism, a commission of inquiry had found that detention stimulated terrorism. In Israel, where short-term detentions

took place, there had only been 4 administrative detentions since 1957.

Mr Pitman said in reply to Mr Rogers, who asked what reforms the PFP proposed to the commission's recommendations, that his party believed a country was entitled to have security laws. But these should be exercised by proclaiming martial law.

At the very least, there should be judicial control of detainees. A person should have access to his lawyer at all times.

Mr Schutte said the security of the country should not be tested in isolation with the world around it.

According to the rule of law, everyone should have access to the courts, but "when the safety of the state is at stake, the state has an inherent right to defend itself and its subjects," he said.

The commission had found the rule of law was not enough, and that it was not in the interests of the country to declare martial law every time there was a crisis. South African was under attack, Mr Schutte said. — DDC.

8 The Star Wednesday March 24 1982

THE CRITICS

Yes, solitary confinement really is that bad . . .

329

THEATRE...

by GARALT MACLIAM

PLAY: Four Faces by
Two (Laeger Theatre,
6.30 pm show).

PLAYERS: Vanessa
Cooke and Lisa
Dysenhaus.
DIRECTOR: David
Eppel.

The paces in the
title of this play des-
cribe the dimen-
sions of a cell occu-
pied by a political
detainee and
Vanessa Cooke's
beautifully under-
stated per-
formance empha-



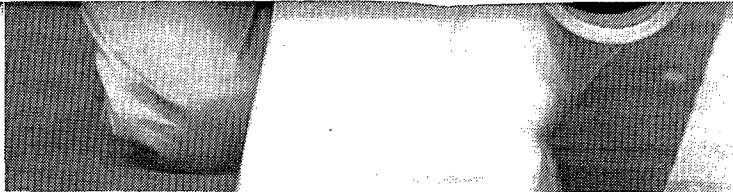
THE STAR

24/3/82

sises the horror of solitary confinement.

The play is a monologue written by Vanessa Cooke and Lisa Dysenhaus. The latter also has a supporting role without any spoken lines.

It describes some of the emotions of a young woman who has been arrested and placed in solitary confinement and it shows that the sensory deprivation under such circumstances is a very effective form of mental torture.



Vanessa Cooke . . . understated horrors of mental torture.

In considering solitary confinement as a form of punishment, I feel sure the average person would think — Oh, that's not so bad! But after seeing this work, the realisation comes that a process of

disorientation takes place under such circumstances and eventually the imprisoned person becomes unable to trust the logicity of his own thought processes.

While this is essen-

ially a protest against the South African system of detention without trial, it has a universal message. Many countries have similar provisions to combat political dissension: the Republic of Ireland, Northern Ireland, Britain, Italy and Germany, to name but a few. In their favour, let it be said that they use these powers against violent terrorism rather than political disagreement.

In this country it is the sweeping power of any authorised person above the rank of Lieutenant Colonel which is so repellent. It appears from information read from the relevant Act, during the course of the play, that such a person has the authority to detain anybody on mere suspicion.

Generally speaking,

one of the problems of political works is that they take a strong standpoint without giving expression to an opposing point of view. This is hardly the case with "Paces." It shows snippets of a system which we know exists and it does not berate the proponents of such a system. This is left to the individual to do for himself. There is tremendous subtlety in the work and it requires the audience to give it the fullest attention.

I would say the work is not designed as an accusation of torture, but rather to make public the deranging effects of solitary confinement. It is a chilling, yet stimulating piece of theatre in which David Eppel's unobtrusive direction and the simple setting add to the effectiveness.

Prayer ~~service~~
service
for ^{E. Post}
^{24/3/82}
Makanda

Post Reporter

A MASS thanksgiving prayer service for a church steward and preacher, Mr Dumile Makanda, of Kwazakele, will be held at the J C Mvusi Methodist Church in Kwazakele at 10am on Sunday.

The Rev George Irvine, deputy chairman of the Grahamstown District of the Methodist Church of South Africa, will be the guest preacher.

Mr Makanda, who is chairman of the Motor Assembly and Components Workers Union of South Africa (Macwusa), is secretary-general of the J C Mvusi Wesley Guild.

He was released in February after being held by the security police for 271 days.

He will be accompanied to the service by Mr Maxwell Madlingozi and Mr Mzwandile Mjuza, officials of Macwusa who were also detained at the same time.

Mr Babini Mantambo, a preacher and the church's youth organiser, said the purpose of holding the service was to thank God for the safe return of Mr Makanda and all the others who have suffered under detention without trial.

"We had a special service for Mr Makanda during his detention. We prayed that God would be with him and now we feel our prayers were heard and we should now thank God."

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Detained Indian leader in hospital

Mail Correspondent

DURBAN. — The wife of Mr Pravin Gordhan, detained executive member of the Natal Indian Congress, discovered yesterday that her husband was transferred to a Durban hospital psychiatric ward about a week ago.

Mrs Pravina Gordhan said she was informed of the development in an early morning phone call.

"I immediately went to St Augustine's Hospital but was told by authorities there that my husband was under police guard and not allowed to receive visitors," she said.

"But I found his room and asked the policeman at the door if I could see Pravin.

"He was very fair-minded and told me that although his orders were to not let anyone enter, he would telephone Divisional Headquarters at C R Swart Square and pass on my request.

"He came back and said he was sorry, but the order to not allow visitors still stood."

Mrs Gordhan then phoned General Johan Coetzee, chief of Security Police, in Pretoria. He was not available, although his office said he would return her call when he was "available to do so".

Brigadier J R van der Hoven, head of Durban's Security Police, was also "not available".

I did eventually speak to his second-in-command, Col I Coetzee, who confirmed that Pravin was in hospital.

"He said I wasn't informed of my husband being admitted there because there wasn't anything seriously wrong with him and the police didn't wish to cause me any alarm."

"I put it to Col Coetzee that if that was the case I should be allowed to see my husband. He said, 'No'."

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Rabie commission has erred in proposals on detention

IN 1974 the House of Commons enacted legislation providing for detention without trial in Britain for the first time since World War II.

The measure authorized detention for investigation and interrogation and was aimed at the IRA terror campaign in Britain. It followed the notorious pub bombing in Birmingham in which 21 people died and 180 were injured.

Prior to that there were 99 bombing incidents in Britain during 1974 resulting in 19 deaths and injuries to 145 people. As these incidents tellingly demonstrate, the British detention law sought to counter one of the toughest and most ruthless terror groups operating anywhere in the world.

Despite this, the measure has been condemned by responsible critics as draconian, as constituting an intolerable invasion of individual liberty and civil rights. Even a government-appointed commission, while concluding that the measures were still needed in 1978, declared that such powers should not be allowed to "shade into part of our permanent legislation".

What is the period of detention authorized by this law and so roundly denounced by civil libertarians in Britain? The answer is a maximum of seven days.

This example should assist South Africans to view in better perspective the indefinite and other detention laws which have shaded into our permanent legislation and which the Rabie commission wishes to keep in operation without the need for regular review and renewal.

It is relevant to this comparison between Britain and South Africa that, in the former country, there are greater non-legal restraints on the exercise of such powers. There is a more vigorous parliamentary system in which all the people are represented, and a free and active electorate and press to keep watch over and to expose the exercise of such powers in order to prevent abuse.

In South Africa, Parliament is unrepresentative of all the population groups and does not effectively exercise the power to scrutinize the administration of its laws. The press and the people are severely hampered by a lack of investigative and re-

The proposals of the Rabie commission of inquiry into security legislation are being welcomed by the government as a means of providing detainees with better protection. Professor ANTHONY MATHEWS disagrees. As head of the department of law at Natal University, he is widely considered the country's leading authority on security legislation. In this assessment of the commission's proposals relating to detention without trial, Professor Mathews believes the commission "has sought to legitimize both pre-trial and preventive detention for indefinite periods as part of our permanent legislation".

cause of what the government thinks they might do.

For that reason, it constitutes a major inroad into individual freedom and political liberty. The people of a society in which such detention is regularly employed cannot be said to be free. It is the kind of "security" measure that is characteristic of authoritarian and totalitarian regimes and is generally unknown in the Western democracies except in times of war or other grave emergency.

It has been extensively used in Northern Ireland in the form of internment, but in the past five years it has been abandoned there as counter-productive, even though a government-appointed committee (the Diplock committee) pronounced its use in that society as "inevitable".

Take a cue

The South African government should take a cue and reject or modify the Rabie proposals for continued detention without trial in South Africa.

The preventive detention law currently in force in South Africa is a model of what such a law should not be, at least if we wish to retain any democratic pretensions.

Though the law has to be renewed annually this can be achieved by a proclamation issued by the State President — in other words, it is in effect a permanent law. While

missible only for reasons specified by the law. The court has access to the full security docket on the detainee and it decides what information may be given to him and what material is too sensitive for disclosure.

While the court does not view its task as one of substituting its judgment for that of the minister, it does examine the merits of the decision to see that adequate grounds for detention exist. This is a detention law with real safeguards and which, as far as is humanly possible, seeks to give effect to the rule of law and to the requirements of democratic government.

It was enacted in Israel (but not in the militarily occupied zones) at the time when the internal security threat and the external threat from powerfully armed enemies surpassed anything that South Africa currently faces.

If the Rabie commission wished to secure a real balance between security interests and the rights of the individual, there was an example which it could have used with great effect. If anything constitutes a political judgment on the part of the commission it was the decision to pass up that opportunity.

There is no objective knowledge or principle which tells us that the Israeli model would be unsatisfactory or unworkable in South Africa.

The Rabie recipe for preventive detention may be briefly described. The law is to be permanent and the ordinary courts excluded from pronouncing on detention orders.

Fall far short

An advisory committee will be set up but the procedural requirements fall far short of rule-of-law standards. The detainee need only be told of the grounds if the minister is willing according to his view of what public policy permits. The committee is not required to give the detainee a hearing but may allow an appearance in its discretion.

tion is applied in peacetime in terms of a permanent law.

The Rabie proposals on the other form of detention — pre-trial detention — are even more disconcerting. The detainees who have died have all been pre-trial detainees and adequate protection of future detainees calls for drastic reform of the law. There is every likelihood that abuses will continue and tragedies of the past be repeated unless three main principles of reform are adopted by the legislature:

◆ The total period of pre-trial interrogation should be short. In dealing with the IRA, Britain relies on a combination of seven-day detentions and efficient police detection work. Interrogation of persons held in isolation for much longer than that is a form of mental torture; there is surely evidence enough of that. Limiting the maximum period of detention for interrogation is the most important safeguard for protection of the individual.

◆ The detainee or his relatives or friends should be entitled to an investigation by the ordinary courts where there is a well-founded apprehension that his physical or mental health is in jeopardy. The exclusion of the courts from jurisdiction over the welfare of the detainee has clearly permitted abuse of detention powers.

◆ Apart from magisterial visits, or visits by government-appointed officials, regular visits by a doctor from a panel appointed by the Medical Council should be compulsory.

None of these requirements is met by the proposals of the commission. Pre-trial interrogation could be continued indefinitely under the system it recommends, with two provisos:

The minister is required to authorize detention for longer than 30 days in writing; and the review board must, consider and report to the minister on detentions for longer than six months.



Professor Mathews

the law remains in force,

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In short, the absence of powerful extra-legal checks on the abuse of power in South Africa makes it imperative to have adequate legal controls. As we shall see, this is precisely what the Rabie commission does not recommend.

Two categories

Detention laws fall into two categories — preventive and pre-trial detention. The pre-trial variety aims at securing information about subversive activities either to facilitate the prosecution of offenders or to counter subversive operations by the intelligence gained from interrogation.

Preventive detention has a radically different purpose — that of removing from the political arena people whom the government regards as troublemakers or agitators. Following an inadvertent remark by one of our ministers this kind of detention has become known as "cooling off" detention.

Parliament in South Africa began to enact a series of detention laws in the early Sixties and South Africans currently "enjoy" a rich variety of such laws. The Rabie commission has recommended that both forms of detention should continue with minor modifications which it describes somewhat optimistically as safeguards.

Preventive or "cooling off" detention is a drastic type of emergency or crisis law. It authorizes the government to lock up free citizens not on account of what they have actually done, but be-

indefinite.

The decision of the minister on detention is final and no court of law may intervene. There is an advisory committee but its decisions are not binding and it is not required to observe elementary rules of procedural justice. The advisory committee under this law has operated in such secrecy that the identity of its members is unknown.

The Supreme Court in South West Africa/Namibia has held, in relation to a similarly constituted committee there, that the rules of natural justice, including the rule against bias, are not binding on committee members. This seems to epitomize the type of justice envisaged by the government when it set up the advisory committee system.

Israeli reform

In 1979 Israel reformed its preventive detention legislation inherited from the British. The main features of the present Israeli law are the following: Detention is permissible only during a declared national emergency. Within 48 hours of arrest the detainee must be brought before a supreme court judge who has power to confirm or set aside the order. Detention is per-

It is unclear to what extent the rules of natural justice will apply, but their operation is clearly limited. Only if the advisory committee disagrees with the minister is the matter referred to a judge (of the Appellate Division), who is empowered to set aside the detention if satisfied that the minister acted *mala fide*, outside his powers or on grounds that are not legally permissible.

In this one instance, where the advisory committee and the minister disagree, something like a satisfactory safeguard applies. But even here there is a need for caution.

In the first place, the grounds on which the Appeal Court judge may act are limited and do not appear to permit a review of the merits. Secondly, the detainee has no legal right to a statement of the grounds upon which the order was made and is in the position, as a writer has put it, of arguing with a sphinx.

This is not good enough where preventive deten-

Decision final

In each case, however, the minister's decision is final, and this means that in respect of the duration of pre-trial detention the executive may do as it wishes and is not subject to the restraining power of the court. In the second place, the courts will not have access to a detainee in cases of apprehended ill-treatment.

Why the judges cannot be entrusted with this important supervisory rôle is a mystery not satisfactorily explained by the commission.

Finally, visits by the magistrate would become compulsory under the commission's proposals and the officials appointed by the minister to see to the detainees' interests would have access. Medical attention will continue to be the responsibility of district surgeons. These "safeguards" did not save Dr Neil Aggett from death, and new and independent elements of control are clearly required.

Former prisoner held

Argus Bureau

EAST LONDON. — A former Robben Island prisoner, Mr William Qwati, was being held under Ciskei's emergency proclamation R252, Lieutenant-Colonel Z Makuzeni, of Ciskei's Central Intelligence Services, said.

Colonel Makuzeni, who is second in command of the CCIS, said it had not been decided whether Mr Qwati would appear in court, as investigations were continuing.

Mr Qwati was taken from his home in Mdantsane on March 5.

His wife, Mrs Ellen Qwati, said police had searched the house but had taken nothing.

Mr Qwati settled in Mdantsane in 1967 after serving three years on Robben Island for African National Congress activities. He was banned for five years on his release.

25/3/81
S. Post

Another PE rugby player detained?

Post Reporter

THE Security Police in Port Elizabeth have refused to confirm or deny that a second Kwazakele Rugby Union player has been detained.

Mr Lulamile Lamani, 23, who plays for the Wallabies Club, was last seen in Strand Street a few days ago in the company of three men, one of them a Security policeman. He has been missing from home for a

fortnight.

Another member of Wallabies, Mr Zamuxolo Nojoko, was detained on March 20 and is being held under Section 22 of the General Laws Amendment Act.

Asked whether Mr Lamani had been detained, a spokesman said the head of the Security Police in the Eastern Cape, Lt-Col G Erasmus, was not available. He refused to comment further.

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Star 26/3/82
6 freed
by SP:
more (329)
expected

By Trevor Jones and Carolyn Dempster

At least six security police detainees were released from John Vorster Square today and another three were due to appear in the Johannesburg Magistrate's Court this afternoon.

Those released are Mr Keith Coleman, Mr Colin Purkey, Mr Clive van Heerden, Miss Debbie Elkon, Mr Morris Smithers and Mr "Pink" Haysom.

An ecstatic Dr Max Coleman and his wife

The chief of the security police on the Witwatersrand, Brigadier Hennie Muller, confirmed that the six detainees had been released from John Vorster Square.

He also confirmed that Dr Liz Floyd had been released from the Johannesburg Hospital.

Audrey were reunited with their son at 12.30 pm when the group of detainees began the process of "signing out" of John Vorster Square.

A spokesman for the Detainees' Parents' Support Committee said they understood

To Page 3, Col 4

Six are
freed (329)
by SP Star
 26/3/82
 from page 1

that Dr Liz Floyd and Miss Rene Roux, both in a psychiatric ward at the Johannesburg Hospital, would also be released today.

A spokesman for the Johannesburg Hospital said he did not know whether Dr Floyd and Miss Roux had left the hospital.

In another development three other detainees, Miss Barbara Hogan, Mr Cedric Mayson and Mr Alan Fine, were due to appear in the Johannesburg Magistrate's Court on unspecified charges.

Court officials would not say whether the group would appear but police sources in Pretoria confirmed it.

Dr Coleman said his son was "looking well" and very happy. "We also saw Clive van Heerden who looked good," said Dr Coleman.

STUDENTS

Mr Coleman and Mr van Heerden are post-graduate students at the University of the Witwatersrand. Mr Coleman was detained on October 25 1981 and Mr van Heerden on September 24 1981.

Dr Floyd, Miss Roux, Miss Elkon, Mr Haysom, and Mr Purkey were all detained in a security police swoop on November 27 last year.

Dr Floyd was admitted to the Johannesburg Hospital earlier this year when she collapsed after hearing of the death in detention of Dr Neil Aggett.

Detainees will appear in court

CME Time 26/3/82 329

Political Staff

TERRORISM ACT detainees are to appear in court soon and two senior public prosecutors are working full-time on the matter.

This was disclosed yesterday by the Progressive Federal Party MP for Houghton, Mrs Helen Suzman, after a meeting with the Minister of Law and Order, Mr Louis le Grange.

Mrs Suzman asked for the meeting to voice her objections to the continued detention of people under the Terrorism Act.

She said Mr Le Grange had told her that the detainees would be charged or used as witnesses "in a few weeks' time".

Mrs Suzman said the minister had said some of the detainees would appear, but "not all".

The minister had given no indication of whether there would be more than one trial.

Two senior public prosecutors were investigating "the matter", but the minister had given no indication of how many would be charged.

Mrs Suzman said she had expressed "extreme dismay" that these people were still in detention.

Security police free seven detainees

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Woman, 2 men in court

CAPE TIMES 27/3/82
(329)

Own Correspondent

JOHANNESBURG. — Seven detainees were released from security police custody yesterday, including Dr Liz Floyd, girlfriend of trade unionist Dr Neil Aggett who died in detention.

Another detainee is expected to be released today and three have been charged under the Terrorism Act.

The detention of several detainees has been switched to Section 12(b) of the Internal Security Act, but security police refused to say how many were involved and who they were.

The clause allows for the detention of possible State witnesses, but the Attorney-General of the Transvaal can order the transfer of detainees at his discretion.

Seven people — who have spent up to six months in solitary confinement in terms of Section Six of the Terrorism Act — were released yesterday morning.

Another detainee, Miss Rene Roux, is expected to be released today and discharged from the Johannesburg Hospital, where she has been receiving treatment since mid-February.

Miss Roux is a project worker at the SA Institute of Race Relations.

Those released are Dr



Dr Liz Floyd after being released yesterday.

Floyd (held since November 26, 1981), Mr Morris Smithers (November 23, 1981), of the Environmental Development Agency, Mr Nicholas (Fink) Hayson (November 26, 1981), of the Centre for Applied Legal Studies at the University of the Witwatersrand, Mr Colin Purkey (November 26, 1981), a student and researcher, and students Mr Keith Coleman (October 24, 1981), Mr Clive van Heerden (October 24, 1981), and Miss Debbie Elkon (November 26, 1981).

Most of the former detainees spent last night

with their families, except Dr Floyd, whose Cape Town-based parents are on holiday in Plettenberg Bay.

Dr Floyd is staying with friends in Johannesburg, who said she was adjusting to her release and had made no plans.

Relatives said the former detainees were well, some were tired and others exhilarated.

The Detainees' Parents Support Committee (DPSC) said in a statement last night it could not rejoice until all detainees were released.

JOHANNESBURG. —

After several months in detention, three detainees were brought to court yesterday and charged under the Terrorism Act.

Miss Barbara Hogan, Mr Alan Fine and Mr Cedric Mayson appeared briefly in the Johannesburg Regional Court yesterday. All were then returned to the cells.

They were charged under Section 2 (1) (a) of the Terrorism Act. No details of the charges against them were available. The prosecutor, Mr W J Hanekom, said the Attorney-General had said bail could not be granted to the three, in terms of Section 12 (a) of the Internal Security Act.

Postponed

Mr Hanekom asked for the case to be postponed to April 30 this year. Miss K Satchwell, who appeared for the three, agreed.

Shortly after the three had been led into the dock, 10 uniformed policemen marched in and stood in a row between them and the gallery.

Miss Hogan and Mr Fine were detained on September 24 last year and Mr Mayson on October 27.

All three are being held under Section 6 of the Terrorism Act.

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At the time of the all-city circulation fiddle, Mr. [redacted] was Perskor's chairman.

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'Release detainees'

Mercury 27/3/82 Mercury Reporter (29)

THE Natal Indian Congress yesterday reiterated its call for the unconditional release of all political detainees.

In a statement to the Mercury yesterday executive member Mr Thumba Pillay also urged 'all democrats' to continue undeterred the struggle to achieve a democratic society on the basis of the Freedom Charter.

In the case of detainee Pravin Gordon, an NIC executive member, who was recently admitted to hospital, there is ample evidence that the last vestige of human rights of a Section 6 political detainee has been denied to him in that the Security Police failed to notify his relatives of his admission to the psychiatric ward.

THERE will be no Government compensation for the eight people freed with no criminal charges brought against them after more than five months in detention.

The Minister of Law and Order, Mr Louis le Grange, today dismissed a statement by Dr Alex Boraine, MP, that the Government should be responsible for compensation as a 'wild allegation'. He said there was no legal provision for, and no question of, such compensation.

Dr Boraine, executive chairman of the Progressive Federal Party, pointed out today that the freed detainees were prohibited from suing for wrongful arrest and had no way of replying or responding to the awesome and terrifying power of the State.

There is no legal provision for the Government to compensate released detainees — for loss of earnings, for instance — but the State can make ex-gratia payments.

However, Mr le Grange, speaking by telephone from Pretoria, said he felt it unnecessary to comment on 'such wild allegations' by Dr Boraine.

Dr Boraine had said that 'against the background of rejoicing at the release of some detainees, there was the stark question why they were held for several months without the State bringing a single charge against them.

Acute

'They have endured acute loneliness and deprivation with no access to legal representation and they were released as suddenly as they were picked up.

'The central question is not why they were released after months of interrogation and solitary confinement but why they were incarcerated.

'Nothing can make amends for the suffering and hardship they have endured. The released detainees should at least be compensated for loss of earnings,' he said.

Six detainees were released from John Vorster Square yesterday, and a seventh, Dr Liz Floyd, was released from a psychiatric ward at Johannesburg Hospital.

WEEKEND ARGUS REPORTERS

An eighth, Miss Renne Roux, of Cape Town, was released today.

Her parents flew from Cape Town to collect her.

She was discharged from Johannesburg Hospital after being admitted early in February suffering from a potassium deficiency.

Dr Liz Floyd was admitted to the psychiatric ward a short while after the death in detention of her close friend Dr Neil Asgett.

All the released detainees have been warned to keep the police informed of their whereabouts as they may be summonsed to give evidence in a pending trial.

Three detainees — Miss Barbara Hogan, Mr Cedric Mayson and Mr Alan Fine — appeared in Johannesburg Magistrates Court yesterday, charged under Section 2 (1) (A) of the Terrorism Act.

The six released from John Vorster Square are Mr Keith Coleman, Mr Clive van Heerden, Mr Colin Purkey, Miss Debbie Elkon, Mr Morris Smithers and Mr Nicholas Fink Hayesom.

All were held in solitary confinement for periods varying between four and six months.

They were reunited at the University of the Witwatersrand today.

W/E AGGUS
27/3/8
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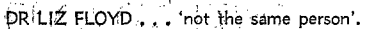
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Speaking by telephone from his Johannesburg home, he said: "I must stress that my detention has not in any way affected my opposition to the detention laws or my political convictions."

Mr Stephen Floyd, brother of Dr Liz Floyd, said today: 'Getting into the normal world again means much more for her than any psychiatric treatment.'

He said, after speaking to Dr Floyd by telephone: 'She is not the same person who will have. Her life has been pretty shattered and she will have.'



DR LIZ FLOYD . . . 'not the same person'.

Freed detainees speak out against 'solitary'

329 Staw
27/3/82

The seven detainees released yesterday from John Vorster Square in Johannesburg this morning reaffirmed their "opposition to current security legislation especially solitary confinement."

The seven were reunited at the University of the Witwatersrand today after up to six months in solitary confinement under the Terrorism Act.

They are: Dr Liz Floyd, girlfriend of trade unionist Dr. Neil Aggett who died in detention, Mr Nicholas "Pink" Haysom, Mr Colin Purkey, Mr Clive van Heerden, Mr Keith Coleman, Mr Morris Smithers and Miss Debbie Elkon.

In a joint statement

released after their meeting they said: "Our jubilation at our release is soured by the fact of the continued detention of our friends, and Dr Neil Aggett's tragic death." "We still believe in the creation of a free and democratic South Africa."

"An eighth detainee, Miss Renee Roux (24), was released this morning after 120 days in Security Police hands."

She was discharged from the Johannesburg Hospital, where she has been treated since February for "a potassium deficiency."

Her parents flew up from Cape Town to collect her this morning.

Dr Liz Floyd was also admitted to the psychiatric ward of the hospital a short while after Dr Aggett's death.

All of the released detainees have been warned to keep the police informed of their whereabouts, as they may be needed to give evidence in a pending trial.

IN COURT

Three security detainees appeared briefly before a packed Johannesburg Regional Court yesterday. They appeared in connection with charges under the Internal Security Act after at least four months in detention.

Miss Barbara Hogan (30) of Hunter Street, Yeoville, Cedric Mason (54) of Bellevue and Mr Alan Fine of Bellville, were not asked to plead.

In terms of Section 12 of the Attorney General's certificate which was handed into the court, Ms K. M. Satchwell for the defence was not allowed to apply for bail.

The magistrate, Mr B. E. Dry, postponed the case to April 30.

Tears of joy as freed detainees hold a reunion

By CHARLENE
BELTRAMO

ON October 26 last year police surrounded the homes of 14 people and detained them.

The three-year-old daughter of Mr Cedric Mayson ran after camouflaged policemen taking her father away and asked: "When is my daddy coming back?"

She didn't get a reply. On Friday, Mr Mayson was one of the few detainees, of the dozens held recently by Security Police, to be charged.

Mr Mayson, Miss Barbara Logan and Mr Alan Fine were charged under Section 2(1) (a) of the Terrorism Act. The hearing was postponed to April 30.

Detainees Mr Aurret van Heerden, Ms Hanchen Koornhof, Mr Monty Narsoo and Ms Lilian Keagile have been re-detained under Section 12 (b) of the Internal Security Act.

Seven of the people detained in October with Mr Mayson were released on Friday. They are Dr Liz Floyd, Mr Morris Smithers, Mr Clive van Heerden, Miss Debbie Elkon, Mr Nicholas Haysom, Mr Colin Purkey and Mr Keith Coleman.

Miss Rene Roux was released yesterday.

Yesterday the ex-detainees held a reunion at the University of the Witwatersrand.

Members of the Detainees' Parents Support Committee (Descom) discussed a possible meeting with the Minister of Law and Order, Mr Louis le Grange.

Excited screams greeted the arrival of Mr Keith Coleman, 21, at the meeting.

Mr Coleman's parents, Max and Audrey Coleman, were two of the founding members of Descom. During the five months of their son's detention, Dr Coleman practically ignored his work to seek improved care for detainees — and their release.

At midday on Friday Dr Coleman his son telephoned and said: "If you're not busy at the moment Dad, do you



● Dr Liz Floyd
... avoided the Press

think you could fetch me?"

His father's reaction was "what a question!"

Keith said detainees had been touched by the work Descom had done.

"While in detention we occasionally received newspapers and it was really good to see so many people cared.

"It increased our determination to get out and start working to help other people," he said.

A pale, but well-looking Dr Liz Floyd, girlfriend of Dr Neil Aggett who died while in detention in February, quietly chatted with friends and ex-detainees and politely avoided the Press.

Close friends said she was only now adjusting to the realities of Dr Aggett's death. It is believed friends will stay with her once she moves back to the home she and Dr Aggett shared.

She and Mr Morris Smithers had the cruellest blows of all while in detention. For Dr Floyd it was the death Dr Aggett and the refusal of the security police to let her attend his funeral.

Mr Smithers was refused permission to attend his father's funeral in December.

Many detainees said they had not been questioned for months before their release.

But the joy at the release of the seven detainees was tempered by the sorrow of the families whose relatives are still in detention.

LIFE BEHIND BARS

THE Sunday Express today reveals the plight of a 27-year-old man who has been held in police custody for more than two years, charged only with refusing to give evidence in a terrorism case involving two youths who were later acquitted.

Mrs Helen Szuman, Progressive Federal Party spokesman on Justice, said she was "deeply disturbed" and would refer the matter to the Minister of Justice, Mr Kobie Coetsee.

Mr Modika Taisa, 27, was first detained in December 1979 when he was a Standard 6 pupil.

Police approached Mr Taisa for information about his best friend, a Soweto pupil who was missing.

Shortly afterwards, Mr Taisa was detained under Section 6 of the Terrorism Act. He was held in custody for more than six months before being charged in June 1980.

He was due to come to trial in July but charges against him were dropped "because there was no evidence against him," said his father, Mr Petrus Taisa.

"We received a telegram saying he was coming home. But we waited and he didn't come. Then I went to John Voster Square, and they told me he had been re-detained."

Mr Taisa was re-detained under Section 6 of the Terrorism Act. He was later

Third time around for a man who wouldn't give evidence

HELENE ZAMPETAKIS traces the facts behind a detainee who has now been held more than two years

called to give evidence in Ernesto against two detainees, R Nkumalo and R Dudihi, also charged under the Terrorism Act.

But when he refused to turn State witness, Mr Taisa was charged with refusing to give evidence and was brought to trial. He was convicted and given a three-year sentence.

Both men accused were later acquitted.

Mr Taisa's lawyers lodged an appeal against his sentence, which was reduced to 12 months. He was due to be released on Monday but was re-detained as he left the prison.

His father described Mr Taisa as an "obedient boy" who had "many jokes with his brother and sisters". He said he and his wife had only seen Modika seven times

during his 28 months detention.

"We are old and it's not easy for us to drive long distances. But my wife saw him before he was due to be released, and he told her to buy

him some new clothes for when he came out.

"We were very happy that he was coming home. I drove out to the prison to fetch him with my daughter. As we entered the prison, my daughter saw him and jumped out of the car to meet him.

"Then we saw that he was with three plainclothes policemen. He looked terrible. He didn't speak. He stared like someone in shock. Then

he was in the car and they drove away."

Mr Taisa is now being detained under Section 10 1A of the Internal Security Act, which allows for indefinite detention.

His father said he was "extremely worried" about his son. "I don't know if he has done something in prison or if they are investigating something else. We want to know if he is still all right."

FREE!

By DAVID NIDDRIE

TERRORISM Act detainee Rene Roux was released yesterday after four months in detention — six weeks of which she spent in hospital — bringing to eight the number released in the last 48 hours.

The eight releases follow the appearance in court on Friday of three other detainees — Barbara Hogan, Cedric Mayson and Alan Fine — on charges under the Terrorism Act. No details of the charges were given, and the three will remain in custody until their case comes to the Johannesburg Magistrate's Court on April 30.

It is expected other detainees will appear with them.

At the same time, at least five other Terrorism Act detainees were transferred to detention under Section 12(B) of the Internal Security Act — the section providing for the detention of potential State witnesses.

Among the five is Aurret van Heerden, a former Nusas president who was doing his national service when he was detained in September.

Others include Hanchen Koornhof, a teacher and niece of Dr Piet Koornhof, Minister of Co-operation and De-

velopment, Monty Narsoo, a Johannesburg trade unionist, and Lillian Kegile.

Seven of the freed detainees — minus Rene Roux — met yesterday morning at a meeting of the Detainee Parents' Support Committee in Johannesburg.

All looked pale and had obviously lost weight during their detention, but were otherwise well and a friend described them as "buoyant".

They refused to be interviewed but released a short statement after their meeting, re-iterating their belief in the creation of a free and democratic South Africa.

The statement added that the ex-detainees remained opposed to

existing security legislation, and said their jubilation at their release was soured by the continued detention of others.

The other released detainees are: Dr Liz Floyd, girlfriend of Dr Aggett; Mr Nicholas "Fink" Haysom, a former Nusas president now working at the centre for applied legal studies at Wits University; Colin Purkey, a researcher and part-time student; Morris Smithers of the Environmental Development Agency; Clive van Heerden, brother of detainee Aurret van Heerden; Wits student Keith Coleman and Debbie Elkon.

All had been in detention at least four months.

(329) S. Tribune
**Rene joins
released
detainees** *28/3/82*

2. 1mm 28/3/82

Another detainee is in hospital

329

DETAINÉE Mr Pravin Gordhan, who was admitted to a private hospital last week, is being attended by a top psychiatrist.

Mr Gordhan, 33, of Durban, who has been detained since November and is being held under Section Six of the Terrorism Act, was admitted to the psychiatric ward of the St Augustine's Hospital by the district surgeon for Durban, Dr B M A Buchan.

Mr Gordhan is the eighth detainee to be admitted to a psychiatric ward in three months.

He is the second detainee in Durban to have received psychiatric care.

Mr Sam Kikine, a trade union official, also required treatment.

By FAY SALEH

Dr Buchan declined to say why Mr Gordhan needed hospitalisation and said the matter was in the hands of the security branch.

The surgeon said Mr Gordhan was being treated for "a small complaint", which was now cured.

Mr Gordhan was receiving "excellent treatment" and was "in a good condition".

He could not comment further, but expressed his "concern for all people in detention".

It has been established that Mr Gordhan has been receiving care from an eye surgeon and that he is also being seen by a top psychiatrist.

The psychiatrist would not comment.

Colonel J Coetzee, second-in-command of the security branch in Durban, said "I've got nothing to say to you".

But a spokesman for St Augustine's Hospital has confirmed that Mr Gordhan is a patient in the hospital and is being kept in the psychiatric ward.

"But this does not mean he is a psychiatric patient," the spokesman said.

He said Mr Gordhan had been in the hospital "for about a week" and was under police guard.

Repeated requests by Mr Gordhan's wife, Pravina, to visit her husband in hospital have been turned down by the security branch.

Refused

Mr Gordhan has not been allowed to visit her husband since his detention in November.

She said she would make daily requests to the police in the hope of being allowed to visit him in hospital.

Her weekly requests to visit him since November 27 when he was detained under Section 22 of the General Law Amendment Act, had all been refused.

"I am worried and concerned about Pravin's health.

"I wonder why so many detainees are being admitted to psychiatric wards.

"This has not happened before and I fear something is happening to them while in detention," Mrs Gordhan said.

329 S. Times 28/3/82

Released detainees are 'jubilant but so

By TONY WEAVER

JOYFUL scenes yesterday greeted seven detainees released by the security branch on Friday.

They met members of the Detainees Family Support Committee (DFSC) and friends at the University of the Witwatersrand.

Some of them met friends and fellow-detainees for the first time since their imprisonment — which in some cases took place more than five months ago.

□□□

In a joint statement released yesterday, the seven detainees said they were concerned not only about their own situation, but also about the current security legislation, especially the use of solitary confinement.

Their "jubilation" at being released was "soured by the fact of the continued detention of our friends and in particular, the death of Mr. Neil Aggett's brother, Annet, is still being held under Section Six of the Terrorism Act. He is a former president of the National Union of South African Students (Nusas).



FREED, from left: Liz Floyd, Nicholas Haysom, Keith Coleman, Colin Purkey, Morris Smithers, Clive van Heerden and Debbie Elkon Picture: TONY WEAVER

Those who were released on Friday are:
 ● Mr. Keith Coleman and Mr. Keith Aggett, both fulltime Witwatersrand students, who are studying for degrees in journalism with the South African Students' Press Union. Both were detained last October 24.
 ● Mr. Morris Smithers (detained 23/11/81), of the Envo-

romental Development Agency.
 ● Dr. Liz Floyd (26/11/81), a friend of Dr. Neil Aggett, who was found hanged in his cell in February.

● Miss Debbie Elkon (26/11/81).
 ● Mr. Nicholas Haysom (26/11/81), employed by the

Centre for Applied Legal Studies at Wits University and a former UCT SRC and Nusas president.
 ● Colin Purkey (26/11/81), a Unisa student.

□□□
 "As such, we cannot release until all detainees are set free."

In a separate statement, the DPSC said they were concerned not only about their own situation, but also about the current security legislation, especially the use of solitary confinement.

An eighth detainee, SA Institute of Race Relations project worker Miss René Roux, was due to be discharged from the Johannesburg Hospital yesterday afternoon.

She was taken to hospital in mid-February, suffering from a polioasium deficiency.

ured'

"While we are naturally pleased for those who have been released, we feel anger at the senseless waste of months and months of their lives and concern about the scars left by their brutal ordeal of solitary confinement and interrogation."

The committee's thoughts were "specially with the accused (in security trials presently under way) and with those still languishing in detention and their families".

□□□

Three of those presently being held by the security police — Miss Barbara Hogan, Mr Alan Fine and Mr Cedric Maysom — appeared briefly in the Johannesburg Regional Court on Friday.

They have been charged under Section 2(1)(a) of the Terrorism Act, although no details of the charges were available.

A spokesman for the DPSC said yesterday that as far as the committee knew, about 180 people in South Africa and the homelands were still detained in terms of security legislation.

He said that from the most recent figures available, 773 people were detained in 1981.

Ban on author due to expire

329
Sowetan
27/3/82

THE Rev Mzwandile Maqina, the banned Port Elizabeth author of the celebrated stage production, Give Us This Day, will have his day on Wednesday when his five year banning order expires.

Mr Maqina is one of five people whose banning orders will be expiring at the end of this month. So far, The SOWETAN is not aware of whether any of them have had their banning orders renewed.

One of the other four is Mrs Beauty Nosidima Pityana, wife of banned Black Consciousness leader and Port Elizabeth attorney, Mr Barney Pityana, who skipped the country together in August 1978 and sought political asylum in the UK where Mr Pityana is studying theology.

The banning orders of Mr M J Phakathi, of Q5957 Mamelodi, Pretoria; Mr A S Kubheka of G923 Kwa-Mashu, Durban, and T S Phantsi of 28 Boog Street, Santaville, Graaff Reinet, will also expire on March 31.

In April 1977, police stopped Mr Maqina's play, The Trial from being performed before an Indian audience in Port Elizabeth. As a result he had to cancel other shows which were scheduled to be performed before coloured audiences for fear that police may also stop them.

The trial was also banned early in 1977 and Mr Maqina was banned later the same year.

Doctors to check detainees?

ARGUS
29/3/82
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Argus Correspondent.
JOHANNESBURG. — An independent panel of doctors, drawn up by the Detainees' Parents Support Committee may be called in to examine the physical and mental well-being of detainees released at the weekend — if they give their consent.

Seven of the detainees, released from John Vorster Square on Friday afternoon, met on Saturday and in a joint statement re-affirmed their opposition to current security legislation especially solitary confinement.

● Our Maritzburg correspondent reports that Mr Selby Msimang, 96, the only surviving foundation member of the banned African National Congress is unconscious in Edendale Hospital after suffering a stroke.

Mr Msimang, a general secretary of the ANC, left the organisation, saying it had been infiltrated by communists. He has been working as a columnist for Ilanga.

Cape Times 29/5/82 (329)

Detention confirmed

Staff Reporter

THE security police had confirmed that Mr Armen Abrahams was being held under Section 22, his wife, Mrs Amelia Abrahams, said yesterday.

Mr Abrahams was detained at his home last Tuesday.

On Saturday security police in Cape Town and Johannesburg denied knowledge of the whereabouts of Mr Abrahams or Mr Ebrahim Patel, who was also detained at his home early on Tuesday.

According to Brigadier H W Kotze, head of the Cape Town security police, Mr Abrahams and Mr Patel were detained under Section 50 of the Criminal Procedures Act

and transferred to Johannesburg later the same afternoon.

In terms of Section 50, the two men had to appear before a magistrate within 48 hours of being detained. The court could order further detention under a specified charge, or the terms of detention could be changed.

Doctors may check freed detainees

329
Jan
29/3/82

By Carolyn Dempster

An independent panel of doctors selected by the Detainees' Parents' Support Committee might be called in to examine the physical and mental well-being of the eight people released at the weekend — if the detainees give their consent.

Seven of the detainees released from John Vorster Square on Friday afternoon met on Saturday, and in a joint statement reaffirmed their "opposition to current security legislation, especially solitary confinement."

Many of them showed signs of having lost considerable weight since detention, and had strained, pale faces.

Two — Dr Liz Floyd, girlfriend of trade unionist Dr Neil Aggett who died in police hands, and Miss Renée Roux — were in the Johannesburg Hospital at the time of their release.

The had been admitted for treatment only weeks after being detained.

The seven detainees were: Dr Floyd, Mr Nicholas, "Fink" Hayson, Mr Colin Purkey, Mr Clive van Heerden,

Mr Morris Smithers, Mr Keith Coleman and Miss Debbie Elkon.

They were reluctant to give personal interviews on their feelings or future plans.

But they added their voices to the fight against South Africa's security legislation in their open statement:

"Our jubilation at our release is soured by the fact of the continued detention of our friends, and Dr Neil Aggett's tragic death. We still believe in the creation of a free and democratic South Africa."

CAMPAIGN

Dr Max Coleman, father of one of the released detainees, said the Parents Support Committee would certainly not allow the anti-security legislation campaign to abate just because a few people had been released.

"Nothing has changed," he said. "What about the people in Cape Town, Durban, Port Elizabeth, and all of those still in detention here. We are even more resolved to continue our struggle for the release of all detainees and a change in security legislation."

"There are still up to 200 people in police detention," he said.

SOWETAN, Monday, 1

Some fun 29/3/82

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ATTAINED DEGREE WHILE UNDER BANNING ORDERS

STRUGGLE PAYS OFF

LONG years of determination under trying circumstances have at last paid off for Mr. Aubrey Mokoena, banned former executive member of the outlawed Black People's Convention.

Mr. Mokoena, who is serving a five year banning order and is restricted to the magisterial district of Johannesburg, has just passed his Bachelor of Education degree with the University of South Africa.

He is to be capped early in May and in a year's time intends to start studying for a master's degree with the same university.

A manager of Soweto Bakery, Mr. Mokoena cannot be quoted but his joy was expressed by his wife, Malashane, who said his achievement will contribute tremendously to solve the present crisis of black education in South Africa.

"I must say Aubrey took his studies seriously and put every effort into them. His will-power, self-discipline

and sweat played a determining role in facing this challenge," she said.

Mr. Mokoena first brushed shoulders with the law in 1974. He went to Turloop in 1970 and a year later was elected vice-president of the Student Representative Council at the time student leader Abraham Tiro was president.

When Tiro was dismissed from the university in April 1972, he was elected president. During his presidency students staged a sit-in and demanded Tiro be taken back to the university.

Negotiations between the students and the university authorities broke down and the university was closed down. When the university reopened, the following year, he was refused admission.

In 1972, he taught at Orlando North Secondary at the invitation of the principal, Mr. Adegoye Abubakar. This was despite threats from the Department

of Bantu Education officials that he would not be paid.

Disregarding that, Mr. Mokoena employed him and he was paid from the school funds. When Mr. Mokoena died in a car accident towards the end of 1973, Mr. Mokoena was later sacked by the department.

In 1974 he joined the now banned Black Community Programmes (BCP) while attached to the South African Students Organisation (SASO) which has also been banned.

Came September that year, he was arrested together with other people at a rally celebrating the Frelimo victory over the Portuguese. He spent 280 days in jail at the Central Prison in Pretoria and was then released without being charged.

On his release in 1975 he graduated with a BA degree at Unisa and the following year he

helped in the establishment of the South African Student's Movement (SASM).

After the death of students in the 1976 Soweto riots the Black Parents Association (BPA) was formed and he was elected secretary. That August he was detained at John Vorster Square for 394 days.

He was not charged until his release in April, 1977, and, in the same year, he joined the Black Community Programme (BCP).

Then came the October 19 clampdown on black organisations and individuals. He was detained again and held at Modder Bee Prison under Section 10 of the Internal Security Act.

During his stay there, he enrolled with Unisa again for a higher education diploma which he passed in 1979. The following year he started courses for the degree which he has just passed.



AUBREY MOKOENA: Perseverance pays off.

5

Freed 8 alone — but 'not in solitary'

329 30/3/82 Stan
The eight Security Police detainees released late last week were kept alone in cells but were not held in solitary confinement.

Reacting to Press reports which said the eight detainees had been held in solitary confinement, the Commissioner of Police, General Geldenhuys yesterday said they had not been held in solitary confinement as defined in the Prisons Act of 1959.

NEWSPAPERS

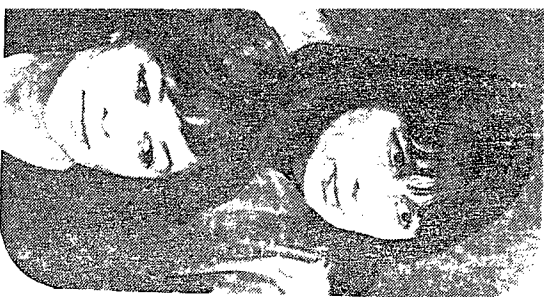
A police spokesman in Pretoria said that in terms of the Prisons Act a person in solitary confinement did not receive newspapers, radios, physical exercise or three meals a day.

He said the eight former detainees had had access to all these.

WITNESSES

General Geldenhuys confirmed that the eight might be called as witnesses in the trial of Miss Barbara Hogan, Mr Cedric Mayson and Mr Alan Fine who have been charged in terms of the Terrorism Act. The case resumes on April 30.

Seven detainees were released last Friday and an eighth was released on Saturday. They are: Mr Keith Coleman, Mr Colin Purkey, Dr Liz Floyd, Miss Rene Roux, Mr Clive van Heerden, Mr Morris Smithers, Miss Debbie Elkon and Mr Nicholas Hayson.



COOKE (top) and LISA DYSEMUS - a penetrating look at detention

Trauma of detention — on stage

Every night on stage at The Market Theatre's, the latest two slight young women open their dual performance by tearing off strips of broad masking tape to mark out a space of four paces by two.

The tearing sound of the severed tape and the measure of space it encloses is a shocking revelation to the audience of the claustrophobic space of a detainee's prison cell — a space shared only by the echoes of one's own voice, a bed roll, the Bible and a bucket lavatory.

"Four Paces by Two," is a play written and acted by Vanessa Cooke and Lisa Dysemus

which climaxed Detainees' Week earlier this month.

Star critic Garth MacLennan described the work as a piece of chilling, yet stimulating, theatre. The sensory deprivation, achieved by solitary confinement, is portrayed as a most effective form of mental torture.

In the play, Vanessa, in monologue, acts out the emotions of a young woman in this plight, as well as the canons of her captors. Co-author Lisa has a supporting role, telling enough without the need for speech.

The two women — offstage both non-activist sympathisers — became involved in the play

Writing the play "Four Paces by Two," now drawing to a close at The Market Theatre, has led co-authors and players Vanessa Cooke and Lisa Dysemus to a deeper understanding of the traumatic effects of detention, writes LUCY GOUGH BERGER.

purely by coincidence.

The "Detainees' Parents' Support Committee" responsible for the planning and execution of Detainees' Week, wanted to bring a play to highlight the plight of detainees.

Lisa, a 23-year-old drama student at the University of the Witwatersrand, who was part of a fringe group supporting former

schoolmate Keith Coleman (released from detention at the weekend) was asked to assist.

At the same time actress Vanessa was busy discussing a not yet formulated project with the Market Theatre when she heard that the DPSC was trying to get a play off the ground.

One early suggestion was to present it in character, then a how-to-survive-detention kit idea

was tossed around. "But after Neil Aggett's death it hardly seemed applicable," said Vanessa.

The idea pot continued to boil for months, until Vanessa and Lisa who had agreed to collaborate in the writing, began interviewing detainees.

They also researched newspapers, attended study groups and lectures dealing with the damaging psychological aspects of solitary confinement.

Their research made the co-authors realise that the public was not generally aware of what solitary confinement — actually involved — a fact later borne out by audience reaction.

"Faced with the first time audiences were forced to come face to face with the detainees, not and they could hardly credit it," said Lisa.

Much of the play, based on personal details was initially fed into a tape recorder to retain the immediacy and informality of the spoken word, as if one was in that place, on that day, at that moment.

"Four Paces by Two" was fitted into the tight Market Theatre schedule for a limited season. Its last performance is on Thursday at 6 pm.

By Barry Ronge

The explosions which brought down two Johannesburg office blocks last weekend have made more than just window panes shatter.

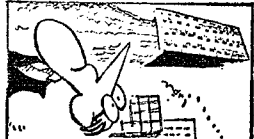
The passage of the journalist's event came tumbling down along with the masonry.

The Press and radio have been full of people gurgling about "implosion" and about buildings being "blown down" and unless they have become "affiliated" with the fable of the three little pigs and the bad wolf who huffs and puffs to such excellent effect, it is hard to understand what they mean.

The buildings were destroyed by explosions, not an implosion. To implicate a thing means to force it to burst inward from exterior.

Just a lot of huff and puff

What really happens is that the explosive charges are placed in such a way that they cause the building to fall inward and not outward. Dimorphisms may call this implosion, but the dictionary makes a different point, and when it comes to the push or rather the blow, I know who I would rather believe.



Besides, if the building collapsed because the explosion caused a sort of vacuum which forced it in on itself, it would be more accurate to talk about it being "sucked down" rather than "blown down."

The only man ever to have had real success with the blowing down of buildings was Joshua, and he used trumpets, not gongs.

Why the Rabie commission could not ignore politics

CAPE TOWN 30/3/82
329



Professor Mathews

THE task entrusted to the Rabie commission was clearly momentous. The central question which it was required to answer was whether the draconian and generally permanent laws which comprise our internal security operations require reform and alteration.

It was while being detained under one of these laws that Dr Aggett became the 46th person to die under unsatisfactory circumstances. To use a neutral expression for such a disturbing record. Are these deaths an unavoidable consequence of maintaining law and order in South Africa and are they reconcilable with the avowedly Christian nature of our government?

Section two of the Constitution declares that: "The people of the Republic of South Africa acknowledge the sovereignty and guidance of Almighty God". It must be a serious question for a Christian and for a commission investigating the laws of a Christian government whether these laws, and in particular the law under which Dr Aggett was held, either in their formulation or application, can be said to reflect acknowledgment of the "guidance of Almighty God".

In another avowedly religious society with a long history of disorder far more serious than our own — Northern Ireland — there have been no deaths of detainees in unsatisfactory circumstances despite the extensive use for decades of that dire instrument of control. This is but one illustration of the gravity of the moral and practical issues on which the judgment of the commission was required.

The composition of a commission appointed to deal with such issues is clearly a crucial matter. The 45 persons who died before Dr Aggett were all black South Africans; and it is primarily the black section of our heterogeneous community that feels the weight of internal security laws. Yet no member of the black community was appointed to serve.

As the commission itself declared, its work involves the balancing of state interests against those of the individual. It is again surprising that no recognized exponent of the law relating to individual and civil rights was given a place on the commission.

Not convincing

Of course, these omissions are in no sense the fault of the commission itself since it has no power to determine its own composition. But the problem remains and it is not convincing to answer criticism of an unbalanced

composition by saying that the commission was empowered to and did hear evidence from black South Africans and civil libertarians. At that crucial moment when a commission begins to frame its major judgments and conclusions, an advocate of neglected interests needs to be present to ensure that such interests are not lost sight of or undervalued in the final report. The absence of such advocates on the Rabie commission seems to have been fatal when one considers the shape and general trend of its report.

An evaluation of the recommendations of the commission must clearly begin with the basic assumptions and premises upon which those proposals rest. Some of these have been expressly stated by the commission whereas others constitute what Roscoe Pound called "inarticulate major premises". When these are identified and drawn together we have a description of the general philosophical approach of the commission.

The first of the assumptions or premises upon which the commission acted is one which it ex-

pressly adopted when it declared in the Report that in its view, it could not venture on to the political terrain ("In the home of the political terrain we have no business"). A first blush this appears to be a statement which could not have been seriously made. A commission investigating reform of internal security laws sees its task as being outside politics. This is hardly different from the case of a minister of religion who states that he has no business with sin. However, the commission reaffirms its stand on the non-political

crete example, the commission recommends the continuation of pre-trial detention and interrogation in solitary confinement without effective judicial safeguards. It regards detention as necessary to counter the security threat against South Africa. It does not face the question whether it is morally right for a country that describes itself as Christian, Western and democratic to employ such methods even if they are useful on utilitarian grounds.

One searches the report in vain for evidence of conscience strongly acti-

The Rabie commission, which investigated South Africa's security legislation, said in its recent report that it could not venture on to the political terrain. It is a remarkable proposition, says Professor ANTHONY MATHEWS, head of the department of law at Natal University and the man widely regarded as the country's foremost expert on security legislation. The proposition, he says in this analysis, is hardly different from the case of a minister of religion who states he has no business with sin.

role of its task in other places, notably in its cursory treatment and virtual rejection of the rule of law as a helpful guide in the solution of its tasks.

Unfortunate

The commission expresses wholehearted agreement with a rather unfortunate statement made by the late O D Schreiner that a complaint that the rule of law has been infringed is a political and not a legal complaint (¶ 5.16 of the Report) and mainly on this ground, that the doctrine is essentially a political one, it consigns the rule of law into official oblivion.

This assumption of the irrelevance of the rule of law, made by a commission on which lawyers are heavily represented, is the second major premise of the commission's report and it is one which in the Western democracies at least will occasion much surprise, even though the precise meaning of the doctrine is difficult to establish.

The rule of law has a core meaning which may be described as the protection through open, clear and definite rules administered by independent tribunals, of the basic rights of the individual. In this form the doctrine has legal or juridical elements as much as political ones; but even if it incorporates political principles, its requirements are central to any investigation of the nature and scope of security legislation.

The commission's third major premise is largely unexpressed although it is associated with the refusal to entertain political questions or recognize the relevance of the rule of law. Anyone who has read the report must come to the conclusion that it is an unarticulated assumption of the commission that it is not part of its function to make moral judgments. In its own words, the commission described its function as involving, firstly, the determination of the factual background for the grounds, and, secondly, a decision as to the necessity, expediency, reasonableness and effectiveness of existing law for dealing with the problems disclosed by the factual investigation (¶ 6.1).

Moral issues

The analysis of present laws and possible alternatives, however, skirts around the moral issues and is almost exclusively a discussion of the laws that are instrumentally necessary to deal with the situation. To give a con-

dated either by religious, humanitarian or democratic principles. However expedient it may be to the state to keep persons in detention for interrogation to the point where they commit suicide or become mentally unbalanced or disturbed, is this a moral action for a government to undertake? The commission avoids this question to the extent of completely failing to investigate how, and by what methods, evidence or information is obtained through pre-trial detention. Had it done so, and related its findings to the moral issue, it might well have been forced to conclude that these are methods by which no decent society should attempt to save itself.

Taken together, the expressed and unexpressed premises of the commission's report amount to an attempt to carry out its task within the framework of philosophical positivism. This means the avoidance of value judgments, the consideration of "objective" facts to the exclusion of all others and a scrupulous detachment from "politics".

Inappropriate

It is clear from the preceding discussion that such a framework is totally inappropriate for an investigation into the reform of internal security laws and that a commission which employs it will either make judgments so detached from reality as to be irrelevant or will introduce politics in some other garb (for example, "objective" facts) into its analysis and findings.

In fact, the report may be criticized on both these grounds. The commission has not examined, for example, the realities of pre-trial detention and the reasons why magisterial visits and district surgeon examinations fail to provide satisfactory protection for the detainees. It has not even looked into the nature and extent of abuses under detention laws. Its recommendations appear unrelated to the hard facts of pre-trial interrogation and therefore to be abstract and divorced from practical realities.

The commission's attempt to eschew political judgments breaks down from the start and findings of a political nature, albeit latent, are manifest throughout the report. The heavy reliance on police evidence of the necessity of security laws, on the one hand, and the failure, on the other, to examine the case that these laws are extensively abused for party politi-

cal or other improper purposes, reveal a political orientation on the part of the commission.

The selection of certain facts as relevant and the exclusion of others as irrelevant, again betrays latent political findings. The commission chronicles in detail the violent aims and activities of certain political movements but it does not attempt to look at the case that state violence and repression have been turned upon black organizations opposed to the regime.

The ANC

Its discussion of the ANC, for example, begins at the time when the ANC turned to violence. The ANC's attempts over several decades to secure justice through peaceful means are not mentioned. The commission criticizes the newspaper Post for a very rigorous denunciation of detentions without trial, declaring that this betrays the attitude of an extremist. Surely, however, in so denouncing Post the commission is viewing the matter through white political lenses? Most blacks, and a minority of whites, would regard the Post criticism as justified even if expressed in robust language.

One must conclude that however sincerely the commission acted in avoiding "politics", political judgments permeate its report and condition its recommendations.

EAST LONDON — A man arrested at a road block during a police chase for ANC terrorists in August last year has been released by the security police.

Five men arrived in a car at a roadblock near Elliot and two were killed in a shootout with police. The other three men fled and a man was captured later. Two men

329 307
D. Deputch
**Terrorist
chase:
man freed**

were killed during a subsequent shootout with police in the Barkly Pass.

USA TODAY

The head of the security police in the Border, Colonel A. van der Merwe, said yesterday that the arrested man had been released about a month after the incident. It had been established that he was not involved in any terrorist activities and had only been driving the car used by the men. — DDR

Detained priest is replaced

THE Apostolic Faith Mission Church's district committee, which suspended the detained Pastor Frank Chikane from his Kagiso Mission and dissolved his church council, has now appointed a new priest for that area.

This new twist in the row over the Kagiso church was announced yesterday by Pastor Pieterse, the church's missionary advisor, who said Mr Chikane's future with the church would be reviewed when his suspension period expires in September this year.

The Rev Chikane was detained by security police in November last year and today completes 138 days in jail. He is being held under Section Six of the Terrorism Act.

He was suspended by the district committee of his church for alleged involvement in politics. Amid protests and petitions from his congregation and local civic bo-

By WILLIE BOKALA

dies demanding his reinstatement, his suspension was confirmed by the executive council of the church.

The district committee took the matter a step further early this month when they decided to dissolve the protesting council and last week appointed a new priest to take over the mission.

On Sunday the congregation held a meeting at which Mr Chikane's detention was condemned, his suspension criticised and a demand made calling on the district committee to reveal what the future of the

Kagiso church was to be.

Pastor Pieterse said yesterday that the district committee had acted according to regulations governing the church and its constitution and appointed a new priest from Soweto to take over the Kagiso church.

(329) (338) (339) Star 31/3/82

Ban on freed unionists

Labour Reporter

Four Port Elizabeth trade union organisers who were released from detention last month were this week served with two-year banning orders.

The four men — Mr Sipho Pityana, Mr Maxwell Madlingozi, Mr Zandile Mjuza and Mr Dumile Makanda—were in detention for nine months and released without charge in February.

They are members

of the Motor Assembly and Component Workers' Union (Macwusa) and its affiliate the General Workers' Union (Gwusa).

Mr Madlingozi and Mr Mjuza were employees of General Motors in Port Elizabeth while Mr Pityana is a full-time organiser for Gwisa. Mr Makanda is an official of Macwusa.

They had been held previously under Section 6 of the Terrorism Act along with Mr Mxolisi Didiza of Macwusa.

lisi Didiza of Macwusa.

The Star's Port Elizabeth Bureau reports that the regional head of the Security Police, Colonel Gerrit Erasmus, would not comment on the terms of the banning orders.

However, an attorney for the men, Mr Herbert Fischat, said they were restricted to the Port Elizabeth district and not allowed to enter the offices of any organisation or factory premises.

Prisons chief defines 'solitary'

31/3/82 Stan 329

By Trevor Jones

The dispute over whether the eight detainees released last week were kept in solitary confinement took a new turn today when the Prisons Service issued a statement clarifying the official meaning of the term.

The statement comes in the wake of the denial earlier this week by the Commissioner of Police, General Mike Geldenhuys, that the eight released detainees had not been held in solitary confinement as defined in the Prisons Act.

COURT SENTENCE

The Detainees' Parents Support Committee subsequently accused General Geldenhuys of playing with words.

The chief liaison officer of the Prisons Service, Brigadier H J Botha, said today there had been several instances of misrepresentation and misconception around the phrase "solitary confinement" as referred to in the Prisons Act, as well as the expression "separate incarceration."

"Solitary confinement" refers to a prisoner who is being kept in an isolation cell (5.5 square metres) for a stipulated period as part of a sentence imposed by a competent

court," explained Brigadier Botha.

He said solitary confinement usually resulted from a prison offence. The court referred to was usually an Officers' Court which functioned similarly to a Magistrate's Court. Solitary confinement could also be imposed by a Magistrate's Court.

"For the period of the sentence the prisoner forfeits privileges such as newspapers, other reading matter (except the Bible), studying, listening to the radio and taking part in recreational activities," said Brigadier Botha.

"Contact with family members is retained by means of correspondence," he said.

Before a person is placed in an isolation cell for solitary confinement he has to be certified physically and mentally fit. He also retains access to medical services and the head of the prison.

If a measure of dietary punishment is included in a sentence, the conditions laid down in the Prisons Act have to be strictly adhered to.

"The prison regulations also prescribe strict adherence to a minimum exercise period of a half hour in the morning and

afternoon in the open air," said Brigadier Botha.

He referred to the Standard Minimum Rules on the treatment of prisoners adopted by the United Nations in 1955 which said where sleeping accommodation was in individual cells, each prisoner should occupy a cell by himself at night.

CHALLENGE

In a statement, the Detainees' Parents Support Committee challenged General Geldenhuys to deny that the detainees held under Section Six of the Terrorism Act had no access to legal representation, were refused contact with family (apart from rare visits monitored by the police), and the only other people they saw were warders, interrogators, a District Surgeon and a magistrate, who were all employees of the "closed system."

The committee said the reason for General Geldenhuys's statement was that statements and confessions obtained under the duress and extreme pressure of solitary confinement and intense interrogations should not be acceptable in the courts.

Prisons

spokesman

ARGUS 31/3/82

on 329

'solitary'

Argus Correspondent

JOHANNESBURG. — The Department of Prisons said yesterday that a report appearing in yesterday's edition of The Argus concerning the elements of solitary confinement was 'not accurate'.

The report dealt with the release of eight detainees last week and the denial by the Commissioner of Police, General Mike Geldenhuys, that they had been held in solitary confinement as defined in the Prisons Act.

The Detainees were, however, kept alone in a cell, spoke only to their interrogators and occasionally to the district surgeon, and a magistrate.

EXERCISE

A Department of Prisons spokesman referred to a paragraph which stated that a person in solitary confinement did not receive newspapers or radios, physical exercise or three meals a day.

He said that a person in solitary confinement definitely received physical exercise regularly as well as three meals a day.

A statement would be released later today detailing exactly what the Department of Prisons meant by solitary confinement.

ACCUSED

The Detainees' Parents' Support Committee accused General Geldenhuys of 'playing with words' by saying that the eight detainees were not held in solitary confinement, although they were kept alone in cells.

The security police anticipate success in court by extracting statements from detainees after 'softening them up' with interrogation and lengthy solitary confinement, said a spokesman for the Detainees' Parents' Support Committee.

Secret TV film on Aggett angers SA Embassy

ARGUS 31/3/82
329

Argus Bureau

LONDON. — A British TV crew who posed as tourists but secretly filmed a documentary on the death in detention of trade unionist Dr Neil Aggett has angered the South African authorities here.

The programme by Thames Television's TV Eye, which condemns detention without trial and spotlights the number of suicides by detainees, will be seen by millions of British viewers tomorrow night.

TV Eye reporter Pete Gill has been told by the South African Embassy that his clandestine film-

ing might 'seriously jeopardise future requests' for his crew to visit South Africa.

After the crew returned to Britain TV Eye the South African Government to be represented on the programme but was told: 'To expect of the South African Minister of Law and Order to comment on or participate in an illegally filmed programme on a sub-judice case is, to put it frankly, preposterous.'

The crew, headed by producer Linda McDougall, entered South Africa carrying amateur

filming and recording equipment.

As British 'tourists' they needed no visas and were not questioned on the purpose of their visit.

For 10 days they moved around South Africa interviewing Dr Aggett's parents and sister, trade unionists, businessmen and former detainees.

Interviewed yesterday, Gill said: 'We were careful not to draw any attention to ourselves, but operated with extraordinary ease. The people we interviewed knew we were not authorised to do the programme.'

'We would not have been given visas if the authorities knew what we were doing.'

The 30-minute programme sketches the history of detention without trial in South Africa and said Dr Aggett's death was the 56th death in detention and the 20th by hanging. He died after 70 days in solitary confinement.

To illustrate the effects of solitary confinement the documentary uses long extracts from a play running at the Market Theatre in Johannesburg called Four Paces by Two in which a woman detainee loses her mind.

Alone is just like solitary

By ANNE SACKS

THE Commissioner of Police has been accused of "playing with words" by claiming that eight detainees were not held in solitary confinement, although they were kept alone in cells.

The accusation was levelled by the Detainees' Parents Support Committee yesterday in a statement rebutting General Mike Geldenhuis' claim.

The Commissioner claimed this week the eight detainees released last week were not held in solitary confinement in terms of the Prisons Act of 1959, although they were kept alone in their cells.

It is understood that some of the detainees had visits and access to radios during their last weeks in detention.

Lawyers said yesterday the relevant section of the Prisons Act did not define solitary confinement, but dealt with prisoners who had breached prison discipline.

The DPSC accused Gen Geldenhuis of "merely playing with words".

The Security Police anticipate success in court by extracting statements from detainees after "softening them up" with interrogation and lengthy solitary confinement.

"The whole system of detention would fall apart — as indeed it should — if the Security Police could not anticipate success in court."

Would the General deny that detainees held under Section Six of the Terrorism Act are kept alone in cells and refused access to family — apart from rare visits — lawyers and their own doctors.

"If this is not solitary confinement, then what is?" the DPSC asked.

● Sapa reports that Gen Geldenhuis confirmed in a statement yesterday the eight might be called as witnesses in the trial of Miss Barabara Hogan and others under the Terrorism Act.

SA angry over sneak TV film on Aggett

The Star Bureau

LONDON — A British television crew who posed as tourists to make a secret documentary on the death in detention of trade unionist Dr Neil Aggett has angered the South African authorities in London.

The programme by Thames Television "TV Eye", which condemns detention without trial and spotlights the number of suicides by detainees, will be seen by millions of viewers tomorrow night.

"TV Eye" reporter Peter Gill has been told by the South African Embassy that his clandestine filming might "seriously jeopardise future requests" for his crew to visit South Africa.

After the crew returned to Britain, "TV Eye" asked the South African Government to be represented on the programme, but was told: "to expect of the South African Minister of Law and Order to comment on or participate in an illegally filmed programme on a sub-judice case is, to put it frankly, preposterous."

The crew, headed by producer Linda McDougall and reporter Gill, entered South Africa carrying amateur filming and recording equipment.

As British "tourists" they did not need visas and were not questioned about the purpose of their visit.

They travelled in South Africa for 10 days, interviewing Dr Aggett's parents and

sister, trade unionists, businessmen and former detainees.

Interviewed yesterday, Gill said: "We were careful not to draw any attention to ourselves and operated with extraordinary ease. The people we interviewed knew we were not authorised to be doing the programme."

"There is no way that we would have been given visas if the authorities knew what we were doing."

The 30-minute programme sketches the history of detention without trial in South Africa, and notes that Dr Aggett's death was the 56th death in detention and the 20th by hanging.

DISLIKE

To illustrate the effects of solitary confinement, the film uses long extracts from a play now on at Market Theatre in Johannesburg titled "Four paces by fow" — in which a woman detainee loses her mind.

Mr Aubrey Aggett, commenting on his son's death, said: "They (the Security Police) could take me, and because they dislike the look of my face, they could keep me there for the rest of all time."

Dr Aggett's sister Jill said: "Possibly if we find out exactly what happened on the night he died — obviously something did happen that night — and if we learn the truth about that, then perhaps I would be able to accept. But I don't think we will ever hear that truth."

She said that she had visited Dr Aggett's girlfriend, Liz Floyd, since her release from solitary confinement and that she was having "considerable difficulty even reading a book" because her mind had been affected.

The "TV Eye" crew went to East London to interview Mr Jan Theron, general secretary of the Allied Food and Canning Workers Union, himself a former detainee.

Asked if he thought Dr Aggett committed suicide, Mr Theron said: "Obviously we're never going to know what happened in prison, but both from what I knew of him as a person, and from how people are treated in detention, I cannot reconcile myself to accept that he would hang himself."

Mr Theron said he had "definite indications" that the Security Police were trying to "squeeze a case out of people" to show submission among trade unionists and were frustrated because they were proving to be totally "above board."

By Carolyn Dempster

Detention without trial, solitary confinement and security police interrogation methods have come under heavy fire from the University of the Witwatersrand's faculty of medicine.

Members of the faculty staff, with the endorsement of the Board of Medicine, have urged the vice-chancellor to convene a small group of senate and council members, together with representatives from the Society of Advocates, to seek an interview with the Prime Minister.

"TORTURE"

"We are of the opinion that solitary confinement and the interrogation methods employed by the police constitute torture as defined in the Tokyo Declaration," reads a sentence in the first of two resolutions passed by a meeting of medical school staff and later endorsed by the board.

"They are a crime against humanity and the moral law and must be resisted because of the harmful effects they cause, not only to the detainees,

Wits medics level torture accusation at security police

329 (BWA) Star 31/3/82

but also to the reputation of the Republic of South Africa," continues the statement.

The physical and mental effects of solitary confinement and interrogation were potentially serious the statement said.

In 1972 the British Government, after hearing evidence on the effects of these methods in Northern Ireland, "immediately outlawed these authorised procedures for the interrogation of persons suspected of terrorism."

This was noted by the meeting in its second resolution which also said that the distressing number of deaths in detention had led to the assumption "that the condi-

tions under which the detainees were held were directly responsible for many of these deaths."

The meeting called for the immediate access of independent doctors, including psychiatrists, to all detainees presently held and all those who might be held. Secondly the meeting called on individuals with skills or expertise in these fields to inform the community of their research into the effects of solitary confinement and prolonged and intensive interrogation.

The health sub-committee of the Detainees Parents Support Committee has rejected statements made by Dr de Klerk, chairman of the Medical Association of South Africa's

Federal Council, in a recent radio interview

"It is obvious that MASA is out of touch with the realities of the situation regarding the physical and mental well-being of detainees," the sub-committee stated.

Dr de Klerk, as one of a three-man deputation, examined the health care for political detainees and stated during the interview that "the authorities are trying to provide the best possible physical and mental care of detainees."

The sub-committee rejected Dr de Klerk's statements and findings out of hand and pointed to the high number of deaths in detention and the admittance of detainees to psychiatric wards while in police custody.

UNIVERSITY OF CAPE TOWN
EXAMINATION ANSWER BOOK

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

TV team tell of smuggled Aggett film

By MARGARET SMITH
London Bureau

LONDON. — A top British investigative television team spent nearly two weeks in South Africa earlier this month secretly filming a programme about the death of trade unionist detainee, Dr Neil Aggett.

The inquest on Dr Aggett, found dead in his cell on February 5, was adjourned to April 13. Thames TV reporter Peter Gill and the producer of the programme "TV Eye", Linda McDougall, told yesterday how they entered South Africa without informing the authorities of the true nature of their visit.

British passport holders do not require visas to enter South Africa as visitors, but journalists on assignment require work permits.

On their return to Britain, Gill wrote to the South African Embassy in London, inviting the Minister of Law and Order, Mr Louis le Grange, to appear on the programme "ensuring that the South African Government is properly represented."

The Embassy declined, saying in a written reply: "To expect of the South African Minister of Law and Order to comment on or participate in an illegally filmed programme on a sub judice case is, to put it frankly, preposterous."

Mr Casper Venter, Director of Information

at the London Embassy, wrote that the TV team's secret visit was not conducive to the betterment of relations, to the strengthening of mutual trust or to the rendering of official assistance.

He warned that "this conduct might seriously jeopardise future requests by TV Eye teams to visit South Africa."

Yesterday Gill said the team had worked clandestinely because they were quite sure they would not have been granted work permits if they had disclosed the nature of their visit.

"I believed that the death of this young man in detention has such enormous implications that we were prepared to act in the manner we did in order to make a programme on events surrounding his death.

"We wanted to show what sort of person he was, the nature of his trade union work, the reaction in South Africa to his death and the implications of detention without trial."

They interviewed Dr Aggett's parents and his sister and several other people. Their footage includes the funeral service and the graveside ceremony in Johannesburg.

Among those who appear on the programme is Mrs Helen Suzman, Progressive Federal Party MP, who spoke about the letter from a detainee she had read out to Parliament.

Dr Aggett's father said in a filmed interview: "They could take me and keep me in jail for the rest of time — me or you or anybody."

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$$26 = 99$$

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| <ol style="list-style-type: none">1. of the block on this cover the number of the question you are answering.2. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.4. Do not write in the left hand margin. | <ol style="list-style-type: none">1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.2. Candidates are not to communicate with other candidates or with any person except the invigilator.3. No part of an answer book is to be torn out.4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination. |
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Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

Reply to ⁽¹²⁹⁾ religious ^{Mercury} leaders' ^{3/13/82} queries received

Mercury Reporter

THE MINISTER of Law and Order, Mr Louis le Grange, has sent a short reply to the Durban religious leaders who earlier this month questioned the conditions pertaining to representatives of different religions being able to visit Section Six detainees.

In his response, Mr le Grange said that detainees will not be deprived of spiritual ministrations. Chaplains of all the faiths are available to provide spiritual assistance to a detainee should he request such assistance.

All detainees are informed to this effect.

The religious leaders had addressed their questions to Mr le Grange after he had turned down their request to be allowed to visit detainees being held under Section Six of the Terrorism Act.

Informed

Mr le Grange had said chaplains in the service of the SAP and Prison Service could provide spiritual sustenance to a detainee if requested to.

The religious leaders, representing the Christian, Jewish, Muslim and Hindu faiths, had asked whether this included representatives of all faiths, including Jews, Hindus and Muslims.

They also had asked whether all detainees had been fully informed of Mr le Grange's decision.

Another area of concern was Mr le Grange's statement that visits would be dependent on the circumstances of each case at any particular time.

The religious leaders had pointed out that the arbiters of such circumstances would probably be the security police.

329 ~~250~~ Hansard Q Col. 526
Peter Lengene 31/3/82
*19 Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) Whether Peter Lengene was detained by the South African Police during the latest specified period of 12 months for which figures are available; if so, (a) when, (b) for what period and (c) where;
- (2) whether he was released; if so, when?

The MINISTER OF LAW AND ORDER:

- (1) No.
- (2) Falls away.

533

WEDNESDAY, 31 MARCH 1982

534

National Senior Certificate examination:
Coloureds/Indians 31/3/82

368. Dr. A. L. BORAINÉ asked the Minister of Internal Affairs:

- (a) How many (i) Coloureds and (ii) Indians entered for the National Senior Certificate examination in 1981 and
- (b) how many entrants in each race group (i) passed, (ii) failed and (iii) obtained matriculation exemption?

The MINISTER OF INTERNAL AFFAIRS:

The National Senior Certificate examination is controlled by the Department of National Education and the statistics required by the hon. member will therefore have to be obtained from that Department. It is, however, assumed that the hon. member is in fact interested in the statistics for the Senior Certificate examination controlled by the Department of Internal Affairs, if so, the statistics are as follows:

- (a) (i) 9 269
- (ii) 5 805
- (b) (i) 5 279 Coloureds and 4 672 Indians
- (ii) 3 990 Coloureds and 955 Indians
- (iii) 1 384 Coloureds and 2 056 Indians

329 ~~250~~ Hansard Q Col. 533-
Internal Security Act 534
31/3/82

378. Mrs. H. SUZMAN asked the Minister of Justice:

- (1) Whether any notices in terms of section 5(1)(e) and section 9(1), respectively, of the Internal Security Act (a) were issued, (b) were withdrawn and (c) expired during the second six months of 1981; if so, how many in each case;
- (2) whether any notices which expired were renewed; if so, how many;

- (3) how many notices in terms of each of these sections were of effect as at 31 December 1981?

The MINISTER OF JUSTICE:

Section 5(1)(e) Section 9(1)

- | | | |
|---------|-------|--------|
| (1) (a) | No | Yes—1 |
| (b) | Yes—3 | Yes—27 |
| (c) | Yes—1 | Yes—22 |
| (2) | No | Yes—5 |

- (3) Section 5(1)(e)

5 (This number includes 1 person who left the Republic of South Africa.)

Section 9(1)

111 (This number includes 32 persons who left the Republic of South Africa.)

~~250~~ Regional court prosecutors

Hansard Q Col. 534 31/3/82
415. Mr. P. R. C. ROGERS asked the Minister of Justice:

What percentage of regional court prosecutors have less than (a) two years', (b) one year's and (c) six months' experience?

The MINISTER OF JUSTICE:

- (a) 15,4%
- (b) 2,8%
- (c) 0,7%

Kruger Rand coins

421. Mr. K. M. ANDREW asked the Minister of Finance:

- (1) On what basis are the prices of (a) one ounce, (b) half ounce, (c) quarter ounce and (d) one-tenth ounce proof Kruger Rand coins established each year;
- (2) what was the price for proof Kruger Rand coins in each of the above categories;

TOTALITARIANISM - DETENTION

1 APRIL 1982 — 30 APRIL 1982

'SP never held Lengene'

~~S~~ Sowetan
1/4/82
329

THE MINISTER of Police, Mr Louis le Grange, said yesterday that former Soweto Students Representative Council member Mr Peter Lengene had never been detained nor held by Security Police since his alleged kidnapping from Botswana or in the past 12 months.

Mr Le Grange was answering a written question by Mrs Helen Suzman, PFP Houghton and Progressive Federal Party spokesman on police matters.

Mr Le Grange answered "No", to Mrs Suzman's question whether Mr Lengene was detained by the police during the "latest specified period of the 12 months for which figures are available".

Mr Lengene has been reported as saying that he came to South Africa of his own free will and refused to go back to Botswana when the

Government of that country attempted to negotiate for his return.

He refused even when the Botswana Commissioner of Police, Mr Simon Hirschfield, visited South Africa personally to try and persuade him to go back while he was investigating the kidnap claims.

Mr Lengene was reported by a Sunday newspaper to be living with relatives in Soweto, but his mother still remains adamant that her son is not in Soweto. She said the last time she saw him, he was in the hands of the police.

Fewer are banned—but more held without trial

By David Breier,
Chief Reporter

Detention without trial appears to have overtaken banning as the preferred form of security action by the South African authorities, according to statistics.

There are widespread fears that people recently released from detention will be banned.

This was confirmed by this week's banning of four motor industry trade unionists in Port Elizabeth who were recently released from detention under section 6 of the Terrorism Act.

STATEMENT

On August 7 last year there were 157 people banned under the Internal Security Act, according to the Government Gazette of the time.

According to a statement issued by the Department of Justice to The Star this week, there were 99 banned people on March 22.

With the additional four bannings there are at least 103 banned people — still well below the figure for last August.

The Minister of Justice, Mr Kobie Coetsee, had emphasised it would be wrong to conclude that the small number of bannings indicated a change in policy, the statement added.

Action against people depended on existing circumstances.

"The Minister cannot be released from his responsibilities and, as often as the safety of the State or the support of public order demands, will act by means of bannings against persons who through their activities endanger State safety and the preservation of public order," the statement said.

The number of bannings fluctuated continually, according to the statement.

For example, 12 bannings were suspended in February this year. Altogether 30 people have left the country since being banned.

but they are still on the banned list.

The statement said 87 people were in detention under section 6 of the Terrorism Act on March 22.

Other estimates say between 120 and 130 people are in detention under various security laws including the Internal Security Act and the Terrorism Act.

Another 70 to 80 people are believed to have been detained without trial by the four independent homelands.

Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, welcomed the drop in bannings but said his impression was that the Minister of Justice used detention without trial against people who in the past would have been banned.

A spokesman for the Detainees' Parents Support Committee said: "We see bannings as another tool of the Government which is used in parallel with detentions."

Fourth PE unionist banned for two years

Labour Reporter

The Security Police yesterday served a two-year banning order on a trade union leader, bringing the number of unionists banned in Port Elizabeth this week to four.

Mr Dumile Makanda, chairman of the Motor Assembly and Component Workers Union (Macwusa) was served with the ban yesterday morning.

Two other Macwusa organisers — Mr Maxwell Madlingozi and Mr Zandle Mjusa — and Mr Sipho Pitanya, of the General Workers Union of SA, were served with two-year bans on Monday.

All four were released from nine months' detention in February. They were released without charge, having been held under section 22 of the General Laws Amendment Act and later transferred to section 6 of the Terrorism Act.

Macwusa officials condemned the banning orders, describing them as "unchristian" and making a mockery of Government talk about labour reforms.

An attorney acting for the union said the bannings restricted the men to their residential area and prevented their entering the offices of any organisation or factory premises.

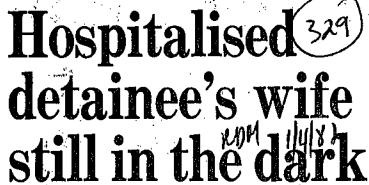
This would effectively cut them off from any trade union work.

1. Francis Wilson, 'International Migration in Southern Africa', May 1976.
2. D. Hendrie, 'Recent Statistics in Agriculture', May 1976. (OUT OF PRINT)
3. Dudley Horner, 'African Labour Representation', May 1976.
4. C. Sankins, 'Employment and Growth in South Africa 1961-1979'.

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Numl

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(to be copied from the heading on the Examination Paper)

(to be copied from the heading on the Examination Paper)

The NIC's acting president, Mr M J Naidoo, said yesterday the congress' legal team was considering the legal is-

The head of the Security Police in Durban could not be reached for comment yesterday.

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1. The answers only on the right hand pages will be marked. The left hand pages may be used for rough work, but no credit will be given for such work.
2. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
3. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
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Aggett death a shadow, says envoy

Own Correspondent

JOHANNESBURG. — The death in detention of trade union leader, Dr Neil Aggett, and other detentions without trial cast a "deep shadow on development which was watched with acclaim and optimism abroad" the German ambassador to South Africa, Dr Ekkerhard Eickhoff, said yesterday.

Dr Eickhoff, who opened the German pavilion at the 1982 Rand Show, spoke of how the Poles found expression of their aspirations in the free trade union movement.

"A similar movement of promising trade unionism is on the way in South Africa. We have welcomed the reforms which have made this possible," Dr Eickhoff said.

He said he feared the thrust of these reforms would be lost if leading trade unionists were detained and banned.

He said it was also a serious setback for all those who were striving for a better political and economic climate to ensure a promising future for the country.

"And it is a discouragement also for all those who have at heart peace and better relations between South Africa and the rest of the world."

Problem club

Dr Eickhoff also said it seemed South Africa was about to join the "club of countries with economic problems", because gold and diamonds had lost their money-making reputation.

He said constitutional proposals which the President's Council were to publish shortly were looked forward to with great expectations.

"My country will appreciate any substantial steps on new avenues of consultation leading to co-responsibility with other race groups. Let me confess that instead of this formula I rather prefer the Prime Minister's authorized version of "healthy power sharing".

Trade

The ambassador concluded by saying peace

best foundation to on the economic development in this country and for its trade with the outside world.

The South African Pavilion was opened last night by Mr Brand Fourie, Director-General of the Department of Foreign Affairs and Information. Members of the Royal Swaziland family and other dignitaries were in attendance.

The image

Mr Fourie said the task of his department was to carry the image of South Africa to the rest of the world.

"This is a true reflection and not propaganda and the outside world have to come as to their own conclusions to what is shown in practice," Mr Fourie said.

He said the natural resources of a country which were inherited were not what made a nation but a nation was made by what man achieved.

"We try to move forward all the time. We can only project the country's real image if we show how we as a nation strive to work," Mr Fourie said.

Curb police action on unions — Suzman

Political Staff

HOUSE OF ASSEMBLY — Mrs Helen Suzman (PFP Houghton) warned in Parliament yesterday that unless the Department of Manpower could curb security police interference in trade union activities there could be no question of industrial peace in South Africa.

Speaking during the Budget debate Mrs Suzman dismissed assurances by the ministers of justice and law and order that the detention of trade unionists was not connected with their trade union activities.

"They can deny this till the cows come home but nobody believes them and nor do I," Mrs Suzman said.

She warned that the "apparently apolitical" attitude of the Minister of Manpower and his department towards security police interference was "extremely dangerous".

"Co-operation between workers and employers inside the factory, and confrontation between the government and trade union leaders outside the factory cannot co-exist and is an invitation to anarchy in the work place," Mrs Suzman said.

Employers

Orderly bargaining structures could only be established if employers were able to deal with workers chosen by the leadership of themselves, whether of themselves, these leaders met with the approval of the security police.

Mrs Suzman said that the ever-increasing activities of the security police against black trade unions and trade unionists had led to a growing suspicion of collusion between the Department of

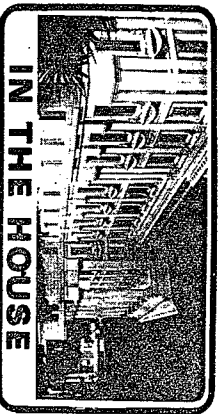
Manpower and the security police.

Raiding banning of meetings, harassment of trade unionists and banning of individuals had led to this suspicion.

Over the past year about 30 people who fell within the category of trade union worker or leader had been detained under the security laws.

Mrs Suzman said that the Director-general of the Department of Manpower had admitted in the annual report of the department that the detentions did cause tensions with the unions concerned and affected relations between employers and employees.

"If themselves, a great pity that the government is unable to curb police activities among trade union leaders," she said.



Verwoerd would back PM's policies

HOUSE OF ASSEMBLY — The small group of former Nationalists who broke away to form the Conservative Party did so out of fear of the Herenigde Nasionale Party and out of frustration, Mr Hendrick Schoeman, the Minister of Transport Affairs, said yesterday.

He said during the Budget debate that Dr Treurnicht and his followers in the Conservative Party had been underhanding in their secret plotting to subvert the Transvaal National Party.



These men had plotted in the secret. They had been in the Transvaal National Party. They had been in the Transvaal National Party. They had been in the Transvaal National Party.

Lower power tariffs

Political Correspondent

HOUSE OF ASSEMBLY — While areas such as East London, Port Elizabeth and Atlantis will have lower electricity tariffs from today, Cape Town's consumers are to be denied this benefit.

This is because electricity subsidies are part of new incentives to encourage economic decentralization in the Cape Town area where conditions are already favourable for establishing higher-p industries.

The incentives, published in a government policy white paper yesterday, follow discussions between the government and private enterprise at the Carlton and Good Hope conferences.

Cape Town is one of four metropolitan areas in which economic development has become concentrated. The other three are the Pretoria-Witwatersrand-Vaal Triangle (PWV) area, Durban-Pinetown and Port Elizabeth.

New bill

Political Correspondent

HOUSE OF ASSEMBLY — The Minister of Law and Order, Mr Louis le Grange, gave notice yesterday of legislation to combat intimidation and to ban demonstrations in or near court buildings.

Both measures flow from the recommendations of the Kable Commission on the security of the government. Details of the bills will not be published until they are recommended, but if they fall, the recommendations, both will be a fine of R20 000 fine, or ten years' imprisonment.

Members' Ques

521 in Crossroads have permits

Nat view

Political Staff

HOUSE OF ASSEMBLY — The chairman of the consolidation commission, Mr Henrie van der Walt, yesterday denied 37 failed for life under seen

In the dark

Mercury Reporter

MRS Pravina Gordhan, wife of the detained Natal Indian Congress executive member, said yesterday that she was still 'in the dark' about her husband's state of health.

Mr Pravin Gordhan, who was detained under Section Six of the Terrorism Act on November 27 last year, was recently transferred from a Security Branch cell in Durban to hospital for psychiatric treatment.

Mrs Gordhan, a nursing sister at the R K Khan Hospital, said she was able to get a glimpse of her husband only once, since he was admitted to Durban's St Augustine's Hospital earlier this month.

Detainee's wife says she doesn't know state of her husband's health

'In spite of repeated pleas, the security police in Durban have refused to allow me to visit my husband,' she said, adding that she was worried about her husband's condition and hoped that he would be released from hospital soon.

The NIC's acting president, Mr M J Naidoo, said

yesterday that the congress's legal team was considering the various legal aspects involved in taking the detention and hospitalisation of Mr Gordhan to the Supreme Court.

'We are perturbed and disgusted that Mrs Gordhan was not informed that her husband was hospitalised and that, when she confronted the security police with the fact that she had confirmed with the hospital authorities that he was indeed in hospital, only then had they admitted the fact.

'As no permission has yet been granted for her to see Mr Gordhan, we feel equally perturbed not only at the total inhumanity of the conduct on the part of the authorities concerned but also at the growing suspicion surrounding the recent number of detainees being admitted to psychiatric treatment.'

Meanwhile, Diakonia's executive committee yesterday expressed shock at the news that Mr Gordhan had been admitted to the psychiatric ward.

In a statement released after a meeting yesterday the committee said that in spite of assurances that families would be informed immediately if a detainee's condition had deteriorated, Mr Gordhan had been in hospital for a week before his wife was told.

The head of the Security Branch in Durban could not be reached for comment yesterday.

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CME TIMES 1/4/82

Secret 329 TV film on Neil Aggett

From MARGARET SMITH

LONDON. — A team from one of Independent British TV's best known investigative programmes, TV Eye, spent nearly two weeks in South Africa earlier this month secretly filming a programme on the death of the white trade unionist detainee Dr Neil Aggett.

Dr Aggett was found dead in his cell on February 5. The inquest into his death has been adjourned to April 12.

Reporter Peter Gill and producer of the programme, Linda McDougall, told this week how they entered South Africa on British passports without informing the South African authorities of the true nature of their visit.

British passport holders do not require visas to enter South Africa as visitors but journalists on an assignment require work permits.

On their return to Britain Mr Gill wrote to the South African embassy here inviting the Minister of Law and Order, Mr Louis le Grange, to appear on the programme to "rectify the omission by ensuring that the South African Government is properly represented."

'Preposterous'

The embassy declined, saying in a letter to Mr Gill: "To expect of the South African Minister of Law and Order to comment on, or participate in, an illegally-filmed programme on a sub judice case is, to put it frankly, preposterous."

Mr Casper Venter, director of information at the embassy, said the ITV team's action was not conducive to the improvement of relations, to the strengthening of mutual trust or to the rendering of official assistance.

Mr Venter said: "This conduct might seriously jeopardize future requests by TV Eye teams to visit South Africa."

On Tuesday Mr Gill said that the team had worked

secretly because they were quite sure that they would not have been granted press visas if they had disclosed the nature of their visit.

"I believed that the death of this young man in detention has such enormous implications that we were prepared to act in the manner we did in order to make a programme on events surrounding his death."

Interviews

"We wanted to show what sort of person he was, the nature of his trade union work, the reaction in South Africa to his death and the implications of detention without trial."

In order to do this the TV team interviewed Neil Aggett's parents and sister as well as several other people. Included is the funeral service in St Mary's Cathedral, and at the cemetery.

Among others who appear on the programme is Mrs Helen Suzman MP who spoke of the letter from a detainee which she had read in Parliament.

Explaining the precautions that the team had taken to avoid the attention of the authorities in South Africa, Mr Gill said they had not travelled first class to Jan Smuts Airport.

"We flew there economy class, like tourists. Thames TV teams usually travel first class thanks to our trade union's agreement."

They had also used an 8mm "amateur type" camera for filming instead of the usual professional 16mm.

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After nine months in detention

UNIONISTS BANNED

Sowetan 1/4/82 329

TWO EASTERN CAPE trade unionists were this week slapped with two year banning orders restricting them the Port Elizabeth Magisterial area.

The two are Mr Siphon Pityana, and Mr Maxwell Mandlingozi, both of New Brighton, Port Elizabeth and organisers of the Motor Assemblers and Component Workers Union of South Africa (Macwusa) and the General Workers Union of South Africa (Gwusa).

This was revealed by an executive member of the Pretoria branch of the two sister unions who said he had received a phone call on the bannings. According to his information, Mr Dumile Makhanda, chairman of Macwusa was also banned.

Spokesman for the Department of Justice in Pretoria yesterday confirmed the banning orders served on Mr Pityana and Mr Mandlingozi but said he did not have a record on Mr

By NORMAN NGALE

Makhanda.

The Pretoria branch executive spokesman said the three received their orders shortly after their release from detention without trial. They were in detention for nine months.

The branch, which held a meeting on Tuesday, condemned the "banning action" taken against our leaders with the strongest possible terms.

"Our leaders had been in detention for a period of 270 days without being charged. If they had done anything wrong they would have been brought before a court of law, charged or released," the spokesman said.

He said they did not

commit any crime and that was why they were released without any charges preferred against them. "For this reason we condemn the arbitrary action against them and Macwusa as well as Gwusa. We will continue to campaign," he added.

Medical treatment of detainees:

Mr. Cedric de Beer

2/4/82
*15. Dr. M. S. BARNARD asked the Minister of Health and Welfare:

- (1) Whether he has received representations regarding the medical treatment available to detainees; if so,
- (2) whether such representations included a request that Mr. Cedric de Beer be allowed to be visited by a homeopath; if so, what was (a) his response to the request and (b) the reason for his response?

The MINISTER OF HEALTH AND WELFARE:

- (1) Yes;
- (2) no, I received a copy of a letter addressed to the Minister of Law and Order as well as a telex message from Mr. Cedric de Beer's father. In both documents he only referred to their own doctor, but in the letter he made a request that Mr. De Beer be treated with homeopathic remedies instead of allopathic drugs. I acknowledged receipt of both documents and referred the telex message to the Minister of Law and Order and the Minister of Justice.

Medical treatment of detainees:
Mr. Cedric de Beer

*16. Dr. M. S. BARNARD asked the Minister of Justice:

- (1) Whether he has received representations regarding the medical treatment available to detainees; if so,
- (2) whether such representations included a request that Mr. Cedric de Beer be allowed to be visited by a homeopath; if so, what was (a) his response to the request and (b) the reason for his response?

†The MINISTER OF JUSTICE:

(1) Yes.

- (2) (a) and (b) A request that he be allowed to be visited by their own doctor and be treated with homeopathic remedies instead of allopathic medicine, was received from Mr. Cedric de Beer's parents. The request was refused because the detainee himself prefers to use allopathic medicine.

Medical treatment of detainees:
Mr. Cedric de Beer

*17. Dr. M. S. BARNARD asked the Minister of Law and Order:

- (1) Whether he has received representations regarding the medical treatment available to detainees; if so,
- (2) whether such representations included a request that Mr. Cedric de Beer be allowed to be visited by a homeopath; if so, (a) what was his response to the request and (b) the reason for his response?

The MINISTER OF HEALTH AND WELFARE: (for the Minister of Law and Order):

- (1) Yes.
- (2) No, but such a request only in respect of their son was received from Mr. Cedric de Beer's parents.
(a) and (b) The request was refused because the detainee himself elected to make use of allopathic drugs.

329

Hansard Q. 61. 555

Detention: Mr. Patrick Matebele

2/4/82

*22. Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) Whether Mr. Patrick Matebele has been detained; if so, (a) when and (b) in terms of what legislation;
- (2) whether he has been allowed to receive any visitors; if not, why not?

†The MINISTER OF HEALTH AND WELFARE (for the Minister of Law and Order):

- (1) No.
- (2) Falls away.

329 Hansard Q.61548-549
Detention of Mr. Pravin Gordhan
21/4/82
*7. Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) Whether Mr. Pravin Gordhan has been detained by the South African Police recently; if so, (a) when and (b) in terms of what legislation;
- (2) whether Mr. Gordhan has been hospitalized; if so, (a) why and (b) when;
- (3) whether Mr. Gordhan has been seen by a psychiatrist; if not, why not?

The MINISTER OF HEALTH AND WELFARE (for the Minister of Law and Order):

(1) Yes.

- (a) and (b) From 27 November 1981 in terms of section 22 of Act No. 62 of 1966 and since 10 December 1981 in terms of section 6 of Act No. 83 of 1967.

(2) Yes.

(a) For treatment of virus keratitis.

(b) 16 March 1982.

(3) Yes.

Elephants

*10. Mr. S. A. PITMAN asked the Minister of Environment Affairs:

- (1) Whether National Parks Board officials in the Lowveld shot any elephants during the latest specified period of 12 months for which figures are available; if so, (a) how many, (b) on whose instructions and (c) for what reasons;
- (2) whether the tusks of such elephants were removed; if so,
- (3) whether such tusks have been sold by his Department; if so, to whom; if not, in what way have they been disposed of?

†The MINISTER OF ENVIRONMENT AFFAIRS:

(1) Yes.

- (a) A total of 169 during the period 1 April 1981 to 31 March 1982.
- (b) In accordance with a resolution of the National Parks Board.
- (c) To maintain a balanced management system which naturally demands, *inter alia*, controlling of problem elephants and culling from time to time.

(2) Yes.

- (3) No. The ivory was, however, sold by the National Parks Board to reputable South African firms which process ivory.

- 1980
- (e) The export of the 21 boxes was prohibited.

1981

The export of the 781 boxes was originally prohibited, and approval was granted to sell the abalone as a standard product locally. After the SABS had received an official assurance that the relevant foreign market would not be harmed, it recently authorized the export of the abalone. Since the production procedure was rectified, no further difficulties were experienced.

329 Howard Q. 601 559-
2/4/82 Detainees 560
356 Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) How many persons are detained at present under (a) section 6 of the Terrorism Act, No. 83 of 1967, and (b) section 22 of the General Law Amendment Act, No. 62 of 1966;

- (2) whether any such persons in each such category have been detained for longer than three months; if so, (a) how many, and (b) for what period, in each case?

The MINISTER OF LAW AND ORDER:

- (1) (a) 85

- (b) 7

- (2) Category (a) Yes.

- (a) 60

- (b) 3 for 103 days

1 " 108 "
1 " 109 "
1 " 111 "
14 " 116 "
15 " 117 "
1 " 118 "
1 " 119 "
2 " 120 "
1 " 123 "
2 " 132 "
1 " 133 "
1 " 145 "
1 " 149 "

spot and (c) where were the inhabitants of each such Black spot resettled;

- (2) what was the total (i) amount paid out in compensation for, and (ii) cost of removing, each such Black spot?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) (a) 1 District of Himeville.
(ii) Natal.

- (b) (i) Lot F.P. 334.
(ii) 69 Families.

- (c) The Compensation resettlement area in the district of Impendaba.

- (2) (i) R35 606.00
(ii) R54 153.86

Black spots

391. Mr. G. B. D. McINTOSH asked the Minister of Co-operation and Development:

- (1) (a) How many Black spots remain to be removed in each (i) district and (ii) province and (b) what is the (i) name, (ii) population and (iii) area of each such Black spot;

- (2) where will the inhabitants of each such Black spot be resettled;

- (3) (a) what is the estimated cost of removal for each community, (b) what is the timetable for the removal of each Black spot and (c) when is it anticipated that the programme of removing Black spots will be completed?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (1) to (3) all the required information is not readily available and it cannot be ascertained without performing a large volume of work. The Commission for Co-operation and Development is still busy with its investigation

in connection with the consolidation of the Independent and other National States, which investigation might have a material bearing on the ultimate number of Black spots to be removed, the number of people and the cost involved.

There are presently still approximately 75 Black areas scheduled to become White areas.

The removal of people is a very sensitive and complicated matter and future resettlement projects will be dealt with on a confidential basis between the Government of the R.S.A. and the various National State Governments and Black communities.

It is regretted that due to circumstances a more decisive reply cannot be furnished.

Dorikraal/Fingo/The Gap/
Palmetrivier/Snyklip/Witteklipbosch/
Witte-Eisbosch

401. Mr. E. K. MOORCROFT asked the Minister of Co-operation and Development:

- How many (a) men, (b) women and (c) children were moved from the areas known as (i) Dorikraal, (ii) Fingo, (iii) The Gap, (iv) Palmetrivier, (v) Snyklipbosch, (vi) Witteklipbosch and (vii) Witte-Eisbosch from 1 January 1977 to the latest specified date for which figures are available?

The MINISTER OF CO-OPERATION AND DEVELOPMENT:

- (a), (b) and (c)(i) to (vii) Separate statistics in respect of the number of males, females and children moved from the various properties are not available. A total of 508 families were however removed from the seven properties concerned.

Dorikraal/Fingo/The Gap/
Palmetrivier/Snyklip/Witteklipbosch/
Witte-Eisbosch

402. Mr. E. K. MOORCROFT asked the Minister of Co-operation and Development:

Bannings slammed

329
Some how
2/4/82

TRADE union and black consciousness movement leaders have reacted strongly to the ban, in terms of the country's security laws, on three Port Elizabeth union or-

ganisers.

The three men — Mr Zandile Mjuza, Mr Maxwell Mdingozi, chairman and organiser of the Motor Assembly and Component Workers' Union, and Mr Siphso Pityana, organiser of Macwusa's affiliate General and Allied Workers' Union (Gawusa), were released last month after spending nine months in detention without trial.

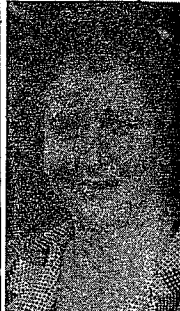
They were served with two-year banning orders restricting them to the Port Elizabeth magisterial area.

In a statement, Macwusa said that the Government's action made a "mockery of any talks of reform of the Department of Manpower Utilisation.

"In fact, detentions and bannings only serve to strengthen the unity and moral of the working class," the statement continued.

Mrs Sheena Duncan of Black Sash said action of the police towards trade union movements must be condemned.

Azapo's publicity secretary, Mr Ishmael Mkhabela, said that the ban should be seen as the continuation of suppression on union members.



MRS DUNCAN: Stop detentions.

Star 2/4/82 Embassy in 329 London damns Aggett film

The Star Bureau
LONDON — The South African Embassy in London has attacked Independent Television's "TV Eye" programme on the death of Dr Neil Aggett as "premature" and "prejudicial to the findings" of the inquest.

"As such it is highly irresponsible," the embassy said yesterday in a statement issued before the programme was screened.

The statement said evidence would be submitted to a properly constituted court of law and investigated according to accepted judicial practices.

"We therefore reject this programme as constituting a trial-by-television and consisting of unsubstantiated

and untested allegations.

"It consequently lacks validity and credibility as an investigation of a very serious matter. This programme does not serve the cause of justice."

WORK PERMITS

The statement, by the Director of Information Mr Casper Venter, noted that the film was made in South Africa by the TV Eye team without obtaining the required work permits.

A TV Eye spokesman said the embassy had made no request to see the programme before screening.

As far as he knew, no representative of the embassy had seen the film at the time the statement was released.

Court permits detainee's suit

329
24/82

Own Correspondent

MARITZBURG — The Terrorism Act was Draconian because it prevented detainees taking legal action, a Maritzburg Supreme Court judge said today, dismissing a special plea by the Minister of Police.

Mrs Mavis Magubane of Sojantu Village was allowed to proceed with her case against the Minister in which she alleges police torture and claims R4 200 damages.

A plea by the Minister of Police that she had failed to comply with the Police Act by not instituting legal action within six months of the alleged torture, was dismissed with costs.

Mrs Magubane was arrested in September 1976 under the Terrorism Act. She claims she was assaulted by two white Security policemen in Loop Street Prison.

INCOMMUNICADO

She says she was struck repeatedly on the head with a wet towel.

Mrs Magubane was prevented from making a claim of assault during detention because she was held incommunicado.

She had no recourse to law until her release — 14 months after the alleged assault.

Within five months of release she instituted legal action.

Mr Justice Leon said: "The Terrorism Act is Draconian, both in intent and effect, and that is why she was prevented by her detention from instituting legal action."

"But it is equally clear the Act does not sanction violence to detained persons."

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22. L.C.G. Douwes, 'June 1979',

R0,75

23. L.C.G. Douwes, 'June 1979',

R0,75

Row looms over Aggett 'TV trial'

By BRUCE STEPHENSON
London Bureau

LONDON. — A major row is looming between the South African Government and the British media over the screening last night of a highly controversial television film about the death in detention of white trade unionist, Dr Neil Aggett.

The Thames Television programme "TV Eye" — filmed clandestinely in South Africa — contained the opinion that Dr Aggett had been murdered on February 5 while in the hands of South African Security Police.

Last night the programme was attacked as "highly irresponsible" by the South African Embassy's director of information, Mr Casper Venter.

The producer, Ms Linda McDougall, and the reporter, Mr Peter Gill, have admitted they entered South Africa without obtaining the mandatory work permits required



Dr NEIL AGGETT
... TV show

by foreign journalists, without informing the authorities of the true nature of their visit, and, to escape detection, filming with an inconspicuous 8mm camera instead of a professional model.

They interviewed Dr Aggett's parents, sister and girlfriend, and Progressive Federal Party MP for Houghton, Mrs Helen Suzman. Only on their return to Britain did the Thames team approach the South African Embassy in London for comment.

Mr Venter said as Dr Aggett's death would be the subject of a judicial investigation, starting on April 18, "it is unreasonable to speculate about the circumstances surrounding Dr Aggett's death".

"We regard the programme as premature and prejudicial to the findings of the inquest and, as such, highly irresponsible. Evidence will be submitted to a properly constituted court of law and investigated according to accepted judicial practices."

"We therefore reject this programme as constituting a trial by television", and consisting of unsubstantiated and untested allegations. It consequently lacks validity and credibility as an investigation of a very serious matter. This programme, does not serve the cause of justice," Mr Venter said.

This affair could result in an outright ban on Thames Television crews entering South Africa, and complication for other agencies in future.

Judge says Terrorism Act 'draconian'

AKG 63
2/4/87

3/2/87
329

Argus Correspondent
MARITZBURG. — The Terrorism Act was draconian because it prevented a person from taking legal action while in detention, a Supreme Court judge said here today in dismissing a special appeal by the Minister of Police.

Mrs Mavis Magubane of Sobantu Village was allowed to proceed with her action against the Minister for alleged torture by the police. She is claiming R4 200 damages.

A claim by the Minister that she had failed to comply with the Police Act by not instituting an action against him within

six months of the date of the alleged torture was dismissed with costs.

Mrs Magubane was arrested in September 1976, in terms of section six of the Terrorism Act. She claims she was assaulted by two white security policemen in the Loop Street prison on September 13, 14 and 15.

Mrs Magubane was prevented from instituting an action for alleged assault during her detention because she had no access to legal representatives.

She had no recourse to law until her release 14 months after the alleged assault.

Within five months of her release from prison — no charges were laid against her during her detention — she instituted an action against the Minister.

Mr R C Hiemstra, counsel for the Minister, said Mrs Magubane's action was invalid because it had not been instituted within six months of the alleged assault.

Mr Justice Leon said: 'The Terrorism Act is draconian, both in intent and effect, and that is why she was prevented by her detention from obtaining legal advice or from instituting legal action.'

'But it is equally clear that the Act does not sanction violence to detained persons.'

He said it was common cause that Mrs Magubane was prevented 'by superior force' from serving a summons during the prescribed time.

The judge added: 'On the facts before me it was lawful detention. The conduct of the police in keeping her in detention was not done with the intention of frustrating her from exercising her legal rights.'

The hearing was adjourned until a date for Mrs Magubane's action could be arranged.

AR 645 2/4/82

TV film on Aggett 'highly irresponsible'

329

Argus Bureau

LONDON.—The South African Embassy in London has attacked Independent Television's TV Five programme on the death of Dr Neil Aggett as 'premature' and 'prejudicial to the findings' of the inquest.

'As such, it is highly irresponsible,' the Embassy said yesterday in a statement issued before the programme was screened.

The statement said evidence would be submitted to a properly constituted court of law and investigated according to accepted judicial practices.

'We therefore reject this programme as constituting a "trial by television" and consisting of unsubstantiated and untested allegations.

'It consequently lacks validity and credibility as an investigation of a very serious matter. This programme does not serve the cause of justice.'

The statement, by the Director of Information, Mr Casper Venter noted that the film was made in South Africa by the TV Five team without obtaining the required work permits.

'It is clearly an illegal action which cannot be condoned', said the statement.

'It also inevitably arouses suspicion about the motives of the producers and the objectivity and balance of the programme.

'Only after TV Five's return from South Africa was the Embassy approached for official comment. This request had to be declined in view of the case of Dr Aggett being sub-judice.'

The statement added that Minister of Justice, Mr Kobie Coetzee, had promised on February 16 that the public would learn the full truth about the death in detention of Dr Aggett in the course of a judicial investigation which was ordered by the Attorney-General as a matter of the highest priority.

'This investigation was postponed to April 13 at the request of Dr Aggett's family and lawyers.

UNREASONABLE

'It is thus unreasonable to speculate about the circumstances surrounding Dr Aggett's death.'

A TV Five spokesman said later that the Embassy had made no request to see the programme before it was screened. As far as he knew, no representative of the Embassy had seen the film at the time of the statement was issued.

Chalk-line 2/4/82 (329)

Row brewing on Aggett TV film

From BRUCE STEPHENSON

LONDON — A major row is threatening between the South African Government and the British media over the screening on Wednesday night of a highly controversial television film about the death in detention of the trade unionist Dr Neil Aggett.

The Thames television programme 'TV Eye', filmed clandestinely in South Africa and which contained opinions about Dr Aggett's death on February 5 while in the hands of South African security police, was attacked by the South African Embassy's director of information, Mr Casper Venter,

last night as "highly irresponsible".

Television producer Linda McDougall and reporter Peter Gill have admitted that they entered South Africa without obtaining the mandatory work permits required by foreign journalists, without informing the authorities of the true nature of their visit, and filming with an inconspicuous 8mm camera instead of a professional model to escape detection.

They interviewed Dr Aggett's parents, sister and girlfriend and PFP MP Mrs Helen Suzman. Only on their return to Britain did the Thames team approach the South African Embassy in London for government comment.

Speculation

In a statement last night Mr Venter said that as Dr Aggett's death would be the subject of a judicial investigation starting on April 15, "it is thus unreasonable to speculate about the circumstances surrounding

Dr Aggett's death".

He went on: "In view of the above, we regard the programme as premature and prejudicial to the findings of the inquest, and as such, highly irresponsible. Evidence will be submitted to a properly constituted court of law and investigated according to accepted judicial practices."

'Trial' by TV

"We therefore reject this programme as constituting a 'trial' by television and consisting of unsubstantiated and untested allegations. It consequently lacks validity and credibility as an investigation of a very serious matter. This programme does not serve the cause of justice."

This affair could result in an outright ban on Thames Television crews entering South Africa and complication for other medias in future.

Earlier this week Mr Venter had said: "This conduct might seriously jeopardize future requests by TV teams to visit South Africa."

Bifsa president slams detention

JOHANNESBURG — The president of the Building Industries Federation of South Africa, Mr Leon Glaser, has hit out against detention without trial and deaths in detention in the Republic.

In an unusual incursion into the political arena, Mr Glaser said in a leading article in the latest issue of the Federation's official journal, South African Builder, that some would consider it unnecessary and even wrong for the organisation to take a stand on political issues. The building industry, however, was not divorced from national events.

"In fact, the first industry to suffer in any period of instability will be ours."

"It is not competent to make a balanced judgment of any event without being in possession of all the facts. For that reason the aura of secrecy which surrounds many of our legislative procedures only serves to foster the worst possible interpretation of Government action," he said. — Sapa

Herald man held under Sec 22

C. Herald 2/18/82

329

CAPE HERALD advertising representative Armien Abrahams and University of the Western Cape student Ebrahim Patel, detained on Tuesday, are now being held under Section 22 of the General Law Amendment Act.

They were previously held in Johannesburg under Section 50 of the Criminal Procedure Act.

This information was supplied by Cape Town Security Police to Mr Abrahams's wife, Amelia, and to legal representatives of the detainees.

Mrs Abrahams criticised the Security Police for not telling her about the change to her husband's detention order.

'I had to telephone them on Saturday morning to find out what was going on,' said Mrs Abrahams.

She was told to report to the Caledon Square headquarters of the Security Police where she was informed that he was being held under Section 22.

CONSIDER

The Security Police said that they would consider a request that Mr Abrahams be taken clean clothing by relatives in Johannesburg if the relatives' names were supplied. The same condition applied to food.

The two men were transferred to Johannesburg from Cape Town a few hours after they were held at 4 am on Tuesday morning.

Mrs Abrahams said she wished to reiterate her rejection of the arbitrary detention of her husband and other detainees.

'There is absolutely no reason why this should be done and I demand the release of Armien and all other detainees.

'Their release should be immediate and unconditional,' said Mrs Abrahams.

She condemned the 'lack of common decency' by Security Police in not informing her about the change to her husband's detention order.

'Had I not telephoned them (Security Police)

Detainees (329) Jan 3/4/72 moved to Jo'burg

Own Correspondent
DURBAN — Two Durban detainees have been transferred to Johannesburg by the Security Police.

They are Miss Merle Favis and Mr Yunus Mahamed, who were both detained on November 27 last year.

Their families confirmed they had been moved to Johannesburg, saying they had been informed of this by the Security Police.

The SAP's public relations officer in Pretoria requested more information before he would confirm the transfer.

Miss Favis is the editor of the South African Labour Bulletin. She has received four visits from her family while in detention.

- She turns 25 on April 6.

Another detainee, Mr Emmanuel Zamani Jali, turns 33 on the same day. He is being held in Durban.

Woman can sue SP judge

Mali Correspondent

MARITZBURG. — A Natal Supreme Court judge cleared the way yesterday for a woman who was held in detention under the Terrorism Act for over a year to sue the Security Police for an alleged assault.

Mr Justice Leon said "it was an affront to his sense of justice" to think that Mrs Mavis Magubane could not sue the Security Police because the stipulated six-month period for notification to sue for R4 200 had expired while she had been in detention.

He said: "The Terrorism Act is draconian in intent and effect and that is why the plaintiff was prevented by her detention from obtaining legal advice".

It was common cause that Mrs Magubane had been detained by the Security Police on September 13, 1976, and was released on November 3, 1977, and that the alleged assaults had occurred on the first three days of her detention, the judge said.

Summons for charges of assault had been issued only on April 24, 1978, and the Minister of Police contended that Mrs Magubane could not sue because the period stipulated in the Police Act had expired.

However, Mrs Magubane said because she was detained under the Terrorism Act, she had been able to obtain legal advice or recourse to law only on November 3, 1977 — the day of her release.

She was prevented "by a superior force or provisions of law" from taking steps, she claimed.

The judge ruled that the point of law was decided in favour of Mrs Magubane and the Minister of Police should pay the cost of the application.

Way clear for woman to sue security police

Pietermaritzburg Bureau
A JUDGE cleared the way here yesterday for a woman who was held in detention under the Terrorism Act for more than a year to sue the security police for an alleged assault.

Mr Justice Leon said 'it was an affront to his sense of justice' to think that the woman, Mrs Mavis Magubane, could not sue the Security Branch because the stipulated six-month period for notification to sue for R4 200 had expired while she had been in detention.

It was common cause that Mrs Magubane had been detained by the security police on September 13, 1976, and was released on November 3, 1977, and that the alleged assaults had occurred on the first three days of her detention, the Judge said.

Summons for charges of assault had been issued

only on April 24, 1978, and the Minister of Police contended that Mrs Magubane could not sue because the period stipulated in the Police Act had expired.

However, Mrs Magubane said because she was detained under the Terrorism Act, she had been unable to obtain legal advice or recourse to law until November 3, 1977 — the day of her release.

She was prevented 'by a superior force or provisions of law' from taking steps, she claimed.

'The Terrorism Act is draconian in intent and effect and that is why the plaintiff was prevented by her detention from obtaining legal advice,' the Judge said.

Because it was common cause that the police were acting within the terms of the employment by arresting Mrs Magubane and detaining her, it was contended that the limitations of the Police Act, and not the Prescriptions Act, described Mrs Magubane's rights to sue for the alleged assault, Mr Justice Leon said.

'In contending that it does not, Mr C Hiemstra, for the minister, conceded that the result might offend one's sense of justice.

'It is an affront to my sense of justice,' Mr Justice Leon said when saying other cases that could be affected by the Police Act sprang readily to mind.

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Mercury 3/4/82

Woman held for a year can now sue

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CAPE Times 3/4/82 529

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Own Correspondent

MARITZBURG. — A judge here yesterday cleared the way for a woman who was held in detention under the Terrorism Act for more than a year to sue the Security Police for alleged assault.

Mr Justice Leon said it was an affront to his sense of justice that the woman, Mrs Mavis Magubane, could not sue the security branch because the stipulated six-month period for notification to sue had expired while she had been in detention.

Mrs Magubane wished to sue for R4200.

Alleged assaults

It was common cause that Mrs Magubane had been detained by the security police on September 13, 1978, and released on November 3, 1977, and that the alleged assaults had occurred on the first three days of her detention, the judge said.

Summons for charges of assault had been issued only on April 24, 1978, and the Minister of Police contended that Mrs Magubane could not sue because the period stipulated in the Police Act had expired.

However, Mrs Magu-

bane said that because she was detained under the Terrorism Act, she had been unable to obtain legal advice or recourse to law until the day of her release — November 3, 1977.

She was prevented "by a superior force or provisions of law" from taking steps, she claimed.

"The Terrorism Act is draconian in intent and effect and that is why the plaintiff was prevented by her detention from obtaining legal advice," the judge said.

Because it was common cause that the police were acting within the terms of their employment by arresting Mrs Magubane and detaining her, it was contended that the limitations of the Police Act, and not the Prescriptions Act described Mrs Magubane's

rights to sue for the alleged assault.

Contesting this, Mr C Hiemstra, for the Minister of Police, conceded that the result could offend one's sense of justice.

"It is an affront to my sense of justice," Mr Justice Leon said.

"If the Prescription Act cannot avail the plaintiff, then nothing can. If I am wrong in my interpretation of the Prescription Act, what is urgently required is for the Police Act and similar statutory limitations to be amended by the insertion of a proviso similar to that contained in the Prescriptions Act," he said.

He ruled that the point of law was decided in the favour of Mrs Magubane and the Minister of Police should pay the cost of the application.

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Examiners' Initials	J.W.

NOTE CAREFULLY

- The answers only on the right hand pages will be marked. The left hand pages may be used for rough work, but no credit will be given for such work.
- Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
- Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
- Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.

WARNING

- No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
- Candidates are not to communicate with other candidates or with any person except the invigilator.
- No part of an answer book is to be torn out.
- All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

EXPERTS SAY COMMISSION OVER-REACTED

Legal men lash out at Rabie

By CATHY
KENTRIDGE

IN AN unprecedented move, 38 of South Africa's top attorneys, advocates and academic lawyers recently met to discuss the report of the Rabie commission of inquiry into security legislation.

Under normal circumstances, these three branches of the legal profession discuss major issues within their respective professional groups.

But the Rabie report was considered so important it was felt a seminar should be held to gauge the response of a wide cross-section of the legal profession.

The seminar's general consensus, published this week in a report on the Rabie findings, was that present security laws and those recommended by the commission reflected an over-reaction to the commission's own assessment of the security threat, and a failure to pay adequate attention to elementary human rights.

The modifications proposed by the commission were considered totally inadequate.

All those who attended the seminar are acknowledged experts in South African security law.

They attended in their personal capacities and not on behalf of their professional organisations. The seminar was held under the auspices of the Centre for Applied Legal Studies and chaired by Mr Sydney Kentridge, SC.

Professor John Dugard was general editor and rapporteur (or compiler) of the proceedings.

The seminar criticised the commission on:

- Its composition — no blacks or lawyers with specialised experience in security legislation were included.

- Its general approach —

one of clinical analysis, rather than an investigation into how security laws apply in practice.

- Its collection and interpretation of evidence — undue reliance on evidence from police and unnamed judges, and failure to consider highly relevant legal material, medical evidence or evidence from ex-detainees.

Other criticisms included:

- The commission's failure to comprehensively examine deaths in detention. The seminar found this extraordinary because the main impetus for the commission's establishment was the death in detention of Mr Steve Biko.

- Its failure to examine the methods of interrogation used by the police to extract information from detainees.

- Its assumption that visits by magistrates, inspectors and district surgeons provided adequate safeguards — the seminar could not endorse this assumption.

The seminar was generally of the opinion that Section 6 of the Terrorism Act should be repealed.

At the seminar various safeguards to protect detainees were proposed:

- Time limits for detention.

- Judicial control of the implementation of Section 6.

- Visits to detainees by family, lawyers, independent doctors and independent visitors.

- Supervision of interrogation — for example by closed circuit TV.

- Code of conduct to act as a guide to interrogation.

The seminar saw the fundamental issue as a 'choice between building a society based on the participation and consent of all people... or attempting to govern by power and force'.

329
S. Express
4/4/82

Aggett: new delay looms

32nd Mail Reporter *KOH 5/4/82*
 THE inquest into the death of Dr Neil Aggett could be postponed again, lawyers said yesterday.

Dr Aggett, a medical doctor and trade unionist, was found hanged in his cell at John Vorster Square on February 5.

The lawyers said it was possible the third hearing in the Johannesburg Regional Court would not take place on June 1 as planned — because of the process of bringing an application before the Supreme Court.

At the April 13 hearing, counsel for the Minister of Law and Order was granted

an opportunity to ask the Supreme Court to review the magistrate's decision that a statement made by Dr Aggett 14 hours before he died be used in the proceedings.

The Minister has now served his application on the Aggett family lawyers, who are advising the family on their reply.

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UNION OF FILM EXTRAS

Nojoko is Terror Act detainee

Post Reporter 7/4/82

A KWAZAKELE Rugby Union (Kwaru) scrum-half who was detained by security police last month under Section 22 of the General Laws Amendment Act is now being held under Section Six of the Terrorism Act.

Colonel N van Rensburg of the security police today confirmed that Mr Zamuxolo Nojoko, 24, was being held in the Eastern Cape under Section 6 of the Act.

Mr Nojoko was detained on March 19 in Uitenhage.

● The Evening Post has been unable to confirm whether another Kwaru player, Mr Lulamile Lamani, is in detention.

Mr Lamani was last seen in Strand Street in the company of three men, one of them a security policeman. He has been missing for more than a fortnight.

A security police spokesman said last week Mr Lamani was not in detention in Port Elizabeth.

Detention of rugby player confirmed

329 6/4/82
E. Post

THE South African Police have confirmed that Mr Lulamile Lamani, of Port Elizabeth, is being held in detention under Section 22 of the General Laws Amendment Act.

In terms of Section 22 a person may be held for a fortnight before the terms of his detention are changed or he is released.

Eleven days ago, on March 25, it was reported that Mr Lamani, a Kwazakhele Rugby Union (Kwaru) player, was missing from home and believed detained.

He had been missing from home for a fortnight.

During this period Mr Lamani was seen by a friend in Strand Street in the company of three men, one of them a security policeman.

At the time a spokesman for the security police in

the Eastern Cape refused to confirm or deny Mr Lamani's detention, saying that he was not being held in Port Elizabeth.

A reply to a telex sent to the Police Liaison Division in Pretoria on March 27 was received on March 31. It failed to confirm Mr Lamani's detention and asked for further information, such as his nickname, address, where he was detained and any relevant information that could identify him.

Confirmation of his detention was finally received from the Liaison Division yesterday.

● Another Kwaru player, Mr Zamuxolo Nojoko, is being held in detention under Section Six of the Terrorism Act. He was previously held under Section 22 of the General Laws Amendment Act.

Haysom freed, then banned

6/4/82
Man Reporters

MR Nicholas 'Fink' Haysom, who was released from Security Police detention 10 days ago, was banned yesterday for three years in terms of the Internal Security Act.

Mr Haysom, an ex-president of the National Union of South African Students, is a lawyer with a special interest in labour matters.

He was detained by Security Police on November 27 last year, and is the fifth person banned in the past week after recent release from detention.

Last week, four Fort Elizabeth trade unionists were banned for two years after being released from detention in mid-February in terms of Section Six of the Terrorism Act.

Until his release, Mr Haysom, 29, was held in solitary confinement in terms of Section Six of the Terrorism Act. He was also detained for six days in Durban in 1980.

He was employed by Wits University's Centre for Applied Legal Studies. As a practising lawyer, he recently defended several people charged in terms of the Group Areas Act.

He was sentenced to 12 months' imprisonment in 1978 for refusing on moral grounds to answer questions in court about allegations of espionage involving a Swapo official, Mr Peter Manning.

The sentence was set aside on appeal, and he was sentenced to three months suspended for three years.

His banning order makes it impossible for him to continue his work. He may not enter an educational institution or court, and will be unable to finish his masters degree.

He is required to report to a police station once a week. He may not publish any material or be quoted, and may not attend social gatherings.

(12/18/81) (329) Jan 6/4/82

Hayson released, banned

A two-year banning order was served on Mr Nicholas "Fink" Hayson yesterday, 10 days after he was released from police detention.

The 29-year-old lawyer and former president of Nusas was detained on November 27 last year under Section Six of the Terrorism Act. He was held in solitary confinement until his release.

Mr Hayson, who represented a number of

people charged under the Group Areas Act, was a lawyer with the University of the Witwatersrand's Centre for Applied Legal Studies. He was doing research for a Master's degree on prisons when he was detained last year.

CAREER

In terms of the two-year banning order, Mr Hayson may not enter the university or any educational institution to continue his studies and cannot continue

his professional career as a lawyer.

He may not attend any gatherings, publish any material or move outside the Johannesburg magisterial district. He also has to report once a week to the nearest police station.

The banning comes in the wake of a number of crackdowns. Last week four Port Elizabeth trade unionists were served with two-year banning orders

less than a month after being released from police detention.

Last year Nusas president Andrew Boraine was meted out similar treatment when, after being detained for a number of months, he was released and then banned for five years.

It is not the first time Mr Hayson has been subject to security police attention. In 1980 he was detained for six days while in Durban.

Argus 7/4/82 329

ANC 'had role in Biko death'

Argus Correspondent

PRETORIA. — Allegations that the banned African National Congress (ANC) played a part in the death of Steve Biko were made at a Press conference by Miss Nokonono Kave, former member of the ANC.

Miss Kave, a cousin of the black consciousness leader who died in detention in 1977 and niece of Ciskei's President Lennox Sebe, has returned to South Africa after taking part in a United States Senate probe of the ANC and the role of the Soviet Union, Cuba and East Germany in fomenting terrorism in Southern Africa.

At the time of Biko's detention by the South African security police,



Miss Nokonono Kave

Miss Kave was involved in activities of the black consciousness movement in the Eastern Cape.

After fleeing from the Ciskei security police, she

was also in hiding from the South African security police in Port Elizabeth and various other places in the country, Miss Kave said.

She claimed that elements of the ANC who had infiltrated the black consciousness movement in the Eastern Cape, wanted Steve Biko 'out of the way'. They alleged that he was an agent of the American Central Intelligence Agency (CIA) she said.

Miss Kave believes that Biko was arrested after the ANC tipped off the security police of his plans to leave the country.

She told newsmen earlier this week that the PLO was closely involved in the activities of banned South African organisa-

tions such as the ANC and the PAC in neighbouring states.

According to Miss Kave, members of the PLO had been used in Angola to execute South African exiles who had become disillusioned with the ANC.

She also claimed that ANC members returning to South Africa were given capsules containing cholera germs which were to be put in water supplies.

● At an all-night vigil in Johannesburg this week for Solomon Mahlangu, the ANC member who was hanged in 1979, it was alleged that Miss Kave was a CIA agent 'working towards the destruction of the peoples' government-in-exile'.

THE two-year ban on Mr Nicholas 'Fink' Haysom, in terms of the Internal Security Act, has come after four previous spells in detention over the past six years.

Mr Haysom, a research officer at the Centre for Applied Legal Studies at the University of the Witwatersrand, was banned for two years yesterday.

He has to report to a police station once a week.

In terms of his banning order it will be impossible for him to continue his work, as he may not enter any educational institution.

Mr Haysom was vice-president of the Students' Representative Council at the University of Natal, Durban, for two consecutive years in 1974 and 1975. He was UCT SRC president and Nusas president in 1977.

He was detained the first time in 1976 under the General Laws Amendment Act. He was released two weeks later with no charges being laid.

In 1978 he was detained and subpoenaed to give evidence against Mr Peter Manning of Windhoek, charged under the Terrorism and Official Secrets Acts.

After refusing to tes-

Haysom ban after 4 spells in detention

tify he was sentenced to a weekend in jail. On his release he was immediately re-subpoenaed and sentenced to one year. On appeal the sentence was suspended.

Mr Haysom was articulated to a law firm in Durban in 1980. He was detained again that year for six days. No charges were laid.

Mr Haysom was released from his fourth spell in detention 11 days ago. He had been in detention since November.

His mother, Mrs T Haysom, said she was still in a state of shock about the banning order on her son. 'I am appalled for any-

one detained, charged or banned under the security laws,' she said.

'I have not yet been officially informed of Fink's banning order, just as I was not officially informed of his detention, nor of his release.

'How many other parents are not told when their children are bundled into vans and taken away under the security laws?'

The Detainees' Parents' Support Committee in the Western Cape said in a statement yesterday: 'Mr Haysom is the fifth person in recent weeks to be banned after release from detention. The arbitrary banning of persons which

follows their arbitrary arrest and detention can only evoke outrage and condemnation on the part of all democrats.

Before his detention in November last year Mr Haysom was one of the founders of the Detainees' Support Committee in Johannesburg. Whether detainees are held, charged or banned we shall stand behind them'

PREFECT

Originally from Natal, Mr Haysom was a prefect at Michaelhouse School in 1969. A keen rugby player he played in the first league in Natal and Cape Town.

He was a diver in the Navy in 1972 and came top in his diving course.

The Leader of the Opposition, Dr F van Zyl Slabbert, said today that in the absence of any rational explanation for the banning of Mr Haysom, 'one is left with the feeling that this was a simple act of vindictiveness on behalf of the Government.

'The use of this kind of measure is building up a legacy of resentment and anger which bodes ill for the future when the politics of negotiation will have to be entered into if we are going to survive.'

Two Kwaru players now held under Terrorism Act

Post Reporter

A KWAZAKELE Rugby Union player, whom friends last saw several weeks ago, is now being held under Section Six of the Terrorism Act, a police liaison officer has confirmed.

He is Mr Lulámile Lamani of Port Elizabeth who was originally detained under Section 22 of the General Laws Amendment Act.

A police spokesman said it was not policy to reveal where detainees were being held. It is thought possible Mr Lamani is being held in the Free State.

He was last seen by friends in Strand Street, Port Elizabeth, in the company of several men, one of them known to be a security policeman.

● Another Kwaru player, Mr Zamuxolo Nojoko, is also being held under the Terrorism Act. He too was previously held under the General Laws Amendment Act.

News 7/4/82
Players 329
detained

Argus Bureau

PORT ELIZABETH. — Two Kwazakele Rugby Union (Kwaru) players have been detained, a security police spokesman confirmed here today.

Mr. Lulamile Lamani, who was reported missing from home last month, was being held under Section 6 of the Terrorism Act, said a senior spokesman.

He would not confirm reports that Mr. Lamani was being held in Bloemfontein.

Another Kwaru player, Mr. Zamuxolo Nojoko, has been detained under the same section.

Mr. Nojoko, the only detainee being held in Port Elizabeth, was previously held under Section 22 of the General Laws Amendment Act.

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ARCUS 8/4/82

Two city ³²⁹ detainees released



MR Ebrahim Patel



MR Armien Abrahams

TWO Cape Town detainees, Mr Ebrahim Patel and a Cape Herald advertising representative Mr Armien Abrahams, were released today.

This was confirmed by the Police Division of Public Relations in Pretoria.

Mr Abrahams and Mr Patel, a former University of the Western Cape student, will return to Cape Town tomorrow by train.

The two men were detained at their homes in Cape Town on March 23. Later, while held under Section 50 of the Criminal Procedure Act, they were transferred to Johannesburg.

They were held under Section 22 of the General Laws Amendment Act which allows for 14 days detention without trial.

Yesterday was the 14th day of their detention under this Act.

Mrs Amelia Abrahams was told yesterday by

(Contd on Page 8, col 5)

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Two more detainees banned in crackdown

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8/4/82

By Carolyn Dempster
In the third State crackdown this week two more University of the Witwatersrand students, Keith Coleman (21) and Clive van Heerden (24), have been served with two-year banning orders.

The orders were dated effective as from April 2, the same day that Mr Nicholas "Fink" Haysom, a lawyer with the Wits Centre for Applied Legal Studies, was banned for two years.

Unlike Mr Haysom, however, both Mr Coleman and Mr van Heerden, who are honours students in industrial sociology, will be able to continue their studies in terms of the bans.

All three were released from police detention just over 10 days ago, after having spent up to five months alone in their cells. They were being held under section 6 of the Terrorism Act but were not charged on their release.

Expressing their outrage at the "vicious" action taken by the State, Dr and Mrs Max Coleman said they were "beginning to understand very clearly the armory of weapons which the State uses to suppress legitimate political opposition to its policies, without having to use the normal processes of the law."

"First the detention weapon is used to remove such opponents from the political arena

and to deter other would-be opponents.

Next, if the police cannot produce a charge despite the wide ranging provisions of the security laws, or the courts cannot produce a conviction, then the banning weapon can be resorted to, with the victim serving a self-monitored sentence.

"In all these cases the 'trial' is held behind closed doors, sentence is passed and punishment is meted out. All this is in the absence of the 'accused,' no reasons are given and there is no real right of appeal."

The ultimate effect of the bannings, which cast a shadow over the lives of hundreds of people each year, was only to emphasise the undemocratic nature of the Government, said the Colemans.

BRUTAL

They were speaking from Plettenberg Bay, where Keith was to have joined them for a holiday after his period in detention. Now he will be unable to leave the Johannesburg magisterial district.

In a statement expressing disgust and anger at the fresh spate of bannings, the Detainees' Parents Support Committee said bannings were becoming part of a well established pattern of behaviour by the State to intimidate and silence its opponents.

"If the Government feels these young people are a threat to

public safety and security, there is no shortage of laws with which to charge them. We challenge the Government to state openly and clearly its reasons for this brutal and intimidatory act."

This week's bannings bring to seven the number of people banned after being released from detention over the past three months.

The four Port Elizabeth trade unionists served with two-year banning orders within weeks of their release from police detention in mid-February are Mr D Makanda, Mr S Pietyana, Mr M Madlingozi and Mr Z Mjuzawe.

● Two western Cape detainees, Mr Ebrahim Patel and a Cape Herald advertising representative, Mr Arminen Abrahams, were released today, reports The Star's Cape Town correspondent.

This has been confirmed by the Police Directorate in Pretoria.

Mr Abrahams and Mr Patel, a former University of the Western Cape student, would return to Cape Town tomorrow by train, the directorate confirmed.

The two were detained at their homes in Cape Town on March 31 and later transferred to Johannesburg.

They were later held under section 22 of the General Laws Amendment Act, which allows for 14 days of detention without trial.

Yesterday was the 14th day of their detention under this Act.

(Continued from Page 1)

Security Police that her husband had been released, but was given no details.

Mrs Abrahams could not at first be informed today of details of her husband's release and departure from Johannesburg because she was at Cape Town station, expecting him to be on the train

Detainees released

Arrested 8/4/82

329

from Johannesburg which arrived at 8.30 am.

Mrs Abrahams later said it had been arranged that her husband and Mr Patel would leave Johannesburg by train tomorrow and would arrive late on Saturday.

Mrs Amina Patel said today the first hint she had that her son might be released was when an aunt in Johannesburg took Ebrahim some food. She was then informed that he would be brought to Cape Town.

She said her son's release had still not been confirmed by the attorney acting for the family.

Her son has been detained twice before, the first time during the school boycotts in 1980, when he was held for more than four months.

This is the first time Mr Abrahams has been detained.

CAR Times 8/4/82

New bill may limit reports on detentions

By MICHAEL ACOTT
Political Correspondent

REPORTING of Terrorism Act and other detentions could be severely restricted by new legislation intended to replace and tighten up the Official Secrets Act.

The legislation was introduced in Parliament by the Minister of Justice, Mr Kobie Coetsee, last week and published during this week's Easter recess.

Under pain of heavy penalties, it implicitly puts the onus on newspapers not to publish reports of a detention where this may prejudice State security and contains a presumption that prejudice was intended.

Rabie report

The Protection of Information Bill is, with a few small changes, what the Rabie Commission on security matters recommended. It does not refer specifically to detentions, but the commission said it was intended to cover reporting of detentions or anti-terrorist police actions when disclosure of information could hamper these actions.

If the government puts the same interpretation on the new bill, it could result in newspapers having to seek official clearance for reports on detentions unless the news of the detention is already widely known.

Urging the repeal of the Official Secrets Act, the Rabie commission noted strong criticism that the Act was vague and its provisions too wide. The new bill closely follows the existing Official Secrets Act, but incorporates amendments and additions recommended by the commission.

The bill does not refer to "official secrets" which the commission said was a term impossible to define satisfactorily in law.

Among the commission's principal recommendations was that obtaining or disclosing official information should only be an offence where this was done with intent to pass it on to a foreign state or agent, or where the person knew or should reasonably have known disclosure could prejudice state security.

Reintroduction

It is under the latter heading that the Bill could be used to reintroduce controversial prohibitions on reporting detentions without trial.

After a storm of public and opposition criticism, the then Minister of Police, Mr Louis le Grange, dropped a plan in 1980 to ban reports of detentions under section 6 of the Terrorism Act and section 22 (i) of the 1966

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To page 2



Car. Times 8/4/82

C From page 329
General Laws Amendment Act

The Terrorism Act provision allows for indefinite detention without trial, while detainees may be held for 14 days at a time under the General Laws Amendment Act

The proposed section in the Police Act was instead referred to the Rabie Commission, which accepted arguments raised by Mr Le Grange and senior police officers that it was not the intention to keep detentions secret indefinitely, but to prevent police being hampered in follow-up operations.

The example given by the commission is where a terrorist is detained and gives information that another terrorist was to come across the border and meet him at a particular time and place. Police said the second man would not be arrested if he was warned of

the detention of his colleague

The Rabie commission therefore rejected arguments that disclosing detentions could not prejudice state security. Its proposed law, now introduced by the government, contained a clause which the commission said was intended to cater for incidents of this nature.

The clause does not mention detentions but prohibits anyone with information which he knows, or should reasonably know, relates to the prevention or combating of terrorism, publishing or using it in a manner or with a purpose which is, or could be, prejudicial to the interests or security of the state.

This clause, the commission said, would also apply to reporting on anti-terrorist activities by the police. It said the present section 27C of the Police Act, which it said should also be repealed, is far too wide and prohibits publication of information which need not

hamper police action.

Penalties for disclosure are a maximum fine of R10 000 or ten years' imprisonment, or both. Where disclosure was intended for a foreign state or hostile organization, the maximum penalty becomes imprisonment for up to 20 years without the option of a fine.

The commission was strongly opposed to prohibiting reports of information already known to many people — such as where detentions took place in public or the news had been widely spread by word of mouth — or which could not in any way prejudice state security.

Third bill

The bill is the third introduced this session following the government's acceptance in principle of the Rabie commission's main recommendations. The other two create a new offence of intimidation and prohibit demonstrations in or near courts.

The commission's main draft legislation, a lengthy Internal Security Bill which would replace the existing Internal Security Act, the Terrorism Act and other security measures, has not yet been turned into government legislation.

Kruger nearly quit over Biko

By NEVILLE FRANSMAN

MR JIMMY Kruger, former Minister of Justice, has reacted angrily to the Burger's suggestion that he should have resigned following his statement that black consciousness leader Steve Biko's death in detention "leaves me cold".

Last night he disclosed he had been willing to resign after his "slip of the tongue" statement.

Speaking from his Pretoria office, he said: "I discussed the possibility of resignation with Prime Minister Vorster and indicated my willingness to resign."

"After we considered the pros and cons we decided I should not resign."

"But why should I be singled out now after so many other ministers have made mistakes?"

Mr Kruger was referring to a Burger leading article saying that Lord Carrington, the British Foreign Secretary, had admitted he had erred with regard to Britain's handling of the Falkland Islands issue and was therefore quitting his post.

Ministerial errors

"Such action is unfortunately unknown in South African public life," the Burger said. "How many times has it not happened that a South African minister has committed a severe error of judgement, but has consistently denied it and has remained in his post, to the embarrassment and disadvan-

tage of his government and his country."

The Burger said if Mr Kruger had quit his job after his "extremely damaging utterance" on Steve Biko's death, the country would have been spared much abuse and calumny.

Mr Kruger said last night he apologized to the Prime Minister at the time for his "it leaves me cold" statement and had offered to resign.

It was a slip of the tongue because I have a tremendous amount of compassion for people in detention.

"After considering the pros and cons it was decided I should not resign as Minister of Justice."

Singled out

"But I can't see a parallel between my expression of an opinion and Lord Carrington's being accused of dereliction of duty."

Mr Kruger believed he was being singled out unfairly by the Burger as other cabinet ministers had gaffed similarly.

He mentioned the statement by the Minister of Health, Dr Lapa Munnik, that pensioners could live on R20 a month, the reference by the Minister of Law and Order, Mr Louis le Grange, to the alleged Seychelles coup attempt as "running around the bush and shooting out a few windows", and the statement by the Minister of Posts and Telecommunications, Mr Hennie Smit, that blacks were slow thinkers.

● Leading article, page 8

Two Wits students banned

Own Correspondent

JOHANNESBURG. — Two University of the Witwatersrand students, Mr Clive van Heerden, 24, and Mr Keith Coleman, 21, have been banned for two years in terms of the Internal Security Act.

This brings to seven the number of people banned within days of their release from Security Police detention.

Mr Coleman and Mr Van Heerden, both post-graduate industrial sociology students, were detained in terms of section six of the Terrorism Act on October 24, 1981.

Former co-editors

Both former co-editors of Saspu National — a student publication banned last week — they were released 12 days ago after months in solitary confinement.

Their banning orders permit them to continue their studies.

On Friday, Mr Nicholas "Fink" Haysom was banned for three years, 10 days after being released from detention.

And last week, four Port Elizabeth trade unionists — Mr Dumile Makanda, Mr Siphos Pityana, Mr Maxwell Madlingozi, and Mr Zandile Mjuzawe — were banned for two years after being held in terms of section six for nine months. They had also been recently released.

Bannings for another two ex-detainees

By ANNE SACKS

TWO University of the Witwatersrand students, Mr Clive van Heerden, 24, and Mr Keith Coleman, 21, have been banned for two years in terms of the Internal Security Act.

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Mr Coleman was due to fly to Plettenberg

Bay today to join his family for a holiday, but his banning order restricts him to Johannesburg.

Expressing its disgust and anger at the bannings, the Detainees' Parents Support Committee yesterday described them as an outrage of justice.

"Banning, like detention, is used by this Government to intimidate and silence its opponents," it said.

"It's part of a well-established pattern — Andrew Boraine, Firoz and Azir Cachalia, Sammy Adelman, Fink Haysom, and the four trade unionists all suffered a similar fate.

"If the Government feels that these young people are a threat to public safety and security, there is no shortage of laws with which to charge them.

"And if, after months of detention and interrogation, the Security Police cannot find enough evidence to bring them to court, then it is an outrage of justice to ban them so that they cannot defend themselves against their secretive accusers.

"Those who have imposed these bannings, have imprisoned, interrogated, judged and now passed sentence on their victims."

Mr Helen Suzman, PPP's spokesman on civil rights, described the bannings as barefaced persecution.

Parents lash Masa's stand on detainees

By ANNE SACKS

THE special health group of the Detainees' Parents Support Committee has lashed out at the Medical Association of SA for its "inconsistent" stand on State health care of security detainees.

Under attack is the view of Masa's Federal Council that "these people (the State) are trying to provide the best possible physical and mental care (for detainees)".

This statement was made by the federal council chairman, Professor Guy de Klerk, after a meeting with the Ministers of Law and Order and Justice. It was broadcast on Radio Today on March 18.

The DPSC health group says the statement contradicts a 1980 federal council statement that the doctors treating the late Mr Steve Biko did not have complete clinical independence, and that Mr Biko's treatment would probably have been different if he were not a security detainee.

They claim the statement also contradicts a 1981 Masa report which says the recommendations of Mr Biko's doctors — Dr Ivor Lang and Dr Benjamin Tucker — were overruled by Security Police.

The health group says: "It is indeed a contradiction to accept the bona fides of the State's health care system after clearly documenting the compromised health care given to detainees".

The contradiction rendered Masa's earlier statements meaningless, which was emphasised by Dr Neil Aggett's death and the hospitalisation of at least nine detainees, it said.

"It took 45 deaths in detention before Masa acknowledged there was a problem.

"There have now been at least 50 deaths in detention. How many more deaths will it take for them to take action in applying pressure to ensure adequate health care for detainees?" the group said.

It said Masa had not committed itself to the DPSC move to incorporate independent doctors because it "has done and is doing everything in its ability to ensure that prisoners and detainees receive proper medical care".

But Masa's lack of support was in stark contrast to the positive response to the DPSC

campaign from health groups and medical associations both locally and abroad.

Several of the more than 180 medical groups contacted by the DPSC had already pledged their support to the parents' demand to have their detained relatives seen by an independent panel of doctors.

The health group questioned Masa's Radio Today statement, accusing it of making "no active effort" to alter the medical treatment of detainees; of being non-committal about discriminatory health practices; and of placing State security above the needs of patients, even though it condemned mixing health and politics.

Prof De Klerk's radio statement also brought into sharp focus a number of related issues the health group finds unacceptable.

He said detainees were tied to State doctors for a second opinion — although this was contrary to medical ethics. But for security reasons, it was "probably the only way in which it can be handled".

The health group condemns this view, saying it shows Masa's possible lack of confidence in the integrity of doctors.

Prof De Klerk suggested a medical panel be submitted for security clearance so a patient could choose, but then agreed with the Ministers that such a panel would be labelled a "stooge committee".

The health group said it could not see how a panel of doctors not appointed by the Security Police would be called a "stooge committee".

It also could not accept that:

- Masa should not concern itself with whether the law is right.

- The physical, especially psychological, welfare of detainees is of prime importance to the Security Police because their methods totally contradict this.

- District surgeons and Government-appointed specialists could provide a service equal to or better than any hospital service, especially because of the lack of privacy and confidentiality in the present system.

Prof De Klerk said Masa had a direct line of communication with the Minister of Justice. But the DPSC asked if the same applied to the Minister of Law and Order, since Section Six of the Terrorism Act falls under him.

The DPSC also invited Masa to establish a direct line with it. Thus far the parents have not heard from Masa.

Redgrave to sue PSO over 'Odious Deal'

Bill could limit news of detention

ROOM

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4/13

8/4/82

Political Staff

HOUSE OF ASSEMBLY.

PLANNED new legislation to replace the Official Secrets Act could severely restrict the reporting of Terrorism Act and other detentions.

The Protection of Information Bill implicitly puts the onus on newspapers not to publish reports of a detention where this may prejudice

state security — and presumes that prejudice was intended.

The Bill was introduced in Parliament last week by the Minister of Justice, Mr Kobie Coetsee, and was published during this week's Easter recess.

With a few small changes, the Bill is exactly as recommended by the Rabie Commission of Inquiry into Security Legislation.

Although the Bill does not refer specifically to detentions, the commission said new legislation was needed to prevent newspaper reports from hampering anti-terrorist police action.

If the Government adopts the same interpretation, it could mean newspapers would need official clearance for reports on detentions unless news of the detention was already widely known.

The commission urged the repeal of the Official Secrets Act because the Act was too vague and its provisions too wide. A principal recommendation was that obtaining or disclosing an official secret should only be an offence when this was done with intent to pass it on to a foreign state or agent, or where the person knew, or should reasonably have known, this could prejudice security.

Under the latter heading, the Bill could be used to re-introduce provisions prohibiting reporting on detentions.

In 1980, after a storm of public and Opposition criticism, the then-Minister of Police, Mr Louis le Grange, dropped a plan to ban reports of detentions under Section Six of the Terrorism Act and Section 22 (1) of the 1986 General Laws Amendment Act.

Section Six allows for indefinite detention without trial, while Section 22 allows for 14 days' detention.

The proposed section — in the Police Act — was referred instead to the Rabie Commission. Mr Le Grange and senior police officers argued they did not intend to keep news of detentions secret indefinitely. But if a terrorist was detained, and told police another terrorist was to cross the border for a rendezvous, the second man would not be arrested if he saw in the media that his colleague had been detained.

The Rabie Commission accepted this argument. Its proposed law — now embodied in the new Bill — contains a clause covering this.

The official Opposition's chief justice spokesman, Mr Dave Dalling, said last night the FPP would strongly oppose any measure enabling the Government to lock up people — while preventing news of detention from reaching the public.

He said it was "a disgrace" that three Bills arising from the Rabie Commission tightened the Government's hold on the freedom of ordinary citizens, while no effort had been made to implement recommendations lightening the burden on the individual.

The commission said Section 27C of the Police Act should be repealed because it stopped newspapers publishing information not necessarily hampering the police.

Now he can study ³²⁹

By SAM MABE
THE banning order on former Soweto high school teacher and secretary of the Teachers' Action committee, Mr Fan-
yana Mazibuko, has been relaxed to allow him to study for his B Sc

8/4/82
degree at the University of Witwatersrand.

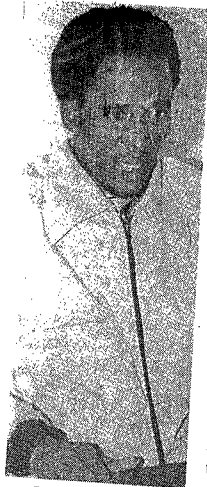
This was confirmed yesterday by Mr Mazibuko's wife, Miriam, who said her husband was called by Wits University's authorities to inform him that the Department of Justice has relaxed his order to allow him to study.

This brought an end to a 13 months' anxious wait by Mr Mazibuko, who made two applications, one to the Department of Co-operation and Development — for permission to study in a white university. The second was for the relaxation of his banning order.

^{Sowetan}
The Department of Co-operation and Development gave its consent soon after he had applied but he heard nothing from the Justice Department.

Mr Mazibuko's wife said: "While we are happy that my husband will be able to get to the campus to further his studies, we are not going to sing 'Glory Halleluja' over this relaxation."

"I believe that studying is one of his basic rights as a human being and what has happened now, ought to have happened without all the unnecessary procedures."



MR NORUSHE

Union man 329 out of jail 171

9/4/82 D. Dispatch
EAST LONDON — The former secretary of the African Food and Canning Workers' Union here, Mr Bonisile Philemon Norushe, sentenced to one year's imprisonment for refusing to give evidence in a security trial on April 8 last year, has been released.

Mr Norushe, 35, telephoned from Queenstown yesterday in an attempt to contact union officials here to arrange transport for him to return home.

He said he was released from a prison

near Pretoria on Wednesday and given a rail warrant to East London. He will arrive in East London today.

Mr Norushe said he was in good health.

He was sent to prison when he refused to give evidence at a trial. The man accused was cleared of membership of the ANC, but convicted of possessing and distributing banned literature. He was sentenced to an effective six months' imprisonment and a further three months (or R250). — DDR.

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Released
Cape Town 9/4/82
detainees
not traced

Staff Reporter 329

THE wife of a Cape Town detainee reported to have been released in Johannesburg yesterday is concerned about his whereabouts.

Mrs Amelia Abrahams said yesterday that she had been unable to establish from security police the whereabouts of her husband Arminen and another City detainee, Mr Ebrahim Patel.

Mr Abrahams and Mr Patel were detained at their homes on March 23 and transferred to Johannesburg, where they were held under Section 22 of the General Laws Amendment Act.

Mrs Abrahams said security police at John Vorster Square in Johannesburg had told a relative yesterday afternoon to be in Dunnotar, 400km from Johannesburg, before 4pm to fetch the two men. The relative had said it was impossible to reach Dunnotar in the short space of time.

'Held at Protea'

"I also heard they had already been released from their prison cells, but were walking around in the yard of some police station," she said.

Mr Abrahams and Mr Patel are believed to have been held at Protea police station in Soweto.

"I am very concerned for them both. We don't know where they are," Mrs Abrahams said.

A spokesman for the Police Directorate of Public Relations in Pretoria said yesterday that both detainees had been officially released yesterday and would be put on board a train to Cape Town early this morning. They were expected to arrive in Cape Town early on Saturday.

The spokesman said he did not know where the two men were at present.

Champions of Section 22

By Trevor Jones

Advertisements placed in two Johannesburg newspapers last week announced the formation by four businessmen of the Security Forces Support Committee which sees detention without trial as the "most effective weapon against revolution, terrorism and subversion."

The men, all formerly "associated" with the security forces, have formed the committee in reaction to the Detainee's Parents Support Committee (DPSC) and "the one-sidedness of reports about the security forces and detention without trial. They are: Mr. Paul Asmussen, Mr. Jonty Leonas, Mr. Jan Smit and Mr. T. Lupini. "It's got a bit rough.

The security forces are being slated left, right and centre," said Mr. Asmussen. "We are not a political body, we are merely supporting the laws of the country and bolstering those who defend it."

The committee invited all concerned South Africans to sign a declaration thanking the security forces for their "unremitting defence of South Africa and all its people."

In reaction to the advertisement, a spokesman for the DPSC said it was pleased that its activities had had so much impact that the need had been felt to launch into propaganda to justify such a system of detention.

He challenged the authors of the advertisement to debate these issues on a public platform.

Clash in Tucsa over detainees

By Drew Forrest

A row has erupted within the Trade Union Council of South Africa (Tucsa) over the federation's refusal to back a petition against detention without trial which has been organised by the Detainees Parents Support Committee. The council's objections to the petition — which calls for "the release of all detainees and the abolition of the detention laws" — are set out in a circular recently distributed to its affiliated unions.

In this, Tucsa general secretary, Mr Arthur Grobbelaar, says that

Tucsa has always opposed detention without trial but cannot subscribe to the abolition of all laws in respect of detention since this would imply that Tucsa sought the abolition of the rule of just law.

The circular has drawn a sharp response from Mr Tom Mashinini, an organiser in Tucsa's largest black affiliate, the National Union of Clothing workers. His wife, Emma, is currently in detention.

Interviewed in the Garment Worker Mr Mashinini said: "We are obviously referring to detention without trial under security legislation. It would be ridiculous to refer to thousands of other detainees who might be awaiting trial prisoners who have had charges laid against them."

Aggett inquest ⁽³²⁹⁾ ^{stay 10/4/82} to reopen

By Joe Openshaw

The inquest into the death in detention of Dr Neil Aggett will reopen in the Johannesburg Magistrate's Court on Tuesday and is expected to last two weeks.

When the inquest opened on March 2 it was almost immediately postponed by the magistrate, Mr L de Kock, to allow Dr Aggett's family to petition the Minister of Police for

access to fellow detainees of Dr Aggett.

The postponement was asked for by Mr George Bizos, on behalf of Dr Aggett's family, who said it was necessary so that the legal team could also be put in possession of affidavits from policemen who were in control of Dr Aggett at the time of his death.

Mr Bizos also sought immediate inspection of the cell in John Vorster Square where

Dr Aggett died, the adjacent cells as well as the interrogation rooms.

Mr de Kock told Mr Bizos that the inspection of cells would have to wait until the authorities had made alternative accommodation available for detainees and that his request would have to stand down until April 13.

The affidavits by policemen were made available as soon as the

court rose.

Mr George Bizos SC and Mr D Kuny, instructed by Bell Dewar and Hall, will appear for Mr and Mrs J A E Aggett, parents of Dr Aggett.

Mr P C Haasbroek and Mr H G de Vries are appearing for the State to assist in leading evidence.

Mr P J Schabert SC and Mr S F Burger appear for the Minister of Police and the South African Police.

FOUR BACK

W/C News 10/4/82

DETENTION

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1/2/82

Weekend Argus Correspondent

JOHANNESBURG. — Advertisements in two Johannesburg newspapers announced the formation by four businessmen of the Security Forces Support Committee — an organisation which sees detention without trial as the 'most effective weapon against' revolution, terrorism and subversion.

The four, all formerly 'associated' with the security forces, have formed the committee in

reaction to the Detainees' Parents Support Committee (DPSC) and the one-sidedness of reports about the security forces and detention without trial.

They are: Mr Paul Asmussen, Mr Jonty Leonas, Mr Jan Smit and Mr T V Pini.

INVITATION

The committee invited all concerned South Africans to sign a declaration thanking the security forces for the 'unrelenting defence of South Africa and all its people'.

The advertisement was published by The Star and the Afrikaans Sunday newspaper, Rapport.

In reaction to the advertisement, the De-

tainees' Parents Support Committee said it was pleased that its activities had had so much impact that the need had been felt to launch into propaganda to justify a system of detention 'which in civilised countries has been held to be torture'.

A spokesman for the committee challenged the authors of the advertisement to debate these issues on a public platform, thus allowing the public to judge for themselves.

● A row has erupted within the Trade Union Council of South Africa (Tucsa) over the federation's refusal to back a petition against detention without trial which has

been organised by the Detainees' Parents Support Committee.

The council's objections to the petition — which calls for the release of all detainees and the abolition of the detention laws — are set out in a circular recently distributed to its affiliated unions.

Tucsa general secretary, Mr Arthur Grobelaar, says that Tucsa has always opposed detention without trial but that the federation 'cannot subscribe to any attempts which seek the abolition of all laws in respect of detention, since this would imply that Tucsa sought the abolition of the rule of just law'.

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Comment

April 1982

People behind b

by Jenny Schir

The National Week of Protest against Detentions is over. A week after it ended, eight detainees were released in Johannesburg. In another country, we might have welcomed this as a new response to reason on the part of the government; an indication that public pressure and publicity does have an effect. But that is not the case. Over one hundred people are still in detention.

Two days after the week of protest ended, two more people were detained. The release of the eight was accompanied by charges against three co-detainees under a catch all clause of the 'Terrorism' Act. It is clear that the release of the eight was in no sense a response to our campaign. The police had just completed their case and they released those they were unable to

frame. The government is satisfied. They have three people they can sell to the public as 'terrorists'. The cost is nothing to them.

Neil Aggett is dead; two detainees in psychiatric wards; five months out of the lives of those released; the anxiety of their families and friends. In its misguided efforts to repel the 'total onslaught', the government respects nothing. More and more South African lives are being subordinated to the narrow interests of the white tyranny that parades as the government.

The detainees are just one group of casualties momentarily drawn to our attention by the grossness of their treatment, and by one of them having

been killed.

The other casualties are all around us. The Nyanga squatters in St George's Cathedral, the Mpetha Trial, the jailed objectors to military service, the unemployed, the banned and exiled, the prisoners on Robben Island and Pretoria Central, the deaths of young South Africans on both sides of the Namibian border.

But the existence of casualties is evidence of a struggle. A struggle in which the oppressive government is met by an increasingly wide range of organisations throwing their weight behind the fight for a democratic South Africa.

Throughout South Africa, organisations

My dad's in detention... by Peter Mayson

Did you know that over 200 people are in detention?

Did you know that some like pumpkin?

Did you know that Aurret enjoys riding motorcycles?

Did you know that Cedric doesn't like popcorn because it gets stuck in his false teeth?

As you read the list of detentions and this, my family story, I want you to imagine your mother, father, son, daughter, lover in jail - in communicado - indefinitely - hopefully alive... and sane.

In June 1974 my father (Rev Cedric Mayson) left the ministry to work full time with the Christian Institute. In December 1976 he was detained while on honeymoon and held for two weeks. For the first three days and nights he was questioned continuously for 70 hrs by different groups of interrogators. He was released without any charge being laid.

In October 1977 he was banned for five years and restricted to the Magisterial District of Johannesburg. In July 1981 this restriction order was lifted and he started working with the Institute for Contextual Theology.

On Friday 27 November 1981, I received a phone call from my brother saying that the security police had searched the homes of my father, my brother and myself. At 5.00am, 13 security police arrived at my father's house and searched for two and a half hours - then left with my father.

Part of the "evidence" that they took with them was my brother's Physics file, which, since he was writing exams at the time, we were allowed to fetch from John Vorster Square. Remembering his 1976 detention, think how we felt when at John Vorster Square we saw my father through the opaque glass in the next room. He was standing with his hands handcuffed behind his back being interrogated.

The next time we saw him was three days later when they brought him home to search the house again. Imagine the effect on the mind of my three year old sister when her daddy was brought "home" in such a state that he did not

see, or did not care to see, her standing in front of him.

At Christmas, due to the direct pressure of the people involved in the Detainee Parent Support Committees, my step-mother and my three year old sister were allowed to see him. My sister's response was that she wanted to sleep in jail to be with him.

On February 5, Neil Aggett's life ended. Again pressure was put on the authorities to allow families to check that their relations were alive. Some were allowed to - some not. Now three and a half months later some people are allowed visits - some not.

Some can take the waiting - some not. Last week I heard that my 16 year old sister had a minor breakdown.

All we do now is wait and feel sick in the stomach every time detentions are mentioned. And pray every time the phone rings that it is not a message to say "Don't worry about your father anymore - he's dead!"

But we can do more. We can stand together and demand the release of all detainees. It is our duty and our right. And we will only get that through SOLIDARITY.

ars

iner and Martin Nicol

are developing which call for the creation of participatory democracy in South Africa. In the work place there is the independent trade union movement. In the community, there civic and resident's associations in opposition to the government created Management Committees and Community Councils.

There are women's organisations taking up issues that affect women directly and demanding women's full participation in the decision-making in all areas of life. Youth groups mobilise the youth of South Africa in the struggle for a country in which all who live in her shall participate in the running of the country at all levels - in the economy, in the political arena and in all social aspects of life.

The State acts against this democratic movement by action against individuals in the belief that by removing the leaders they will crush the movement. But their agitator thesis is wrong. The organised opposition in South Africa is a response to the conditions under which people are living, and not to the deeds of the 'agitators'. It is a broad-based recognition of the inequalities oppression and exploitation in our country.

The use of detentions by the State is part of a justificatory ideology - it enables them to argue that there cannot be smoke without a fire. There is a fire - and that is the commitment of the people of South Africa to building a country in which the government is based on the people's demands. And we must recognise that while that flame burns, the repression meted out by the government will not stop.

Our demand is RELEASE ALL DETAINEES AND SCRAP THE SECURITY LAWS. We reject the old call of 'Charge or release' because we reject the laws and institutions under which 'security' charges are framed and processed. The South African courts have for a long time operated within a judicial system that is fundamentally unjust.

Firstly, the laws have been made by a minority government that in no way represents the interests of the majority of South Africans. Many a time it has been said by true democrats that they refuse to obey the laws of a Parliament in which they have no say.

Secondly, the security legislation that



is in this country's statute book is such that it criminalises a wide range of acts of opposition to government policy. The Terrorism Act and the Internal Security Act are couched in such wide ranging terms that any individual is liable to conviction.

Thirdly, no trial in which the accused has endured an extended period of solitary confinement and interrogation, and which relies on the evidence of people who have been similarly detained, can be considered in any way a fair or just trial. Recently a number of psychologists have spoken out about the psychological effects of solitary confinement and have argued that statements made under such conditions should not be admissible in court.

The detention issue has to be taken up on two levels. Firstly, in all forms of organisation in opposition to the government, people need to recognise the reality of detention, and to organise in such a way that the impact of detention on the organisation will be lessened. But further to that, the issue of detention is itself a site of mobilisation of people for a democratic South Africa.

By organising around this issue we can strengthen our ranks. We can offer some protection to those of us who are inside, by bringing the issue of detention and solitary confinement into the public eye. The Detainees' Parents Support Committees of Johannesburg, Durban and the Western Cape have forced the government to give some limited rights for people in detention over the last six months.

We can prepare ourselves and our comrades for the possibility of detention by discussion of the security legislation and the conditions of detention, the effects of solitary confinement and the political decisions that one is faced with in such circumstances. The security legislation and detention system reflect the anti-democratic and oppressive nature of South African society.

In our struggle against oppression and exploitation in South Africa, it is our responsibility to mobilise forces against the system of detention and the security legislation. The struggle must continue on all fronts.

Pray for detainees

As breath is to the body, so is prayer to the believer. It is ever-renewed union with God to whom we offer praise and thanksgiving, confession and intercession.

Prayer is our response to the love God lavishes on all, even the humblest. But it is also a discipline, a school in which we are to learn and grow. And one aspect of this discipline is intercession for those who have been withdrawn from public life by the state and are in danger of being forgotten. Also for their families who live in anxiety, grief and fear, and for the authorities who take to themselves and wield such awesome power.

... that you may know that I am the Lord,
Israel's God who calls you by name.
(Isaiah 45.3)

These prisoners are not nameless faceless wraiths. They are unique persons, known, named and loved by God who gave His Son for them. Therefore we pray for them by name and by so doing learn to share His love for them. In *Let my people go*, a source-book of prayer for prisoners of conscience, Michael Evans writes:

"Concern for prisoners of conscience should be more than a concern for a vague nameless group. We can find out about individual prisoners, and express our concern for the hundreds of thousands (around the world) by concentrating our active concern on a few. Continuous and persistent prayer for prisoners of conscience is vital. We express our faith in God's care for the oppressed, and we follow the example of the first Christians who prayed for Peter when he was in

prison (Acts 12.5,12)."

Learn, pray — and act

Colin Morris in his booklet *The Captive Conscience* writes that as a general rule we would be wise to assume that

whenever we pray for someone, other things being equal, God is more likely to use us than anyone else to be the agents through whom he answers our prayer.

Whether we agree with Morris or not, as we pray let us be open to the prompting of the Holy Spirit, directly to us or through the corporate fellowship of the Church and those in the Church, who have a special ministry in regard to Christian social responsibility. For we need to work as if everything depends on work, as well as pray as if everything depends on prayer.

List of detainees

The following list is as accurate as possible. Due to the arbitrary nature of state action and legislation there are many difficulties keeping a list of detainees. Many people are not even informed of the detention of their relatives. Nor is the public kept informed. It is only when this kind of information is published that such news becomes public.

January 1981

Paulus Moeketsi (scholar)
Paul Tati (scholar)
Andries Tshkisho (scholar)
Mbomgemi Mabiku (scholar)
Thomas Plaatjies (scholar)
Lutando Walker Charlie (scholar)
Moloduwane Matiewe (scholar)
Andrew Sesenyomase (teacher)
Matidi Ntshakang
Selby Mavusa
David Tebela
Mokeng Kgwere (COSAS)
Kariborvad Lekhumbi
Michael Lethoko (Refugee)
Macacisi Gwebu
James Gadi (Democratic Proq. Party)

Chima Jalakumeri
David Mashabele Khaobone

February 1981

Richard Makinana
Nelco Matshwayo - Charged
Danile Tokwe (Rowntrees worker)
Thembi Kile Tshungwa
Lawrence Ntlokoa (Young Christian worker)
Gideon Duze (72 years old)
Thaba Dibe
Pule Dibe
Thomas Moshaba (Insurance agent)
Thomas Masi (COSAS)

March 1981

Pillay Mdatyulwa
Vusi Gqaba (COSAS)
Norman Ngwedzeni
Arlone Ngwedzeni
? Ngwedzeni (scholar)
Wellington Mpalweni
Phillip Mdema (student)
Zacharice Maleko
Ceddie Khumalo
Stella Masuku
Abram Msimanga
Alfred Kgomare

April 1981

Boy Mondli (SAAWU)
Ceric Mntonga (SAAWU)
Captain Ngabose (SAAWU)
Manslisi Nojaholo (SAAWU)

Siven Khunjunzwa (SAAWU)
Velile Yenkle (SAAWU)
Sam Toiwe (SAAWU)
Sloki Gaawu (SAAWU)
Zolo Huthusi (SAAWU)
Manzengi Higo (SAAWU)
Elliot Ziwelo (SAAWU)
Dumer Nibe (SAAWU)
Jeipy Mnyomona (SAAWU)
Colin Sitvata (SAAWU)
Richard Mtati (SAAWU)
Chima Kala
Johan Jazi
Telford Velopi (SAAWU)
William Plaatjie (SAAWU)
Melvin Somete (SAAWU)
Magale Segale (BPC)
James Moleya (BPC)
Zodwa Radebe (Tembisa Resident Action Committee)
Dorothy Mathabathe (TRAC)
David Nkosi (TRAC)
? Shasona (TRAC)
Ben Mashiyane

May 1981

Bessie Mdoda
Mzumzima Mayekiso
(Ibonda Lindntu Church)
Them Mizonto (ILC)
Velile Maninjwa - Charged
4 Others - Charged
Douglas Mzinwa

June 1981

Samule Pule
Zim Nondumo (CYA)

Lulu Johnson (CYA)
Luem Stanley (CYA)
Sydney Khotsa Seatholo - Sentenced to 10 years
Mary Mosabata Loate - Sentenced to 10 years
Selby Seimela (SSRC)
Barney Mokhatle (SSRC)
Absalom Mofokeng (SSRC)
Peter Lengene (SSRC)
Marks Mdeke (SSRC)
Don ? (SSRC)
Mmabate Loate (Azonya)
Cantar Seleke (Azonya)
Solomzi Alec Selani (Azonya)
Andries Maropeodi (Cosas)
Job Johnson (COSAS)
Ketsi Ndabeni (AZAPO)
Phidian Masho Matsepe (student)
Geina Malindi (COSAS) - Charged
Lucky Twala (COSAS) - Charged
Sydney Maloka (COSAS) - Charged
Jethro Tshobongu (COSAS) - Charged
Tseko Johnson (COSAS) - Charged
Stanley Khubeka (COSAS) - Charged
Gordon Khubeka (COSAS) - Charged
Moses Thula (COSAS) - Charged

Comment April 1982



Job Mlahlae (student)
 Elsie Mathebadi (student)
 George Miti (student)
 Jaffy Mkhefa — Charged
 Mandlo Dlamini — Charged
 Matthew Phillips
 Mgiyi Mkhululi (student)
 Jabulndri Ngoba — Charged
 George Sithole — Charged
 Emmanuel Dlamini
 Petuis M. Motisi

July 1981

Lucky Behbile (NUMARW)
 Caldon Ngwala (NUMARW)
 Ronny Bartman (NUMARW)
 L. Windvoel (NUMARW)
 Mary McCarthy (NUMARW)
 Pagle Ralana
 San William Moses
 Namkandazo Booi
 Ntembizende Boci (scholar)
 Malusi Kunene
 Nayhose July (scholar)
 Titi Alocia Mtenyone (SSRC)
 — Charged
 Roy Kerswa (Transkei Defence Force)
 Rto Lugengolo (TDF)
 Mododa Twana (scholar)
 Douglas Kerse
 Penrose Pobana
 Malungisa Jaka (SAAWU)
 Gerald Mahlongeni (SAAWU)
 Nokimemi Ntshonyona (NUMARW)
 Thembile Bob (NUMARW)
 Vuyisile Rasmeni (NUMARW)
 Mbulelo Samona (NUMARW)
 10 Factory Workers

August 1981

M. Zitulele
 Mdncedisi Mdusulwana
 Nkosinathi Mbeki
 Loyiso Majeke (SAAWU)
 Luyando Mayekiso
 Dumisane Mawinjwa (SAAWU)
 Thobile Mawinjwa
 Mzimosi Venkile
 Nelson Gjijima (SAAWU)
 Junior Sallhna (student)
 Khayalethu Mbena (Principal)
 Douglas Sparks
 Alfred Marwalquna
 Makalompwe Gqobo (clerk)
 Xolani Mtyuda (clerk)
 Richard Shologu (clerk)
 Spho Notamo (clerk)
 Singisa Gcuwa (clerk)

Luleke Mvume (Railway worker)
 Mxolisi Mpoma (Railway worker)
 Zolile Kobo
 Les Lax (student) — Charged
 Elaine Mohammed (student) — Charged
 Michael O'Donovan (student) — Charged
 Nkululeko Wase
 Vuyisile Singata (worker)
 Baba Bolo
 Stanford Thwani
 Petras Ntuli (schoolboy)
 Siphio Gumede (SAR worker)
 Jabuleni Ntembela (civil servant)
 Jamsonqua Dick

September 1981

Phillip Matthews (AYC)
 Mncedisi Makalima (SAAWU)
 Bekinkosi Diemlemba
 Cedric de Beer (EDA)
 Barbara Flagan (EDA)
 Mohammed Omar (student) — Charged
 Yunass Haniiff (student)
 Mandla Mthembu (Sached) — Charged
 Robert Adam (Sached) — Charged
 Auret Von Heerden
 Alan Fine — Charged

October 1981

Danile Bengoa
 Jimmy Lukhele
 Ida Matha
 Haunchen Koornhof (teacher)
 Jacob Musi
 Arabang Mahamolane
 Patience Bokala
 Jeremiah Tihobane (COSAS)
 Alec Mbatha (Fieldworker)
 Khosi Mbatha (Alec's wife)
 Dudu Mbatha
 Richard Mthembu
 Zinisa Mthethwa
 L. Moremedi
 Reg. Oliphant (teacher)
 Ida Matha
 Jeffery Solomon
 Cameron Jense (West Bank worker)
 19 P.E. Unionists

205 Ciskei Unionists
 Charged

November 1981

Johnny Issel (Urban Churches Planning Comm.)
 Jacob Molebatsi
 Vincent Popane (student)
 Tshifhula Maumel
 Hosia Mutshekwa
 Muendanyi Mahomba (minister)
 T.S. Farisani (BPC)
 Simon Nesisiwe
 Caleobos Mulaudzi
 Ramano Tshikororo (Lutheran Church)
 Shamisini Marema
 P.M. Phosibwa (minister)
 Frank Chikone (minister)
 Monty Narsoo (Trade Unionist)
 Patrick Maqubela (Lawyer)
 Cecil Sols (Young Christian students)
 Oupa Masuka (COSAS)
 Cemima Mashinini (CAWUSA)
 Sam Kikine (SAAWU)
 Samson Nda (GAWU)
 Merle Favis (Editor: Labour Bulletin)
 Pravin Gordon (NASC; NIC)

Yunus Mohammed NASC; NIC)
 Cedric Mayson (Former member of C.I.) — Charged
 Mary Ntseke (GAWU)
 Prema Naidoo (Anti-SAIC) — Charged
 Michael Pace (student)
 Movembric Reddy (student)
 Jabulani Ngwenya (COSAS; GAWU)
 Ezekiel Moya
 Litha Jalabe (student)
 Phulekine Ngguka (Attorney)
 Gabula Ndomse (Translator for Gana magazine)
 Thandi Mbatha (daughter of Alex Mbatha)
 Jongitemba Tyeni
 Boyce Melitaka
 Samson Dube
 Ratehaka Ratshitansa
 Titi Mthenjane
 4 Unnamed people;

December 1981

Sisa Njikelana (SAAWU)
 Cepic Mtanga (SAAWU)
 Alfred Kgamare (COSAS)
 Luyanda Mphahlw (student)
 Nbuldo Hango (clerk)
 Zomasni Jali (Businessman)
 Zelisa Mbele (Law student)
 Freddie Schrouder
 Alfred Apolis (Escom)
 5 Unnamed people (3 alleged ANC arms cache; 2 alleged guerrillas)

January 1982

Larish Nanabhai — Charged
 N.P. Phaswane (minister) — Charged
 Michael Jenkin — Charged
 Frank Anthony
 M. Khavela (Lutheran Church)
 Ismael Momoni (lecturer)
 Benjamin Julius (student)
 Lionel Scholtz (student)
 Tom Barends
 Roger Gelont (student)
 Julian Sauls (student)
 Johannes Mamel (student)
 Charles Claims (textile worker)
 Jerrit Stellenberg
 4 Unnamed people

February 1982

Isaac Ngaabe (SAAWU)
 Oscar Leboane
 Fatima Isaacs
 Sarah Rodebe
 Mthuluzeli Machlalani
 Maxwell Mafoka
 Patel Ebrahim (UWC student)
 Abrahams Arunen

March 1982

William Awab (ex Robben Island; ANC)

Objection

ARGUS 13/4/82 329

in court to statement



Dr Neil Aggett

by Neil Aggett

Argus Correspondent

JOHANNESBURG.

Advocates appearing for the police objected to a statement, made by Dr Neil Aggett 14 hours before his death, being read out in the Johannesburg Regional Court today.

Mr George Bizos was about to start cross-examining Dr Vernon Kemp, the district surgeon of Johannesburg, on the causes of death.

He said he would read out a statement made by Dr Aggett to a police sergeant because it contained relevant information.

healed scars, each about 9 mm.

There was a superficial abrasion on the fourth lumbar vertebrae, 1.5 cm long. There was also a small abrasion on the left cheek.

Dr Kemp said it was difficult to say what had caused these injuries.

On the back of the right forearm was a 1.5 cm triangular scar which had recently healed. This scar was between two and three weeks old and could have been caused by any rough surface scratching the skin.

The lungs were ballooned and contained numerous haemorrhages.

The heart was normal but contained a haemorrhage in the left ventricle.

The spine and neck had no fractures or dislocation.

(Proceeding)

Mr George Bizos SC, instructed by Mr William Linn, appeared for Mr and Mrs J A E Aggett.

Mr F G Haasbroek and Mr H G de Vries appeared for the State to assist in leading evidence. Mr B J Schabot SC, and Mr S F Burger appeared for the Minister of Law and Order and the South African Police.

Mr P A J Koetze is the presiding magistrate and is sitting with an assessor, Professor L S Smith.

IMPORTANT

Mr B J Schabot, appearing for the police, objected. He said it was possible a criminal prosecution would follow the inquest and asked the magistrate, Mr P A J Koetze, to exclude all evidence which could not be used in a criminal court.

In reply Mr Bizos said the statement was 'one of the most important documents before the court.'

It had been made under oath and was therefore admissible in terms of the Inquests Act.

Mr Schabot said Dr Aggett's statement contained accusations of certain assaults which were denied in police affidavits.

NO CHANCE

'We can arrive at the truth only if we have before us evidence which can be properly dealt with here as in a court of law.'

I do not have an opportunity to cross-examine Dr Aggett on these accusations,' Mr Schabot said.

He also said the fact that Dr Aggett was assaulted before the date of his death was only of collateral interest to the

Aggett inquest

(Continued from Page 1)

rhage in the left ventricle.

The spine and neck had no fractures or dislocation.

Ex-detainee banned

Argus Correspondent
JOHANNESBURG. — A former Security Police detainee, Mr Morris Smithers, was served with a banning order today outside the Johannesburg court where the inquest into the death of Dr Neil Aggett is being held.

Mr Smithers, who was released from detention under Section 6 of the Terrorism Act on March 26, has been banned for two years.

He was attending the Aggett inquest — which reopened in Johannesburg today — when the banning order was served on him by Security Police.

It is believed that lawyers representing the Aggett family intend to call Mr Smithers as a witness in the inquest.

Legal sources said today that as the terms of Mr Smithers's banning order were not yet known, it was difficult to say what its effect on the inquest would be.

He took samples of Dr Aggett's blood and tissue from the bruises and abrasions and sent them for analysis. The liver was also sent for testing to see if the body contained toxic substances.

Earlier, Mr Bizos asked to be shown the original of a statement made on January 8 by Dr Aggett which had been torn in half.

He said he had been given a photocopy of the typed statement and it was a matter of urgency that he see the original.

Mr Haasbroek said he did not have the original as it was still in the possession of the authorities.

A small tartan cloth brought to John Vorster Square for Dr Aggett on December 4 was handed in as an exhibit.

A witness, Sergeant Daniel Hendrik Zeelie, said he received the cloth, clothing and food-stuffs from a Dr S Kaplan at the parcels office on the 10th floor of the building.

Sergeant Zeelie said he did not hold back any items intended for Dr Aggett and personally gave the items to Dr Aggett on December 11.

(Proceeding)

Mr George Bizos SC, instructed by Mr William Lane, appeared for Mr and Mrs J A E Aggett, parents of Dr Aggett.

Mr P G Haasbroek and Mr H G de Vries appeared for the State to assist in leading evidence. Mr B J Schabert SC, and Mr S F Burger appeared for the Minister of Law and Order and the South African Police.

Mr P A J Kotze is the presiding magistrate and is sitting with an assessor, Professor L S Smith.

Suzman attends inquiry as 'observer'

Argus Correspondent
JOHANNESBURG. — Mrs

Helen Suzman, MP, and members of Dr Neil Aggett's family, including his mother and father, Mr and Mrs J. E. A. Aggett, were among the first arrivals for the resumption of the inquest on Dr Aggett in the Johannesburg Magistrate's Court today.

Mrs Suzman, who said she was attending the inquest as an observer, sat with Mr and Mrs Aggett and next to them were Dr Aggett's sister, Mrs Jill

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Berger, and his former fiancée, Dr Liz Floyd.

The legal teams representing the Aggett family, the State, the Minister of Police and the South African Police sat at a long line of tables as Mr P. A. J. Kotzé, the presiding magistrate, entered.

Senior members of the Security Police were in court as well as a small group of uniformed policemen who sat among spectators in the public gallery.

Outside the court de-

monstrators paraded with posters reading 'Let apart. Total isolation equals solitary confinement.' and 'heid die, not detainees'

Released
detainee
banned

By Drew Forrest

A former Security Police detainee, Mr Morris Smithers, was served with a banning order today outside the Johannesburg court where the inquest is being held into the death of trade unionist Dr Neil Aggett.

Mr Smithers, who was released from detention under Section 6 of the Terrorism Act on March 26, is banned for two years under the order.

He was attending the Aggett inquest, which re-opened today.

It is understood that lawyers representing the Aggett family intend to call Mr Smithers as a witness.

Legal sources said

To Page 3, Col 3

Former
detainee
banned

►► From page 1

that as the terms of Mr Smithers's banning order are not known yet, it is not possible to say what effect they will have on the inquest.

It might be necessary to ask the court to subpoena him, they said.

The banning order conditions might also prevent any evidence he gives being reported.

Mr Smithers is the eight person released from detention recently to be banned.

Others are Mr Clive van Heerden, Mr Keith Coleman, Mr Nicholas Haysom, and four Port Elizabeth trade unionists.

Stan

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13/4/82

Aggett's induced

Court Reporters

Counsel appearing for the South African Police today objected to an alleged statement by Dr Neil Aggett 14 hours before his death being read out in the Johannesburg Regional Court.

Mr George Bizos SC was about to start cross-examining Dr Vernon Kemp, Johannesburg District Surgeon, at the resumption of the inquest into Dr Aggett's death.

Mr Bizos said he would read out a statement made by Dr Aggett to a police sergeant because it contained relevant information.

Mr B J Schabert, for the police, objected.

He said it was possible a criminal prosecution would follow the inquest.

He asked the magistrate, Mr P A J Kotze, to exclude all evidence which could be used in a criminal court.

Mr Kotze ruled that Mr Bizos's question be allowed and that Mr Bizos be allowed to refer to the statement by Dr Aggett when questioning Dr Kemp.

Dr Kemp told the court he examined the body of Dr Aggett on February 5, the day of death.

A band of striped material was knotted around his neck and under it there was an abrasion 2 to 4 cm in width.

On the right ankle there was an abrasion 7 mm in diameter. It was not possible to determine the cause of the abrasion.

On the upper scapula there was a 3 cm triangular area of bruising.

"It looked to me to be very fresh indeed," Dr Kemp said.

On the right and left side of the back, there were old healed scars, each about 9 mm.

There was a superficial abrasion on the fourth lumbar vertebra.

death was suicide—SC

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Stan

13/4/82



Mrs Helen Suzman MP sits outside Court 18 at the Johannesburg Magistrate's Court today with Dr Neil Aggett's mother, Mrs Joy Aggett (left) and his sister Miss Jill Berger (right) before the start of the inquest into the former detainee's death.

1.5 cm long. There was also a small abrasion on the left cheek.

Dr Kemp said it was difficult to say what had caused these injuries.

On the back of the right forearm, there was a 1.5 cm triangular scar "which had recently healed".

Dr Kemp said this scar was anything from two to three weeks old and could have been caused by any rough surface scratching the skin.

The lungs were ballooned and contained numerous haemorrhages.

The heart was normal but had a haemorrhage in the left ventricle.

Dr Kemp said on February 10, he made a special dissection of the spine and neck, there were no fractures or dislocations.

He took samples of Dr Aggett's blood and tissue from the bruises and abrasions and sent them for analysis.

The liver was also

sent for testing to see if the body contained any toxic substances.

Earlier Mr Schabert said Dr Aggett's statement contained accusations of certain assaults which were refuted in police affidavits.

"We can only arrive at the truth if we have before us evidence which can be properly dealt with here as in a court of law.

"I have not got an opportunity of cross-

examining Dr Aggett on these accusations," said Mr Schabert.

Mr Schabert also said the fact that Dr Aggett might have been assaulted prior to the date of death was only "collateral interest" to the inquest.

"We do not know how Dr Aggett felt at the time. He could have felt relieved at being afforded the opportunity of laying a civil complaint or he could have felt perturbed at having taken up

the cudgels with his interrogators," Mr Schabert said.

Mr Bizos said that in the statement Dr Aggett had said he had been assaulted on January 4 and given electric shocks on January 28.

The Inspector of Detainees had called on January 4 and asked to see Dr Aggett but had been told he was "under investigation."

Mr Bizos said Dr Ag-

UNITED PAVING 784-0500, 784-2428

725-7911

IN

'Aggett death induced suicide'

► From page 1

sett had been bleeding at the time.

He wanted to ask Dr. Karp if the contents of the statement were consistent with the injuries sustained by Dr. Aggett.

He also wanted to put the content to numerous senior police officers who made statements "as to the happy relationship between them and Dr. Aggett."

Mr. Sizem said he would urge that Dr. Aggett's death was an "induced suicide."

"I may have been an induced suicide and in terms of our law, this is a crime."

Mrs. Helen Suzman and close members of Dr. Neil Aggett's family, including his mother and father Mr. and Mrs. J. E. A. Aggett, were among the first arrivals. Mrs. Suzman, who said she is attending the inquest as an ob-

server, sat with Mr and Mrs Aggett. Next to them were Dr Aggett's sister, Mrs Jill Berger, and his former fiancée Dr. Liz Floyd.

Police security today was not as strict as it was for the first hearing on March 2.

Senior members of the Security Police were in court today as well as a small knot of policemen who sat among spectators in the public gallery.

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Aggett ³²⁹ inquest ^{2AM} resumes today ^{13/11/82}

Mall Reporter

THE inquest into the death of Dr Neil Aggett, the trade unionist who died in detention earlier this year, will be resumed today.

Dr Aggett — the 46th person to die in South African detention since 1963 — was found dead in his cell at Johannesburg's John Vorster Square on February 5.

Police say Dr Aggett, who was being held under Section Six of the Terrorism Act, hanged himself.

The inquest — which has aroused considerable local and international interest — was opened in the Johannesburg Magistrate's Court on March 3.

However, it was postponed till today by the magistrate, Mr Lourens de Kock, to allow the Aggett family's lawyers to apply to the Minister of Police for permission to obtain "vital information" from Dr Aggett's fellow detainees. Counsel for the family, Mr George Bizos, also applied for an immediate inspection in loco of Dr Aggett's cell and interrogation room in John Vorster Square.

However, Mr de Kock refused the request, saying it would not be fair "to surprise people" with an immediate inspection.

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3/4/88
**Banned Smithers to
testify at inquest**

CAPE TOWN — The Minister of Justice, Mr Coetzee would grant the necessary exemption to allow Mr Morris Smithers to give evidence at the inquest into the death in detention of Dr Neil Aggett if the presiding magistrate called him as a witness at the inquest.

Mr Smithers was served with a two-year banning order outside

the Johannesburg court yesterday where the inquest is being held.

He was released from detention under section 6 of the Terrorism Act on March 26.

Mr Coetzee said in a statement released in Cape Town that as he deavours to serve notices earlier had been unsuccessful they were served on Mr Smithers at the inquest proceedings. — Sapa.

Aggett inquest told of assault

By SAM MABE

PROBE DRAMA

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Solved for
14/11/82

TRADE unionist and medical practitioner Dr Neil Aggett who died in detention two months ago was assaulted and given electric shocks, it was alleged at an inquest into his death yesterday.

Mr George Bizos, representing the Aggett family at the inquest held at the Johannesburg Magistrates Court, also said if Dr Aggett committed suicide, "then it was induced suicide."

A former detainee, Mr Morris Smithers, who it is believed was to have been called as a witness by the Aggett family lawyers, was yesterday served with a two year banning order outside court where he attended the inquest.

The inquest is a sequel to the death alleged to have been caused by hanging.

The hearing was adjourned when Counsel for the Police, Mr B J Schabert, asked to be given time to get a Supreme Court interdict to set aside the Magistrate's ruling that Mr Bizos be allowed to ques-

tion a district surgeon on a statement made by Dr Aggett in which he alleges police assault.

The district surgeon, Dr Dennis Kemp, told the court of a number of "superficial" wounds he saw on Dr Aggett during a post mortem examination.

Mr Bizos told Dr Kemp that he had a statement made by Dr Aggett 14 hours before he died, in which he alleges that police assaulted him. He said he wanted to establish from the doctor if the wounds were consistent with assaults alleged by Dr Aggett.

Mr B J Schabert objected to the reading of the statement and argued that it had no bearing on the inquest and that it was made in anticipation of c-

proceedings against the police.

After a lengthy argument between Mr Bizos and Mr Schabert, Magistrate P A J Kotze ruled that Mr Bizos be allowed to read from Dr Aggett's statement when cross-examining Dr Kemp.

Mr Schabert then asked for an adjournment and said he would take the magistrate's decision to the Supreme Court. The hearing was adjourned to June 1.

At the start of the hearing yesterday, Mr Bizos said authorities had refused an application made by lawyers of the Aggett family for an inspection of the interrogation rooms and cells at John Vorster Square.



AT HEARING: Mrs Joy Aggett, mother of Neil, Mrs Helen Suzman MP and Aggett's sister Miss Jill Berger outside the court where the inquest into the former detainee took place yesterday.

Statement by Aggett: Court step

CAPE TIMES 14/4/82

(329)

Own Correspondent

JOHANNESBURG. — The Supreme Court is to decide if a statement made by Dr Neil Aggett 14 hours before he died in detention, alleging that he had been assaulted, may be referred to in evidence at the inquest on Dr Aggett.

In an unusual move, a decision taken by the magistrate, Mr P Kotze, at yesterday's inquest hearing, that the statement be put to a State witness, was challenged by Mr P J Schabert, counsel for the Ministers of Police and Law and Order.

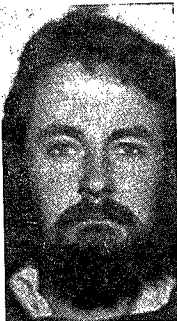
After legal argument, Mr Kotze agreed to grant a postponement so that Mr Schabert could apply to the Supreme Court for a review of the decision on behalf of the Ministers of Law and Order and Police.

Dr Aggett, a medical doctor and Transvaal secretary of the Food and Canning Workers' Union, had said he was tortured during his 70 days as a Terrorism Act detainee.

Electric shocks

In a statement made under oath to a police officer, he said he was assaulted on January 4 and subjected to electric shock torture on January 29.

The court was also told by Mr George Bizos SC, counsel for the Aggett family, that an "inspector of detainees" had been denied access to Dr Aggett on January 4 on the grounds that Dr Aggett was "under investigation".



Dr Neil Aggett

The inquest on Dr Aggett, who was found hanged in his cell at John Vorster Square at 1.30am on February 5, has been postponed to June 1.

During yesterday's hearing, the findings of the post-mortem on Dr Aggett were disclosed for the first time.

Placard demo

The district surgeon, Dr Vernon Kemp, told the court Dr Aggett died by hanging. He had abrasions and bruises on his body and his lungs were ballooned and haemorrhagic.

The significance, or otherwise, of these findings was not discussed at yesterday's hearing.

Before the hearing began, a member of the Detainees Parents' Support Committee held a placard demonstration outside the court.

The small courtroom in the Johannesburg Regional Court was packed by at least eight advocates and attorneys, several members of the local and international press, a number of security policemen, trade unionists and friends of Dr Aggett.

Occupying a bench in the well of the court were Dr Aggett's Somerset West-based parents, Aubrey and Joyce Aggett, his sister and brother-in-law, Jill and Paul Burger, his girlfriend, Dr Liz Floyd, and Mrs Helen Suzman, MP.

Two other State witnesses apart from Dr Kemp were called yesterday.

They were two security policemen who told the court that a Dr S Kaplan had given them a parcel containing the length of cloth which was found knotted around Dr Aggett's neck.

Mr Bizos appeared with Mr D Kuny, instructed by Mr William Lane of Bell, Dewar and Hall. Mr P G Haasbroek SC and Mr H G de Vries appeared for the Attorney-General. Mr Schabert appeared with Mr S F Burger.

● Full report, page 4

THE Supreme Court will decide whether a statement made by Dr Nell Aggett 14 hours before he died in detention — and alleging he had been assaulted — may be referred to in evidence at the inquest into his death.

In an unusual move, a decision by the magistrate, Mr P Kotze, at yesterday's hearing that the statement be put to a State witness was challenged by Mr P J Schabert, counsel for the Ministers of Police and of Law and Order.

After argument, Mr Kotze agreed to grant a postponement so Mr Schabert could apply to the Supreme Court for a review of the decision.

Dr Aggett, a medical doctor and Transvaal secretary of the Food and Canning Workers' Union, had said he had been tortured during his 70 days as a Terrorism Act detainee.

In a statement under oath to a police officer, he said he was assaulted on January 4 and subjected to electric shock torture on January 29.

The court was also told by Mr George Bizos, SC, for the Aggett family, that an "inspector of detainees" had been denied access to Dr Aggett on January 4 on the grounds that he was "under investigation".

The inquest into the death of Dr Aggett, who was found hanged in his cell at John Vorster Square at 1.30am on February 5, has been postponed to June 1.

The findings of the post-mortem on Dr Aggett's body were disclosed for the first time at yesterday's hearing.

The District Surgeon, Dr Vernon Kemp, told the court Dr Aggett had died by hanging. He had abrasions and bruises on his body and his lungs were ballooned and haemorrhagic.

The significance, or otherwise, of these findings was not discussed at yesterday's hearing.

A member of the Detainees' Parents Support Committee held a placard demonstration outside the court before the inquest began.

The small courtroom was packed by at least eight lawyers, several members of the local and international Press, a number of Security Policemen, unionists and friends of Dr Aggett.

Occupying a bench in the well of the court were Dr Aggett's Somerset West-based parents, Aubrey and Joyce Aggett, his sister and brother-in-law, Jill and Paul Burger, his girlfriend, Dr Liz Floyd and Mrs Helen Suzman, MP.

And in a separate drama in the corridor outside, Mr Morris Smithers, a former detainee who was in the gallery, was served with a two-year banning order when he left the court during the morning tea break.

Shortly before this, Mr Bizos had handed the court a statement by Mr Smithers — a co-detainee who, he said, had vital information about Dr Aggett's detention.

Two Security policemen also gave evidence. They said a Dr S Kaplan had given them a parcel containing the length of cloth which was found knotted around Dr Aggett's neck.

Mr Bizos appeared for the Aggett family with Mr D Kony, instructed by Mr William Lane of Bell, Dawar and Hall. Mr P G Hazebrook, SC, and Mr H G de Vries appeared for the Attorney-General. Mr Schabert appeared with Mr S F Burger.

● See Page 7

By ANNE SACKS
and LIZ MCGREGOR

Torture claim at Aggett inquest

(329) 1004 14/4/82

Argus Correspondent.

JOHANNESBURG.

The Rand Supreme Court will be asked to decide the admissibility of a statement made by Dr Neil Aggett 14 hours before his death in detention.

The presiding magistrate ruled that the statement would be admissible, but Mr B J Schabert, who appeared for the Minister of Law and Order, asked for leave to get a Supreme Court ruling on the matter.

The inquest was postponed to June 1.

Mr George Bizos SC, who appeared for the Aggett family, wanted to put the contents of the statement to Dr Vernon Kemp, a Johannesburg district surgeon, to establish whether they were consistent with Dr Aggett's injuries.

Aggett: Supreme Court to rule

Aggus 14/4/82 329

Mr Schabert objected because the affidavit did not refer to his death, but to the possibility of obtaining redress for wrongs in a criminal court. He said the question of whether the deceased was assaulted before that date is something that is only of 'collateral value' in this case.

Dr Kemp said that he examined Dr Aggett's body on February 5, the day of death.

Dr Kemp told the court that the cause of death

was by hanging. At the time of examination, he still had the piece of striped cloth tied around his neck.

Mr Bizos said that in a statement, Dr Aggett had said that he had been assaulted on January 4 and given electric shocks on January 29.

He said the Inspector of Detainees visited John Vorster Square on January 4 and asked to see Dr Aggett.

'Dr Aggett was bleeding on January 4. And

the inspector was told that he was under investigation,' Mr Bizos said.

'If it was suicide, it may have been induced suicide. And in terms of our law, this is a crime,' he said.

Mr Bizos said his request at the opening of the inquest on March 2 to inspect the cells and interrogation rooms at John Vorster Square, and to interview other detainees, had been refused.

'However, one person who has relevant information to the circumstances

in which Dr Aggett was kept in detention has, happily for us, been released and an affidavit has been made by Mr Maurice Peter Smithers.

'Mr Smithers was witness to what happened,' Mr Bizos said.

In view of this new information, Mr Bizos said it would be necessary to inspect the interrogation rooms and cells at John Vorster Square.

During the tea adjournment, Mr Smithers was talking to Mr Bizos when he was interrupted and handed a two-year banning order.

Mr P A J Kotze, assisted by Professor L S Smith, president of the Bar, appeared for Mr G Bizos, SC, and Mr D Kony appeared for the Aggett family.

Mr P C Haastbroek, SC, and Mr H G de Vries appeared for the State. Mr B J Schabert, SC, and Mr S F Burger appeared for the Minister of Law and Order. The South African Police, the South African Transport Services and the South African Railways and Harbours Police.

ARGUS 14/4/82
**Banned
man can
testify—
Coetsee**

THE Minister of Justice, Mr H J Coetsee, would grant the necessary exemption to allow Mr Morris Smithers to give evidence at the inquest of Dr Neil Aggett, who died in detention, if the presiding magistrate called him as a witness at the inquest.

Mr Smithers was served with a two-year banning order outside the Johannesburg court yesterday where the inquest is being held.

He was released from detention under Section 6 of the Terrorism Act on March 26.

A statement released by Mr Coetsee in Cape Town, said:

'Notices in terms of the Internal Security Act, 1950, were signed by me on April 3 1982, in respect of Mr Maurice Peter Smithers.

UNSUCCESSFUL

'An endeavours to serve the notices earlier were unsuccessful, they were served on Mr Smithers on April 13 1982, while he was present at the court where the inquest proceedings into the death of the late Dr Aggett were held.

'A statement by Mr Smithers relating to the inquest was handed in during the proceedings. The Chief Magistrate, Johannesburg, who is 'empowered by me to authorise exceptions to the prohibitions contained in the notices, has assured the legal representative, acting on behalf of the relatives of the late Dr Aggett, that should the magistrate presiding at the inquest indicate that Mr Smithers would be called as a witness, he will grant the necessary exemption in this regard forthwith.' — Sapa.

● See Page 4.

Two-year ban on inquest witness

329
204
14/4/68

Mail Reporter

A RURAL development worker and former detainee, Mr Morris Smithers, 30, was banned yesterday for two years in terms of the Internal Security Act.

Security Police served a banning order on Mr Smithers yesterday morning when he was in the Johannesburg Regional Court for the inquest into the death in detention of Dr. Neil Aggett.

Mr Smithers was at the inquest because Mr George Bizos, counsel for the Aggett family, said he had vital information about Dr Aggett's detention.

If Mr Smithers is called to give evidence, court privilege allows him to be quoted — although his banning order prevents this.

Mr Smithers is the eighth person to be banned after recent release from Security Police detention.

He was detained on November 23 last year and was released on March 26, together with eight other detainees.

He had been held in solitary confinement in terms of Section Six of the Terrorism Act.

Others released on the same day included lawyer Mr Nicholas "Pink" Haysom, 29, and students Mr Clive van Heerden, 24, and Mr Keith Coleman, 21. All three have been banned in the last week.

Cape Times 10/4/82
**Ban served on
ex-detainee**

32/1
Own Correspondent

JOHANNESBURG. — A rural-development worker and ex-detainee, Mr Morris Smithers, 30, was banned yesterday for two years in terms of the Internal Security Act.

Security police served a banning order on him yesterday morning when he was in the Johannesburg Regional Court for the inquest on Dr Neil Aggett, who died in detention.

Mr Smithers was at the inquest because, according to Mr George Bizos SC, counsel representing the Aggett family, he had vital information about Dr Aggett's detention.

If Mr Smithers is called to give evidence, court privilege allows him to be quoted — although his banning order prevents this.

14/4/82

RDM

The Government says the treatment of detainees is safeguarded by an Inspector of Detainees. But on the day Dr Neil Aggett allegedly claimed he was assaulted, the safeguards failed, an advocate told the inquest into Dr Aggett's death.

ANNE SACKS and LIZ MCGREGOR report.

(329) Dr.
14/4/82

Inspector of detainees could not see Aggett

AN Inspector of Detainees called at John Vorster Square on the same day that Dr Neil Aggett was allegedly being assaulted on the 10th floor. But he was not permitted to see Dr Aggett.

This was said by counsel for Dr Aggett's family, Mr George Bizos, during the inquest in the Johannesburg Regional Court into the death of Dr Aggett, a medical doctor and Transvaal secretary of the Food and Canning Workers' Union.

Dr Aggett was found hanged in his cell at 1.30am on February 5.

On January 4, an Inspector of Detainees, who had come to John Vorster Square specifically to check on the treatment of Terrorism Act detainees, was told he could not visit Dr Aggett.

This was because Dr Aggett "was out (of his cell) under investigation".

Just 14 hours before his death, Dr Aggett made a statement alleging he had been assaulted on January 4.

It was this controversial statement which led to a trial-within-a-trial at yesterday's hearing.

Dr Aggett's statement is one of three he is alleged to have made during his 70 days in Security Police detention.

The magistrate, Mr P Kotze, ruled that the facts contained in Dr Aggett's last statement alleging assault could be put to the district surgeon.

Mr P J Schabert, counsel for the Ministers of Police and Law and Order, immediately asked that the hearing be postponed until after lunch so that he could take instructions from his clients. This was granted.

When the court reconvened, the magistrate's ruling was opposed by Mr Schabert, who said he had been instructed by his clients to apply to the Supreme Court for a ruling on the magistrate's decision.



MR AUBREY AGGETT
his father



MRS JOYCE AGGETT
his mother

or inadmissibility of the statement "lay at the very root of the entire inquest".

The magistrate's decision to allow the statement to be used came after a fierce debate between Mr Schabert and Mr Bizos.

Mr Bizos said Dr Aggett disclosed in his last statement — made under oath to a police officer on February 4, the day before he died — that he had been assaulted a month before on the 10th floor of John Vorster Square.

Dr Aggett had also said he had been subjected to electric shock torture on January 29 — just five days before his death.

The argument between the two advocates began after the District Surgeon, Dr Vernon Kemp, was called as a State witness to present the results of the post mortem.

Before cross-examining Dr Kemp, Mr Bizos announced he wanted to read the contents of Dr Aggett's statement to determine if the injuries described by Dr Aggett were consistent with the results of the post mortem.

"Numerous statements have been made by police officers as to the 'happy relationships' which existed between them and the deceased," Mr Bizos said.

"Dr Aggett said he was assaulted on the 10th floor of John Vorster Square on January 4, the day the Inspector of Detainees came to inquire

"The Inspector was told Dr Aggett was out under investigation. This is a vital bit of information. I intend to cross-examine every witness that comes into the box as to the 'happy relationship' that existed between him and Dr Aggett."

"This statement is one of the most important documents that have been placed before the court."

"We do not concede that it was suicide, our alternative is going to be that it was induced suicide. And induced suicide is a crime."

"Whether he was tortured, with electric shocks on January 29 — five days before his death — is very important. His complaint on February 4 that he was severely assaulted a month before, and that electric shocks were administered on January 29 is a very serious piece of evidence," he said.

Mr Schabert opposed the admissibility of the statement, saying the inquest could be a forerunner to a criminal prosecution. Therefore, the court also had to decide if the statement could be used in a criminal court. He said numerous statements had been made by police officers rebutting Dr Aggett's allegations.

He added that Dr Aggett's statement, because it dealt only with assault, was secondary to the purpose of the inquest, which was to deter-

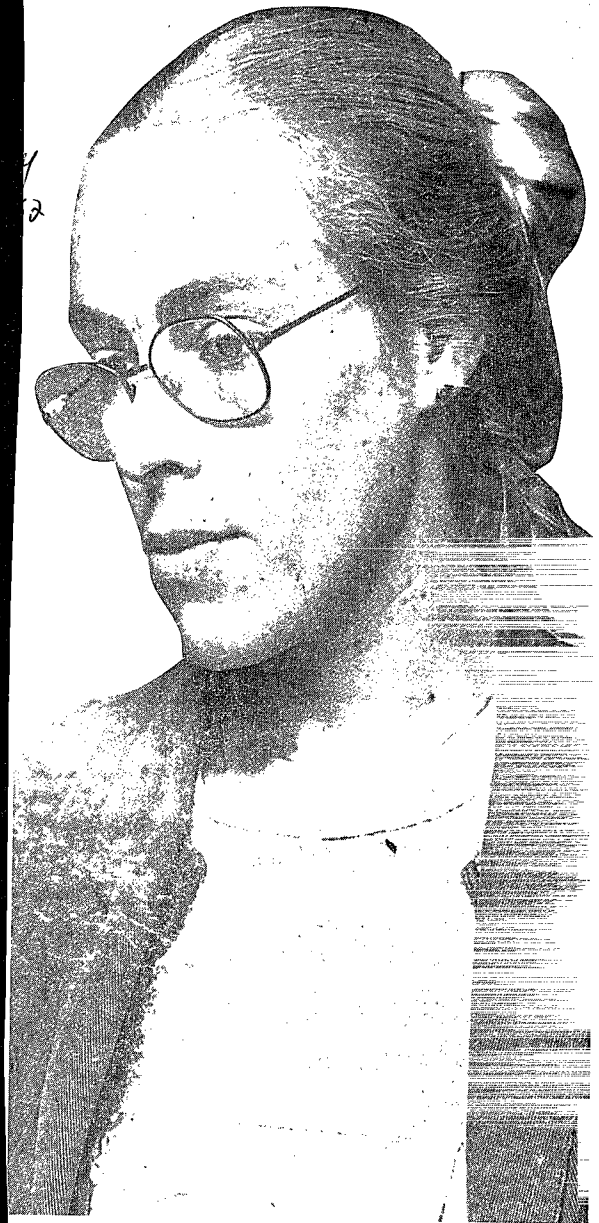
mine the cause of death. Also called to give evidence for the State were two security policemen, who said they received a parcel for Dr Aggett containing clothes, food and a striped woven cloth from Dr S Kaplan on December 4 last year.

One of them, Sergeant Daniel Zeelie, who administered the distribution of parcels to detainees, said he had given the parcel to Dr Aggett when he was transferred from Pretoria to John Vorster Square on December 12 last year.

It later emerged that the striped cloth was found knotted around Dr Aggett's neck. The cloth — a length of soft fringed natural weave striped in blue, yellow and red — was exhibited before the court.

Giving evidence, Dr Kemp disclosed the results of the postmortem. It was found that Dr Aggett had:

- Died by hanging.
- A length of striped cloth tied around his neck with a double knot below his right ear.
- An abrasion of the skin around the neck, which varied from two to four centimetres.
- Well-advanced rigor mortis.
- Congested kidneys, bowels and liver.
- Interior bruising on his neck. Blood had infiltrated the neck bone just below the jaw, indicating pressure to the neck.
- Haemorrhagic and ballooned lungs.
- Old pea-sized abscesses in the lungs.
- A small healing abrasion on the inner side of his right ankle, which could have been about a week old.
- A 3cm triangular bruise on his right upper shoulder blade, which "was very fresh indeed".
- Old healed scars, each about 9mm, on the right and left of his back.
- A 1.5cm area of superficial abrasions on the lower middle back, and another small abrasion on his cheek.
- A 1.5cm pink triangular scar some above his wrist, which could have been anything from three weeks to three months old.
- A normal heart, apart from a haemorrhage in the left ventricle.
- The matter has now been referred to the Supreme Court.



Dr Liz Floyd, Dr Nell Aggett's girlfriend — who was detained at the same time as him, and released after his death.

Aggett alleged assault before he died

329

stew

14/4/82

By Alex Ball and Michael Tissong

The Rand Supreme Court will be asked to decide on the admissibility of a statement made by Dr Neil Aggett 14 hours before his death in detention. The presiding magistrate at the Johannesburg Regional Court, Mr P A J Kotze, ruled yesterday that the statement was admissible but Mr B J Schabert, who appeared for the Minister of Law and Order, asked for leave to obtain a Supreme Court ruling.

Mr Schabert objected. The inquest was postponed to June 1.

Mr George Bizos, SC, who appeared for the Aggett family wanted to put the claims made in the statement to Dr Vernon Kemp, a Johannesburg district surgeon, to establish whether they were consistent with Dr Aggett's injuries.

Mr Schabert objected and said that the question of whether the deceased was assaulted before his death was of only "collateral value" in the case.

Dr Kemp told the court that he examined Dr Aggett's body on February 5, the day the body was found.

Dr Kemp said that the cause of death was hanging. At the time of the examination, Dr Aggett still had a piece of striped cloth tied round his neck.

Under the cloth was a ring of abrasions, 2 to 4 cm in width. On the right ankle there was an abrasion 7 cm in diameter. Dr Kemp said that it was not possible to determine the cause.

There were also abrasions on the fourth lumbar vertebra and the left cheek. It was not possible to say what had caused these injuries.

On the upper shoulder-blade there was a 3 cm triangular area of bruises.

"It looked to me to be very fresh indeed," Dr Kemp said.

There was a 1.5 cm triangular scar on the back of the right forearm which had "recently healed."

Dr Kemp said this scar was anything from two to three weeks old

and could have been caused by any rough surface scratching the skin.

On the right and left side of the back there were old healed scars, each about 9 mm in length.

The lungs were ballooned and contained numerous haemorrhages.

The heart was normal but had a haemorrhage in the left ventricle.

Earlier Mr Schabert said Dr Aggett's statement contained accusations of certain assaults which were refuted in police affidavits.

Mr Bizos said that, in a statement, Dr Aggett had said that he had been assaulted on January 4 and given electric shocks on January 29.

He added that the Inspector of Detainees visited John Vorster Square on January 4, and asked to see Dr Aggett.

"Dr Aggett was bleeding on January 4. The inspector was told that he was under investigation," Mr Bizos said.

"If it was suicide, it may have been induced suicide. And in terms of our law, this is a crime," he said.

Mr Bizos said that his request at the opening of the inquest on March 2 — to be allowed to inspect the cells and interrogation rooms at John Vorster Square and to interview other detainees — had been refused.

"However, one person who has relevant information about the circumstances in which Dr Aggett was kept in detention has, happily for us, been released and an affidavit has been made by Mr Maurice Peter Smithers.

In view of this new information, Mr Bizos said, it would be necessary to inspect the interrogation rooms and cells at John Vorster Square.

Apparitions: Mr P A J Kotze, assisted by Professor L. S. Smith, presided. Mr G Bizos, SC, and Mr D Kemp, appeared for the Aggett family. Mr P G Hensbroek, SC, and Mr H G de Vries appeared for the State. Mr B J Schabert, SC, and Mr S F Burrows appeared for the Minister of Law and Order. The South African Police, the South African Transport Services and the South African Railways and

JOHANNESBURG. — Counsel for Dr Neil Aggett's family, Mr George Bizos, said during the inquest in the Regional Court here yesterday that an Inspector of Detainees had called at John Vorster Square on the day the doctor was allegedly being assaulted on the 10th floor, but he was not permitted to see Dr Aggett.

On January 4, an Inspector of Detainees, who had come specifically to check on the treatment of Terrorism Act detainees, was told he could not visit Dr Aggett because he "was out (of his cell) under investigation".

Dr Aggett's statement is one of three he is alleged to have made during his 70 days in security police detention.

Mr P J Schabert, counsel representing the Ministers of Police and Law and Order, immediately asked that the hearing be postponed until after lunch so that he could take instructions from his clients. This was granted.

When the court reconvened, Mr Schabert said he had been instructed to apply to the Supreme Court for a ruling. He said the admissibility or inadmissibility of the statement "lay at the very root of the entire inquest".

The decision to allow

the statement to be used came after a debate between Mr Schäbort and Mr Bizos, who said Dr Aggett had disclosed in his last statement — made under oath to a police officer on February 4 — that he had been assaulted a month before on the 10th floor of John Vorster Square.

Dr Aggett had also said he had been subjected to electric shock torture on January 29.

Before questioning Dr Kemp, Mr Bizos said he wanted to read Dr Aggett's statement to determine if the injuries described by Dr Aggett were consistent with the post-mortem results.

"Numerous statements have been made by police officers as to the 'happy relationships' which existed between them and the deceased," Mr Bizos said.

"The inspector was told Dr Aggett was out under investigation. This is a vital bit of information. I intend to cross-examine every witness that comes into the box as to the 'happy relationship' that

"This statement is one of the most important documents that have been placed before the court.

Mr Schabert said the inquiry could be a forerunner to a criminal prosecution. Therefore, the court also had to decide if the statement could be used in a criminal court.

"Dr Aggett must have made the statement with a view to a criminal prosecution. He could even have had civil proceedings in mind."

Numerous statements had been made by police officers rebutting Dr Aggett's allegations. Dr Aggett's statement, because it dealt only with assault, was secondary to the purpose of the inquest — to determine cause of death.

It later emerged that the cloth was found knotted around Dr Aggett's neck. The cloth — a length of soft fringed natural weave striped in blue, yellow and red — was exhibited in court.

Giving evidence, Dr Kemp disclosed the results of the post-mortem.

There were: An abrasion of the skin around the neck, which varied from two to four centimetres; well-advanced rigor mortis; congested kidneys, bowels and liver; interior bruising on the neck — blood had infiltrated the neck bone just

below the jaw, indicating pressure to the neck; haemorrhaging and ballooned lungs; old peazised abscesses in the lungs; a small healing abrasion on the inner side of the right ankle, which could have been about a week old; a 3cm triangular bruise on his right upper shoulder blade, which "was very fresh indeed"; old healed scars, each about 9mm, on the right and left of his back; a 1.5cm area of superficial abrasions on the lower middle back, and another small abrasion on his cheek; a 1.5cm pink triangular scar 5cm above his wrist, which could have been anything from three weeks to three months old; a normal heart, apart from a haemorrhage in the left ventricle.

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Smithers can tell⁽³²⁹⁾ of Aggett detention

By ANNE SACKS

MR MORRIS Smithers, a former detainee who was banned on Tuesday, will be able to give evidence at the inquest into the death of Dr Neil Aggett.

Lawyers said yesterday the inquest magistrate could, if he wished, subpoena Mr Smithers, 30, to appear.

The Chief Magistrate must authorise the subpoena.

Mr George Bizos, SC, the counsel for the Aggett family, told the inquest court this week that he believed Mr Smithers had vital information about Dr Aggett's detention.

Mr Smithers was served with a two-year banning order in the corridor outside the court during the tea break.

● The general-secretary of the South African Council of Churches, Bishop Desmond Tutu, yesterday condemned detention without trial and the banning of Mr Smithers and others.

"Again no reasons have been given for what appears to be the arbitrary exercise of power, made available under Draconian legislation, and associated with totalitarian regimes which have no respect for the rule of law," he said.

Tucsa backs down - no support

By JOSHUA RABO-

ROKO

Sowetan 15/4/82

THE Trade Union Council of SA (Tucsa) has indicated to its member affiliates that it cannot give support to the petition against detention without trial which has been organised by the Detainees Parents' Support Committee.

The council's objections to the petition are set out in a circular recently distributed to affiliates by Tucsa's general secretary, Mr Arthur Grobbelaar.

In the circular, Mr Grobbelaar says the council has always opposed detention without trial but cannot subscribe to the abolition of all laws in respect of detention.

By asking for the abolition these laws, Mr Grobbelaar says, Tucsa would be implying the abolition of the rule of law.

However, the circular has drawn a sharp response from Mr Tom Mashinini, an organiser in the council's largest black affiliate, the National Union of Clothing Workers.

Mr Mashinini's wife, Emma, is currently in detention under Section Six of the country's security laws.

Asked to comment on this issue, Mr Mashinini said: "This is most unfortunate because, as it says, Tucsa has always opposed detention without trial.

"We are obviously referring to detentions without trial under the security legislation. We refer to the 200 detainees; it would be simply ridiculous to refer to thousands of other detainees who might be awaiting trial as prisoners who have had charges laid against them.

"Anyone who encounters our petition knows we are referring to those detained without trial. The petition calls for the release of all detainees and the abolition of the detention laws."

Until this demand is met, it calls for "all detainees to have regular access to their relatives, their lawyers, and, independent medical attention."



SHOP TUTU . . .
speaking out.

Bannings: 'We (329) Star 16/4/82 cannot be quiet'

The South African Council of Churches has hit out at the recent spate of bannings, saying it "can keep quiet no longer" about the State's arbitrary exercise of power.

"Can the Foreign Minister, Mr Pik Botha, still say in South Africa people are presumed innocent until proven guilty? Which people — or is it only some people?" a statement issued by Bishop Desmond Tutu, general secretary of the SACC, asks.

The fact that people were held incommunicado for months, released without charge and then banned without reason, was evidence of draconian laws usually associated with totalitarianism, says Bishop Tutu.

The statement comes after a week of bannings, the most recent being that of Morris Smithers who was handed his two-year banning order while attending Dr Neil Aggett's inquest at the Johannesburg Magistrate's Court.

Mr Smithers was released from police detention about two weeks ago after being held in solitary confinement for four months.

His banning followed similar action against former detainees, Mr N Haysom, Mr K Coleman, Mr C van Heerden and released Port Elizabeth trade unionists, Mr D Makanda, Mr S Pityana, Mr M Madlingozi and Mr Z Mjuzawe.

"Why have the police been unable to produce evidence to indict these people who have now been twice punished without any evidence produced in a court of law?" asks the SACC.

"Freedom is indivisible. Today these people are the victims of injustice. Tomorrow it could well be your child or even you."

Mother cries out to see child after six months

MBATHA'S 329 Sowetan 16/4/82 RELEASED



ANXIOUS: Alex and Khosi Mbatha who have not seen their baby daughter since their detention.

MR Alex Mbatha and his wife, Khosi, who were detained with their two-year-old daughter six months ago, have been released — and Mrs Mbatha was immediately admitted to hospital.

When met by **The SOWETAN** yesterday, Mr Mbatha had just been to a dentist and was also due for a medical examination by doctors at a private Johannesburg hospital where his wife had been admitted in the morning.

The Soweto couple were taken from their Dube home by Security Police in the early hours of October 22 last year and after being held for two weeks under Section 22 of the General Law Amendment Act, were transferred to Section Six of the Terrorism Act.

Speaking from her hospital bed, Mrs Mbatha told of her strong desire to see her daughter, Dudu, who she said was removed from her by the police a day after their detention.

"Being separated from a two-year-old baby for six months, especially when you don't know of the baby's whereabouts, is a painful experience. I hated the idea of having my child with me in prison and I also hated the idea of her being taken away from me.

"I was concerned about where she was going to be kept because there is no better place for her than to be next to me. And I did not hand that baby to the police voluntarily.

"It was only after my release on Tuesday that I was told that she is in the care of some people at a convent somewhere in Johannesburg," she said.

Mrs Mbatha was reported late last year to have been admitted to Hillbrow Hospital with another woman detainee. Mrs Mbatha was registered as Mrs Brown and the other woman as Mrs Black.

The reports said that nurses at the hospital were told that the two women were "Swapo terrorists." Mrs Mbatha had a heart ailment.

An employee of the Southern African Bishop's Conference in Pretoria, Mr Mbatha said his future plans would be determined by the outcome of his meeting with the Security Police who asked him to report at Protea Police Station with his wife today.

As a mark of his determination to see justice done, 69-year-old retired farmer Mr Aubrey Aggett has borne the full costs of the family counsel representation at the inquest into his son's death.

Mr Aggett, the father of trade unionist Dr Neil Aggett who died in security police detention, told The Star yesterday that he had already spent "many thousands of rands."

The money had been used not only to cover the legal costs of the inquest,

but for air-travel between Johannesburg and Somerset West where Mr and Mrs Aggett live.

"I feel very strongly about the death of my son and in order to find out the truth of how he died I have made available as much finance as a retired man can

afford," Mr Aggett said.

He added, however, that "if, as appeared likely, the inquest was extended over a lengthy period by legal complications, my resources may not be sufficient."

The inquest into Dr Aggett's death was postponed earli-

er this week until June 1 to enable the police to appeal against a ruling by the inquest magistrate.

Mr Aggett said an organisation called American Lawyers Committee for Civil Rights had already offered some financial assistance.

"My son's work in the trade union movement was admired by many," he said. "I'm sure that some of them would wish to contribute and assist me and my family."

(39) Star 16/4/82
**Father's money
for son's justice**

Security laws under fire

329

D. Satchwell
16/4/82

JOHANNESBURG — A stinging attack has been levelled against the Rabie Commission — and the entire South African security legislation — by some of the country's leading lawyers and academics.

The report — by the Centre for Applied Legal Studies at Wits University — sets out the consensus reached at a recent seminar of 36 top advocates, attorneys and academic lawyers with experience in the field of security legislation.

They include legal academic experts: Professor J. Dugard, Prof J. D. van de Vyver, Prof A. S. Mathews; senior counsels: Mr S. Kentridge, Mr George Bizos, Mr I. Mahomed, Mr A Chaskalson, Mr J. Unterhalter and Mr E. Wentzel; and attorneys: Mr R. Tucker and Ms K. Satchwell.

The report describes "serious weaknesses" and "grave omissions" in the evidence considered by the commission.

For example, the failure to discuss police methods of interrogation would lead many people to conclude "that the commission considered that police methods of interrogation would not stand up to public scrutiny of this kind."

according to the report.

It was these methods of interrogation that had given rise "to the greatest fears and suspicions which, together with the death of Steve Biko, contributed to the public disquiet which led to the appointment of the Rabie Commission."

There was "incontrovertible evidence that some detainees have been physically assaulted and others mentally tortured."

The report said that while the commission relied heavily on police evidence, it appeared not to have heard the evidence of ex-detainees, doctors who had visited detainees or psychiatrists with expert knowledge of the effects of solitary confinement.

The commission had made some "positive recommendations" which included the abolition of a minimum five-year sentence under the Internal Security, Terrorism and Sabotage Acts and the abolition of the death penalty for acts not including acts of violence.

But it concluded that these recommendations did not go far enough.

DDC.

Rabie report under fire

329 Star 16/4/82

'Too much reliance on SP views'

Lawyers at a seminar organised by the Centre for Applied Legal Studies at the University of the Witwatersrand have been highly critical of the Rabie Commission on security legislation.

The seminar was attended by 36 advocates and attorneys, including some of the most distinguished in the country.

They agreed that the Rabie Commission placed undue reliance on the evidence of the Security Police without examining the other side of the case.

No former detainee, or doctor who had visited detainees, was called to give evidence, nor was any psychiatrist with expert knowledge of the effects of solitary confinement, the lawyers found.

They agreed that this was a serious weakness in the evidence before the commission.

Torture

The commission could easily have undertaken its own independent research of reported court cases dealing with the treatment of detainees. It could also have consulted medical research findings, which conclude that solitary confinement is in itself a form of torture.

Lawyers at the seminar agreed that the Rabie Commission should have been more broadly based to include blacks, as well as lawyers with experience of security trials.

The commission did not appear to have investigated adequately the application of security laws.

"There are many instances of detainees held for no apparent reason for lengthy periods, and then released without charges being laid," the lawyers said.

They found that the commission's proposed modifications to the rights of detainees including regular visits by a magistrate and district surgeon, may offer some relief to the detainee, but did not go much beyond the present law.

"Rather, they seek to give peremptory form and statutory recognition to practices that

A seminar of top South African lawyers has found that there were serious weaknesses in the evidence heard by the Rabie Commission on security legislation. DAVID BREIER, The Star's chief reporter, gives the gist of the lawyers' conclusions.

The seminar found it "quite extraordinary" that the commission had failed to consider a time limit on the period of detentions — under Section 6 of the Terrorism Act, detention is unlimited.

Before the Act was passed in 1967, indefinite detention without trial was regarded as inconceivable in a legal system claiming to be civilised, the lawyers said.

The commission recommended the continued exclusion of any judicial supervision over action taken under the Terrorism Act.

The seminar found that there was no reason for excluding the jurisdiction of the courts.

Judicial control was a prerequisite for any public confidence in the implementation of Section 6, he lawyers said.

"Innocent people have been held under Section 6, and will continue to be held.

"As in the past their protestations of innocence will be met with more intensive interrogation. The Rabie report does nothing to alleviate the lot of the innocent," the lawyers found.

The seminar did not consider visits by magistrates, inspectors or district surgeons to be an adequate safeguard against the abuse of power by the police.

Instead, the lawyers

recommended that detainees receive visits from their families and their lawyers.

The seminar expressed concern over the "unwarranted reflection" cast on South Africa's lawyers by the commission.

The Rabie Commission reported the suggestion that lawyers may not be trusted, and that they might misuse their professional position to convey messages to or from a detainee.

"There is no evidence whatsoever to support the suggestion that South African lawyers have or might further the activities of their clients in an unprofessional manner," the seminar found.

The lawyers recommended that, as in Northern Ireland, interrogation should be supervised, and the uniformed police should keep a full record of the interrogation of each detainee.

If closed circuit television monitoring of interrogation was too expensive, cheap "spy holes" could be built into the doors of interrogation rooms, the lawyers suggested.

They called for a code of conduct to guide interrogators. This should be based on the recommendation of the two British reports which prohibit degrading or humiliating treatment of detainees, and limit the length of interrogations

and the number of interrogators.

Any confessions obtained in breach of such a code should be excluded by the courts, the lawyers said.

"The commission expresses no view as to whether the security of the State can really be secured by the indefinite incarceration of its opponents in conditions of solitary confinement with a view to inducing them to speak," the seminar found.

In its concluding remarks, the report on the seminar said that stringent security laws may be counterproductive and may cause more hostility than they suppress.

Discontent

The system was rejected by South Africans of all races who believed in the rule of law as well as by South Africa's Western allies, who had been compelled to dissociate themselves from South Africa when it came to security laws.

"The stage has been reached at which many blacks believe that no black leader operating outside the framework of separate development can politically survive the tentacles of the security laws, and that no black man held under Section 6 of the Terrorism Act can confidently expect the protection of the law," the lawyers found.

They pointed out that the black education issue sparked off the 1976 riots but the detention of black school children under the security laws fanned the flames of

16/4/82

The lawyers said the Rable Commission assumed that visits by magistrates and inspectors offered real protection to detainees against police abuse. But the seminar was unable to endorse this assumption.

Although magistrates and inspectors faithfully record a detainee's complaints and write reports on their complaints, it appears that in practice such complaints are often brought to the attention of the interrogators.

Inspections

There are cases in which detainees have been warned after they have made complaints that their situation will further deteriorate if they persist in making such complaints," the seminar found.

The lawyers were not sure whether magistrates and inspectors were prepared to surprise interrogators and detainees, or whether visits were announced in advance.

If visits were announced in advance, it would be possible for resourceful interrogators to ensure that the detainee was not seen. This could be done by taking him out of the police station at the time of the inspection.

In these circumstances, it is unfortunate that the commission did not undertake a more detailed study of the effectiveness of visits by magistrates and inspectors," the lawyers said.

After the controversy over the "Biko doctors," it was surprising that the commission made no attempts to examine the status of district surgeons in relation to the Security Police, and the effectiveness of medical visits as a safeguard.

Lawyers lash (329) 'omissions' in Rabie report

By LIZ MCGREGOR and ANTON HARBER
A STINGING attack has been levelled against the Rabie Commission — and security legislation — by some of SA's leading lawyers and academics.

The report — put out by the Centre for Applied Legal Studies at the University of the Witwatersrand — sets out the consensus reached at a recent seminar of 36 top advocates, attorneys and academic lawyers with experience in the field of security legislation.

They include legal academic experts: Prof J Dugard, Prof J D van de Vyver, Prof A S Matthews, senior counsels: Mr S Kentridge, Mr G Bizos, Mr I Mahomed, Mr A Chaskalson, Mr J Unterhalter and Mr E Wentzel; and attorneys: Mr R Tucker and Ms K Satchwell.

The report describes serious weaknesses and grave omissions in the evidence considered by the commission.

The report says the failure to discuss police methods of interrogation would lead many people to conclude that the commission considered police methods of interrogation would not stand up to public scrutiny of this kind.

It was these methods of interrogation that had given rise to the greatest fears and suspicions which, together with the death of Steve Biko, contributed to the public disquiet which led to commission being appointed.

There was "incontrovertible evidence that some detainees have been physically assaulted and others mentally tortured."

"It seemed inevitable that at least interrogation in detention would be investigated; that what happens to Section Six detainees

would be revealed by an incisive inquiry into police methods of interrogation.

"But we were wrong. For the Rabie Commission does not tell us what happens to detainees, nor does it express any real concern over a system which has brought the SA legal system into disrepute."

While the commission relied very heavily on police evidence, a serious weakness is that it appears not to have heard the evidence of ex-detainees, doctors who had visited detainees or psychiatrists with expert knowledge of the effects of solitary confinement.

The commission had made some positive recommendations, including the abolition of minimum five-year sentences for terrorism and sabotage, and of the death penalty for acts not including violence.

But they did not go far enough.

The Commission did nothing to alleviate the lot of the innocent person held under Section Six. "As in the past, their protestations of innocence would be met with more intensive interrogation."

Other accusations levelled were that the Commission did not:

- Consider the evidence of police misconduct heard in a number of trials and inquests.
- Examine whether the "cruelty of solitary confinement" is inflicted on Section Six detainees.
- Appear to have studied "highly relevant legal materials and writings" on security legislation and detention without trial.
- Include representatives of the black community or lawyers experienced in the defence of people tried under security laws.

Attempt
the problem
logical way, which is to
his credit.
top

DETAINEES FM 16/4/82

No choice of doctors

(324) ~~324~~
Health Minister Lapa Munnik, Justice Minister Kobie Goetsee, and General Mike Geldenhuys, representing the Minister of Police, have rejected a Medical Association SA (Masa) proposal that detainees or their families should be allowed to choose their own doctors.

Another proposal, that Masa establish an independent panel of doctors to monitor the health of detainees, was turned down "for reasons of security."

Despite this, Professor Johan de Klerk, chairman of Masa's federal committee, told the FM: "A lot of constructive stuff came out of the meeting which will lead to an improvement in the situation. The main thing is that contact was established."

De Klerk's report on the meeting, which took place on March 17, appears in the March 27 issue of the *SA Medical Journal*.

Masa's proposals for the medical treatment of detainees are based on several internationally-accepted ethical codes, including the World Medical Association's "Declaration of Lisbon," which states that:

- ☐ A patient has the right to choose his physicians freely; and

- ☐ A patient has the right to be cared for by a physician who is free to make clinical and ethical judgments without any outside interference.

At the meeting, Masa also declared that Section 6, sub-section 6 of the Terrorism

Act interferes with the right of a doctor to treat detainees held in terms of the Act.

The sub-section states: "No person other than the Minister, or officer in the service of the State acting in the performance of his duties, shall have access to any detainee, or shall be entitled to any official information relating to or obtained from any detainee."

In rejecting Masa's proposals the authorities gave assurances that:

- ☐ Detainees may request medical attention over and above the routine fortnightly consultation. The officer responsible for the detainee must accede to this request.

- ☐ Detainees can make representations about medical care to three "responsible individuals" who visit them at intervals who are not members of the prison establishment.

(The Detainees' Parents Support Committee points out, however, that these individuals — a magistrate, an inspector and a district surgeon — are all dependent on the State for their salaries.)

- ☐ Masa "can feel free" to draw the Minister of Justice's attention to any problems relating to the medical care of detainees which are reported to it.

De Klerk's report says that after the meeting the Masa deputation felt there had been a "very real" attempt by the authorities to provide the best possible medical care for detainees within the limits of the Terrorism Act.

But this does not mean Masa will stop pushing changes to the existing procedures for medical care of detainees. "We put this to the authorities and they came up with an argument which we do not necessarily agree with," De Klerk told the FM: "We will abide by their decision but Masa will remain unhappy until detainees can have access to doctors of their choice."

Centres Act; if so, (a) how many and (b) for what period was each detained;

- (2) whether any of these persons were subsequently (a) charged with and (b) convicted of peddling drugs; if so, how many;
- (3) whether any of the persons arrested in 1981 are still in detention for interrogation; if so, (a) how many and (b) for what period has each been so detained?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 27

(b) 2 for 5 days

1	"	6	"
1	"	7	"
1	"	8	"
2	"	9	"
1	"	10	"
2	"	12	"
2	"	14	"
1	"	15	"
2	"	17	"
4	"	22	"
1	"	29	"
1	"	36	"
1	"	45	"
1	"	67	"
1	"	74	"
1	"	100	"
2	"	123	"

(2) Yes.

(a) 15

(b) 6

The trials of 12 have not yet been concluded

(3) Yes

(a) 2

(b) 123 days each.

Handwritten: 329 Howard Q 61-623-0241
Abuse of Dependence-producing Substances
and Rehabilitation Centres Act

535. Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) Whether any persons were detained in the second half of 1981 for interrogation in terms of section 13 of the Abuse of Dependence-producing Substances and Rehabilitation



(329) Terrorism Act: Actions for damages
Hansard Q. 601. 622 16/4/82
532 Mrs. H. SUZMAN asked the Minister of Law and Order:

- (1) Whether any actions for damages brought against him or his predecessor and/or any members of the Police Force by persons who had been detained in terms of section 6 of the Terrorism Act, or by their next-of-kin, were settled out of court in the second half of 1981; if so, (a) how many, (b) who were the plaintiffs and (c) what were the terms of settlement in each case;
- (2) whether any moneys were paid to any of the plaintiffs; if so, what amount in each case;
- (3) whether any such actions are pending; if so, (a) how many and (b) who are the plaintiffs?

The MINISTER OF LAW AND ORDER:

- (1) No.
- (2) No.
- (3) Yes.
 - (a) 1
 - (b) Mary Masabala Lote

CAPT T.M.S. 11/14/82
324

Police visit Durban editors over report

Own Correspondent

DURBAN. — Security police in Durban are investigating alleged contraventions of the Police Act by two Durban newspapers, the Mercury and the Daily News, and by Capital Radio which broadcasts from Transkei.

The editors of both newspapers were visited by Security Police officers yesterday in connection with reports published in their newspapers last month on an Indian man detained under the Terrorism Act.

The newspapers and the radio station are alleged to have committed an offence under Section 27C of the Police Act No 7 of 1958 read in conjunction with Section 2 of the Terrorism Act No 83 of 1967.

Prohibition

Section 27C of the Police Act deals with the prohibition of publication of certain information.

Sub-section 1 states that no person shall publish in any newspaper, magazine, book, pamphlet or by radio any information in relation to:

(a) The constitution, movements, deployment or methods of any member or part of the police force concerned in any action for the prevention or combating of terrorist activities referred to in Section 2 of the Terrorism Act.

(b) Any person against whom any action referred to in paragraph (a) is directed or in relation to any action by such person or group of persons.

Sub-section 3 of the Act states that any person who contravenes the provisions of sub-section 1 shall be guilty of an offence and liable on conviction to a fine not exceeding R15 000 or to jail for a period not exceeding eight years or to both the fine and jail.

Rabie report (329) *Stu 16/4/82* attacked by legal men

By David Breier,
Chief Reporter

Thirty-six lawyers, among them some of the best legal brains in South Africa, have come out with scathing criticisms of the Rabie Commission report on security legislation.

They question why the commission failed to address itself to the central issues:

- Why 45 people died in custody.
- What the methods of interrogation in police cells were.

A seminar by the lawyers in Johannesburg recently, organised by the Centre for Applied Legal Studies at the University of the Witwatersrand, found little to praise in the commission's report — and pointed out some staggering shortcomings.

When the commission met, 45 people had died in detention.

"The absence of a comprehensive examination of these deaths, and the failure to consider the question of what causes death in detention, constitutes a startling omission in the Rabie report.

"After all, the main impetus of the establishment of the com-

mission was the death of Steve Biko, and it is difficult, therefore, to understand why this central question was overlooked," says the official report of the seminar.

It adds: "The failure of the Rabie Commission to examine the methods of interrogation employed by the Security Police is even more extraordinary than its failure to consider the subject of deaths in detention.

"After all, it is these methods of interrogation that have given rise to the greatest fears and suspicions, and that, together with the death of Steve Biko, contributed to the public disquiet which led to the appointment of the Rabie Commission."

The seminar asked why the commission failed to discuss whether the police used methods such as long periods of standing, subjection to noise and deprivation of sleep, food and drink.

"In the absence of any discussion of this subject, inevitably many will conclude that the commission

To Page 3, Col 11

329 388 C. Herald 17/4/82

Freed . . . then banned

SEVEN PEOPLE involved in the labour movement and education had a brief taste of freedom after months in detention . . . and then they were banned.

The two-year banning orders for four Port Elizabeth trade unionists came at the start of this month after they had been held under Section Six of the Terrorism Act for nine months.

They are Mr Dumile Makanda, the president of the Motor Assembly and Components Workers' Union of SA, Mr Sipho Pitso, a union organiser, and two union members Mr Maxwell Madlinzani and Mr Zandile Mjuzane.

HAYSOM

This was followed by the three-year banning order imposed on a former student leader Mr Nicholas 'Fink' Haysom last week.

Mr Haysom, a lawyer with a special interest in labour matters, was a president of the National Union of South African Students (Nusas). He was released after four

months in detention just ten days before his banning order was imposed.

He was held in solitary confinement in terms of Section Six of the Terrorism Act.

Two University of the Witwatersrand students, Mr Keith Coleman, 21, and Mr Clive van Heerden, 24, were banned last Wednesday, a few days after Mr Haysom.

The two post-graduate industrial sociology students were detained in October last year and released 12 days before their banning orders were imposed.

Both were former co-editors of Saspu National, a student publication which was banned recently.

Detention of players condemned

329
C. Herald
8/4/82

WELL-KNOWN KWARU rugby player Valence Watson has strongly condemned the circumstances surrounding the announcement of the detention of two of his clubmates, Lulamile Lamani and Zamuxolo Nojoko.

Watson, Nojoko and Lamani are all members of the Wallabies rugby club. They wouldn't admit that they were holding him. They tried to confuse the issue by asking for his proper names and his address and so on, said Watson.

He said that Lamani's case was 'an indication of how cruel and unjust the authorities could be.'

Lulamile had been missing from home for three weeks, before we found out where he was — and then it was purely by accident.

'Somebody saw him being moved from the Security Branch offices.'

'We had been to the police before this and

Nojoko, who is employed by Watson, has previously been detained on a political charge.

'After having been detained for the first time, Zamuxolo found it extremely difficult to get work. He is quite a bright chap and I'm glad I took him on.'

'What I abhor in the system is the fact that these fellows won't be charged. Surely if they've done anything wrong they should be charged.'

'The system of detention without recourse to a court of law is an evil one, designed to scare and humiliate people,' said Watson.

Both Lamani and Nojoko are being held under Section 6 of the Terrorism Act.

329 Star 12/4/82

Detained Soweto couple freed

A Soweto man, Mr Alex Mbatha, and his wife, Khozi, were released on Tuesday after being in detention for six months.

Mr and Mrs Mbatha were arrested on October 22 under security legislation.

The Sowetan reported that Mrs Mbatha had been admitted to hospital, suffering from a heart ailment.

The newspaper also reported that the couple's two-year-old daughter, Dudu, was taken from Mrs Mbatha by the police the day after her arrest. Mrs Mbatha was told on Tuesday that the baby was at a convent in Johannesburg.

A police spokesman denied that the baby was taken away against Mrs Mbatha's will. She was given to a relative with the knowledge and permission of Mrs Mbatha.—Sapa.

Welcome for ex-detainees

329

C. Herald
17/4/82

TWO city ex-detainees, Mr Armien Abrahams and Mr Ebrahim Patel, arrived in Cape Town from Johannesburg on Saturday evening and were welcomed back to freedom by relatives and friends on Cape Town station.

Mr Abrahams, a Cape Herald advertising representative, and Mr Patel, a former University of the Western Cape student, were released from custody in Johannesburg on Wednesday, but arrived here on Saturday only, after a series of delays.

Mr Abrahams said: 'It's great' when he was asked about his release after 15 days' detention under Section 50 of the Criminal Procedure Act and then Section 22 of the General Laws Amendment Act. Mr Abrahams and Mr Patel were held under the same conditions and were transferred to Johannesburg under the Criminal Procedure Act.

Mr Abrahams said: 'It's great' when he was asked about his release after 15 days' detention under Section 50 of the Criminal Procedure Act and then Section 22 of the General Laws Amendment Act. Mr Abrahams and Mr Patel were held under the same conditions and were transferred to Johannesburg under the Criminal Procedure Act.



● **MR Armien Abrahams**

Mr Patel, who has been detained twice before, was reluctant to say anything about his detention and the welcome he received from his family. The two men were detained at their homes in the early hours of the morning of March 23.

Eleven Cape Town people are currently being held under Section Six of the Terrorism Act, which allows for indefinite detention without access to family members.

HELD

They are: Benjamin Julius Lionel Scholtz, Tom Barends, Frank Anthony, Roger Gallant, Julian Sauls, Johannes Mannel, Reddy Schroeder, Wilfred Apollis, Gerrit Stellenberg and Gerald Claims. They have been held since the end of last year.

Mitchells Plain community leader Mr Johnny Issel is still being held at the Modderbee Prison in Benoni under Section 10 of the Internal Security Act.

11 329
Decision
S. Africa
soon on
18/4/81
two Biko
doctors

By CHARLENE
BELTRAMO

THE executive of the South African Medical and Dental Council will meet next week to consider reopening an investigation into the conduct of two doctors in the Steve Biko case.

The move comes after a group of prominent medical men petitioned the council to reopen the case. Dr Ivor Lang and Dr Benjamin Tucker were called in to treat the black consciousness leader in September 1977 for massive injuries he received while detained by Port Elizabeth security police. Mr Biko died the day after being taken, naked, to Pretoria.

The SA Medical Association has consistently resisted taking action against the two doctors, despite repeated appeals and protests from the local medical fraternity and international bodies.

Dr C E Marais Viljoen, general secretary of the association, said that after next week's executive meeting the matter would be brought before a full council meeting between May 4 and 6.

This is despite an earlier assurance by Dr Marais Viljoen that the matter would be discussed at a Medical and Dental Council board meeting this past week.

The petition was drawn up by Prof Francis Ames, head of the Department of Neurology at Groote Schuur and the University of Cape Town; Prof Philip Tobias, dean of the University of the Witwatersrand Medical School; Prof Trefor Jenkins, head of the Department of Genetics at Wits University; and two Durban medical practitioners, Dr E Barker and Dr M Robertson.

Lawyers — and a former detainee — examine John Vorster Square's interrogation rooms

IN A dramatic sequel to the Aggett inquest hearing, a team of legal representatives, police officers, and a banned former detainee visited the interrogation rooms and police cells — including the cell in which Dr Neil Aggett died — at John Vorster Square this week.

The surprise visit followed two previous appeals by Mr George Bizos, SC, counsel for Dr Aggett's family, to the Johannesburg Magistrate's Court for a formal in loco court inspection of the cells and interrogation rooms.

Mr Morris Smithers, a 30-year-old environmental development officer, who was in detention at the same time as Dr Aggett, accompanied the police and legal teams on their informal in loco inspection this week.

Mr Bizos told the Johannesburg Magistrate's Court on Tuesday that an affidavit by Mr Smithers, which was handed in at the start of Tuesday's proceedings, was vital as Mr Smithers had apparently witnessed an assault on Dr Aggett during interrogation.

He said that although an in loco inspection was not an immediate necessity he wanted Mr Smithers to be allowed to accompany any such inspection to the interrogation rooms on the 10th floor.

He said he wanted Mr Smithers to demonstrate what he saw.

As the magistrate, Mr P A

AGGETT DEATH CELL DRAMA

329 S. Express 18/4/82

By CHARLENE BELTRAMO



J Kotze, has not yet formally ruled whether Mr Smithers' affidavit will be admissible as evidence, the Sunday Express does not know if Mr Smithers was able to demonstrate what he allegedly saw.

Mr Smithers was served

with a banning order — dated April 2 — only two hours after counsel for the Aggett family had submitted his affidavit to the court.

The in loco team included legal advisers representing the Aggett family — Mr Bi-

zos, Mr Denis Kony, SC, and Mr William Lane, the instructing attorney; lawyers representing the Minister of Law and Order, Mr Louis le

To Page 2

(329) S. Express 18/4/82

Lawyers see death cell

From Page 1

Grange — Mr P J Schabort, SC, Mr S F Burger and Mr C J Beukes of the State Attorneys office, Mr A P de Vries, chief Johannesburg public prosecutor, and several senior Security Police officers, including Captain J A Victor, the officer who was in charge of investigations surrounding the deceased trade unionist.

However, despite the fact that Mr Bizos had twice applied for an inspection in loco to the magistrate's court, the agreement for the informal inspection, which is not officially part of the court proceedings, was finally reached between the legal teams and the police.

The magistrate, Mr Kotze, did not attend the informal inspection.

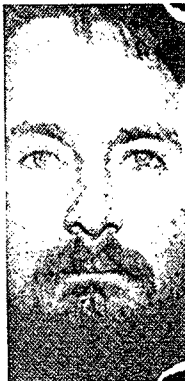
It is believed police gave unhindered access to all areas the legal teams requested to see.

The visit to John Vorster Square took place on Wednesday and the inspection team saw:

- The interrogation rooms on the 10th floor.
- The detention cells on the second floor.
- The cell in which Dr Aggett was found dead on the second floor.

The team also took note of:

- The lifts between the 9th and 10th floors — Security Police headquarters at John Vorster Square — and the



● Dr Aggett
... final statement 'crucial'

time it takes to get from the Security Police offices to the detainees' cells.

This is apparently vital to evidence that will come up in the inquest when it resumes on June 1, as cross-examination of two Security Policemen on Tuesday indicated.

The Minister of Justice, Mr Kobie Coetsee, said Mr Smithers would be allowed to give evidence in court.

Mr Smithers' evidence is considered crucial to the hearing.

The inquest was adjourned to June 1 to enable counsel for the Minister of Law and Order to appeal in the Supreme Court for a review of the magistrate's de-

cision to allow Mr Bizos to put the contents of the affidavit by Dr Aggett to the district surgeon under cross-examination.

Dr Aggett alleged in the affidavit, made 14 hours before he died, that he had been assaulted during interrogation by Security Police.

Mr Smithers was detained in November last year and released a fortnight ago without being charged with seven other detainees, including two former detainees who apparently had cells adjacent to Dr Aggett.

Lawyers told the court that Dr Aggett — who was found hanging in his cell on February 5 — alleged he was assaulted by Security Police on the 10th floor of John Vorster Square on January 4 and January 29 this year.

Mr Bizos told the court that according to the statement Dr Aggett was bleeding after being assaulted on January 4.

On the same day the Inspector of Detainees — who submits complaints from detainees directly to the Minister of Law and Order and reports on the state of their health — arrived at John Vorster Square and specifically asked to see Dr Aggett.

He was told Dr Aggett was "out" (assisting in investigations), Mr Bizos said Dr Aggett was not only at John Vorster Square that day but he was bleeding as the result of an alleged assault.

Mr Bizos said Dr Aggett's formal complaint on Febru-

ary 4 — the day before his death — was crucial evidence.

"Dr Aggett's state of mind is of particular importance ... if it was suicide, it was induced suicide. Induced suicide is a crime in this country

"Dr Aggett complained on February 4 that electric shocks were administered to him on January 29, five days before his death.

"Despite the sub-judice rule, statements were made (by the Government and police) that Dr Aggett made an incriminating statement and therefore took his own life. Dr Aggett's statements incriminated no-one but the police," Mr Bizos said.

Dr Aggett, who was held in terms of Section Six of the Terrorism Act, apparently made three statements to police before he died.

His final statement was the subject of hours of debate in Tuesday's inquest.

When Mr Bizos stood to cross-examine Dr Vernon Kemp, district surgeon for Johannesburg, on whether the injuries alleged in Dr Aggett's affidavit were consistent with the injuries found by Dr Kemp during the post-mortem, Mr Schabort objected to Mr Bizos quoting from the statement.

Mr Schabort said Dr Aggett's statement was inadmissible as it was "quite obvious that (Dr Aggett's) statement has no bearing on, and was not intended to have any bearing on, his death."

Hannchen trial: new date set

Staw 19/4/87 (80/229)

Court Reporter

Dr Piet Koornhof's niece, Mr. Hannchen Elizabeth Fitzgerald, was today remanded by a Johannesburg regional magistrate for trial under the Terrorism and Internal Security Acts to Friday.

Mrs. Fitzgerald (27) of Sixth Avenue, Mayfair, appeared before Mr P A J Kotze and was not asked to plead.

According to the charge sheet Mrs. Fitzgerald is alleged to have gone to Botswana where she met her husband, Patrick, and learnt an "African National Congress code

which she agreed to pass on to Mr Frederick de Beer to enable him to give messages to the ANC.

She is also alleged to have given Mr de Beer a book, "The Naked Gods," to decipher the code.

BANNED WORKS

She also allegedly possessed several banned works including writings of Karl Marx and Frederick Engels.

A lone demonstrator at the entrance of the courts building held a placard proclaiming "Let Apartheid Die not Detainees."

Aggett counsel visit cells

ARGUS
19/4/82
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Argus Correspondent

JOHANNESBURG. — Security Police agreed last week to an informal inspection of the cells and interrogation rooms at John Vorster Square by legal representatives of the Aggett family.

Police officers and a banned former detainée also visited the cells and rooms.

The visit was granted after an agreement was reached between police and the legal team representing the Aggett family at the inquest on Dr Neil Aggett.

The visit was made after two applications by Mr George Bizo's, SC for a formal court inspection of the cells and interrogation rooms.

ATTORNEY

Mr Bizos was accompanied by Mr Denis Kuny, SC, the instructing attorney, Mr William Lane, lawyers representing the Minister of Law and Order, Mr Louis Le Grange, the senior public prosecutor of Johannesburg, and several police officers including captain J A Victor, who was in charge of investigations concerning Dr Aggett.

INFORMAL

The visit was confirmed by Security Police headquarters in Pretoria.

They said the visit was an informal one and the magistrate presiding at the inquest was not present. The inspection would not be part of the court records.

POSTPONED

The inquest has been postponed until June 1.

Dr Aggett was found hanged in a cell on February 5.

One of the visitors to John Vorster Square last week was Mr Morris Smithers, 30, an environmental development officer, who was in detention at the same time as Dr Aggett.

He was banned for two years last week but has been granted permission to give evidence at the inquest if called.

period.

CHIEF TRANKS 10/1/82
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Aggett legal team visits cells

JOHANNESBURG. — Banned former detainee, Mr Morris Smithers, accompanied police and lawyers on an informal inspection *in loco* of John Vorster Square's interrogation rooms and police cells last week.

It is believed Mr Smithers has information about Dr Aggett's detention.

Dr Aggett made a statement 14 hours before he died alleging he was assaulted and subjected to electric shocks at John Vorster Square on January 4 and January 29 this year.

Mr Smithers, 30, was banned on April 13 while he was attending the Aggett inquest at the Johannesburg Regional Court. He will be allowed to give evidence at the inquest if the inquest magistrate subpoenas him to do so.

The surprise visit to the 10th floor interrogation rooms and second floor police cells took place on Wednesday after an agreement between the police and legal teams. It was not officially part of the formal court proceedings.

EVERY CANDIDATE MUST enter in column (1) the number of each question in which it has columns (2) and

Aggett lawyers
visit detention cells

By Mike Cohen, Crime Reporter

Security Police last week agreed to an informal inspection of the cells and interrogation rooms at John Vorster Square by legal representatives of the Aggett family, police officers and a banned former detainee.

The visit was granted by police after an agreement was reached between them and the legal team representing the Aggett family at the inquest into his death in detention.

The visit came after two applications by Mr George Bizos, SC for a formal in loco court inspection of the cells and interrogation rooms at John Vorster Square.

Mr Bizos was accompanied by Mr Denis Kuy, SC, instructing attorney Mr William Lane, lawyers representing the Minister of Law and Order, Mr le Grange, the Senior Public Prosecutor of Johannesburg and several police officers including

Captain J A Victor who was in charge of investigations surrounding the deceased trade unionist.

The visit was confirmed by Security Police headquarters in Pretoria.

They said the visit was an informal one and the magistrate presiding at the inquest hearing was not present. The informal inspection will not be part of the court records.

The inquest hearing has been postponed to June 1. Dr Neil Aggett was found hanged in his John Vorster Square cell on February 5 this year.

One of the visitors to John Vorster Square last week was Mr Morris Smithers (30), an environmental development officer, who was in detention at the same time as Dr Aggett. He was banned for two years last week but has been granted permission to give evidence at the inquest if called.

Degree/Diploma/Certificate for which
you are registered (e.g. B.A., B.Sc.) CTA

Subject ECONOMICS I B
(to be copied from the heading on the Examination Paper)

Paper No......
(to be copied from the heading on the Examination Paper)

[illegible]

NOTE CAREFULLY

1. The answers only on the right hand pages will be marked. The left hand pages may be used for rough work, but no credit will be given for such work.
2. Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering.
3. Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used.
4. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.

WARNING

1. No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed.
2. Candidates are not to communicate with other candidates or with any person except the invigilator.
3. No part of an answer book is to be torn out.
4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

Mashinini quits

Sowetan 20 April '82 329



TUCSA'S SECRETARY: Arthur Grobbelaar.

TRADE Union Council of South Africa's (Tucsa) estrangement with black workers is likely to grow with the resignation from the union of a leading trade unionist, Mr Tom Mashinini, whose wife Emma has been in detention without trial for over 140 days.

An angry Mr Mashinini, organiser of the Union of Clothing Workers, which is affiliated to Tucsa, told The SOWETAN yesterday he was "disappointed with the union for not showing sympathy with my wife."

Mr Mashinini's resignation was sparked-off by Tucsa's circular wherein the union general-secretary Mr Arthur Grobbelaar indicated that the council could not support the campaign against detention without trial organised by the Detainees' Parents Support Committee.

In the circular, Mr Grobbelaar is reported to have said that Tucsa could not subscribe to any attempts which seek the abolition of all laws in respect of detention, since this would imply that Tucsa sought the abolition of the rule of just law.

This approach by Tucsa is likely to cause a rift among trade union-

By JOSHUA RABOROKO

ists — mostly black — especially because the council refused to endorse a statement condemning the death in detention of Dr Neil Aggett recently.

Informed union sources see Tucsa as "towing the line of the Government" by supporting the status quo while unions under the Federation of South African Trade Unions (Fosatu) are seen to be taken a "tougher line" by condemning the "evil laws" of this country.

At its recent congress Fosatu's general secretary, Mr Joe Foster, said the union was committed to a wide-ranging political change and a society in which workers "control their own destiny."

He also praised banned organisations, including the African

National Congress, who were working towards political change.

Referring to his resignation, Mr Mashinini said that he has since written a letter to the union informing them about his intentions.

In the letter he says: "I wish to convey to you my extreme disappointment of Tucsa's response to the detention of my wife, Emma. I have been involved in Tucsa's work for a number of years.

"I have been influential in organising Nucwsa to join Tucsa. I have also participated and stood for the council's stance and defended it whenever it was misunderstood."

Mr Mashinini, who recently cut a lonely placard-carrying figure outside the Johannesburg Magistrate's Court at the start of Dr Aggett's inquest, said the Detainees' Parents Support Committee wanted the release of those people who have been detained without trial under the security legislation.

BIKO:

CALL

FOR

NEW

PROBE

ARGUS
26/4/82

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Medical Reporter

THE South African Medical and Dental Council is considering a request for a full inquiry into the death in detention of Mr Steve Biko.

But there was no indication today how early the council would decide whether or not to institute an inquiry.

The request for an inquiry was made last month by five prominent doctors in a 60-page document submitted to the council.

PETITIONERS

The document was drawn up by Professor Frances Ames, head of the department of neurology at Groote Schuur Hospital, two other professors and two doctors.

It submits that the circumstances surrounding Mr Biko's death warrant a finding of improper or disgraceful conduct between the doctors concerned.

Alternatively the council should make it explicitly clear to the medical profession in South Africa and abroad, and to the general public, that the conduct of the doctors was in accordance with the standards of professional competence and ethical conduct expected of medical practitioners in South Africa.

WITHOUT FEAR

If the alternative finding is made, the council should make it clear that other doctors may so conduct themselves in future, without fear of disciplinary proceedings against them.

The signatories are understood to be Professor Ames, Professor T. Jenkins of the research institute of the University of the Witwatersrand Medical School; Professor Philip Tobias of the Witwatersrand Medical School; Mr E. Baker, a Durban surgeon; and Dr M. Robertson, also of Durban.

If their request for an inquiry is turned down, it is likely the petitioners will take the issue to the Supreme Court.

Court remands Koornhof's niece

Own Correspondent
JOHANNESBURG. —
Hannchen Elizabeth
Koornhof, niece of Dr
Piet Koornhof, Minister of
Co-operation and Devel-
opment, appeared briefly
in the Johannesburg Re-
gional Court for the
second time yesterday.

Ms Koornhof, 27, was re-
manded till April 23,
when her case will be
heard. She faces a charge
under the Terrorism Act,
or alternatively, the Inter-
nal Security Act, and
three charges relating to
banned literature.

It is alleged that in
April 1981 she travelled

to Botswana where she
learnt an African
National Congress code.

She allegedly agreed to
give the code to Mr Cedric
de Beer and to take in-
structions from Mr Marius
Schoon and Mr Patrick
Fitzgerald, alleged mem-
bers of the ANC.

She also faces two
charges in terms of the
Customs and Excise Act
and one in terms of the
Publications Act.

Ms Koornhof, a teacher,
was detained on October
12 last year and was being
held in terms of Section
Six of the Terrorism Act
before she was charged.

Botha denies responsibility for detention of unionists

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CAPE TIMES
20/4/82

Political Staff

HOUSE OF ASSEMBLY — The Minister of Manpower, Mr Fanie Botha, denied in Parliament yesterday that his department had been responsible for initiating police action against trade unionists.

Mr Botha was replying to a scathing attack by the PFP's chief labour spokesman, Dr Alex Boraine, during the budget debate on the manpower vote yesterday.

Dr Boraine lashed out at the government's "brutal and archaic forms of repression and victimization of labour leaders" and called on Mr Botha to intervene.

Mr Botha said in reply that his department could not interfere in the affairs of other departments.

Difficulties

He conceded that difficulties had arisen in labour negotiations but denied that police had "stuck their noses into negotiations".

Mr Botha said that if it was necessary would do follow-up work and there would be prosecutions.

But he said that no unionist had been "approached" on the orders or at the suggestion of the Department of Manpower.

Earlier in the debate Dr Boraine drew an immediate protest from the government benches with his allegation that the government was applying "brutal and archaic forms of repression" in the labour field.

"Dr Neil Aggett was a trade union leader when he died and that is pretty brutal..."

He said that the rash of detentions, bannings and general harassment of many union leaders had reached crisis proportions and that the credibility of the Department of Manpower was now at stake.

"For the sake of labour peace in South Africa the police must get out and stay out and leave industrial negotiation to man-



agement and labour." Dr Boraine warned.

"All labour leaders and trade unionists who are now detained without trial must be released immediately — not only because the system of detention without trial is barbaric but also to regain union confidence and to prevent the growth of militancy."

Dr Boraine said that while the opposition welcomed the labour reforms in recent years it was "extremely foolish" to liberalize laws and then use the security apparatus to negate them.

Severe blow

"The death of Dr Aggett in detention and the hospitalization of Mr Thozamile Gqweta and Mr Sam Kikine of SAAWU are not only tragic and wrong, but has dealt a severe blow to years of enlightened work by this department." "It is simply not good enough for the minister or his department or the government saying that it detains individuals and not unionists."

"No-one believes this anymore. Black unionists believe that there is a deliberate vendetta against them."

"Employers too are concerned that detentions and bannings often rob them of anyone credible to negotiate with during disputes," he said

Ex-Chief Justice's impact on SA law seen as 'regrettable'

CHIEF JUSTICE 20/4/82

By GERALD GORDON, G.C.

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THE DEATH on February 5 of Dr Neil Aggett, the 45th person to die in detention since 1963, has turned the spotlight of world criticism again on South Africa's security laws, and with them other legislation affecting the rule of law and race relations.

It has however repeatedly been urged in defence of our social and legal system that judges trying cases apply the law as they find it, and that the blame for capricious, oppressive and unjust invasions of freedom and human rights must be laid at the door of the legislature. Indeed our judges gained a reputation in the Western world for protecting fundamental rights and in particular the court of appeal became renowned as a fearless champion of basic freedoms and justice.

This was the court of appeal to which Lucas Cornelius Steyn was elevated from the Transvaal Provincial Division in 1955 and it was the court to which he was four years later appointed, over the heads of his senior colleagues, Schreiner and Hoexter, to preside as Chief Justice.

Urgent work

Some time earlier he had said there was urgent work to be done and his 12 years in the country's highest judicial office — a term of service exceeded only by Innes — gave him ample opportunity to do it.

In a well-researched study of the judgments of the late Justice Steyn (he died in 1976), Edwin Cameron, advocate of the Supreme Court and formerly a senior lecturer in law at the University of the Witwatersrand, concludes that Steyn's "impact on South African law has, as a whole, been regrettable". The 38-page article appears in the February issue of the South African Law Journal (Vol 99, Part 1, 1982), and reactions in legal and academic circles vary from approval of disagreement with the writer's conclusions.

While in many other countries academic lawyers frequently scrutinize the legal philosophy of judges, in South Africa judges are traditionally

placed above criticism and attack. The article is therefore a departure from tradition.

Lucas Cornelius Steyn was born in 1903 on a farm in the Orange Free State only 18 months after British rule was established over the whole of Southern Africa. His early childhood was spent in what Mr Cameron calls "the difficult reconstruction years of what had become the Orange River Colony". The Afrikaner minority was embattled on two fronts, the numerically overwhelming black population and the British victory over the Boer states. "The Afrikaner's agony of this period, both spiritual and material, cannot but have had a formative impact on him".

He attended the University of Stellenbosch and "his prodigious talents found expression in a brilliant career in the public service." (1928-1951) "where he is said to have gained one of the highest assessment ratings accorded anyone in that institution."

In 1946 he published his work on statutory interpretation, "Die Uitleg van Wette". The first legal textbook to appear in Afrikaans. In it, as Cameron says, he made plain to the legal world "that he was a Roman-Dutch 'purist' determined to resist and, if possible, eradicate the pervasive grasp that English law and legal concepts had gained on the South African legal system as a result of one hundred and fifty years of cultural and constitutional association. It was a philosophy that was not only congenial to Afrikaner nationalism but elemental to it."

Contrasting the qualifications of Oliver Deneys Schreiner and Lucas Cornelius Steyn for appointment as Chief Justice, Mr Cameron says the former "had singled himself out as meriting Nationalist odium" and, though he could have served only two years, for him to hold that august lofty post was unthinkable.

Steyn, on the other hand, a man of formidable intellect, "may have been the Nationalist Gov-

ernment's man in the sense that his legal philosophy was of a piece with the broader pattern of nationalism then ineluctably being impressed upon the life of the country. His flaccidity in the defence of individual liberty and his zeal for rendering unto the executive what he thought due to it no doubt suited a Government driven to increasingly repressive statutory measures in order to subdue the dissent which the implementation of its ideology occasioned."

This is not to say he was a toady. He was a man of autonomous conviction whose talents he used to implement his legal notions. "Had it been otherwise, his impact on this country's profoundest legal values would have been far less severe."

'Ungenerous'

Examining that impact and his contribution to South African law, the writer says "far from deserving acclaim, still less veneration, it should on balance be perceived as having been lamentable". The record shows, Mr Cameron submits, that L.C. Steyn "had a towering but parsimonious intellect;



The late Chief Justice L.C. Steyn... "executive-minded"

that he was a scrupulous but ungenerous judge", that his attempt to excise the English law was "not only jurisprudentially and historically unjustified, but ultimately quixotic", that, though unfettered, "he was — of his own volition — an executive-minded judge" and "that during his term of office a legal temperature already chill for the survival of human values and the preservation of fundamental freedoms, turned several degrees colder".

Steyn's judicial career had been controversial from its inception. There was wide dissatisfaction with the appointment of a public servant instead of a practising advocate to the Bench and the Johannesburg Bar decided to boycott his court. This was however solely on the ground that a public servant was unsuitable for judicial office because a Bench that is "absolutely independent and absolutely fearless" is the foundation of our liberties.

Split decisions

Mr Cameron interestingly examines Steyn's 200 appellate judgments, and in particular the split appellate decisions in which he delivered a judgment. Forty-five of the 200 produced a divided court. Of these 19 involved, on the one side, a private individual or corporation, and, on the other, a state authority or institution or some other public body like a municipality. Only six of these cases involved contentious issues of public law impinging on the liberty

"In five of these six cases, although either view was manifestly tenable, Steyn's judgement fell on the side favouring executive power. This ratio of five to one is suggestive. Steyn's judicial consistency in opposing the viewpoint favouring individual liberty — represented in each of these cases, and at times with vigour by some of his fellow judges — seems evident."

As Chief Justice, Steyn delivered a series of eight important judgments on the application of the Group Areas Act in each of which an attempt to mitigate or delay the impact of the statute was defeated and the action of the Group Areas Board supported. Limitations on the "Board's freedom of action", said Steyn J, could never have been contemplated, otherwise, the investigations would assume "barely manageable" dimensions. "Considerations ad misericordiam (of compassion) should not be allowed to become an invitation to laxity."

Three cases

Frequently in the course of the application of law a judge is called upon to choose between conflicting principles, precedents, rules of interpretation and textual authorities. In a well-known trio of cases in which Steyn J sat, detainees challenged the extent of police powers under the detention without trial provisions.

In the first, *Loza v. Police Station Commander, Durbanville*, 1964, the question was whether the enactment authorized immediate rearrest when the 90-day period had expired. The court, in spite of the *in favorem libertatis* (in favour of liberty) rule, held re-arrest to be in order. (The question was later settled statutorily by the notorious section 6 of the Terrorism Act of 1967 which provided for indefinite detention.)

Second, *Rossouw v. Sachs*, 1964: "It was not the intention of Parliament that detainees should as of right be permitted to relieve the tedium of their detention with reading matter or writing materials."

Third, *Scherbrucker v. Klindt NO*, 1965: The court had no power to order the production before it of a detainee in order to give evidence in person of torture allegations. This was the only divided decision of the trio. The majority of the court said: "Any interference with that detention which may negative the inducement to speak is likely to defeat the purpose of the legislation."

Despite the ambit of judicial choice — as the strong disagreement in the third case and the fact that in the second case the decision of the court appealed from (two judges) was reversed — Steyn J consistently opted for the executive interpretation.

English law

On the subject of English law as a source, Mr Cameron accuses Chief Justice Steyn of "legal chauvinism" and of using emotive language in a heated tone: "To go and seek it (our own law) thus in a different legal system, I cannot, even where in fact uniformity of legal principle is to be found

perverse procedure." "It would go ill with the status of a sovereign republic... that it should be in thrall to the decisions of another country."

Another way in which he sought to enervate the influence of English law was simply by ignoring it. Though English writers or decisions were frequently followed in South African precedents or were included in the heads of argument of counsel or referred to by fellow appeal judges, the Chief Justice either ignored the reference or dismissed it as of no instructive or persuasive force.

Politics

A judge's duty, asserted Steyn, in interpreting statutes is solely to establish the intention of the legislature. This is the chief doctrine of his book. Judges, he said, should "give politics as wide a berth as their work permits" and it is not the function of judges, when the legislature has firmly enacted a deliberate policy (such as interrogation under solitary confinement), "to write an indignant codicil to the will of Parliament". He seems to have assumed that speaking out against invasions of the rule of law is entering politics, and that remaining silent is not. But writes Cameron, "silence and apathy, too, are capable of expressing viewpoints, as strongly indeed as outspokenness."

Cameron continues: "Had the decision in *Scherbrucker's* case gone the other way, had, that is, the investigating officials in a security case been subject to the admonition of due inspection of the health and safety of their detainees when claims of maltreatment arose, many of the controversial allegations arising from the death and injury of detainees over the past two decades in South Africa would not have arisen."

In support of this point, it may be urged that justice has a more positive function than the mere interpretation of the intentions and policy of the legislature. It is bound up with the defence of freedom and certain unbreakable human rights. As Edmund Burke said two centuries ago, "Whenever a separation is made between liberty and justice, neither, in my opinion, is safe."

Soweto arrests linked to burial

JOHANNESBURG.

Eleven people — including Mrs Albertina Sisulu, wife of Robben Island life prisoner Walter Sisulu — were arrested by Security Police in a pre-dawn swoop in Soweto yesterday.

By late last night, seven of those arrested had

been released. The chief of the South African Security Police, Major-General Johan Coetzee, said last night the arrests were linked to a burial.

It is believed he was referring to the burial on Saturday of a former Robben Island prisoner,

Mr Elias Tsimbe of Orlando West.

Referring to yesterday's arrests — in terms of the Criminal Procedure Act which allows for 24 hours detention — General Coetzee said: 'Allegations being investigated are that some burials are being abused for ANC

propaganda purposes'.

He said the 11 faced possible charges under the Internal Security Act. All the dockets would be forwarded to the senior public prosecutor for a decision. Those not released yesterday would be freed today.—Sapa.

77645
21/4/82
(1982) (524) (372)

†Indicates translated version.

X *For oral reply* *Howard Q. 61. 650 - 60*
 (29) Mr. David Kitson: interview

*1 Mrs. H. SUZMAN asked the Minister of Justice:

- (1) Whether a member of the British House of Commons requested permission from his Department for an



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- interview with Mr. David Kitson; if so,
- (2) whether the interview was granted; if not why not;
- (3) whether the said person also made a request for an interview with him; if so,
- (4) whether the request was acceded to; if not, why not;
- (5) whether he will make a statement on the matter?

The MINISTER OF JUSTICE:

- (1) Yes.
- (2) No. The treatment policy provides for prisoners to be visited by family members with a view to maintaining and enhancing family ties. For this reason Miss Kitson was allowed to visit her father, and I have personally seen to it that she could visit him as often as possible. In a period of five days one visit of thirty minutes and four visits of one hour each were granted, which constituted a deviation from existing policy. I however considered this to be justified in view of the fact that Miss Kitson lives abroad. In cases where citizens of foreign countries are detained in South African prisons, there is provision for visits to such prisoners by not only their family but also by government representatives of their countries. Prisoner David Kitson is, however, a South African citizen serving a sentence imposed by a court for contravention of Statutes of the Republic of South Africa and a visit from a politician from a foreign country was uncalled for.

- (3) Yes.
- (4) and (5) No. In view of my reply to question (2) I was satisfied that an interview could not have promoted the matter.

Mrs. H. SUZMAN: Mr. Speaker, arising

out of the reply given by the hon. the Minister, is he not aware that the MP in question was also representing the legal interests of Mr. Kitson, and the possibility of his obtaining entry into Britain when he is released?

The MINISTER: Mr. Speaker, the fact of the matter is that on 3 March 1982 a member of the House of Commons wrote to me as follows—

I intend to accompany Amanda Kitson to visit her father, Mr. Dave Kitson, during the week of 15 March 1982. We shall use the normal visiting hours on Tuesday afternoon, 16 March 1982, and the morning visiting hours on Wednesday and Thursday.

I would be grateful if you would issue the necessary authority to the prison officials to allow us to see Mr. Kitson.

Our sole purpose is to ensure that Miss Kitson is able to maintain contact with her father.

Subsequently another gentleman accompanied Miss Kitson, and it was only at a later stage that I was notified that this gentleman was not only a member of Parliament, but also a lawyer. I must point out, however, that a South African lawyer has been visiting Mr. Kitson as many as 22 times during the past 2½ years. His last visit was on 21 February 1979, and as far as I am concerned, Mr. Kitson was duly represented by a South African lawyer.

Mr. Pravin Gordhan: visitors

*2. Mrs. H. SUZMAN asked the Minister of Law and Order:

Whether Mr. Pravin Gordhan has been allowed to receive visitors; if not, why not?

†The MINISTER OF LAW AND ORDER:

No, because at this stage visitors may detrimentally influence the progress made with his interrogation.

Register
 Founded
 Area of
 Official
 Telephone
 Address

ARGUS 21/4/81 (524) (524)

Now harder to confirm detention

Argus Correspondent

JOHANNESBURG. — Police have now made it more difficult to confirm the detention of any person. Requirements, including date and place of birth, full names and the address must now be submitted.

This was contained in a telex to the Star (sister newspaper of The Argus) from the Police Director-

ate of Public Relations in Pretoria. A telex was sent to the directorate for confirmation of two alleged detentions.

The reply stated that they could not confirm the detentions and it stated that new requirements would in future have to be met.

A spokesman for the directorate said the new measures had been enforced to provide for any

chance of mistaken identity.

There are thousands of people in South Africa with the same names and the police could face a civil action as a result of the publication of an incorrect detention, the spokesman said.

In the past, only the name of the person was required for the confirmation of a detention.

JOHANNESBURG —
One of South Africa's top businessmen, Mr. Tony Bloom, chairman of the

Bloom's group, last night strongly criticised his colleagues in commerce and industry for their passive attitude to detention without trial of trade unionists.

At the annual dinner of the SA Institute of Chartered Accountants in Durban, Mr. Bloom said: "I have to say that I am absolutely appalled at the lack of courage

displayed by the business community in not speaking out on this important issue."

Apart from the human considerations, if the government was going to detain union leaders without trial and release them after a few months, the business community was in for a very rough ride, indeed, he said.

If detained unionists had been involved in subversive activities they should be taken to court and not merely subjected to administrative action.

"These are the people whom management is going to have to negotiate with — a legacy of bitterness will have

been created and a sure formula for conflict is hard to devise," Mr. Bloom said.

While there were today more frequent calls by business leaders for urgent social changes, they were not nearly frequent enough, and he believed the contribution by the professions was even less than by

businessmen. He said the "shrills of anger" in society today should be compared to the "deafening silence" of business and professional leaders over the years on issues such as land tenure for blacks in urban areas or forced squatter removals.

He believed the acceptance of this broader role was not an

Silence over detentions condemned

D. Jackson 2/14/82

expensive luxury which only the industrial giants could afford. It was a fundamental necessity for everyone who cared deeply about South Africa.

Too many people had been "sitting on the sidelines" for too long, it was the "basic duty" of everyone to involve themselves in every aspect of South African life, "whether political, economic or social," he said — DDC

Detainees: Munnik says Masa satisfied

Political Staff

HOUSE OF ASSEMBLY — The Official Opposition's spokesman on health, Dr Marius Barnard (Parktown) yesterday call on the government to ask the Medical Association of South Africa to appoint a panel of doctors to visit detainees.

The Minister of Health, Dr Lapa Munnik, while not directly rejecting the appeal, said Masa was satisfied the Department of Health "was doing its job correctly".

During the debate on vote on the Department of Health, Dr Barnard said he thought Dr Munnik would agree with him that "there is dissatisfaction about them (detainees) being seen only once a week at the request of the police by a district surgeon.

'Not enough'

"The Rabie commission has recommended that such detainees should be seen at least twice a week.

"I do not think this is enough. I am not satisfied

with that.

"Recommendations have been made and the idea has been put forward that he (the detainee) should be seen by his own medical practitioner.

"I think this is a good idea, although I think it can lead to abuse.

"I appeal to the minister to ask the medical association to appoint doctors to look at the detainees.

"They should be able to visit them on a regular basis and at the request of the patient.

"I think that once an independent group of doctors is brought one, the minister will find that this gray area will be eliminated and it will be good not only for the detainees, but also for the public of South Africa and the medical profession," Dr Barnard said.

Replying, Dr Munnik said this matter had been fully discussed in the presence of the Minister of Justice, Commissioner of Police and members of the executive of Masa a few weeks previously.

"They were satisfied

that the department was doing its job correctly.

"One must realise that the detainees are not detained just because he is found doing something wrong.

"They are people who are being specifically investigated because of the possibility of their being a danger to the state.

"They have to be examined, questioned etc, but there are certain regulations that are laid down by the police," he said.

'Villain'

The detainees were immediately seen on arrival by the district surgeon and they seen at regular intervals after that or at their own request.

However, district surgeons were being brought into the political arena and they were being crucified.

"The district surgeon who must today examine these people, is regarded as a villain.

"He is either knowledgeable or he works together with the government or he kicks the prisoners around and hits them," Dr Munnik said.

Dawn swoop on members of FSAW

SISULU HELD

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Sweeten
By SAM MABE
21/4/82

EIGHT people, including Mrs Albertina Sisulu, wife of the imprisoned ANC leader, Mr Walter Sisulu, were detained during a pre-dawn Security Police swoop on their Soweto homes yesterday.

Among those reported detained are a family of three from a house in Diepkloof, believed to be the home of the woman who revealed the presence of three alleged Security Policemen and a "radio transmitter" she took from a youth who claimed to have been planted at the funeral service of a former ANC man at the weekend.

The swoop is believed to have been concentrated on members of the Federation of South African Women, an organisation formed in the 50s largely by members of the ANC before it was banned.

Police yesterday said they could not confirm the

detention of the first six people enquired about yet.

About the other two, Mrs Gretta Ncapayi, 68-year-old leader of FSAW, and Ms Amanda Kwadi, also believed to be a member of the federation, police had not replied at the time of going to Press.

The names of the others are Mrs Jane Kgaladi (60) of Emdeni South and Mrs Maleshwane Mokoena (29), wife of the banned former member of Saso, Mr Aubrey Mokoena.

Mr Itumeleng Phaluwa, Miss Joyce Maluleka and another young woman are alleged to have been taken from their Diepkloof homes where the police came to look for the woman who displayed the "radio transmitter" at the weekend's funeral service.

Mrs Sisulu has served banning orders totaling 17 years until July last year. She has been detained in terms of security legislation in the early 60s before she got banned.

Her husband is serving life imprisonment together with Mr Nelson Mandela on Robben Island and her son, Zwelakhe, former president of the Media Workers Association of South Africa (Mwasa), was also served with a three year banning order in December 1980.

Mrs Ncapayi is a former member of the ANC and was active during the anti-pass campaigns of the late 50s.

- Late last night reports said Mrs Sisulu and six others had been released from detention. A source also said that 11 people had originally been held by the police.

Linken TV Quiz

**Topics on Page 9 and
self a R1 000 colour set**

11 held in swoops, then 7 are released

Mail Reporters

ELEVEN people — including Mrs Albertina Sisulu, wife of Robben Island life prisoner Walter Sisulu — were arrested by Security Police in a pre-dawn swoop in Soweto yesterday.

By late last night, seven of those arrested had been released.

The Chief of the South African Security Police, General Johan Coetzee, last night confirmed the arrests which, he said, were linked to a burial.

It is believed he was referring to the burial on Saturday of former Robben Island prisoner, Mr Elias Tsime, of Orlando West.

Referring to yesterday's arrests, which he said were in terms of the Criminal Procedure Act, Gen Coetzee said: "Allegations being investigated are that some burials are being abused for ANC propaganda purposes".

Among those released yesterday are Mrs Sisulu and four members of the Federation of SA Women — Miss Amanda Kwadi, Mrs Greta Ncapayi, of Dube, Mrs Malesha Mokoena, of Orlando West, and Mrs Jane Kgaladi of Emnden South.

According to relatives, Security Police picked up the 11 from their homes at about 4am.

Argus 21/4/82
**Detainees
freed; to
give State
evidence** *(329)*

Argus Correspondent

PRETORIA. — Four detainees being held under the Terrorism Act have been released after turning State witnesses.

Police headquarters have announced in Pretoria that Firoz Cachalia, Junus Mahommed, Merle Faviz and Ismael Momoniat were released by security police in Johannesburg after they turned State witnesses in the Barbara Hogan terrorism trial. They were held under Section 6 of the Terrorism Act.

Police also announced that Gabriel Ngwenya has been detained as a witness under Section 12 (B) of the Internal Security Act.

The four released detainees were today served with notices regarding the terrorism trial.

329 1987
Released
detainees
to testify 2/4/82

PRETORIA — Four political detainees had been released by police but would be called to give evidence in the trial of Miss Barbara Hogan, who is facing charges under the Terrorism Act, a police spokesman said in Pretoria today.

The detainees, who were held in terms of Section Six of the Terrorism Act, were identified as Mr Firoze Cachacia, Miss Yunus Mohamed, Miss Merle Pavis and Mr Ishmael Momoniat. It is not known where they were detained.

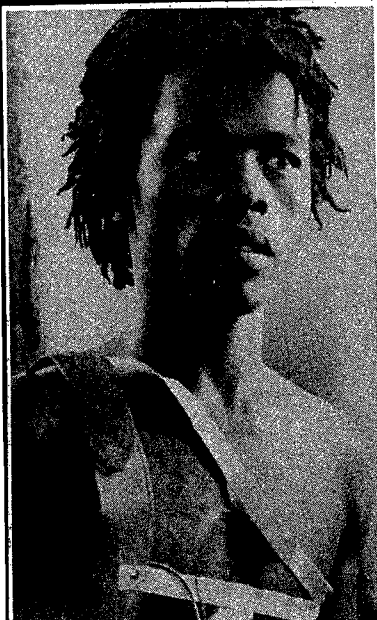
A fifth witness in the Hogan trial, Mr Jabulani Ngwenya, had been ordered to be detained in terms of Section 12(B) of the Internal Security Act as a witness, the spokesman said.—Sapa.

22/4/82

329

(27)

Sowetan



DISAPPEARED: Samuel Ntombela

'Informer' still missing

By SAM
MABE

THE mystery of the whereabouts of the Soweto youth who claimed that police gave him a radio transmitter to bug speakers at the funeral service of a former ANC member at the weekend deepens.

The SOWETAN was informed yesterday morning that the youth, Mr Samuel Themba Ntombela, of Orlando West II, was seen at Protea Police Station, but police have denied that they have him among people they have detained.

His grandfather, Mr G Ntombela, was reported yesterday as

saying his family is still puzzled by Themba's disappearance from his home. He was last seen on Saturday, the morning he went to the funeral where he unmasked himself as a Security Police plant.

Mourners were shocked and angered when a weeping woman rose from the audience at a service held at the War Memorial Hall in Dube, and pointed out three men whom she said were Security Policemen.

Two of the men escaped and one was attacked by mourners.

The woman also displayed a "radio transmitter" which she said was given to Themba.

By Tyrone August
Three detainees who were active in a campaign by the Anti-SAIC Committee to boycott the South African Indian Council elections last November were released yesterday.

They are Mr Ismail Momoniat, the Transvaal committee's secretary, the banned Mr Firoz Cachalia, son of the committee's vice-chairman, Dr Ismael Cachalia, and Mr Yunus Mohamed, an executive member of the Natal Indian Congress.

"The fact that I was detained just after the successful campaign against the spineless SAIC indicates the State's attitude towards the oppressed people of South Africa," said Mr Momoniat (24).

Police release four detainees

(329)
22/4/82 • Star

"On the one hand institutions like the SAIC and the President's Council are designed to co-opt the people with promises of a slice of the cake. But when this fails bannings and detentions are resorted to."

Mr Momoniat, who was detained on January 20, said his joy at being released was "overwhelming."

"But my joy is marred by the fact that other people are still in detention."

Mr Firoz Cachalia

(23) was banned in June last year soon after the Anti-SAIC campaign was launched.

He was detained for the third time in four years on November 27 last year.

"Our family is elated about his release," said Dr Ismael Cachalia yesterday.

"However this is tempered by the continued detention of so many other people."

"They are kept for such lengthy periods without trial and then

just released without any reason or explanation."

Mr Cachalia, whose brother Azhar (24) is also banned, was detained on the same day as Durban attorney Mr Yunus Mohamed (32).

"I haven't changed my views at all," said Mr Mohamed after his release.

"I haven't done anything illegal. I feel other detainees should be released for the same reason."

"Detention isn't a pleasant experience at all."

● A fourth detainee, Miss Merle Favis, was also released yesterday. She is the managing editor of the South African Labour Bulletin.



Former detainees, from left, Mr. Firz Cachalia, Mr. Yunus Mohamed and Mr. Ishmael Momoniat seconds after their release from detention yesterday.

By ANNE SACKS

SECURITY POLICE yesterday released four more people from detention. Six of the ten detainees — and months of solitary confinement.

They are Mr Yunus Mohamed, Miss Marie Favis, Mr Ishmael Momoniat and Mr Firz Cachalia.

They warned they might be called back at the trial of Miss Barbara Hogan, who worked for the Environmental Development Agency, Mr Allan Fins, a trade unionist, and Mr Cedric Mayson, a detainee.

Mr. Cachalia, Mr. Yunus Mohamed, Mr. Momoniat and Mr. Favis have been transferred to Section 19 of the Internal Security Act, and may be called as a wit-

Four more released from detention

both Durban-based and were held on November 27 last year.

There were jubilant scenes at John Vorster Square as families greeted the four former detainees, who were released at intervals of about 45 minutes.

However, their parents said their joy at having their children freed was tempered by the fact that at least 150 other South Africans were still being detained. SA ISB, a wing of the the Internal Security Act, Mr. Mohamed, 32, a lawyer, are

left Durban by car yesterday to be with him in Johannesburg last night.

The release of the four brings to 16 the number of security detainees released recently by Security Police on the Reef without being charged.

Four of the eight detainees freed on March 26 have been banned for two years.

Three former detainees — Mr Perna Naidoo, Mr Shrikant and Mr Michael — have been jailed for a year for supplying escaped political prisoner Stephen Lee.

The trial of Miss Hanneken Koornhof, 27, detained on October 12 last, was postponed to the Johannesburg Regional Court tomorrow.

The only other detainees facing charges are Miss Hogan, Mr Fins and Mr Mayson.

"The Detainees' Parents Support Committee" said yesterday they were delighted by the release of the four detainees yesterday. "The release from detention without charge of the four after several months of

solitary confinement once again demonstrates the bankruptcy of this country's security laws," the DPSC said.

"What has happened to the 'show trial' the authorities promised us?"

"We are convinced that the State will do anything in its power to suppress the democratic movement in this country," the DPSC called for the unconditional release of all detainees and political prisoners and the abolition of the detention laws.

61
60+63

329 RDN 22/4/82

Three Sowetans still detained

Mail Reporter

THREE Soweto residents known to have been detained on Tuesday have not yet been released as far as the Rand Daily Mail is able to ascertain.

They were arrested along with eight others, who are known to have been released, in a pre-dawn raid.

In reply to a telex sent by the Mail, a spokesman at the Police Division of Public Re-

lations said police were unable to confirm the detentions because of "terms of security legislation".

The telex said: "As from now the following details will be required before this office will endeavour to establish whether or not a person is being detained: Full names, birth date, place of birth, address."

The 11 — including Mrs Albertina Sisulu, wife of the im-

prisoned ANC leader, Mr Walter Sisulu — were detained by men claiming to be Security Police. The eight were released that night after being questioned at Protea Police Station.

The eight who have been released are, Mrs Albertina Sisulu; Miss Amanda Kwaadi, a social worker; Mrs Malashane Mokosena, wife of the banned former member of South African Students Organisation (Saso), Mr Aubrey Mokosena; Mrs Greta Ncapayi, of Durban; Mrs Jane Kgaleadi of Emdeni South; Miss Joyce Maluleka; Mr Itumeleng Phahluwa, and another unidentified woman from Diepkloof.

Durban con-

9 1/2

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ARX 43 ~~641~~ 25/4/82 (52) 329

Detentions, terror: Bill to curb Press

Political Staff

PUBLICATION of terrorist incidents and detentions under security legislation is to be severely restricted with heavy penalties for contravention in terms of legislation to be dealt with in Parliament next week.

And ill-defined steps are being taken in other legislation to curb reporting on the Commission for Co-operation and Development, which is charged with consolidation of the homelands.

The legislation dealing with terrorist incidents and detentions is hidden in the Protection of Information Bill which is intended to replace the Official Secrets Act.

RABIE REPORT

The legislation was recommended by the Rabie Commission of inquiry into security legislation.

The issues of police operations and terrorist movements in incidents of terrorism as well as the reporting of detentions were contained in draft legislation in 1980 but were withdrawn and referred to the Rabie Commission.

INFORMATION

The Bill does not specifically mention the issues but in the Rabie Report it is made clear that Section 4(1) of the Bill is designed to cover them.

The relevant part of the section reads:

'Any person who has in his possession or under his control or at his

disposal ... any information which he knows or should reasonably know

... relates to a ... security matter or the prevention of combating of terrorism ... and who ... publishes or uses such ... information in any manner ... which is or may be prejudicial to the security of the interests of the Republic ... shall be guilty of an offence and liable to a fine not exceeding R10 000 or to imprisonment not exceeding ten years or both ...'

And the legislation carries well-defined presumptive clauses in terms of which the onus is put on the accused to prove that there was no intention to prejudice the 'security or interests of the Republic.'

The Bill also states that unless the information was published by a person 'acting under lawful authority' it 'shall' be presumed, unless the contrary is proved, that the purpose was prejudicial to 'the security or interests of the Republic.'

DETENTION

The original legislation made it an offence to report on the detention of people under security legislation or to report on police and terrorist activity without official permission.

The Rabie Commission found that the draft legislation was too wide but concluded that in some cases it was necessary.

This was particularly the case when the secu-

rity forces were involved in investigating or taking action against terrorist activity.

It suggested that the changes to the Official Secrets Act would cover these cases.

At the time the initial legislation was published Government members gave assurances that there was no intention to curb Press reporting

unnecessarily on these issues.

The Bill dealing with the Commission for Co-operation and Development — Laws on Co-operation and Development Amendment Bill — Provides for the State President to make regulations to preserve secrecy 'in connection with matters dealt with by the commission.'

● See Page 2

73 734
71 - 19
2.7 - 2.1
2.4 - 2.2

Medical council may reopen inquiry on Biko

The South African Medical and Dental Council will meet next week to consider reopening an investigation into the conduct of the two doctors who treated black consciousness leader Steve Biko — who died in Security Police custody in 1977.

A spokesman from the SAMDC said yesterday that the meeting results from representations by certain doctors that the case be reopened.

The petition was drawn up by Professor Francis Ames of Groote Schuur Hospital in Cape Town. Professor Philip Tobias, dean of the faculty of medicine at the University of the Witwatersrand, and Professor Trevor Jenkins of the genetics department, and Dr E Barker and Dr M Robertson of Durban.

The doctors who treated Mr Biko were Dr Iver Lang and Dr Benjamin Tucker of Port Elizabeth.

(27) (629)

Niece of Minister goes to jail for a month

By Michael Tissong,
Court Reporter

Hannchen Elizabeth Fitzgerald smiled with relief when a Johannesburg Regional magistrate today sentenced her to an effective one-month jail term for an offence under the Internal Security Act.

Fitzgerald, niece of the Minister of Co-operation and Development, Dr Koornhof, received a 21-months jail sentence, 20 months of which were conditionally suspended for five years.

The magistrate, Mr J de Kock, said he took into consideration the fact that Fitzgerald had been in detention for six months and 10 days.

During this period she had been held incommunicado under section Six of the Terrorism Act.

Mr de Kock fined Fitzgerald R200 (or 50 days) under the Publications Act for possessing the "Communist Manifesto" by Karl Marx and Frederick Engels.

BANNED

Fitzgerald was also fined R300 (or 75 days) for possessing two banned sociology books, "Lenin: A Study on the Unity of his Thoughts" and "The Lenin Reader."

Fitzgerald (27), address given as Sixth Avenue, Mayfair, had faced charges under the Terrorism Act, the Internal Security Act, the Publications Act and the Customs Act.

Under the Terrorism Act it was alleged that during April last year in Botswana she had learnt an African National Congress code which she had agreed to pass on to Mr Cedric de Beer in South Africa.

CODE

She allegedly taught Mr de Beer the code so that he could send messages or reports to the ANC or alleged members of the ANC, Mr Marius Schoon and her husband, Mr Patrick Fitzgerald.

Under the Publications Act the State alleged she possessed a banned document "The Communist Manifesto" in German. She pleaded guilty but told the court she had bought the book at a Hillbrow bookshop and could not read it.

She was also charged with possessing seven banned sociology books. She pleaded guilty to possessing two books on Lenin.

She was also charged under the Customs Act for allegedly failing to declare the books to the authorities on her return to South Africa. She pleaded not guilty.

D. Dispatch 29
23/4/81
**Three
detained**

PRETORIA — The police announced here yesterday that three people had been detained under the General Laws Amendment Act.

They are Lucia Nomvula Ngobeni, 29, David Matsose, 22, and Samuel Themba Ntombela, 20, all of Soweto. — SAPA.

'Informer' held under Sect 22

THE Soweto youth who went missing from his home after claiming that Security Police gave him a radio transmitter to bug speakers at a funeral service in Dube, has been detained.

Soweto 28/11/82
This was confirmed yesterday by Major H V Heyns, of the Police Directorate of Public Relations, who also confirmed the detention of a member of the Soweto Civic Association, Mr David Matsose (22), of Naledi and Mrs Nomvula Lucia Ngobeni (29), of Zola.

The three are held in terms of Section 22 of the General Law Amendment Act, which

By SAM MABE

allows for 14 days' detention without trial.

The detention of Mr Samuel Themba Ntombela (20), confirms earlier reports received by **The SOWETAN** that he was seen at Protea Police Station, although at the time police denied that Mr Ntombela was among those detained.

Mr Ntombela's family were relieved to know from **The SOWETAN** of

their son's whereabouts. Mr G Ntombela, Themba's grand-father said: "At least we won't be guessing about his whereabouts now."

Also relieved was Mrs Ngobeni's mother, Mrs Selina Dlamini, who said she had been puzzled by the disappearance of her daughter. She said she had been told that her daughter had been detained on Monday at or near her place of employment.

23482
Fight for freedom goes on — lawyer

Mail Correspondent

DURBAN. — A Durban lawyer, Mr Yunus Mahomed, who was this week released after five months of solitary confinement under Section Six of the Terrorism Act, said last night that his detention would not deter him in his struggle for freedom.

In a telephone interview from his father's Johannesburg home, he said he was a firm supporter of the Freedom Charter.

As an executive member of the Natal Indian Congress and he would remain committed to the struggle for a non-racial society.

k.

ARGUS 23/4/82

329

Koornhof's niece found guilty

Argus Correspondent JOHANNESBURG. — Congress code which she was further alleged to Communist Manifesto, in agreed to teach to Cedric de Beer, who was in have given him a book German by Karl Marx and entitled The Naked Gods. Friedrich Engels. to decipher the code.

LIBRARY

Hannchen Elizabeth Fitzgerald, 27, niece of the Minister of Cooperation and Development, Dr Piet de Beer the code with the Koornhof. was found intention of making him guilty in the Regional capable of sending codes Court here today of messages or reports to the charges under the Internal ANC or alleged members of the ANC, Mr Marius Schoon and her husband, Publications Act.

Fitzgerald faced a Mr Patrick Fitzgerald. charge under the Terrorism Act in that during April, 1981, while alleged to have provided she was in Botswana she a report from Mr de Beer to the ANC. She learnt an African National

She pleaded not guilty to the Terrorism Act charge but guilty to an alternative charge under the Internal Security Act that she participated in the activities of a banned organisation.

She pleaded guilty to the charge, but told the court that she bought the book at a Hilbrow bookshop and could not read it but kept it in her library.

Under the Publications Act, the State alleged that she possessed a banned document, the

She was further charged with possessing seven banned sociology books, including The Concept of

(Contd on Page 2, col 1)

(Continued from Page 1)

Nature in Marx by Alfred Schmidt and Karl Marx. Selected Writings by David McLellan.

Niece

to Botswana. Fitzgerald said in a statement to the court.

She pleaded guilty to possessing two of the books, Lenin: A Study of the Unity of his Thoughts by Georg Lukacs and The Lenin Reader by Stefan Possony. She used the books for academic purposes, she said.

My husband had a large library of about 1 000 books which he used for his studies and he asked me to keep them until they could be taken

She was also charged under the Customs Act in that the State alleged that she failed to declare the books to the South African authorities on her return to the country.

She pleaded not guilty to the charge and said she did not bring the books into the country from Botswana.

The prosecutor argued that Fitzgerald of Sixth

Avenue Mavia, had no obligation to learn the ANC code and pass it on to Mr de Beer.

She committed the deed because she sympathised with the ANC.

There is no indication of remorse in her statements to the court and the court cannot infer that Mr de Beer did not send a report to the ANC, said the prosecutor, Mr J Swanepoel.

The magistrate, Mr L V de Kock was due to pass sentence later today.

EDSON

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered); leave columns (2) and (3) blank.

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Examiners' Initials		

By ANNE SACKS

THREE Soweto men — including one allegedly recruited by the Security Police to spy for them at a funeral — have been detained, police said yesterday.

Mr Lucia Monvula Ngobeni, 29, of Zola, Mr David Matsose, 22, of Naledi, and Mr Samuel Themba Ntombela, 20, of Orlando West, are being held in terms of Section 22 of the General Laws Amendment Act, which allows 14 days' detention.

Mr Ntombela alleged this week that Security Police gave him a "recording transmitter" to use at the funeral service in Soweto last weekend of former Robben Island prisoner and ANC member, Mr Elias Tsimo.

He claims police fetched

him at his Orlando West home early last Saturday and took him to the Protea police station.

There the "transmitter", placed in a holster, was rigged to his body and hidden under his clothes.

He was allegedly instructed to sit in the front of the Dube War Memorial Hall, where the service was held, so that all the speeches would be relayed to a Security Police car outside.

But Mr Ntombela could not go through with it. He stripped to the waist and removed the transmitter.

● The Alexandra Detainees' Support Committee will hold a vigil for all detainees and political prisoners from 7.30 tonight at the NGK in the township.

township.

CAPE TIMES 23/4/82

New ruling on detainees

8227

Political Staff

329

A senior spokesman for the Department of Law and Order has confirmed that a new procedure to be followed when making inquiries about the identity of people detained is now official policy.

In terms of the new procedure, the press must now supply the police with the full name, date of birth and place of birth of a person before a detention will be confirmed by the police.

The press liaison chief of the Department of Law and Order, Colonel Leon Mellet, said yesterday that the new procedure had been introduced to prevent pos-

sible claims against the police in the event of mistaken identity.

The Cape Times was informed of the new procedure by the police division for public relations in Pretoria following a request for information on three people arrested on Tuesday and believed to be still in detention.

Reacting to the new ruling, Mrs Helen Suzman, MP for Houghton, said this was yet another example of the growing trend in Government for secrecy and press harassment.

"I will definitely take this matter up with the minister in the debate on the Law and Order vote," she said.

Businessmen back anti-detention call

329
p. 23/4/82

DURBAN — Business leaders have come out in strong support of a call to the business community to speak out on the issue of the detention without trial of union leaders.

They were reacting to an address made to the

South African Institute of Chartered Accountants on Tuesday night by the chairman of Premier Group, Mr Tony Bloom.

Mr Fred Beard, chairman of Protea Holdings Ltd, said that he agreed

"one hundred per cent" with Mr Tony Bloom's plea.

"This will make me unpopular but I believe the reason for the silence on this issue up to now has been the fact that many of us have large government contracts and we are frightened to speak out against the government.

"But this must change, and the time has now come for us to speak out," Mr Beard said.

"Mr P. W. Botha always boasts about our judicial system. We should abide by the principle of the law and apply our judicial system to detainees to see if it really works. It is important that detention without trial is done away with."

A spokesman for Anglo American reiterated the corporation's

stand on detentions without trial in support of Mr Bloom's plea.

He said that Anglo American regretted the detention of people involved in the black trade union movement.

The executive director of Barlow Rand, Mr Rinald Hofmeyer, said their chairman, Mr Warren Clelow, had in the past spoken out against detention without trial and that the corporation naturally associated itself with Mr Bloom.

Mr Clelow had said, according to Mr Hofmeyer, that business could not "remain silent on such issues as the detention without trial of labour leaders with whom they had been negotiating and with whom they would be negotiating in the future." — DDC.

Diakonia 329
warns about
detainees' *Mercy*
identity rule *24/4/82*

329

24/4/82

Mercury Reporter
THE latest, more stringent, regulations laid down by the Security Branch regarding confirmation of people being held in detention will 'backfire on the authorities', Mr Paddy Kearney, director of Diakonia, the Durban-based lay ecumenical centre, said yesterday.

Sut He was commenting on the fact that, as of Thursday, anyone inquiring about a detainee will have to supply the detainee's full name and address together with the date and place of birth.

Par 'When people don't know if someone has been detained or not, they will conclude that people who are missing are, in fact, in detention whereas they may well have crossed the South African border and joined some terrorist organisation,' Mr Kearney said yesterday.

NO 1. The fact that, up until now, it's been relatively easy to confirm someone's detention and make it public has been one of the last remaining protections that people have.

'The Churches now fear a situation where people

can literally disappear without their families, and the public, being any the wiser.

'Churches have also pursued the practice of naming detained persons in their prayers. This will continue, I am sure, in Christian worship.'

Identical

The South African Police, when announcing the new measure, said it was introduced because there were many people in this country who had identical names and the SAP could face a civil action if the name of a person who had not been detained was published.

Mr Kearney said yesterday that he found that reasoning 'somewhat ludicrous'. Some blacks did not consider it defamatory to have one's name published as a detainee.

The South African Police, however, released a statement yesterday aimed at clearing the 'confusion over the measures being taken by the SAP to ensure that identities of persons being held in terms of security legislation are not mistaken. Also, to ensure that per-

sons arrested and/or detained under the Criminal Procedure Act are not confused with detentions under security legislation'.

Ensure

It is necessary for the SAP to ensure that before a detention is confirmed the identity of the person in question be established beyond reasonable doubt. Although certain information, such as date of birth, can assist the identification any other information could be forwarded, such as address or identity number, for instance.

When a well-known person is being held and there is no doubt to the identity, such measures may not be necessary. The above measures are not being taken to make it more difficult for a detention to be confirmed, but merely to ensure identities in the interests of both the SAP and the newspapers as well as those involved.

'The South African Police will endeavour to supply names of detainees to media in reasonable time.'

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tes, pieces of paper or other materials brought into the examination room. Candidates are so instructed.

re not to communicate with other
r with any person except the invi-

underlining, ~~scribbling, or any other mark~~ 3. No part of an answer book is to be torn out.
which pencil may also be used. 4. All answer books must be handed to the

3. Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used.
4. Do not write in the left hand margin.

4. All answer books must be handed to the commissioner or to an invigilator before leaving the examination.

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

Ciskeians Held

N EAST LONDON — Two Mdsantsane men are among five people detained for investigations under the Terrorism Act, the Commander General for State Security in Ciskei, Major General Charles Sebe said yesterday.

The two Mdsantsane men are Mr William Qwati, who is in his sixties, and his son, Mr Vuyani Qwati.

General Sebe would not give the names of others but merely confirmed the detention of the two and said there were five in all.

Meanwhile in Fort Beaufort a student nurse at the Tower Hospital, Mr Morris Mlanjeni Matinkwa, 19, of Dorrington, was released yesterday after being held for interrogation for one day. — DDB

Address: Suite 22, Tivoli House
110 Victoria Street
Durban 4001

Telephone: (031) 311683

Registration: Yes

(1) 1938 Natal Bakers' and Confectioners' Union formed.
1940s - The National Baking Industrial Union was established and by 1947 operated in Natal, Port Elizabeth and Pretoria.
1965 - The National Baking Industrial Union broke up and the Natal Branch formed the Natal Baking Industry Employees Union.

Police station raids: Shackled men in court

CPK: Tim 16 24/4/82 329

Own Correspondent

JOHANNESBURG. — Two alleged members of the banned African National Congress (ANC) yesterday appeared in the Pretoria Magistrates Court on charges relating to the attacks on police stations at Orlando, Moroka and Wonderboompoort.

Thele Simon Mogoerane, 23, and Jerry Senaro Mosoloi, 25, were led into the court without shoes and wearing leg irons.

Both men declined to plea to the main charge of treason or the alternative counts. The case was postponed to May 7.

When the men attempted to say, in English, that they wanted to see their lawyers before pleading, the magistrate, Mr Van Schalkwyk told them: "Speak in your own language to the interpreter."

The alternative charges are: Five charges of participating in terrorist activities, four of murder, ten of attempted murder and one of robbery with aggravating circumstances.

According to the State, the two men left South Africa in 1976, joined the ANC and received military training in Angola and Tanzania.

Mr Mogoerane and others allegedly infiltrated South Africa between April and November, 1979, attacked the Moroka police station on May 3, 1979 and the Orlando police station on November 2, 1979.

According to the charge sheet, Constable B B Temba (Moroka), Constable N J Musindane and Constable C Zibi (Orlando) died in the two attacks on the Soweto

police stations.

The charge sheet alleges that Mr Mosoloi and others were responsible for the sabotage attack on the railway line at New Canada, Soweto, on May 24, 1981.

In 1981 the two men allegedly returned to South Africa from Maputo in October or November to set up an underground base at Hammanskraal, north of Pretoria.

On December 14, last year, the two men and three others allegedly launched a limpet mine attack on the Capital Park sub-station.

The men allegedly attacked Mr Frans Thobela on December 25 last year and robbed him of his motor car.

On December 26 last year they allegedly attacked the Wonderboompoort police station with rocket launchers, sub-machineguns, pistols and hand grenades.

Constable D M Nkosi died in the attack. Policemen and passersby were wounded.

329
24/4/82
Call to open
Biko-doctor
case again

Mail Reporter

THE South African Medical and Dental Council will meet next week to consider re-opening an investigation into the conduct of two doctors who treated black consciousness leader, Mr Steve Biko.

The doctors — who treated Mr Biko before he died in custody in 1977 — are Dr Ivor Lang and Dr Benjamin Tucker of Port Elizabeth.

Next week's meeting follows a petition from certain doctors calling for the case to be re-opened.

The doctors include Professor Francis Ames of Cape Town's Groote Schuur Hospital and Professor Philip Tobias, of the University of the Witwatersrand.

ABUSE OF POWER... THE FEARLINGERSON

'THE doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty, and whatever the victim's beliefs or motives, and in all situations, including armed conflict and civil strife.' — The Tokyo Declaration on Medical Ethics.



Dr. Neil Asgett

Detention

w/le Areas 24/4/82 329

THE Tokyo Declaration is one of a number of codes of medical ethics to which doctors in South Africa subscribe but has an increasing significance here because it deals mainly with torture or other forms of cruel, inhuman or degrading treatment.

South Africa's detention laws under security legislation remove one of the main less of Western justice namely habeas corpus — which is basically the right of a prisoner to access to a court.

Barnard wants independent panel of doctors appointed

By BRUCE CAMERON

And for the medical profession herein lies a major problem.

The issue was brought into the limelight by the death in detention of black leader, Steve Biko, and has been highlighted by the death of trade

The authors of the report expressed surprise that the Rabie Commission made no attempt to examine the status of detainee states of detention of political prisoners as a safeguard.

Dr Barnard said he supported the idea that detainees should be seen by their own doctors but understood even this could be abused.

w/c REGUS

24/4/82

(329)

unionist, Dr. Neil

Ireland

Biko

With the removal of the right to apply to the courts it is also left in the hands of the police or Minister of Law and Order to decide whether a detainee may be held by in his cell or his lawyer or his doctor.

Concern

Apart from the legal aspects of detention, including the loss of many legal rights, medical detainees, medical aspects of detention is something of growing concern.

At the moment, only district surgeons are allowed to visit detainees and then only at the discretion of the police. The Rabie Commission on security legislation, has recommended that detainees should be visited not less than once a fortnight by a district surgeon.

The controversy over the involvement of two district surgeons in the handling of the Biko case with the South African Medical and Dental Council being asked by a group of senior doctors to re-open its investigations.

A recently published report on a seminar organised by the centre for applied legal studies deals in detail with the medical aspects of detention. It is a report of 36 advocates attending the seminar and the lawyers dealt with the Rabie Commission recommendations on security legislation.

The report says the conduct of the doctors attending Biko and the failure of the Medical and Dental Council to take disciplinary action against these doctors had understandably produced a lack of confidence in State-appointed medical officers as a check on the abuse of police power.

Appeals to the Government to allow detainees to be visited and treated by their own doctors have been rejected.

Even in strife-torn Northern Ireland there is no bar on the use of private doctors.

Senior members of the medical profession have repeatedly expressed their concern about the current system and even the new measures recommended by the Rabie Commission.

Their concern hinges not only on the health of the detainee but also in the image of the medical profession locally and internationally. In Parliament, this was expressed by the MP, Progressive Federal Party health spokesman, who repeated the concerns and asked the Minister

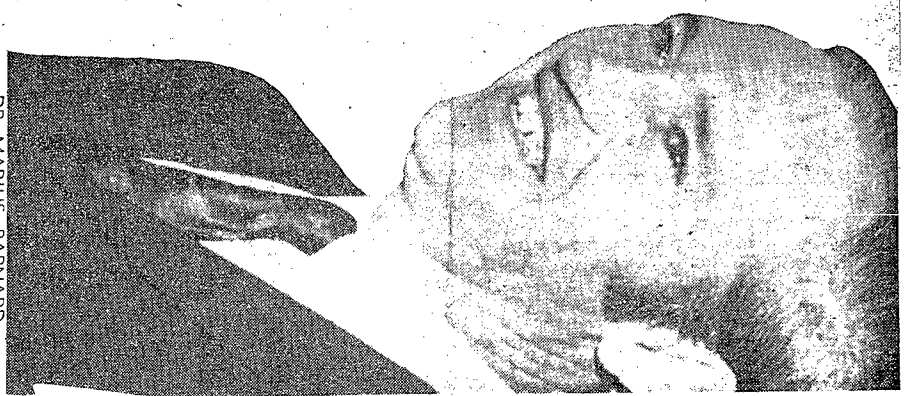
He asked the Minister to ask the Medical Association to appoint a panel of doctors to visit detainees.

"I think that once an independent group of doctors is brought in the Minister will find that this grey area will be eliminated and it will be good not only for the detainees but also for the people of South Africa and the medical profession."

In an interview, Dr. Barnard said the Medical Association was an independent body, unlike the SA Medical and Dental Council that was a legal body which gave Mass more standing.

Mass also had a sound international reputation. By following this course, a great deal of suspicion about the actions of district surgeons would be removed and detainees could be assured of getting the proper response.

DR MARIUS BARNARD



Broken

In another section, the report says that some district surgeons have shown considerable contempt of their treatment of detainees. Unhappily this has not always been the case.

The conduct of the doctors who treated Steve Biko is too notorious to warrant repetition. In the State v Mogale a detainee who complained of an assault and whose teeth were broken by the district surgeon, how it happened.

In practice, it appears that medical examinations of detainees sometimes take place in the presence of police or that complaints of assault to a district surgeon are handed over to the interrogators.

CAPE TIMES 24/4/82

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Koornhof's niece jailed and fined

Own Correspondent

JOHANNESBURG — Hannechen Koornhof Fitzgerald, 27, niece of the Minister of Co-operation and Development, Dr Piet Koornhof, was fined R500 and jailed for a month yesterday after being found guilty of contravening the Internal Security Act and of possessing banned literature.

Koornhof, an English teacher, pleaded not guilty to a charge under the Terrorism Act, but guilty to the alternative charge under the Internal Security Act in the Johannesburg Regional Court.

She also pleaded guilty to possessing a German version of "The Communist Manifesto" by Karl Marx and Frederick Engels and two Lenin books.

ANC code

The magistrate, Mr J de Kock, sentenced her to 21 months, 20 months suspended for five years, for learning an ANC code and passing it on to Mr Cedric de Beer, a detainee and rural development worker.

He also fined her R200 for being in possession of "The Communist Manifesto" and R300 for being in possession of "Lenin: A Study on the Unity of his Thoughts" by Georg Lukacs, and "The Lenin Reader" by Steffan T Possony.

The court heard that Fitzgerald travelled to Botswana in April 1981, where she was asked by an alleged ANC member, Mr Marius Schoon, to learn a secret code so that Mr De Beer, with whom she had been living in Mayfair, Johannesburg,

since October 1979, could send a report about his work at the Environmental Development Agency to Mr Schoon.

Agreed

She agreed to do so, although she refused a similar request in February 1980 because, for the sake of her child, she was not prepared to take a risk.

Fitzgerald and her estranged husband, Mr Patrick Fitzgerald, also an alleged ANC member living in Botswana, have a mentally retarded son, Justin, 7.

An honours graduate in comparative literature from the University of the Witwatersrand, Fitzgerald often travelled to Botswana so that her husband, whom she is divorcing, could see their son.

Report

In April 1981 her husband taught her the code. She was also given a book, "The Naked Gods", which Mr De Beer could use to communicate any report he agreed to write.

In a statement, Fitzgerald said when she arrived back in South Africa she explained the plan to Cedric who was not happy with it and said he would think about it.

A few days later he asked her to teach him the code, which she did.

"Subsequently, as a result of a rather clumsy and indiscreet telephone call from my husband, Patrick, concerning the manner of the communication of any message which Cedric might have, Cedric became very angry and said that under no

circumstances would he be prepared to go ahead with the plan suggested by Patrick."

Punished

She did not know if a report was ever sent to Botswana.

Mr Dennis Kuny, for Fitzgerald, said she had been detained for six months and 10 days and had already been punished.

Although the ANC was an unlawful organization, the sending of a report to the organization on Mr De Beer's lawful activities was a relatively minor offence.

The prosecutor, Mr Jan Swanepoel, produced copies of the ANC mouthpiece, Sechaba, in court to show that the ANC aimed at overthrowing the South African Government by violent means.

Dangerous

He described Fitzgerald as an ANC sympathiser who was dangerous because "it is one thing to fight a terrorist, but quite different fighting someone who is difficult to identify because there are no uniforms or guns".

He said if Fitzgerald's child was a consideration, the courts would never send anyone to jail because children were always a consideration.

In passing sentence, the magistrate described Fitzgerald as a "co-passenger" of ANC activities because she must have known the ANC was an unlawful organization and that her actions would aid that organization.

Issel is Amnesty prisoner of month

Cape Times 24/4/82

Staff Reporter **329**

AMNESTY International has selected Mitchell's Plain community leader Johnny Issel as one of its prisoners of the month for April.

Mr Issel, 35, who was banned for three years in 1980, has been detained without trial since November 2 last year. He is being held under Section 10 of the Internal Security Act at Modderbee prison near Benoni in the Transvaal.

The former student leader is one of three prisoners whose cases are documented in Amnesty International's April newsletter. The other two are Berthony Pierre-Paul, a Haitian student detained since November 1980, and Ewa Kuba-siewicz, a member of Poland's Solidarity trade union who is serving a 10-year prison sentence for martial law violations.

Amnesty said each of its prisoners of the month had been arrested be-

cause of political or religious beliefs, colour, sex, ethnic origin or language. None of the prisoners had used or advocated violence and continued detention was a violation of the United Nations Declaration on Human Rights.

Mr Issel was detained by security police at the offices of the Churches Urban Planning Commission (CUPC), where he worked as a community organizer. He was initially held under Section 22 of the General Laws Amendment Act, but was later re-detained under Section 10 of the Internal Security Act and transferred to Modderbee prison.

1 000km

Detention under Section 10 allows for visits by a detainee's immediate family, but in Mr Issel's case, his wife, Shahieda, has to travel more than 1 000km from their Cape Town home to visit him.

Mr Issel has been banned and detained a number of times in the past. He was served with a five-year banning order in October 1973 while he was Western Cape regional organizer of the now-banned South African Students' Organization (Saso).

He was held for five months from November 1974 and again for a further four months from August 1976. He also was detained for five months during the schools boycott in 1980.

Koornhof's niece jailed for 1 month

By ANNE SACKS

pending for five years, for learning an ANC code and passing it on to Mr Cedric de Beer, a detainee and rural development worker.

He also fined her R200 for being in possession of the R200 for being in possession of "Lein's A Study on the Unity of his Thoughts" by Georg Lukács and "The Lenin Reader" by Stefan T Possony. The State confiscated the two Lenin books.

About 50 friends and well-wishers packed the gallery for the 90-minute hearing. Her father, Professor Hendrik Koornhof, head of the Department of Microbiology at the University of Witwatersrand and top scien-

tist at the SA Institute of Medical Research, who is the brother of Dr Piet Koornhof, said after the trial he was not pleased his daughter had been sentenced, but was happy the outcome was not as severe as it could have been.

Koornhof travelled to Botswana in April 1981, where she was approached by an alleged ANC member, Mr Mar-ius Schoon, to learn a secret code so that Mr De Beer, with whom she had been living in Mayfair, Johannesburg, since October, 1974, could get a copy of the code and the Environmental Development

Agency to Mr Schoon.

She agreed to do so, although she refused a similar request in February 1980 because, for the sake of her child, she was not prepared to take a risk.

Koornhof and her sister, Mrs Marjorie Fitzgerald, also an alleged ANC member living in Botswana, have a mentally retarded son, Justin, 7.

Koornhof, an honest graduate in comparative literature from Wits University, often travelled to ANC meetings, often in a car with her sister, who could see their son.

In April 1981 her husband taught her the code.

In a statement, Koornhof said when she arrived back in South Africa, she explained the plan to Mr De Beer who later asked her to teach him the code, which she did.

Subsequently Mr De Beer said he wanted to go ahead with Mr Fitzgerald's plan.

She did not know if a report was ever sent to Botswana. The court also heard that Koornhof bought "Manifest der kommunistischen Partei der German book-keepers and because it was cheap and because it was amusing it was available. Her German, however,

was not good enough to enable her to read the book.

She admitted possessing six of seven books deemed undesirable in terms of the Customs and Excise Act. Of the seven books, two — the ones on Lenin — were hers, and four were her husband's.

She said she had no knowledge of the book, "The Rise of the South African Reich" by Brian Bunting.

In an affidavit before the court, Mr David George Cawdry, principal of Willowmoore High, where Koornhof was a teacher before she was detained on October 12 last year, said she was a devoted teacher.

Koornhof said his daughter was a nondescript, unassuming person.

He said she had no knowledge of the book, "The Rise of the South African Reich" by Brian Bunting.

In an affidavit before the court, Mr David George Cawdry, principal of Willowmoore High, where Koornhof was a teacher before she was detained on October 12 last year, said she was a devoted teacher.

He said she had no knowledge of the book, "The Rise of the South African Reich" by Brian Bunting.

tively minor offence. He said she was a nondescript, unassuming person.

In passing sentence, the magistrate described Koornhof as a "co-passenger" of ANC activities because she must have known the ANC was an unlawful organisation and that her actions on her child, she had already inflicted punishment on him by being separated.

Although the ANC was an unlawful organisation, the fact she was a first offender no substitute for a mother, and said the consideration of the child "weighed heavily on the court".

He agreed there could be no substitute for a mother, and said the consideration of the child "weighed heavily on the court".

Koornhof's niece jaile

By ANNE SACKS



Prof Hendrik Koornhof and his wife Joan outside the court after their daughter was jailed yesterday.

HANNCHEN Koornhof, 27 niece of Dr Pieter Koornhof Minister of Co-operation and Development, was fined R500 and jailed for a month yesterday after being found guilty in terms of the Internal Security Act and of possessing banned literature.

Koornhof, an English teacher, pleaded guilty to being in possession of the Communist Manifesto, and R300 for being in possession of "Lenin: A Study on the Unity of his Thoughts" by Georg Lukacs and "The Lenin Reader" by Stefan T. Possony. The court also heard that she had communicated the two Lenin books to other persons.

About 50 friends and well-wishers packed the gallery for the 90-minute hearing. Her father, Professor Hendrik Koornhof, head of the Department of Microbiology at the University of the Witwatersrand and top scientist, at the SA Institute of Medical Research, who is the brother of Dr Piet Koornhof, said after the hearing that his daughter had been sentenced but was happy the outcome was not as severe as it could have been.

The court heard that Koornhof travelled to Botswana in April 1981, where she was approached by an alleged ANC member, Mr. Mafela, who was a secret agent of the South African Government. She had been living in Mayfair, Johannesburg, since October 1979, could send a report about his work at the Environmental Development Agency to Mr. Sison, an ANC member living in Botswana.

In April 1981 her husband, Dr. Hendrik Koornhof, a statement, Koornhof, who is a South African, explained the plan to Mr. De Beer who later asked her to teach him the code, which she did. Subsequently Mr. De Beer said he was not prepared to be involved with Mr. Fitzgerald, also an alleged ANC member living in Botswana, who was eventually recruited to take a risk. Koornhof and her estranged husband, Mr. Patrick Fitzgerald, also an alleged ANC member living in Botswana, were married in 1979. Koornhof, an honours graduate in comparative literature from Wits University, often travelled to Botswana so that her husband, whom she is divorcing, could see their son.

The court also heard that Koornhof bought "Manifesto der Kommunistischen Partei" at a German bookshop in Hillway because it was cheap and because she was amused it was available. Her German, however,

Saunders stresses constant vigilance

Detention: 'Doctors failed to speak out'

THE medical profession 'has been negligent in failing to draw to the attention of the authorities — clearly, firmly and publicly — the profound, seriously adverse effects of solitary confinement,' Dr S J Saunders said last night.

Dr Saunders, Vice-Chancellor and Principal of the University of Cape Town, was addressing the College of Medicine of South Africa and new fellows, diplomats and members received into the college.

He said the profession 'has an obligation to set an example to society in those areas in which it has special knowledge, and here again there has recently been widespread concern about the effects on detainees of detention without trial, especially with regard to their access to medical care and most particularly to the consequences of solitary confinement.'

Ethics

The profession had to demonstrate its ethical values, just as justice had to be seen as well as received.

'I mention these things because we live in the real world and because we must always be vigilant in order that we maintain the ethical standards which society rightly demands of us.'

Earlier, Dr Saunders questioned the validity of accepted medical training in the light of modern medical technological advances, and also asked whether methods of selecting students ensured that the best possible doctors entered the profession.

Base

'It seems to me that we must broaden the base of our educational system.'

'We should at least insist that medical students choose from one of a group of subjects, such as history, or a language or philosophy.'

'One should try to ensure that this happens by removing something from the curriculum, which is already too crowded and compressed.'

Doctors 'require more than factual knowledge,' he said.

Top-level detention meeting

Mail Reporter

A NATIONAL delegation from the Detainees' Parents Support Committee will meet the Ministers of Justice and Law and Order in Cape Town tomorrow.

A joint meeting with the two Ministers, Kobie Coetsee and Mr Louis le

Grange, was requested by the DPSC late last year and was finally granted in March.

The DPSC intends discussing the following:

- Detention clauses in security legislation;
- Officially sanctioned interrogation practices and their limits;
- Safeguards against abuses;

● The separation of Ministry of Justice and police responsibility in decisions to detain, prosecute or release;

● The banning of detainees who have been released without being charged.

The DPSC also intends raising the question of independent medical attention for detainees.

Terminated membership of TUCSA 1972/73
Presumed defunct
Date of deregistration unknown

Year	Membership			
	African	Asian and Coloured	White	Total
1970	61
1971	61
1972	61
1973	61
1974	71
1975
1976
1977
1978
1979
1980

Crowd ³²⁹ welcomes released ^{27/11/82} detainee ^{Mercury}

Mercury Reporter

A CROWD of about 100 jubilant people, waving placards and singing freedom songs, gathered at Louis Botha Airport last night to welcome back former detainee Yunus Mohamed, who was released last week after being held under Section 6 of the Terrorism Act.

Mr Mohamed, a 32-year-old Durban lawyer, was detained in Durban on November 27 last year. He was transferred to John Vorster square in Johannesburg three weeks ago.

'I'm very happy to be back,' he said as he was embraced and kissed by well-wishers.

Miss Merle Favis of Durban, who was detained and released on the same dates as Mr Mohamed, was at the airport to meet him.

'I'm overcome at the quantity of support from a wide range of people. It is a reflection of the extent of popular opposition to State security legislation,' Miss Favis said.

She said she hoped to carry on working as editor of the S A Labour Bulletin.

Ministers in talks on detainees

CAPE TOWN 26/10/82
Own Correspondent
(329)

JOHANNESBURG. — A national delegation from the Detainees Parents' Support Committee will meet the Ministers of Justice and Law and Order in Cape Town tomorrow.

A joint meeting with the two ministers, Mr Kobie Coetsee and Mr Louis le Grange, was requested by the DPSC late last year and was finally granted during March.

The DPSC intends discussing the following:

- Detention clauses in security legislation.
- Officially-sanctioned interrogation practices and their limits.
- Safeguards against abuses.

• The separation of the Ministry of Justice and police responsibility in decisions to detain, prosecute or release.

The DPSC also intends raising the question of independent medical attention for detainees, and the banning of detainees who have been released without being charged.

Registration: Yes

Founded:

Area of Operation: Kin

Officials: Secretary:

8301

Address: 11 Carl Street
Kimberley

Telephone:

Year	African	Asian and Coloured	White	Total
1970	
1971	
1972	
1973		272		272
1974	
1975		280		280
1976		280		280
1977		280		280
1978		280		280
1979				350
1980				350
Membership				

KIMBERLEY MUNICIPAL COLOURED WORKERS ASSOCIATION

Koornhof

report

correction

328

Aug 26/482

IN a report in The Argus on Friday, headlined, Koornhof's niece jailed a month, it was stated that Hanchen Elizabeth Fitzgerald was also alleged to have provided a report from Mr de Beer to the ANC.

This is incorrect. The sentence should have read she agreed to provide the ANC with a report from Cedric de Beer. She did not provide the ANC with a report.

Registration: Yes

Founded:

Area of Operation: Transvaal

Officials: Secretary: W.J. de Bruyn

Telephone:

0001

Pretoria

Address: P.O. Box 1341

PERSONEELVERENIGING VAN DIE TRANSVAALSE RAAD VIR ONTWIKKELING VAN DIE BUITESTREKKE GEBIEDE

Koornhof report correction

IN a report in The Argus on Friday, headlined, Koornhof's niece jailed a month, it was stated that Hannchen Elizabeth Fitzgerald "was also alleged to have provided a report from Mr de Beer to the ANC."

This is incorrect. The sentence should have read she "agreed to provide the ANC with a report from Cedric de Beer." She did not provide the ANC with a report.

This Union formed in 1980 is presently administered by Mr. A.B. Sookul of the Natal Branch of the Transport Workers Union (Coloured and Asian)

NATIONAL UNION OF SEAMEN (SOUTH AFRICA)

Call to end 'root causes' of disease

Staff Reporter

THE medical profession should aim at eliminating the root causes of socio-economic illnesses such as TB and malnutrition, rather than merely treating each case, the vice-chancellor of the University of Cape Town, Dr S J Saunders, said on Friday.

Dr Saunders was addressing the College of Medicine of South Africa.

"The profession's obligation is, of course, to ensure that society, and particularly the opinion-makers and policy-makers in society, remain fully informed about the root causes and extent of problems such as these," he said.

The profession was obliged to give good diagnostic and therapeutic services, but its main aim, he said, should be to eliminate this type of illness, which was widespread among underprivileged people and had its root cause in socio-economic conditions.

Detention

Dr Saunders said there had recently been widespread concern about the effects of detention without trial on detainees, especially with regard to their access to medical care and the effects of solitary confinement. The profession had an obligation to set an example to society in those areas in which it had special knowledge, he said.

"The profession thus far has been negligent in failing to draw to the attention of the authorities clearly and firmly and publicly the profound, seriously adverse effects of solitary confinement."

The profession could not remain silent on ethical issues of this kind, he said.

The medical profession should be alert to diseases arising from industrial hazards and was obliged to alert society to the danger of "luxuries" such as smoking and alcohol abuse.

Ethical problems

Dr Saunders said there were no easy answers to the difficult ethical problems in fields like abortion, test-tube pregnancies, genetic engineering and life-support systems. However, these difficulties underlined the need for doctors to receive well-rounded, broadly-based education.

He said it appeared that the base of the present medical educational system should be broadened. Medical students should at least have to choose from one of a group of subjects, such as history, a language or philosophy.

Doctors needed more than factual knowledge and the question should be asked as to whether the medical profession was doing enough to ensure that doctors were more than technicians.

Registration:

Founded:

Area of Operation:

Officials: Sec

4014

P.O.

Address:

Year	African	Asian and Coloured	White	Total
1970				3 000
1971				3 553
1972				4 550
1973				4 900
1974				5 600
1975				
1976				
1977				
1978				
1979				
1980				

61351

AFRICAN GARMENT WORKERS UNION (NATL)

CRIME TIME 24/4/82-227
Crime Reporter 329

The spokesman said there seemed to be confusion over measures being taken by the police to ensure that the identities of persons being held in terms of security legislation were not mistaken.

He said the measures were not being taken to make it more difficult for a detention to be confirmed, but merely to ensure the correctness of identities in the interests of both the SAP and newspapers, as well those involved.

"It is necessary for the SA Police to

ensure that before a detention is confirmed, the identity of the person in question be established beyond reasonable doubt."

This was also to ensure that persons arrested and/or detained under the Criminal Procedures Act were not confused with detentions under security legislation, the spokesman said.

Information such as the date of birth could assist in identification. Other information such as address or identity number for instance could also be helpful to police.

"When a well known person is being held and there is no doubt as to the identity, such measures may not be necessary."

The spokesman said the SA Police would endeavour to supply names of detainees to the media in reasonable time.

its figures excludes membership of the following unions:
National Union of Brick and Allied Workers Union
National Union of Laundry, Cleaning and Dyeing Workers
National Union of Seamen (S.A.)
National Union of Security Officers.
Personeelvereniging van die Transvaalse Raad vir Ontwikkelinge van
die Butstede-like Gebiede.
S.A. Dental Mechanicians
S.A. Operative Masons' Society
Black Mineworkers Union
Bloemfonteinse Municipale Werknemersvereniging
Boland Immaakwerkersvereniging (Paarl)
Cape Town Gas Workers Union
Domestic Workers Association
Federation of Mining Explosives and Chemical Workers Union

Year	Membership	No of Unions
1969	212 668	98
1980	365 428 (1)	93

The National Federation of Workers has been included here although it appears that it is in fact a Federation with several affiliates. No information could be obtained in time for this publication.

Although these unions are grouped together, this does not indicate anything other than the fact that they have not affiliated to any of the federations listed earlier. Thus this section covers unions with a wide spectrum of trade union thought and practice. Some of these unions have tended to co-operate and agree around certain vital issues of principle and practice, for example, the General Workers Union, the Food and Canning Workers Union and the African Food and Canning Workers Union, etc. Several of the unions included are in fact parallel unions whose parent unions are affiliated to IUCSA. Some of these parallel unions have been incorporated into the parent union.

UNAFFILIATED UNIONS

THE ARGUS, TUESDAY APRIL 27 1982

Argus 27/4/82 (329)

Detainees' parents to see Ministers

Argus Correspondent

JOHANNESBURG. — Detention without trial will be discussed at Government level today when a delegation from the Detainees' Parents' Support Committee meets the Ministers of Law and Order and of Justice in Cape Town.

The two Ministers, Mr Louis le Grange and Mr Kobie Coetsee, agreed to a joint meeting with a national delegation from the DPSC in March this year.

Among the issues likely to be discussed are: the question of independent medical attention for detainees, safeguards against physical and mental abuse during the period of detention, the parameters of interrogation techniques as viewed by the security police and the legislation which leads to the banning of released detainees who have been charged.

The meeting will take place against the back-

ground of the inquest on Dr Neil Aggett and the recent banning of eight released detainees — many of whom spent months in solitary confinement while in detention.

Support for the campaign to bring an end to detention without trial has also come from the Quaker Society of Southern Africa.

The DPSC delegation is being led by Dr M Coleman, of Johannesburg,

whose son was recently released after being detained for several months; Mr Hugh Floyd of Cape Town, whose daughter was released after being detained for months; Mrs Pravina Gordhan of Durban, whose husband Pravin is being detained; Mr Tom Mashinini of Johannesburg, whose wife Emma is being detained; and Professor H Koornhof of Johannesburg, whose daughter was recently sentenced.

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Detainees' (329) parents see ^{Staw} 27/4/82 Ministers today

By Carolyn Dempster
Detention without trial will be discussed at top Government level today when a delegation from the Detainees' Parents Support Committee meets the Ministers of Justice and Law and Order in Cape Town.

The two Ministers, Mr Louis de Grange and Mr Kobie Coetsee, agreed to a joint meeting with a national delegation from the DPSC in March this year — although the committee had been pressing for a meeting since last year.

Among the issues which the DPSC intends putting before the Ministers are: the question of independent medical attention for detainees; safeguards against physical and mental abuse

during the period of detention; the parameters of interrogation techniques as viewed by the Security Police; the legislation which leads to the banning of released detainees who have not been charged.

The meeting will take place under the cloud of the inquest on Dr Nel Aggett and the recent banning of eight released detainees.

Support for the struggle to bring an end to detention without trial has also come from the Quaker Society of Southern Africa.

In a statement released after their yearly meeting this week, members of the society express their serious concern about the increasing tendency of the Government to by-pass the judicial process.

Registration cancelled

Year	Membership			
	African	Asian and Coloured	White	Total
1981				
1979				
1978				
1977				
1976				
1975				
1974				
1973				7
1972				3
1971				..
1970				..

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du Toit

THE regional executive of the Progressive Federal Party's Western Cape youth branch has issued a statement condemning "in the strongest terms the proposed Press gag on the reporting of detentions."

Speaking on behalf of the executive, the branch chairman, Mr Nick Mulder, described the amendments to existing security

Detentions: Press gag condemned

legislation now being debated in Parliament as "another smash of the National Party's sledgehammer."

The statement said that "if this fundamentally authoritarian piece of legislation be passed" it

ARGUS 27/4/82 (329) would be another in a series of blows which have included detention without the issuing of a warrant, indefinite solitary confinement, no access to family, friends, and adequate legal representation.

If the proposal is made law, says the statement, an individual could disappear and then re-appear a convicted criminal.

Registration cancelled 31/8/1979

Year	Membership			
	African	Asian and Coloured	White	Total
1970		
1971		
1972		
1973		
1974		
1975		
1976			23	23
1977			23	23
1978				
1979				
1980				

Year	Membership			
	African	Asian and Coloured	White	Total
1970	..	..	..	471
1971	..	..	..	544
1972	..	..	..	457
1973	336	58	394	728
1974	234	42	276	552
1975	264	69	333	666
1976	185	7	192	384
1977	170	20	190	380
1978	170	20	190	380
1979	170	17	187	374
1980	135	15	150	300

Telephone: (011) 294 177

Address: 25 Critterion Place
156 Jeppe Street
Johannesburg
2001

Officials: Secretary: J. Daniel

Area of Operation: Johannesburg area

Founded:

Registration: Yes

Industrial Council:

Industrial Council for the Canvas Goods Industry (Witwatersrand and Pretoria)

Biko case: decision today

Mail Reporter

Dr Benjamin Tucker of Port Elizabeth:

A COMMITTEE of preliminary inquiry of the South African Medical and Dental Council will meet today to decide whether to recommend an investigation into the conduct of two doctors who treated black consciousness leader, Steve Biko.

Mr Biko died in custody in 1977. The doctors involved in his treatment before his death were Dr Ivor Lang and

The committee is meeting after a request from a number of doctors that the issue of Mr Biko's death be reopened. The doctors include Professor Francis Ames of Groote Schuur Hospital in Cape Town and the head of the Medical School of the University of the Witwatersrand, Professor Phillip Tobias.

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US senator protests at TV programme on Kitson

Senator Jeremiah Denton, chairman of the Senate sub-committee on security and terrorism, has protested to the CBS television network about a programme dealing with the detention and alleged torture of Mr David Kitson.

The programme, broadcast earlier this month has been criticised severely by conservatives and spokesmen for the South African Embassy.

Mr Kitson, a former member of the South African Communist Party and African National Congress, was jailed for 20 years in 1964 for sabotage.

Senator Denton said in a letter to Mr Ed Bradley, producer of the programme, that he had watched the feature "with dismay," and had waited in vain for some mention of

A television programme dealing with the detention and alleged torture of Mr David Kitson in South Africa has been watched "with dismay" by the American senator who is chairman of the Senate sub-committee on security and terrorism. JOHN D'OLIVEIRA reports from Washington.

the close relationship between the ANC on one hand, and the communist states and groups which supported and promoted international terrorism on the other.

While a great deal of time had been made available to Mrs Norma Kitson, no time was made available to those who "might speak in less glowing terms about the African National Congress, its terrorist activities, and its connection with the Soviet Union."

Senator Denton referred to the hearings his sub-

committee had held recently on the involvement of the Soviet Union and its surrogates in terrorism in southern Africa. The evidence placed before the committee included an examination of the ANC and its interlocking relationship with the Communist Party of South Africa.

He referred to the evidence given to his committee, and said it would have been "useful" had CBS presented to its viewers some of this information on the relationship between the SACP and the ANC.

"In my opinion, it would have put the story in a far more accurate context by showing that Kitson was a member of a communist - sponsored terrorist organisation, and was brought to justice by a government seeking to protect itself and its citizenry from acts aimed at their destruction."

The senator emphasised that nothing he had said should be construed as implying support for or approval of inhumane treatment of prisoners - "nor should it be interpreted as trivialising such acts of barbarism."

Having been subjected to such treatment himself for many years, at the hands of the communists, he believed he could speak with some authority about its effects on individuals.

Year	Membership			
	African	Asian and Coloured	White	Total
1970			1 877	1 877
1971			1 877	1 877
1972			1 877	1 877
1973		2 971		2 971
1974			2 225	2 225
1975		2 766		2 766
1976		2 766		2 766
1977		2 766		2 766

Inquiry into Biko death

A MEDICAL committee will meet in Pretoria today to decide whether there are grounds for a full disciplinary inquiry into doctors' handling of black consciousness leader Mr Steve Biko, who died in detention.

The registrar of the SA Medical and Dental

Council, Mr N M

Prinsloo, told Sapa the council had decided two years ago not to institute a disciplinary hearing, but following fresh representations from certain members of the medical profession had decided to "re-investigate the matter."

"A committee of preliminary inquiry will meet in Pretoria today to decide whether there are grounds for a disciplinary hearing, which would be heard in public," he said.

It is not known when the committee's findings will be made known. — Sapa

Industrial Council: Canvas and Ropeworking Industry (Cape)

Registration: Yes

Founded:

Area of Operation: Cape Town

Officials: Secretary: J. Heeger

8000

Cape Town

Address: P.O. Box 3390

Telephone: (021) 558539

Year	Membership		
	African	Asian and Coloured	White
1970			137
1971			137
1972			137
1973		214	214
1974			137
1975		137	137
1976		199	199
1977		199	199
1978		146	146
1979		87	87
1980		405	405
Total			

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11. (svaal)

11.

Officials: Secretary: C. Area of Operation: Tran
Founded: 1963
Registration: See note
Recognition: 1)
Membership: 1981 = 3 000 2)

Address: 10 Palladium B
4th Street
Springs
1560

me: (011) 565 615

Address: 10 Palladium B

Year	African
1970	
1971	
1972	
1973	
1974	3 000
1975	7 000
1976	9 921
1977	12 200
1978	
1979	
1980	3 000

Year	African
1970	
1971	
1972	
1973	
1974	3 000
1975	7 000
1976	9 921
1977	12 200
1978	
1979	
1980	3 000

Year	African
1970	
1971	
1972	
1973	
1974	3 000
1975	7 000
1976	9 921
1977	12 200
1978	
1979	
1980	3 000

Year	African
1970	
1971	
1972	
1973	
1974	3 000
1975	7 000
1976	9 921
1977	12 200
1978	
1979	
1980	3 000

Year	African
1970	
1971	
1972	
1973	
1974	3 000
1975	7 000
1976	9 921
1977	12 200
1978	
1979	
1980	3 000

Year	African
1970	
1971	
1972	
1973	
1974	3 000
1975	7 000
1976	9 921
1977	12 200
1978	
1979	
1980	3 000

	White	Total
+	3 000	
%	7 000	
%	9 921	
%	12 200	
\$	8 900	
\$	1 400	
	3 000	

ENGINE

Ministers deny torture claims

Star 28/4/82

Chief Reporter

South Africa's security chiefs have clashed with the Detainees Parents Support Committee (DPSC) on the release to the Press of details of torture said to be used by the Security Police.

The alleged tortures are said to include hanging detainees by the arms or legs for long periods, electric shock and deprivation of sleep, food, drink and toilet facilities, as well as beatings.

The details were contained in a memorandum presented by a DPS delegation to two Ministers at a 90-minute meeting in Cape Town yesterday.

After the meeting the two Ministers, Mr Kobie Coetsee, the Minister of Justice, and Mr Louis le Grange, the Minister of Law

and Order, rejected the allegations and said these would be dealt with in due course.

The Ministers deplored the fact that the memorandum which was to have served as the basis for discussions was not previously made available to them but to the Press instead. "The delegation indicated that this had been done because their power as a pressure group was vested in publicity.

"We were therefore deprived of the opportunity to study it and to react meaningfully," the Ministers said in a joint statement.

They added that the memorandum contained far-reaching allegations and conclusions on the role of Ministers, the police attorneys-general and

medical practitioners in the security system. A member of the delegation confirmed the conclusions might be wrong, the Ministers said.

But a member of the DPSC pointed out today that the memorandum had been completed only on Monday and had been handed to the Press with a strict embargo preventing publication before today.

This meant nothing could be published before the meeting, he said.

In addition, the Ministers had been sent an agenda of the meeting weeks in advance. This agenda included:

- Official parameters of interrogation practices.

- Departmental

To Page 3, Col 4

Year	Membership			
	African	Asian and Coloured	White	Total
1980				
1979				
1978			30	30
1977			30	30
1976			30	30
1975			30	30
1974		
1973		
1972		
1971		
1970				81

Parents of those detained see two ministers

Staff Reporter

A COMPREHENSIVE memorandum concerning security legislation and the treatment of detainees was presented yesterday to the Minister of Justice, Mr Kobie Coetsee, and the Minister of Law and Order, Mr Louis le Grange, by the Detainees Parents' Support Committee (DPSC) during a meeting lasting 1½ hours.

However, according to a spokesman for the four-man DPSC delegation, Dr M Coleman, the ministers stated that they would respond to the memorandum only "once they had had an opportunity of studying it in detail".

"Although they had been furnished with an agenda some time ago, they expressed dissatisfaction that they had not been given a copy of the memorandum before the meeting," Dr Coleman said.

'Disappointed'

He said that they were "naturally disappointed that the ministers chose not to respond during the meeting and we now anxiously await their response to our expressions of concern".

In a joint statement, Mr Le Grange and Mr Coetsee last night rejected "far-reaching" allegations and conclusions concerning the application of security legislation.

The statement said: "At the request of the DPSC, we saw a delegation of this committee yesterday. A memorandum which was to have served as a basis for the discussions was not previously made

Invasion

Capl. Tim 28/4/82 B

From page 1 (329)

available to us, but instead to the press.

"The delegation indicated that this had been done because their power as a pressure group was vested in publicity. We were therefore deprived of the opportunity to study it and to react meaningfully.

"Under the circumstances we were prepared only to accept the memorandum and to provide the delegation with an opportunity to motivate and expand on the memorandum's submissions as we were not prepared to be drawn into a one-sided publicity campaign.

"The memorandum contains far-reaching and unsubstantiated allegations and conclusions relating to the application of se-

curity legislation and the role that Ministers, the South African Police, Attorneys-General and medical practitioners play therein, and a member of the delegation confirmed that their conclusions might be wrong.

"We reject all such far-reaching allegations and conclusions and will deal with them in due course.

"We regret most strongly that the memorandum should have been sent into the world under such circumstances and against such a background."

The DPSC, formed in September 1981 to look after the interests of political detainees, their families and friends, covered the question of interrogation practices in the memorandum.

They alleged that detainees were subjected to "various forms of torture and assault, both mental and physical".

The DPSC asked for a clear statement from the ministers as to which of the alleged practices, if any, were sanctioned by them.

They also called for safeguards against abuses of detainees, asking that family, lawyers and independent doctors be allowed access to them.

The DPSC also condemned bannings and detentions without trial.

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the Foreign Secretary, Mr Francis Pym, to New York to speak to the United Nations Secretary-General, saying there was no point to it.

The UN, she declared, had already given its verdict — through Security Council resolution 502 — and it was up to the Secretary-General now to implement this resolution.

'Misled House'

Mr Tony Benn weighed in with an accusation that Mrs Thatcher never had the slightest intention of calling in the UN, that she was intent on a military expedition and that she had grossly misled the House.

Mrs Thatcher brushed Mr Benn's comments aside with the observation that he was "talking nonsense".

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Conservative gov
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reports yesterday said
an advance party of the
British naval task force
had either landed on the
Falkland Islands or was
about to land there.

News blackout

One report claimed the advance party had landed at midnight South Africa time on Monday night, the purpose of the landing being to carry out reconnaissance for the main force which would follow later.

The Ministry of Defence at first denied the reports emphatically, but then simply imposed a news blackout, refusing to give any further operational information.

Reports of the advance party's landing were published by The Times yesterday, which appeared to be quoting British sources, and also by other newspapers quoting United States intelligence sources.

Worsening weather conditions are said to be forcing the task force's hand, but it is still not certain that a major as-

From
STANLEY UYS
LONDON. — The British Prime Minister, Mrs Margaret Thatcher, and Labour leader Mr Michael Foot clashed angrily in the House of Commons yesterday as unverified reports came in that an advance party of the British task force had landed on the Falkland Islands to prepare for a full-scale landing by the rest of the task force.

The clash is seen by MPs as signifying the parting of the ways between the Conservative government and the Labour opposition over the Falklands issue.

The Labour Party has been showing growing unease over the danger of military escalation and what it sees as Mrs Thatcher's half-hearted

To page 2

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Argus Correspondent
JOHANNESBURG.
Graphic details of standard forms of torture said to be used by the security police on political detainees were yesterday supplied to two Cabinet Ministers.

The horrific descriptions of torture, described as common, were given by a delegation of the Detainees' Parents Support Committee (DPSC), which met the Minister of Justice, Mr Kobie Coetsee, and the Minister of Law and Order, Mr Louis Le Grange, in Cape Town. The committee told the Ministers the DPSC was well aware that detainees, especially those detained under Section 6 of the Terrorism Act, were subjected to forms of torture and assault, mental and physical.

SYSTEMATIC

This was done widely on a systematic basis by many members of the security police at many points throughout the country, the committee told the Ministers. These practices could not be considered to be isolated incidents perpetrated by the odd overzealous interrogator, but were undoubtedly standard procedure sanctioned at some level in the police hierarchy.

CONTINUOUS

Some of the commonest forms were:
● Continuous interrogation over several days and nights by successive teams of interrogators. This involved sleep deprivation and could also involve deprivation of food, drink and even toilet facilities.
● Enforced standing during long periods of interrogation. This included standing on bricks, standing on one leg or squat-

Ministers hear of 'tortures used by police'

329

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ting in an unsupported position.

● Humiliation and intimidation by being stripped naked during interrogation, being handcuffed and manacled, shouted at, threatened insulted and being forced to exercise vigorously as well as being held in long periods of solitary confinement without interrogation.

● Physical assault, including assaults with fists and various objects.

DEATH REPORTS

● Psychological assault, including false reports of death, or illness of relative and friends, and threats of being held in detention indefinitely and solitary confinement, which was a form of psychological assault.

● Electric shock with equipment which was available at many security police interrogation centres and was in common use. Among the equipment were straitjackets of wet canvas.

● Hooding of detainees to induce near suffocation and also to hide the identity of the security police.

● Assorted forms of torture including hanging by the arms or legs for long periods, alternate immersion of the feet in hot and icy water and subjection to extreme noise.

The delegation asked

the Ministers for a clear statement on which, if any, of these practices were sanctioned by them.

They asked which limitations were imposed on any practice which was officially permitted.

For example, the delegation asked, what was the longest period sanctioned for an interrogation session involving how many interrogators at a time and how many teams?

"Do the Ministers sanction removal of detainees from official police centres to isolated areas such as mine dumps, beaches, farms, and open bush for the purposes of interrogation?"

"Or do the security police have unlimited discretion as to interrogation procedures," the delegation asked.

DISCOURAGED

The delegation told the Ministers that, in theory, detainees could lodge complaints about their treatment to magistrates, inspectors and district surgeons who visited them.

But in practice, detainees were discouraged from doing so as these State-appointed officials were seen as part of the system.

Detainees felt complaints stayed within the system and were further likely to rebound in the form of increased pressure to withdraw the complaint.

"The closed system is the reason why abuses continue unabated and substantially unchecked," the delegation stated.

The DPSC believes that only access to family members, lawyers and independent doctors will eliminate abuses. It has requested that panels of independent medical practitioners be appointed to visit all detainees.

The delegation said the Medical Association of South Africa was a signatory to the Tokyo declaration which stated that no doctor should countenance torture or other forms of cruel, inhuman or degrading procedures in all situations.

Torture was defined by the declaration as the use of physical or mental suffering to force a person to yield information or make a confession.

The medical profession should be placed in a position to carry out its commitment to the Tokyo declaration, the delegation stated. The security laws were against the interest and security of the country. The laws do not serve the security of the government. But security problems were of the Government's

own making as a result of its policies, which denied the peaceful and legitimate aspirations of the majority of the population, driving expressions of protest into violent channels as the only course left open.

"Thus the security laws serve to escalate violence and insecurity," the delegation stated.

It rejected the detention provisions as counter to all internationally accepted tenets of civilised law, even in Northern Ireland, which had a greater security problem than South Africa.

Section 6 of the Terrorism Act was designed so that the detainee disappeared completely from public view, while Section 10 (1) of the Internal Security Act by-passed the courts to impose a jail sentence by ministerial decree.

The delegation said it demanded, but did not expect, the Government to scrap current security legislation while it persisted with its apartheid policies.

As an interim measure, the delegation asked for these rights for all detainees:

● Freedom of access to family (appointees);
● Freedom of access to lawyers and to the courts;
● Freedom of access to independent doctors of one's choice;

● An approved code of conduct for interrogators;

● Strict control and independent monitoring of interrogation practices;

● Food and clothing parcels;

● Books, newspapers and study materials;

● Letters; and

● Prompt and open reporting of detentions to family and Press.

DEPLORED

The delegation deplored the banning of people who had been released without any charge after five or six months. This amounted to trial and sentence by ministerial decree.

It asked whether the Minister of Justice applied his mind to every case on the question of whether a person detained under Section 22 of the General Laws Amendment Act should be re-detained under Section 6 of the Terrorism Act or did the Minister simply rubber-stamp a police decision?

It also questioned the independence of the Attorney-General, asking whether he returned the docket to the police for the government. If he was dissatisfied with insufficient evidence.

LED WORKERS UNION

Mthimkulu has not fled country — parents

By JIMMY MATYU

THE parents of thallium poison victim, former detainee Mr Siphiwo Mthimkulu, are sick with worry over his 15-day disappearance. They do not believe he is out of the country.

They last saw him on Wednesday morning, April 14, when he was given a lift by a friend, Mr Topsy Madaka, to Livingstone Hospital.

Mr Madaka's elder brother, Mr Mbuyiselo Madaka, a banned member of the outlawed Black People's Convention, fled to Lesotho about four years ago.

Colonel Gerrie Erasmus, head of the Security Police in the Eastern Cape, said today Mr Mthimkulu had not been detained.

A student leader, Mr Mthimkulu, spent five months in detention under Section 6 of the Terrorism Act last year.

Mr Sipho Mthimkulu said his son left

home at about 9am on April 14, for Livingstone Hospital. Later Mr Madaka returned alone and asked for Siphiwo's tracksuit top.

His mother, Mrs Joyce Mthimkulu, was sick with worry.

"At first we had thought he had gone to Fort Beaufort but my wife had just been there and Siphiwo is not there.

"I find it hard to believe he has left the country. In fact he was never in favour of leaving the country. He had the chance while he was still a healthy young man. I cannot believe he would decide on that when he is now a very sick man," Mr Mthimkulu said.

Mr Madaka's bedridden mother last saw her son on April 14 after he bought groceries. She lives alone.

Mr Mthimkulu said: "I have checked with Siphiwo's friends, including members of the Congress of South African Students, and they don't know his whereabouts. They too are baffled."

Officials: Secretary: M.M. Walters.

Area of Operation:

6801

11 Henwel Street
Riebeck Kasteel

Telephone:

Address:

Registr

Founded:

Year	African	Asian	Coloured	White	Total
1970			
1971			
1972			
1973				120	120
1974				105	105
1975				105	105
1976				110	110
1977				112	112
1978				110	110
1979				109	109
1980				110	110

NATIONAL CEMENT EMPLOYEES UNION

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ARGUS 28/4/82 329

Detention talks 'disappointing'

IONAL delegation of the Detainees Parents' Support Committee (DPSC) presented a comprehensive memorandum on security legislation and the treatment of detainees to the Ministers of Justice and Law and Order, Mr Kobie Coetsee and Mr Louis le Grange yesterday.

The memorandum was presented at a meeting lasting 1½ hours in Cape Town.

NO RESPONSE

The DPSC said in a statement after the meeting they were disappointed that the Ministers chose not to respond during the meeting.

"The Ministers stated they would only respond to the memorandum once they had an opportunity of studying it in detail.

"Although they had been furnished with an agenda some time ago, they expressed dissatisfaction that they had not been given a copy of the memorandum in advance of the meeting.

"We were naturally disappointed that they chose not to respond during the meeting and we now anxiously await their response to our expressions of concern."

The DPSC refused to comment yesterday on whether they had evidence to back up allegations of torture and assault contained in the memorandum.

REJECTION

The Argus Political Correspondent reports that the two Ministers have rejected 'far-reaching' allegations and conclusions about the application of security legislation contained in a memo-

randum presented to them.

In a statement the Ministers also deplored the fact that the memorandum was given to the Press.

They said they saw the delegation at the request of the DPSC.

A memorandum which was to have served as a basis for the discussions was not previously made available to them but instead to the Press.

"The delegation indicated that this had been done because their power as a pressure group was vested in publicity. We were therefore deprived of the opportunity to study it and to react meaningfully.

"Under the circumstances we were prepared only to accept the memorandum and to provide the delegation with an opportunity to motivate and expand on the memorandum's submissions as we are not prepared to be drawn into a one-sided publicity campaign.

SECURITY

"The memorandum contains far-reaching and unsubstantiated allegations and conclusions relating to the application of security legislation and the role of the Ministers, the police, attorneys general and medical practitioners play therein and a member of the delegation confirmed that their conclusions might be wrong.

"We reject all such far-reaching allegations and will deal with them in due course.

"We regret most strongly that the memorandum should have been sent into the world under such circumstances and against such a background," the Ministers said.

Registration: No

Founded: 1978

Area of Operation:

Officials:

Telephone:

7925

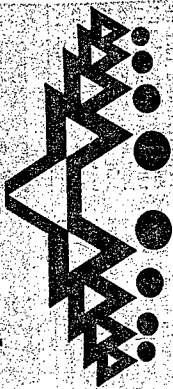
Salt River
P.O. Box 234

Address:

NATIONAL UNION OF SECURITY OFFICERS

Ministers told of SP 'torture'

Jan 28/4/81



detainees' parents support committee

Humiliation, intimidation, psychological and physical assault form part of a standard form of treatment of detainees by the Security Police, the Detainees' Parents Support Committee told two Government Ministers yesterday.

By David Brier
Chief Reporter

Graphic details of standard forms of torture said to be used by the Security Police on political detainees were yesterday supplied to two Cabinet Ministers.

The horrific descriptions of torture, described as common, were given by a delegation of the Detainees' Parents Support Committee (DPSC) which met the Minister of Justice, Mr Coetsee, and the Minister of Law and Order, Mr le Grange, in Cape Town.

The committee told the Ministers the DPSC was well aware that the detainees, especially those detained under section 61 of the Terrorism Act, were subjected to various forms of torture and assault—mental and physical.

This was done widely on a systematic basis by many members of the Security Police at many places country-wide.

These practices could not be considered as isolated incidents by the odd, overzealous interrogator but, undoubtedly, standard procedure sanctioned at some level of the police hierarchy, said the delegation.

Some of the more common forms were said to be:

- Continuous interrogation over several days and nights by suc-



A parent's vigil . . . Dr Max Coleman protests against the detention of his son Keith.

cessive teams of interrogators. This involved sleep deprivation and could also involve deprivation of food, drink and even toilet facilities.

- Enforced standing during long periods of interrogation. This included standing on one leg or squatting in an unsupported position.

- Humiliation and intimidation by being stripped naked during interrogation, being handcuffed, shouted at, threatened, insulted, being forced to exercise vigorously and being held in long periods of solitary confinement without interrogation.

- Physical assault, including assaults with fists and various objects.

- Psychological assault, including false reports of death or illness of relatives and friends, threats of being held in detention indefinitely and in solitary confinement—a form of psychological assault.

- Electric shock with equipment available at many Security Police interrogation centres and common places. This included straitjackets of wet canvas.

- Hooding of detainees to induce near suffocation and also to conceal the identity of the security policeman assaulting the detainee.

- Assorted forms of torture, including hanging by the arms or legs for long periods, alternate immersion of the feet in hot and icy

water and subjection to extreme noise.

The delegation asked the Ministers for a clear statement which, if any, of these practices were sanctioned by them.

Do the Ministers sanction removal of detainees from official detention centres to isolated places such as nurseries, farms and open bush for the purposes of interrogation?

Or does the Security Police have unlimited discretion as to interrogation procedures? the delegation asked.

The delegation told the Ministers that in theory detainees could lodge complaints to magistrates, inspectors and district surgeons who visited them.

28/4/82

But in practice detainees were discouraged from doing so as these State appointed officials were seen as part of the system.

The DPSC believed only access to family members, lawyers and independent doctors would eliminate abuses.

It requested that panels of independent medical practitioners be appointed to visit all detainees.

The delegation pointed out that Medical Association of South Africa was a signatory to the Tokyo Declaration which stated no doctor should countenance torture or other forms of cruel, inhuman or degrading procedures in any situation.

The delegation said the security laws were against the interests and security of the country.

Security problems were of the Government's making as a result of its policies.

"Thus the security laws serve to escalate violence and insecurity, as the record shows," the delegation said.

It rejected the detention provisions as counter to all internationally accepted tenets of civilised law even in Northern Ireland, which had a greater security problem than South Africa.

Section Six of the Terrorism Act was designed so that the detainee disappeared completely from public view while section 10 (1) of the Internal Security Act bypassed the courts to impose a jail sentence by Ministerial decree.

The delegation said it demanded the Government scrap current security legislation while it persisted with its apartheid policies. However it did not expect the Government to do this.

As an interim measure the delegation asked for certain rights for all detainees. These were:

- Freedom of access to family (appointees).

- Freedom of access to lawyers and to the courts.

- Freedom of access to independent doctors.

- An approved code of conduct for interrogators.

- Strict control and independent monitoring of interrogation practices.

- Food and clothing parcels.

- Books, letters, newspapers and study material.

- Prompt and open reporting of detentions to family and to the Press.

The delegation deplored the banning of people who had been released without being charged after five or six months in detention.

This amounted to trial and sentence by Ministerial Decree.

It asked if the Minister of Justice applied his mind to every case on the question of whether a person detained under section 22 of the General Laws Amendment Act should be redetained under section Six of the Terrorism Act.

Or did the Minister simply rubberstamp a police decision? the delegation asked.

It also questioned the independence of the Attorney-General. It asked if he returned dockets to the police for "another try" if he was dissatisfied with insufficient evidence.

Year	Membership			
	African	Asian and Coloured	White	Total
1970	3 000
1971	2 110
1972	2 110
1973	..	1 678	61	1 739
1974	2 110
1975	..	1 960	50	2 010
1976	..	1 800	45	1 845
1977	..	1 800	45	1 845
1978	..	1 369	32	1 401
1979	..	1 500	..	1 500
1980	..	1 638	..	1 638

Address: P.O. Box 3400
Johannesburg
2000

Telephone: (011) 834 8029

Officials: Secretary: L.C.M. Sheepers

Area of Operation: Transvaal

Founded: 1928

Registration: Yes

Industrial Council 1) National Industrial Council of the Leather Industry of S.A. (Footwear Section)
2) National Industrial Council of the Leather Industry of S.A. (General Goods Section)
3) National Industrial Council of the Leather Industry of S.A. (Handbag Section)

Commissioner acted in good faith

THE Commissioner of Police, General M C W Goldenhuys, has taken exception to a leading article in the Rand Daily Mail of January 11, 1982. He objected to the interpretation of statement issued by himself regarding the detention and release of Mr Steven Kitson.

The Commissioner issued his statement in good faith and after careful consideration of all the facts and circumstances. He denies that his statement said or suggested that Mr Kitson was guilty of any crime.

The leading article expressed the view of the Rand Daily Mail that "the Commissioner effectively declared Mr Kitson guilty". It may have implied that the Commissioner had usurped the functions of the court. The Rand Daily Mail accepts that the Commissioner acted in good faith.

acks in the

1981 applies
Transvaal.

329

Sowetan 29/4/82

Ex-detainees disappear

PORT ELIZABETH Security Police are investigating the disappearance of two former detainees, one of whom is suing the Minister of Police for alleged poisoning.

A spokesman for the Security Police in Port Elizabeth said they had to know about the men's whereabouts, particularly as there was a possibility that they might have left the country illegally.

Both men were detained under Section 6 of the Terrorism Act last year, said the spokesman.

Mr Sphiwe Mthimkulu (21) and his friend, Mr Topsy Madaka (about 30), were last seen on Wednesday April 14.

A student leader, Mr Mthimkulu spend five months in detention last year and became ill shortly after his release, baffling doctors until it

was established at Groote Schuur Hospital in Cape Town, that he was suffering from rare thallium poisoning.

His mother, Mrs S Mthimkulu, said that on the day of his disappearance, he was picked up by Mr Madaka, an old friend and driven to Livingstone Hospital where he had an appointment.

She had no idea whatsoever where her son was.

Registratic

Founded:

Area of Ope

Officials:

Address:

phone: (021) 475545

Year	Membership		
	African	Asian and Coloured	White
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
Total

0. Dispatch 29/4/82 (329)

Memorandum wasn't leaked — parent

JOHANNESBURG — A member of the Detainees' Parents Support Committee (DPSC) denied yesterday that they had handed out a memorandum to the press prior to a meeting with the Ministers of Law and Order and of Justice.

He said that their memorandum had been completed only on Monday and had been handed to the press with a strict embargo preventing publication before yesterday. This meant nothing could be published before the meeting, he said.

The ministers had also been sent an agenda of the meeting weeks in advance.

The ministers, Mr

Louis le Grange and Mr Kobie Coetsee, said on Tuesday that the release of the memorandum to the press before the committee had discussed it with them meant that they were "deprived of the opportunity to study it and to react meaningfully".

The agenda sent to the ministers included official parameters of interrogation practices and departmental safeguards against abuses.

The DPSC believes that, as the question of interrogation is the "bread and butter" of the security system, the ministers must have known what to expect.

The committee has expressed disappointment that the ministers did not respond to allegations during the meeting

but it anxiously awaits their response "to our expressions of concern".

The spokesman said the delegation had told the ministers the memorandum had been released to the press although nothing had yet been published. The DPSC operated in the open, he said.

The memorandum states that many torture procedures are undoubtedly standard practice and it asks whether the ministers sanction any of these practices.

It asks, among other things, for a code of conduct for interrogators and strict monitoring and control of interrogation procedures. — SAPA.

unon
- 0881

Founded: 1979 5 000 African members

FURNITURE, BEDDING AND ALLIED WORKERS UNION OF S.A.

WOMAN'S ARGUS

LIZ FLOYD SPEAKS

Argus 329
29/4/82

DR LIZ FLOYD, who was taken from solitary confinement to a psychiatric hospital because she was considered a suicide risk after hearing of the death in detention of her boyfriend, Dr Neil Aggett, says detainees "come out intimidated, which is obviously one of the aims of detention. Though I am feeling a lot less intimidated now than I was last week."

Liz, who was released last month after four months in detention, seven weeks of which were spent as a psychiatric patient in hospital said: "I am still suffering from the effects of solitary confinement — and these had been picked up medically."

In an interview this week she said there were limitations on what she could speak freely about because of the inquest into Neil's death and because she has been warned as a state witness in a forthcoming trial.

As she is limited in what she may say, Liz

concentrated on her background, her and Neil's work and her future plans.

"Working in black hospitals, I became increasingly aware of the problems faced by so many people in this society. I felt I had not only a responsibility towards them, but that I had the ability to help them."

"The perspective on society you have grown up with changes when you work with people who live in townships and work in factories."

As a Rustenburg Girls' High pupil she played Western Province hockey in 1970. She went to Georgia, America as a Rotary Exchange Student, came back to do medicine at UCT where she served on the SRC and then worked in primary health care clinics in Soweto for three years.

She had been with Neil since 1974. He also graduated as a doctor from UCT and worked in black hospitals.

"It changed the way he looked at things," she says.

"This is ridiculous — giving you this curriculum vitae — I did it for the security police — though it wasn't this easy for them, for the lawyers for the psychiatrists and you."

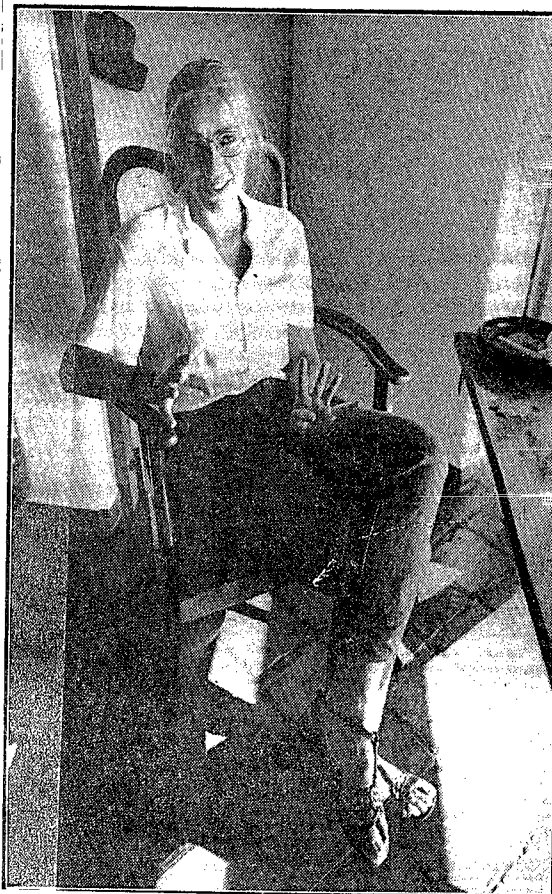
"I feel that what was on in my head has become public property."

"At the clinics you learn a lot about township life. There are only two places people can take their problems — the police station and the clinic."

"As you become more competent medically, you are called on to respond to people personally to their problems and needs."

"Both Neil and I were in positions in society where we could see how changes could be made."

"That's why he became so involved in the labour movement, because the needs there were greater than in the medical field."



"I am still suffering from the effects of solitary confinement."

PHOTOGRAPH BY DOUG PITHEY

"He would finish a twelve hour session at Baragwanath hospital on Friday night and go straight back to union work on the Saturday. "There were more important things for us to do than earn as much money as possible and accumulate material possessions. For people like the police and security police, this is obviously difficult to understand. They were thinking: 'What the hell is this doctor doing when he could be in private practice.'"

Cond. on Page 23

NRGus 29/4/82

329



DR LIZ FLOYD and Dr Neil Aggett on holiday in the Drakensberg in August last year.

Cond. from Page 22

After two and a half months of solitary confinement and interrogation, the news of Neil's death was broken to her at the Hillbrow police station. Although one senses she is still raw with grief, she is outwardly calm, composed and articulate.

"Neil was not materialistic. When they drew up his estate they found all he owned were his books and clothes.

"This highlights the conflicts in society and the way different people look at it.

"I was also doing a lot of work with workmen's compensation claims for the Industrial Aid Society, a legal aid clinic.

"We found that claiming money as compensation for an injury was complicated and took a long time. The money couldn't replace what people had lost. For example, a labourer who loses three fingers is virtually unemployable.

"Because of our frustrations we started looking at how to prevent accidents."

Liz began studying health and safety in industry and two weeks before being detained she completed a diploma in occupational health.

Her work outside the hospital included helping people with complaints about leave pay, notice pay, sick benefits, pensions and unemployment insurance as well as projects on the cost of living and pensions.

This is the kind of work she was doing when she was detained.

"My family and friends had to be given permission to tell me about it. They also had to get permission to tell me about the funeral.

"I am very bitter that I was not allowed to go to his funeral. It is very difficult to come to terms with somebody's death under these circumstances.

"I was admitted to the Johannesburg General and treated by an independent psychiatrist — partly at the suggestion of my parents, but also because the police regarded me as a suicide risk. It is crucial to me that in future, detainees should have access to the same treatment.

"And I had to get permission to see him after he was dead.

"I hadn't seen him since the day we were banned in November last year.

"Some people are banned when they come out of detention.

"I am aware that I might be banned. Four of the other detainees who were released were banned.

"This banning is a sentence without trial which effectively silences you so the public can't judge for themselves by your words and your work, what you stand for.

"In this recent spate of detentions a lot of women were jailed. I think that white women are taking on more responsibility because they are gaining confidence in their ability and also many white men are leaving the country to avoid the army.

"For Neil and myself the personal and political were totally intertwined. Because Neil was so committed to the labour movement he had made a lot of personal sacrifices long before he was detained.

"The Food and Canning Workers' Union is the fastest growing and largest food union in the Transvaal. As secretary for the Johannesburg branch of the union, Neil played a key role. He had exceptional insight into labour issues. Food and Canning was one of the first independent progressive unions to establish itself in Johannesburg. From there they were in a position to help other unions.

"Neil is irreplaceable in Johannesburg at present.

After Neil's death, one of the responses by big management was to say that Neil's dying in detention actually harmed labour relations. Several managements sent letters of sympathy to Neil's family.

"Management believes they should be left to deal with militant unions without interference from the security police.

"Neil always worked along democratic principles. Any action he took was in terms of a mandate from the union members. In anything he did he was answerable to the union membership. Neil took this very seriously and believed this was how a union should work."

**BRUCE GORDON and
LIZ MACKENZIE**

TRAM



FREED: Lawrence Molatlhegi Ntlokoa.

Ntlokoa is released

By LEN KALANE

A banned Kagiso youth, Lawrence Ntlokoa, has been released from jail after spending two separate six months' sentences.

Both sentences were for breaking his banning order on two separate occasions. He went to jail last year in March after a Johannesburg magistrate had sentenced him to six months.

But after spending about five months for the first banning order offence, Ntlokoa was taken from the Leeuwkop Prison to a Johannesburg magistrate to face a further similar charge which earned him another six months in September last year.

The first Ntlokoa charge was that he had attended an illegal gathering on October 19, in 1980 at a school in Kagiso. This, according to evidence in court, broke two clauses in his banning order. The October 19 gathering was to commemorate the Black Wednesday when the Government banned the World newspapers and several black organisations in 1977.

Ntlokoa was released on R200 bail for this charge but he was again arrested in Ermelo by Security Police while travelling with friends in February last year. He was kept in police custody under the General Law Amendment Act which allows for 14 days' detention, his bail estreated, and finally got a six months' sentence for attending the Kagiso gathering.

While in jail, Ntlokoa, who is a former executive member of the Young Christian Workers (YCW), was brought before court again to face the charge of being in Ermelo breaking his banning order of leaving the Krugersdorp magisterial area. He got another six months.

Ntlokoa was released about two weeks ago from the Leeuwkop prison.

Security Police picked him up from Leeuwkop and took him to the police headquarters in Krugersdorp where they finally released him.

His banning order expires in 1983, and he may not be quoted in terms of the Internal Security Act.

Year	A
1970	
1971	
1972	
1973	
1974	
1975	
1976	
1977	
1978	
1979	
1980	

Total	
2 500	Ø
2 500	Ø
2 500	Ø
2 424	x
2 372	x
2 338	x
2 221	x
2 078	x
2 338	\$
2 138	\$
2 216	\$

Address: P.O. Bc
Cape Tc
8000

Officials: Secreta

Area of Operation:

Founded:

Registration: Yes

(021) 554691

Meeting with detainees' parents

Ministers deny torture claims

THE MINISTERS OF JUSTICE and of Law and Order yesterday rejected graphic allegations of torture said to be practised by the Security Police on political detainees.

Instead, the Ministers clashed with the Detainees' Parents Support Committee on the release to the Press of the allegations.

The allegations include that detainees are hanged by their arms and legs for long periods, given electric shock and deprived of sleep, food, toilet and drink facilities, as well as being subjected to physical assaults.

In a joint statement, the Ministers said: "A memorandum which was to have served as a basis for the discussions was not previously made available to us, but instead to the Press.

"The delegation indicated that this had been done because their power as a pressure group vested in publicity.

"We were therefore deprived of the opportunity to study it and to react meaningfully.

"Under the circumstances we were prepared to accept the memorandum and to provide the delegation with an opportunity to motivate and expand on the memorandum's sub-

By JOSHUA RABOROKO

mission as we were not prepared to be drawn into a one-sided publicity campaign.

"The memorandum contains far-reaching and unsubstantiated allegations and conclusions to the application of security legislation and the role that the Minister, the SAP, Attorney-General and medical practitioners play therein, and a member of the delegation confirmed that their conclusions might be wrong.

"We reject all such far-reaching allegations and conclusions and will deal with them in due course. We regret most strongly that the memorandum should have been sent into the world under such circumstances and against such background," the statement says.

POLICE

In a statement the DPSC says they were

"naturally disappointed" that the Ministers chose not to respond to their expressions during the meeting and "we are now anxiously awaiting their response."

The committee says that the memorandum had been completed only two days before the meeting and had been released to the Press before the meeting with an embargo on publication after it had taken place.

Some of the items in

the memorandum include: the question of independent medical attention for detainees; safeguards against physical and mental abuse during periods of detention; the parameters of interrogation and techniques as viewed by the Security Police; the legislation which leads to the banning of released detainees who have not been charged.

The meeting took place amid the inquest into the death of Dr Neil Aggett, who died in detention, and the recent banning of eight released detainees.

Year	African	Membership
1976		
1975		
1974		
1973		
1972		
1971		
1970		

Jailed man wins appeal

PRETORIA — An appeal against a Johannesburg man's conviction in terms of the Terrorism Act and his seven-year jail sentence was upheld by the Pretoria Supreme Court yesterday.

Mr Archibald Monty Mzimyathi, 31, of Soweto, who has been in detention since his arrest in April 1979, was convicted in October 1980 of undergoing military training in Russia between March and July of 1977.

Mr Justice B L S Franklin found there had been a "miscarriage of justice" when the trial magistrate had refused to allow evidence to be heard on commission in Lesotho.

Mr I Mohamed, SC, appearing for Mr Mzimyathi said the defence had witnesses in Lesotho.

Refugee status

They could testify that Mr Mzimyathi was involved in a car accident in June, 1977 after having received refugee status from the Lesotho Government in April and had signed for his monthly allowance until July 1977. Mr Mohamed also argued that a statement by Mr Mzimyathi was made under duress.

Mr Mzimyathi had alleged he was assaulted and told by police to say he was a member of the banned African National Congress and went to Russia for training.

"An extraordinary feature of the State's case was that it failed to call the police witnesses Mr Mzimyathi alleged had been involved in his ill-treatment," said Mr Mohamed.

of the Leather Industry
Section)

National
of South

Industrial Council:

Registration: Yes

Founded: 1937

Area of Operation: Transvaal

Officials: Secretary L.C.M. Sch

2000

Johannesburg

P.O. Box 3400

Address:

Phone: (011) 834 802

\$	100	
\$	100	
\$	100	
×	100	
×	100	
×	100	
+	20	
0	100	
0	100	
0	100	
	Total	White

Year	African	Asian	Coloured	White	Total
1980					
1979					
1978					
1977					
1976					
1975					
1974					
1973					
1972					
1971					
1970					

TRUNK AND BOX WORKERS INDUSTRIAL UNION

Ministers distress detainees' parents

By ANNE SACKS

THE Detainees' Parents Support Committee said yesterday it was distressed that the Minister of Law and Order and the Minister of Justice had "chosen to reject" points discussed at their meeting in Cape Town on Tuesday.

The points, including allegations of Security Police abuse of detainees, were contained in a memorandum handed to the Ministers.

The DPSC is distressed that the Ministers have chosen to reject without discussion points made in a carefully considered

memorandum," the DPSC said.

Mr Louis le Grange, Minister of Law and Order, and Mr. Kobie Coetsee, Minister of Justice, said in a statement on Tuesday night they rejected "far-reaching and unsubstantiated" allegations about the application of security laws.

"A memorandum which was to have served as a basis for the discussions was not previously made available to us, but instead to the Press," they said.

The DPSC said the Ministers received a detailed agenda weeks before the meeting.

Industrial Council

Registration: Yes

Founded: 1934

Area of Operation: Natal

Officials: Secretary: M.F. Hansa

4014

Dalbridge

Address: P.O. Box 18355

Telephone: (031) 61351

Year	African	Asian and Coloured	White	Total
1970	..	..	..	18 633
1971	..	..	..	18 633
1972	..	..	..	20 633
1973	25 238	30	25 268	+
1974	..	..	..	..
1975	25 130	15	25 145	*
1976	25 272	11	25 283	*
1977	26 699	12	26 711	*
1978	26 699	12	26 711	\$
1979	27 483	4	27 487	\$
1980	28 000	4	28 004	\$

GARMENT WORKERS INDUSTRIAL UNION (NATAL)

97

Missing PE men are safe

PORT ELIZABETH — Mr Siphiwo Mthimkulu, a former Port Elizabeth detainee who disappeared on April 14, and a friend who disappeared with him, Mr Topsy Madaka, are "safe".

Mr Mthimkulu, who suffered from thallium poisoning after he was released from detention last year, last week phoned a friend in Kwazakele, Port Elizabeth,

and said he and Mr Madaka were safe.

He did not say where they were, and the friend relayed the message to Mr Madaka's mother, Mrs Ntsikie Madaka, of Kwazakele.

It is also believed that Mr Mthimkulu's parents, Mr and Mrs S. Mthimkulu of Zwide, Port Elizabeth, were informed that their son was safe.

The friend, who knows

both Mr Mthimkulu and Mr Madaka well, said Mr Mthimkulu did not introduce himself, but he recognised his voice because the line was clear. He said he sounded quite cheerful.

A student leader, Mr Mthimkulu spent five months in detention last year and took ill on the day of his release, baffling doctors before it was established at

Groote Schuur Hospital that he was suffering from rare thallium poisoning.

He recently sued the Minister of Police for R150 000 for alleged poisoning while in detention.

He was last seen on April 14 when he was picked up by Mr Madaka and driven to hospital where he had an appointment with DDC.

up in a field near Helman official. — DDC. tested by defence coun-

D. Rispach 30/4/82 329

Industrial Council: National Industrial Council for the Motor Industry

Registration: Yes

Founded:

Area of Operation: National

Officials: Secretary: Des East

2048

Ferretsdorp

Telephone: (0117) 838 5877

Address: P.O. Box 25241

Year	African	Asian and Coloured	White	Total
1970				5 003
1971				7 033
1972				7 910
1973		9 530		11 337
1975		11 977		12 354
1976		12 354		11 948
1977		11 948		11 548
1978		11 548		12 563
1979		12 563		13 135
1980		13 135		

Even death in detention could be hushed up...

THE net of secrecy that the Security Police have drawn around their activities could be sealed finally from the public view by the new Protection of Information Bill which replaces the Official Secrets Act.

The Bill — if it becomes law in time — could even prevent facts about the death in detention of trade unionist, Dr Neil Aggett, becoming public knowledge.

And at the other extreme, if the Bill had been law at the time Mr Jaap Marais, leader of the Herstigte Nasionale Party, would have seen his chances of his successful appeal against a conviction under the Official Secrets Act over his disclosures about Government telephone tapping as virtually impossible.

The Bill, which is to be opposed in Parliament by the Progressive Federal Party and the New Republic Party, was drawn up by the Rabie Commission.

The commission, in a number of instances highly critical about the lack of definition and presumptive clauses in other security legislation, has in this Bill included what could be some of the harshest presumptions in South African law as well as extremely vague definitions.

Mr Harry Pitman, a Progressive Federal Party justice spokesman and an advocate, said in an interview that the Bill could finally lead to Security Police methods of interrogating detainees becoming totally secret.

Because of the lack of definition or the loose definitions in the Bill, the web of secrecy can be spread virtually to any issue which the Security Police or the Government wishes to keep secret, Mr Pitman said.

Most concern is over detention without trial.

The methods of interrogation of detainees, against a background of 48 deaths and numerous claims of torture being made, and the issue of

the report points out that "judges have generally avoided a thorough inquiry into methods of police interrogation in trials under the security laws."

In spite of this the report says that "there is

Mr Pitman says that if the Bill has become law by the time the Aggett inquest gets under way again, evidence relating to torture could be kept from the public eye — though he feels in this case it would be doubtful whether the Act would be invoked.

The Bill also makes it possible for the Security Police to prevent anyone knowing about the detention of any particular person, the penalty on publication being R10 000 or 10 years' imprisonment or both.

Apart from the detention aspects the net of what is "secret" has been cast extremely wide with the State not being required to prove "intent."

Section 10 of the Bill places the onus on the accused to prove that the intention of committing any act "prejudicial to the security or interests of the Republic" was not committed for this purpose.

Even the act of obtaining information on a "security matter" is an offence — again the Bill leaves it to the accused to prove he did not know the information was not prejudicial to enemies of the State or a foreign State.

Mr Pitman said the Bill, if it becomes law in its present form, could create not only one of the harshest forms of self-censorship in the history of the South African Press but also an unhealthy atmosphere of fear and suspicion among South Africans.

BRUCE CAMERON of The Argus Political Staff examines the implications of the new Protection of Information Bill.

detentions is constantly in the public spotlight locally and overseas.

A recently published report of a symposium organised by the Centre for Applied Legal Studies at the University of the Witwatersrand dealing with the Rabie Commission, which was attended by 36 top South African legal men found that "the authorities have done their best to prevent any full-scale judicial investigations into assaults in detention."

"Calls for a judicial inquiry repeatedly have been refused. Civil claims have been settled out of court."

The report also points out that other cases have fallen away because there is a five-month proscrip-

tion clause for claims against the police for alleged assaults. "By a strange coincidence several detainees have been held . . . for more than five months after the date of the assault."

incontrovertible evidence that some detainees have been physically assaulted and others mentally tortured."

Apart from the few occasions when evidence has been given in court on the interrogation method, the only real avenue left for inquiries into these methods has been in the inquest court. But this course, according to Mr Pitman, will also be closed by the Protection of Information Bill.

All the Security Police need do is invoke its power declaring that the replies to the questions are a "security matter" as defined in the Bill and refuse to give answers.

As a result either the evidence is not given or it is taken "in camera."

ARGUS 30/4/82

329

BIKO INQUIRY

Reconsidering

329

FM 30 4 82

The death in detention of trade-unionist Dr Neil Aggett has focused national and international attention on the general conditions of detainees in security police detention and the medical treatment they receive.

Early this week, a preliminary committee of the SA Medical and Dental Council (SAMDC) met to consider re-opening an inquiry into the conduct of the doctors who treated Steve Biko before his death in detention in September, 1977. However, the committee did not take a decision and will reconsider the matter at its next meeting on June 25.

The meeting was called as a result of a complaint lodged with the SAMDC by a group of prominent white doctors earlier this year. Now a second complaint has been received by the SAMDC from the Health Workers Association (HWA) — formerly the Transvaal Medical Society which represents hundreds of black hospital workers and medical staff.

The first complaint was received from Professor Frances Ames, head of the Department of Neurology at Groote Schuur and Cape Town; Professor Philip Tobias, Dean of the University of the Witwatersrand Medical School; Professor Trefor Jenkins, head of the Department of Genetics at Wits University; and two Durban medical practitioners, Dr Edward Barker and Dr Leslie Robertson (Current Affairs March 5).

This submission not only calls for a re-

examination of the conduct of the doctors long criticised for their role in the treatment of Biko, but contains a complaint concerning the conduct of a fourth, previously unimplicated, Port Elizabeth doctor.

The HWA complaint was lodged in terms of Section 41 of the Medical, Dental and Supplementary Health Services Act of 1974. It is *sub judice* at present but also revolves around the medical care received by Biko while in detention.

According to Dr Joe Veriava, one of the six complainants and a spokesman for the HWA: "Although the SAMDC, after a preliminary hearing, dismissed a previous complaint lodged by Eugene Roelofse (who was then ombudsman for the SA Council of Churches), the HWA believed that there was clear evidence, arising from the inquest records, that the matter should have been pursued."

Reg
Four
Area
Offi
Addre

Year	African	Asian	Coloured	White	Total
1980				218	\$ 218
1979				200	\$ 200
1978					
1977					
1976					
1975					
1974					
1973					
1972					
1971					
1970					
Membership					

DURBAN MUNICIPAL PROFESSIONAL STAFF ASSOCIATION

30/4/82

(329) Detention of Black girl
Hansard Q. 64, 734 - 735
*6 Mr. R. A. F. SWART asked the Minister of Law and Order:

- (1) Whether the Police (a) arrested and (b) held in custody a young Black girl over the Easter weekend in Silverton, Pretoria; if so, (i) what is the girl's age, (ii) on what charge was she arrested and (iii)(aa) for how long and (bb) where was she held;
- (2) whether the girl was brought to court; if so, (a) on what charge and (b) with what result;
- (3) what is the policy of the South African Police in regard to detaining children in police cells?

The MINISTER OF NATIONAL EDUCATION (for the Minister of Law and Order):

- (1) (a) and (b) Yes.
 - (i) 15 years.
 - (ii) Shoplifting.
 - (iii) (aa) From 11h25 on 10 April to 06h30 on 13 April 1982.
 - (bb) In the police cells at Silverton separate from other awaiting trial prisoners.
- (2) Yes.
 - (a) Theft.
 - (b) The case has been remanded to 4 May 1982.
- (3) Whenever it is necessary for the South African Police to detain chil



dren in police cells, it is as far as is practicably possible attempted to keep them separate from adults and to bring them before a court as soon as possible. Except where they are detained in serious cases, they are released in the custody of a parent or guardian wherever possible.

In this particular instance the parents of the child could not be located.

(1) 1980 - Membership has increased in the garment workers union.

Telephone: _____

Registration: Yes

Founded: 1978

Area of Operation:

2000

Address: _____
P.O. Box 8304
Johannesburg

Telephone: (011) 371 854

[illegible]

Year	African
1970	
1971	
1972	
1973	
1974	
1975	
1976	
1977	
1978	
1979	
1980	

police.