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POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 16 September 1977 from the Chairman of the Special
Committee against Apartheid to the Secretary-General

I have the honour to send you herewith, for the attention of the General Assembly, the special report on southern Africa of the Ad Hoc Working Group of Experts of the Commission on Human Rights.

It may be recalled that the Economic and Social Council decided in resolution 2082 A (LXII) of 13 May 1977, that the Ad Hoc Working Group of Experts, in conjunction with the Special Committee against Apartheid, should examine the treatment of prisoners in South Africa, Namibia and Zimbabwe, including the deaths of a number of detainees, as well as police brutality during peaceful demonstrations against apartheid in South Africa since the Soweto massacre of 16 June 1976.

The Ad Hoc Working Group transmitted the enclosed report to the Special Committee and submitted it to the World Conference for Action against Apartheid, held at Lagos from 22 to 26 August 1977.

In view of the relevance of this special report for the consideration by the General Assembly at its thirty-second session of the policies of apartheid of the Government of South Africa and in pursuance of a decision of the Special Committee, I have the honour to request that the special report be circulated as a document of the General Assembly under agenda item 27.

(Signed) Leslie O. HARRIMAN
Chairman of the
Special Committee against Apartheid

ANNEX

Deaths of detainees and police brutality in South Africa
since the Soweto massacre in June 1976

Report of the Ad Hoc Working Group of Experts on southern Africa*

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* Previously circulated in French only as document A/CONF.91/7.

I. INTRODUCTION

1. The Ad Hoc Working Group of Experts on southern Africa was set up in 1967 in pursuance of resolution 2 (XXIII) of the Commission on Human Rights, to investigate torture and ill-treatment of prisoners, detainees and persons in police custody in South Africa. This mandate was subsequently extended and enlarged by successive resolutions of the Commission on Human Rights and the Economic and Social Council.
2. At its sixty-second session the Economic and Social Council in resolution 2082 A (LXII) of 13 May 1977, having approved the decision taken by the Commission on Human Rights in its resolution 6 (XXXIII) of 4 March 1977 to extend the mandate of the Ad Hoc Working Group of Experts, decided that the Group, in conjunction with the Special Committee against Apartheid, should examine the treatment of prisoners in South Africa, Namibia and Zimbabwe, including the deaths of a number of detainees, as well as police brutality during peaceful demonstrations against apartheid in South Africa since the Soweto massacre of 16 June 1976, with a view to submitting a report. The Economic and Social Council also decided that the reports of the Group should be brought to the attention of the General Assembly without delay.
3. The members of the Ad Hoc Working Group of Experts, acting in their personal capacity, are as follows: Mr. Kéba M'Baye (Senegal), Chairman-Rapporteur, Mr. Branimir Janković (Yugoslavia), Vice-Chairman, Mr. Amjad Ali (India), Mr. Annan Arkyin Cato (Ghana), Mr. Humberto Díaz Casanueva (Chile) and Mr. Felix Ermacora (Austria).
4. Mr. J. P. Rao, Rapporteur of the Special Committee against Apartheid, accompanied by a representative of the Centre against Apartheid, took an active part in the work of the Ad Hoc Working Group of Experts at the meetings which it held in Geneva and London from 25 July to 3 August 1977 with a view to fulfilling the mandate entrusted to it by the Economic and Social Council in resolution 2082 A (LXII).
5. The present report, submitted pursuant to that resolution, is based essentially on first-hand information presented at meetings of the Ad Hoc Working Group of Experts in the form of oral evidence and written communications by interested individuals or organizations. In addition, the Group studied and analysed the relevant documents of the United Nations, particularly the reports and publications of the Special Committee against Apartheid and the Centre against Apartheid. The Group also took account of information culled from various other publications and from newspapers and periodicals describing the events which have occurred in South Africa since 16 June 1976. During its meetings in London the Group saw a film and slides of the events at Soweto taken by journalists without the knowledge of the South African authorities.
6. Given the time available to produce the present report, the Ad Hoc Working Group of Experts decided to devote particular attention to the following points:
(a) South African police brutality since the Soweto massacre of 16 June 1976; and
(b) the treatment of persons in police custody and the deaths of detainees since 16 June 1976.

7. Having regard to resolution 6 (XXXIII) of the Commission on Human Rights, in which the Commission decided to have itself represented by members of the Ad Hoc Working Group of Experts at the World Conference for Action against Apartheid, held at Lagos from 22 to 26 August 1977, the Group also decided, in agreement with the representatives of the Special Committee against Apartheid, to submit to that Conference the present report, which should be duly brought to the attention of the General Assembly at its thirty-second session.

8. It will be recalled that in its last report (E/CN.4/1222 and Corr.1, paras. 49 to 55 and 246 to 251) the Ad Hoc Working Group of Experts described the events which took place at Soweto on 16 June 1976, and dwelt in particular on the killings of students who were demonstrating peacefully against the imposition of Afrikaans as the medium of instruction in secondary schools. The Group collected evidence from several persons who unanimously stated that the police had fired at peaceful demonstrators, the majority of whom were young schoolchildren.

9. It will also be recalled that the Ad Hoc Working Group of Experts came to the conclusion that the 1976 uprisings should not be seen as a new and spontaneous occurrence. The demonstrations of 1976 must in fact be analysed in the light of the discontent which has prevailed in almost all African schools in South Africa since the introduction of the separate Bantu education system in 1953.

10. Since 1959, disturbances have been reported in African schools and in several universities, particularly in the Universities of the North, Fort Hare and the Western Cape, and have been severely repressed by the police (E/CN.4/1187, paras. 219 to 235). Nevertheless, the wave of dissent may be considered to have gained strength since 1974, as a result of the brutality with which the police repressed the demonstrations in support of FRELIMO (Frente de Libertação de Moçambique) in September 1974. The disturbances subsequently increased during 1976, following the decision of the Minister of Education in 1975 to impose the "50-50" rule that Afrikaans should be a joint medium of instruction with English in African secondary schools from January 1976.

11. Although the uprising of June 1976 has been explained as a reaction against measures to impose Afrikaans as the medium of instruction in black secondary schools, the following are some of the prime causes at the origin of the deplorable killings of African children at Soweto and elsewhere since 16 June 1976:

- (a) The living and housing conditions of Africans in urban areas, and the lack of any prospect of economic improvement, particularly for young people;
- (b) The South African régime's policy of opposing the residence in urban areas of Africans, except for temporary workers; the rules for Bantu workers (Bantu Labour Regulations of 3 December 1965), which include measures compelling heads of households to leave their families in the homelands while they work in urban areas; the consequent disruption of African family life in the urban areas was a not inconsiderable factor in the rash of uprisings which has broken out in South Africa since June 1976 (E/CN.4/1222 and Corr.1, para. 253);

- (c) The collapse of Portuguese colonialism in 1974 and the attainment of independence by Mozambique and Angola, which acted as an incentive for African youth, till now accustomed to the idea that white domination could not be changed;
- (d) The rigorous segregation in the education system, which is free and compulsory up to the age of 16 only for white children, and the low level of education given to black children;
- (e) The institution in early 1976 of a range of severe new measures to quell resistance to apartheid and to make "bantustanization" an accomplished fact. (The Ad Hoc Working Group of Experts has already commented on the Internal Security Act, 1976, which enables the Government to detain indefinitely without trial any person suspected of undermining the security of the apartheid régime (E/CN.4/1222 and Corr.1, para. 70). Moreover, during the period under consideration, a new law was promulgated in response to the situation arising from the events at Soweto, namely, the Indemnity Act, 1977, which prohibits all civil or criminal proceedings against the State or any person in the service of the State, or any person acting under the authority or with the authorization of a person in the service of the State, by reason of any act, notice, statement or information transmitted, given, ordered, directed, made or published by such person. This law is in flagrant violation of universally accepted legal principles: it exonerates the police from responsibility for any act of which it might be found guilty in the event of compensation claims filed by persons subjected to brutality. Moreover, this law is retrospective to 16 June 1976, the date on which the police committed the first killings at Soweto);
- (f) The growing support for the Black Consciousness Movement (a movement promoting awareness of black identity), especially within the South African Students' Organization (SASO) and the South African Students' Movement (SASM), which was originally formed by pupils at three secondary schools at Soweto in 1970 and 1971.

12. It should be recalled that Soweto is the largest and most densely inhabited of the black townships in South Africa. The population has been officially estimated at 700,000, but in fact exceeds a million. This town has no real name, since Soweto is only an abbreviation of "South Western Township". It is an enormous dormitory town, and most of its houses are only shacks. Less than 20 per cent of the houses have electricity and barely 5 per cent have hot water. A report submitted by the Ad Hoc Working Group of Experts to the Commission on Human Rights at its thirty-third session describes grievances over living conditions in Soweto as follows: insecurity of tenure in poor housing (83.6 per cent of houses have no electricity, 31.5 per cent have no running water, 76.4 per cent have no ceiling); insufficient schools and crèches; little street lighting as a deterrent to crime; arbitrary allocation of housing, according not to choice but to artificial "tribal" affiliation; bad transport and communications; poor shops -

residents must go to Johannesburg to shop in a supermarket; poor sports and recreational facilities - there are only two cinemas for over a million people (E/CN.4/1222 and Corr.1, para. 256). The residents of Soweto have no right under the law to own a house in the "white area" which represents 87 per cent of the Territory. 1/ They only possess this right in the bantustans. Although, after the disturbances, the authorities said that they would allow blacks in Soweto and the Johannesburg area (West Rand) to buy their houses, there was a catch: prices are fixed so high that few blacks would be able to buy because of their particularly low purchasing power. Moreover, although the Government has again stated that interested persons would not be required to produce a certificate of bantustan citizenship, Mr. M. C. Botha, Minister of Bantu Administration, has clearly explained the Government's attitude to Africans refusing such citizenship: "Blacks who recognize their national characteristics will be privileged in white South Africa and will be welcome to come ... Blacks do not become members of the white nation by working here (in the white areas). They remain Zulus, Tswanas, Vendas, and the like." 2/

1/ Paul Bernetel, ed., Les enfants de Soweto (Paris, Stock, 1977); Joyce Sikakane "A Window on Soweto" (London, International Defence and Aid Fund for Southern Africa, June 1977).

2/ Le Monde, 22-23 August 1976.

II. BRUTALITY OF THE SOUTH AFRICAN POLICE SINCE THE SOWETO MASSACRE OF 16 JUNE 1976

13. In its last report, submitted to the Commission on Human Rights at its thirty-third session in 1977, the Ad Hoc Working Group of Experts noted that the commission of inquiry into the Soweto massacre consisted only of one member, Mr. Justice Cillie, a white, and that the Government had refused to appoint other members with equal representation for blacks. The Group also described the disturbances, arrests and police brutality at Soweto and elsewhere from 16 June until October 1976 (E/CN.4/1222 and Corr.1, paras. 49 to 55 and 246 to 257).

14. According to information given to the Cillie Commission, the police in September 1976 admitted injuring 1,439 blacks in Soweto (1,001 Africans were allegedly injured by "other elements" and 387 in Cape Town (25 were allegedly injured by persons "other than policemen"). ^{3/} According to other sources, these figures are much lower than the facts indicate, as the number of injured persons at the end of 1976 was 2,160. ^{4/}

15. The following paragraph gives some examples of incidents reported by witnesses who gave evidence to the Ad Hoc Working Group of Experts; they show the contempt of the South African police for African lives and certain provocative methods used to incite the crowds to the violence which gave rise to acts of brutality.

16. According to the evidence of Miss Nkosazana Dlamini (456th meeting), who was at Soweto during the disturbances of 16 June 1976, the demonstration against the use of Afrikaans as the medium of instruction in primary schools was essentially peaceful. The purpose was to protest against the measure, which applied only to Soweto, and to prevent its extension to the rest of the country. It was therefore decided on 13 June 1976 to call a strike with a view to securing the repeal of the law, and a completely peaceful demonstration took place on 16 June 1976, during which the police intervened violently, using tear-gas. The students, who were not armed, fell back and then responded by throwing stones at the police. Although not in danger, the police then reacted savagely by shooting at the crowd, killing five schoolchildren according to Government estimates. In fact, according to the statements of eyewitnesses, 300 persons were killed during the first two days of demonstrations.

^{3/} South African Institute of Race Relations (SAIRR), "The Soweto riots and subsequent unrest", Survey 1976, p. 85.

^{4/} Counter Information Services (CIS), Black South Africa Explodes, 1977.

17. Explaining how the Soweto unrest spread to all the schools in the country, the same witness described a solidarity strike called by the students of the University of Natal, where she herself was a medical student. The police intervened brutally, using dogs. Students were injured, some very seriously. The witness, a member of a medical team in a Durban hospital, related the following incident: "In a secondary school in Durban there was a demonstration of solidarity with the Soweto dead. Although the principal did not call the police, he himself took some of the schoolchildren, whom he regarded as instigators, to a police station." The witness herself had observed that one of the two schoolchildren subsequently taken to hospital had a broken jaw and the other an arm in plaster.

18. Professor J. J. F. Taljaard, a specialist in pathology, and Dr. H. Bukhofze, both of whom were working at Johannesburg Hospital, appeared on 13 October 1976 before the Cillie Commission. They supplied the following details concerning Africans who were killed in the area of Johannesburg: 5/ (a) the autopsies conducted on the 229 persons killed between 18 June and 18 August 1976 revealed that two thirds of them died from bullet wounds and the others from multiple injuries, some of which were inflicted by knife; (b) in the area of Johannesburg and West Rand alone, 80 of the 229 persons killed were struck from the back, 42 from the front and 28 from the side; (c) 224 of the victims were black, 3 Coloured and 2 white; 1 was under 10 years of age, 88 were under 20 years of age, 69 were between 20 and 30 years of age, and 46 were over 30 years of age.

19. The Commission was also informed of the death of 97 persons in Cape Town, 92 of whom were killed by the police. Everything seems to indicate that the death toll was actually far higher. The Ad Hoc Working Group of Experts had already taken note of 90 deaths in Cape Province in December 1976 alone. Moreover, the International Defence and Aid Fund for Southern Africa has established beyond doubt that 617 persons died between 16 June and December 1976, "although the actual figure must certainly be over 1,000 (some of the victims were barely five or six years of age)". 6/

20. Several witnesses commented on the appalling number of victims since the events at Soweto. The figures put forward exceed, in any case, those generally acknowledged by the South African authorities. One witness, Mr. Eric Abraham (458th meeting), a former reporter in South Africa, said that "it is virtually impossible to give an objective and exact estimate of the persons injured or killed since 16 June 1976. In all, hundreds of persons died, but we cannot say precisely how many hundreds; similarly, there were thousands of injured, but we cannot be sure of the number."

5/ South African Institute of Race Relations (SAIRR) "The Soweto riots and subsequent unrest", Survey 1976, p. 85.

6/ Soweto and the uprisings of 1976 in South Africa, London, International Defence and Aid Fund for Southern Africa, 1977.

21. Estimates of the total number of dead and injured published by the press or taken from other information sources remain very vague, but the large figures generally advanced are an indication of the scale of police brutality during the demonstrations.

22. With regard to the methods employed by the police against demonstrators, the accounts of witnesses are in agreement that since the events at Soweto the police have no longer resorted to baton-charges or tear-gas canisters but instead have fired into the crowd using sub machine-guns and rifles loaded with buckshot. Mrs. Jan Marsh (457th meeting) stated that, during the early demonstrations, the police had used automatic revolvers and rifles; in one particular case, a policeman had asked one of his men to fire a sub machine-gun in a semi-circular movement; as a result, four persons had been killed.

23. The testimony described how "anti-riot squads" were being formed within the South African police to quell demonstrations. The riot police wear camouflage uniforms, without identification marks, and receive special training at a police school at Pretoria.

24. Information brought to the attention of the Ad Hoc Working Group of Experts indicates that repression is still common. On 29 July 1977, the police killed a black woman during disturbances at Soweto. The victim, a 19-year-old student, was killed by a bullet in the head. The police had attacked and pursued some schoolchildren who were holding a meeting at a school in Orlando, a district of Soweto. A number of young persons injured themselves by jumping out of windows to evade the police. Brigadier Gerber, the head of the Soweto police, maintains that one of his men was stoned when tearing down posters and was "forced to extricate himself" by using a gun, thus killing the student. According to numerous witnesses, the policeman was in no danger when he aimed and fired at a group of schoolchildren, killing one of them. 7/

25. The Ad Hoc Working Group of Experts saw film of the Soweto uprising which clearly illustrated the scope and intensity of the brutal acts committed by the police at Soweto. It observed that many of the persons killed by the police received bullets in their backs. Even more amazing, the police opened fire on and killed a number of persons who were on their way to the funeral ceremonies of the victims of earlier demonstrations. The shots also revealed the growing resistance of the black population to racial oppression. What began as a peaceful protest launched by schoolchildren developed into a nation-wide uprising against the apartheid system.

26. All the evidence gathered by the Ad Hoc Working Group of Experts indicates that the police resorted to massive acts of violence and fired at the crowd at random and without warning. Mr. Drake-Koka (458th meeting), who lived through the events at Soweto, gave the following eyewitness account of what happened on 16 June 1976: "I saw a police contingent arrive ... go towards some schoolchildren

7/ Le Monde, 13 July 1977; The Times, 1 August 1977; International Herald Tribune, 2 August 1977; The Guardian, 30 July 1977.

who were walking through the streets in a procession; they were carrying signboards and placards and were completely unarmed ... The police ordered the schoolchildren to disperse, but they had no loudspeakers and could not make themselves heard properly ... Suddenly they fired into the crowd, killing two schoolchildren in front of me ... A small girl was hit by a bullet deliberately fired at a house close to No. 800 Melomeaku Street."

27. Mrs. Jan Marsh (457th meeting) and Miss Dlamini (456th meeting) also drew the attention of the Group to the fact that the police had used weapons and fired at the crowd indiscriminately. In some cases the police had fired systematically into the crowd and those immobilized by their injuries had been arrested and accused of taking part in the demonstrations. The police had continued to shoot even when students, their arms aloft to show that they had no weapons, carried placards reading: "We are not fighting, we beg you not to fire, we are demonstrating peacefully."

28. Slides taken during a demonstration of solidarity with Soweto held in Cape Town show clearly that the police fired at the crowd using buckshot in order to hit and injure several persons at once. According to Mrs. Jan Marsh (457th meeting), Major D. J. Kril explained the effectiveness of the method as follows: "A jet of buckshot enables us to hit and injure between 20 and 40 persons simultaneously. Then, all we have to do is to arrest them when they arrive at a hospital or clinic for medical treatment - it's like hitting two birds with one stone."

29. This method of arresting demonstrators in hospitals was described by some of the witnesses. In her testimony, Miss Dlamini (456th meeting), who was present at several demonstrations, stated that she had heard a policeman say: "We shoot at them and then we arrest them in hospital when they go to receive treatment." Mrs. Jan Marsh (457th meeting) observed that many persons had died from their injuries owing to negligence, because they had not received treatment in time. In some cases policemen waited at the hospital entrance to arrest people, sometimes even killing them at the time of their arrest.

30. Describing incidents which occurred in Johannesburg in August 1976 after a general strike of all workers had been called, Miss Dlamini (456th meeting) observed that the police had recruited from the black population some Zulus living in a hostel for single persons for the purpose of starting a brawl among the strikers and thus providing an opportunity for the police to intervene. She said that the police had intervened and six persons had been killed. Approximately 100 injured persons, most of them young, had received treatment at Baragwanath Hospital for bullet and stab-wounds and injuries inflicted by other weapons. 8/

31. In a recently published work on the events at Soweto 9/ the author describes the same incident as follows:

8/ This information was also reported by the correspondent for Le Monde at Johannesburg on 26 August 1976.

9/ Paul Bernetel, ed., Les enfants de Soweto (Paris, Stock, 1977), pp. 27 and 28.

"A widespread strike movement was launched at Soweto on 23 August 1976 on the initiative of the students' representative council. Two days beforehand, schoolchildren distributed in Soweto and other townships in the Johannesburg area leaflets urging the workers to strike on 23, 24 and 25 August. These leaflets carried as their heading the watchword 'azikwelwa', a Zulu term which means 'no transport'. On 23 August, at dawn, the police besieged the black city. For three days, the trains were three quarters empty and the bus-stations were almost deserted. For the first time, the offices, shops and factories in the white city learnt to manage without black workers. Between 60 and 80 per cent of the workers struck. Some industrial sectors, such as the clothing industry, were completely paralysed. The press and television hastened to explain that the success was due to a campaign of intimidation waged by a handful of agitators. Although intimidation admittedly played its part, it was not the sole factor. The truth is that the adults were persuaded to join in by the young people, who were better organized. And the savagery of the repression and the thousands of arrests were a contributing factor. The strike of blacks frightened whites far more than the rioting within the confines of these townships, to which whites never go. The police, enraged, shrank from nothing to crush the movement. At Soweto, policemen opened fire on young people caught inciting workers to strike. To discredit the movement, the police recruited 'allies' from among the black population. At their instigation, approximately 100 Zulus from a workers' hostel pillaged the district of Orlando, in Soweto, where the June riots had begun. According to the official version, this incident was a settlement of accounts between strikers and non-strikers. That day, however, numerous witnesses heard a policeman admonish the Zulus: 'You were told to attack only troublemakers. If you continue to damage administrative buildings, we shall be forced to intervene against you'."

32. One of the slides shown to the Ad Hoc Working Group of Experts in London clearly showed a policeman, accompanied by an interpreter, addressing other policemen and a group of migrant workers standing behind a police-car. On the order of the policeman, the group attacked the residents of Soweto.

33. The body of evidence concerning the role of the police in confrontations between black groups was completed by the testimony of Mr. Drake-Koka (458th meeting), who stated, inter alia, that the arming of black soldiers was a new phenomenon which had resulted in the massacre of black workers by armed black policemen acting at the instigation of the police. The same procedure had been used to curb peaceful demonstrations organized by children in a number of South African schools.

34. In the light of the abundant and concordant testimony set forth above, the Ad Hoc Working Group of Experts concludes that the South African police is continuing to react brutally and without regard for human life (when dealing with blacks) and that it employs the following methods to put down demonstrations:

- (a) To disperse black demonstrators the police no longer used batons, rubber

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bullets or tear-gas but instead fired FN-rifle-bullets, which explode in the bodies of the victims and cause immediate death. Subsequently, these bullets were replaced by buckshot, which, although less deadly, can blind and mutilate, especially when used against children.

(b) No warning was given before the police fired systematically into the crowd, even when it consisted of very young children and the demonstration was visibly peaceful.

(c) The police made systematic arrests of injured persons who could not have escaped anyway. Several witnesses stated that the police frequently prevented passers-by from taking the injured to hospital. Moreover, the police transported a number of injured persons from hospital to prison.

(d) On many occasions the police incited the crowd to violence, particularly at Soweto and at Johannesburg, where Zulu workers living in a hostel were used by the police to attack demonstrators.

35. In confirmation of much of the testimony, Mr. Leslie O. Harriman (Nigeria), Chairman of the Special Committee against Apartheid, when drawing attention to the problem of the violence and massive repression to which the apartheid régime subjected the black population, especially since the Soweto massacre, stated: 10/

"As oppression is intensified, the resistance of the oppressed people has inevitably increased; the neo-Nazi régime in Pretoria has escalated repression and resorted to ever greater brutality in its mad attempt to suppress the irrepressible urge of the people for freedom, human dignity and human equality. The racist régime has become more and more savage as its inevitable doom approaches ...

"Several thousand persons have been injured by police bullets: many of them have been arrested when they went to hospitals for treatment. Injuries lead you to a prison in South Africa; injuries do not lead you to a hospital. And as the police network mounts its search for revenge and for reprisals, people are allowed to die in South Africa today from their wounds.

"Many thousands of persons, the majority of them schoolchildren, have been gaoled ... Children have been taken away on the streets and their parents have not been informed ...

"Riot police actually took part in the attacks by migrants, shooting at residents and preventing them from protecting their families and houses.

"Some riot police actually encouraged the migrants to kill some of the residents by pointing out the wounded on the ground ...

10/ "Police brutality and torture of political prisoners in South Africa. A call for urgent international action", Centre against Apartheid, Notes and Documents, No. 10/77, March 1977.

"It is quite clear that we are confronted with a major crisis -- involving suffering as in a severe natural calamity - but created by the apartheid régime and all those who enabled it, by their collaboration, to pursue its criminal course in defiance of United Nations resolutions."

III. TREATMENT OF PERSONS IN POLICE CUSTODY AND DEATHS
OF DETAINEES SINCE 16 JUNE 1976

A. Treatment of persons in police custody

36. The Ad Hoc Working Group of Experts already reported in its last report (E/CN.4/1222 and Corr.1) on a number of imprisonments, sometimes of very young schoolchildren, during and following the unrest in Soweto and on the outskirts of Johannesburg, Durban and Cape Town.

37. The information available to the Ad Hoc Working Group of Experts at that time revealed that 174 people had been imprisoned in October 1976, the majority of whom were still detained without trial. The known number of people arrested under South African security laws was more than 300. From that information it was clear that most of the detainees had been subjected to the most inhuman tortures, as witnessed by the death in prison of the young black leader, Mapetla Mohapi. In addition, the Group had been informed that 5,200 other people had been arrested, charged with offences committed during the demonstrations.

38. The following anonymous testimony from six students, contained in a written document transmitted to the Ad Hoc Working Group of Experts by Mr. Drake-Koka (458th meeting), provides evidence of the various types of torture and cruel treatment which they underwent during interrogation at Soweto Police Station:

(a) Case No. 1, aged 19, arrested on 22 October 1976 at a university by a special riot police squad and by members of the security police. Having refused to give the names of fellow-students who had taken part in the demonstration he was beaten up by three policemen, first punched in the face and then beaten with a belt. He was transferred to another cell where there were several other students who had already been interrogated - some of them were bruised about the face and had obviously been beaten - and was then imprisoned for 30 days and released after a final interrogation.

(b) Case No. 2, aged 20, arrested in the same circumstances as case No. 1. When the detainee refused to give information about fellow-students who had been arrested, he was interrogated by one black and six white policemen. He was stripped and forced to keep a wet sack over his head and to run without letting it fall off. He was beaten three times for letting the sack fall off. One policeman then tried to strangle him while another was throwing him against the wall. He was later transferred, without clothing, to another police station together with case No. 1 and some other students. (Case No. 2 showed his back to Mr. Drake-Koka 54 days after undergoing this treatment during interrogation. Mr. Drake-Koka was able to verify the existence of six cuts on the back, some of them 8 centimetres long and one 1.5 centimetres deep).

(c) Case No. 3, aged 18, arrested and taken away by the Zeerust security police on 29 October 1976 while visiting his aunt. The detainee was taken to a prison near Bophuthatswana and moved the next day to the police station at Zeerust.

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He was then interrogated about his fellow-students and administered electric shocks. After making a statement, giving his fingerprints and leaving his home address, he was released on condition that he did not leave Soweto without advising the authorities and on no account went to Swaziland, Lesotho or Botswana.

(d) Case No. 4, aged 18, arrested on 22 October 1976 on the same day as cases Nos. 1 and 2. The detainee was beaten with a stick for refusing to divulge the names of some of his fellow-students to the police. When questioned about the demonstrations which had just taken place, he denied having participated in them. One of the policemen then aimed his machine-gun at him and threatened to fire if he did not say what the police wanted him to say. The witness was then subjected to electric shocks, administered to his head, and forced to sit on an imaginary chair. After four hours he collapsed. Another policeman then flogged him across the back. After being forced to sign a statement, the detainee was released following 31 days in detention. (It should be noted that a witness, Mrs. Jan Marsh, made a statement about the floggings received by some detainees. This testimony was confirmed by other information brought to the attention of the Ad Hoc Working Group of Experts.)

(e) Case No. 5, aged 20, detained on 22 October 1976 with cases Nos. 1, 2 and 4. Arrested for having attended a funeral during which cars had been set alight and buildings destroyed. The detainee tried to explain to the police that he had not attended the funeral in question. He was beaten and kicked and was injured in the left ear. (Case No. 5 showed his scar to Mr. Drake-Koka.) Later, the police told him that they would keep him in prison and that he would probably end up by committing suicide. One of the policemen then showed him a rope saying that all he had to do was to put it round his neck and pull it in order to hang him. The witness stated that he was afraid because he knew that that was a common police practice and that, once the job was done, the police explained the death of a detainee as "suicide by hanging". After that the detainee was beaten because he continued to deny having been at the funeral. Tied to a chair with a rope around his wrists and a sack over his head, the detainee was then subjected to electric shocks until he finally consented to state that he had attended the funeral. That was not true but it was the only way of putting an end to the torture. The witness even had to lie again by telling the police that he had thrown stones. After 32 days in detention he was released.

(f) Case No. 6, aged 20, arrested on 22 October 1976 at the same time as cases Nos. 1, 2, 4 and 5. The detainee was interrogated about his presence at Mbatha's funeral. He was beaten for denying that he had attended the funeral in question and also for refusing to give the names of comrades. Transferred to another cell where there were 28 detainees, he was tied to a chair by his wrists, his head was covered with some kind of bag, and he was gagged with a piece of wet cloth. Electric shocks were then administered to all parts of his body. He was released after 14 days in detention.

39. The torture and ill-treatment suffered by persons in police custody are confirmed in a recent study dealing with the problem of torture in South Africa,

published by the Christian Institute of Southern Africa. 11/ This report contains the testimony of 115 prisoners who were tortured while in detention. Sworn testimony from 87 people provides explicit descriptions of methods using electric shocks, heavy weights tied to the testicles, and sacks placed over prisoners' heads during interrogation. Another method of torture consisted of uninterrupted interrogation of detainees, night and day, by teams of police. They were forced to remain standing on bricks for long periods and threatened with death.

40. Mrs. Oshadi J. C. Phakathi, in written testimony to the Ad Hoc Working Group of Experts, mentions in her statement about her arrest on 16 June 1976 the imprisonment of three young girls who were injured on arrival at Orlando Prison and whose clothes were caked with blood. These three young girls reportedly told her that they had been driven in a police vehicle in which were heaped the bodies of several victims killed during the demonstrations. The witness herself states that she saw the lifeless or injured bodies of several persons lying in the corridors of the Orlando Police Station and observed policemen walk over the bodies until those who were still alive died. The witness also heard shots being fired in the cells.

41. The same witness states that she heard fairly frequent shots coming from nearby cells. She several times heard men cry out, begging policemen to stop torturing them. Frequently, after such violence, the police could be heard ordering prisoners to take the lifeless bodies of other prisoners out of the cells. That suggested that the bodies belonged to people who had been ill-treated and then killed.

42. Mrs. Phakathi, describing her own experience in detention following the events at Soweto describes the tortures which she underwent in the following manner:

"Having been compelled to make a full statement about my activities since childhood until the day of my arrest, I was beaten throughout the interrogation for three consecutive days. I was then forced to write out a new statement on my activities in accordance with instructions given to me by the security police. The way in which the statement was worded gave the impression that I had been co-operating closely with the police. I was also forced to sign receipts giving the impression that I was receiving money from the police. As might be expected, pressure was put on me by various methods of torture, such as beatings and electric shocks around the waist and on the breasts while I was blindfolded. I was also put into an electrically refrigerated bag and suspended from an iron bar until I almost suffocated ... I spent two weeks in total isolation ..."

43. Finally the witness reports the death on 28 December 1976 of a schoolboy she met while in Johannesburg Prison. Mooder Bee Prison, where the tragedy took place, is specially equipped for the interrogation of detainees. Friends held in that prison allegedly told her that one night two young schoolboys had been beaten so savagely that one of them had died. The next day they had learnt from the

11/ Torture in South Africa (Cape Town, Christian Institute of Southern Africa, 1977); The Guardian, 12 April 1977.

seriously injured boy that his companion had died as a result of the wounds inflicted on him when he was beaten by the police.

44. A publication of the International Defence and Aid Fund for Southern Africa 12/ comments on the imprisonment of children kept in solitary confinement for long periods. At the trial of Steve Biko, honorary president of the Black People's Convention, a 14-year old boy was kept in solitary confinement for a month as a prosecution witness. It was reported that a seven-year old child had been imprisoned in Port Elizabeth, while in Cape Town many children aged 12, 13 and 14 have been imprisoned. From June 1976 to March 1977 more than 300 young people under 16 years of age are said to have been kept in solitary confinement.

45. From all the information available to the Ad Hoc Working Group of Experts, it is quite clear that torture methods are used in almost every police station in the country. Likewise, in view of the resemblance between the methods used, it also seems evident that torture is practised systematically by special police units trained for that purpose. Moreover, it has been pointed out to the Group that the various torture methods used on the accused were aimed at extracting information or confessions from them and forcing them to sign false statements.

46. A recent case concerning a witness heard by the Cillie Commission is seen by the Ad Hoc Working Group of Experts as further proof that the South African police and prison authorities frequently use torture to force the accused to sign false statements and to make false confessions. 13/ For instance, a prisoner detained since 14 August 1976 as a prosecution witness in the case of Mrs. Winnie Mandela stated before the Cillie Commission that the physical torture endured throughout his interrogation had caused him to implicate Mrs. Mandela. This anonymous witness, a member of the South African Students' Organization (SASO), had been arrested and kept in solitary confinement for four weeks, charged under section 6 of the Terrorism Act. He was known to have been directly associated with the activities of Mrs. Mandela. It should be noted in this regard that the witness, Eric Abraham (458th meeting), made available to the Group the transcript of an interview with Mrs. Winnie Mandela.

B. Deaths in detention

47. In previous reports, the Ad Hoc Working Group of Experts has regularly reported on the deaths of prisoners while in detention. In its last report the Group described in detail the autopsy carried out on the body of Mr. Joseph Mdluli some 24 hours after his arrest in March 1976. The Group also noted that five other prisoners, including Mr. Mapetla Mohapi, former leader of the South West Africa People's Organization (SWAPO), had died in detention during the subsequent six months (E/CN.4/1222 and Corr.1, paras. 43 and 44).

12/ Focus No. 10, May 1977. News bulletin of International Defence and Aid Fund for Southern Africa.

13/ Rand Daily Mail, 16 March 1977.

48. In this regard, the testimony of Miss Dlamini (456th meeting) concerning the so-called death by hanging of Mr. Mapetla Mohapi is revealing of the manner in which the South African police have tended to explain the deaths of several prisoners while in detention. Miss Dlamini, who had known Mr. Mohapi personally, stated that she did not believe that he could have committed suicide. Mr. Mohapi had had a very strong personality and had been conscious of the fact that to work for an organization against the South African régime involved risks; he had always stated that he was ready to run those risks. He had been detained and tortured long before the events in Soweto and particularly in 1974 during the wave of arrests carried out during the demonstration in support of the Frente de Libertação de Moçambique (FRELIMO). The witness added that at the request of the deceased's family two doctors had been asked to carry out an autopsy on Mr. Mohapi's body. The two doctors, Dr. Ramphela and Dr. Msawili, had been arrested even before they were able to give the results of the autopsy.

49. Concerning the controversy that has arisen over the causes of recent deaths of detainees, General Van Den Bergh, head of the Bureau of State Security, in an interview which needs no comment, declared that: "The police were powerless to act once a detainee had decided to commit suicide." 14/

50. The Ad Hoc Working Group of Experts is aware that these deaths are not a new phenomenon but simply highlight the intensity of police repression and the interrogation methods, followed by torture, which have been in evidence for several years now. Moreover, in most cases, the police claimed that the deaths had occurred as a result of either "suicide by hanging" or "natural causes" or during "escape attempts".

51. The Ad Hoc Working Group of Experts has been informed of the deaths in detention of the following 22 political prisoners between 1963 and 1971: 15/

Bellington Mampe	September 1963
Looksmart Ngudle	September 1963
James Tyitya	January 1964
Suliman Saloojee	September 1964
Negeni Gaga	May 1965
Pongolosha Hoye	May 1965
James Hamakwayo	1966
Hangula Shonyeka	October 1966
Leong Yun Pin	November 1966
Ah Yan	November 1966

14/ Star, 12 March 1977.

15/ Torture in South Africa (Cape Town, Christian Institute of Southern Africa, 1977); and Repression, Torture and Death in South Africa (African National Congress, 1977).

Alpheus Madiba	September 1967
J. B. Tubakwe	September 1968
Unidentified male	Date not known, death disclosed in January 1969
Nichodemus Kgoathe	February 1969
Solomon Modipane	February 1969
James Lenkoe	March 1969
Caleb Mayekiso	June 1969
Michael Shivute	June 1969
Jacob Monakgotla	September 1969
Imam Abdullah Haron	September 1969
Mthayeni Cuthsela	January 1971
Ahmed Timol	October 1971

52. Since the death in detention of Mr. Joseph Mdluli on 19 March 1976 12 other political detainees have died in mysterious circumstances while in detention. They are:

(a) Mapetla Mohapi, aged 25, former member of SASO and of the Black People's Convention, died on 5 August 1976 while detained in King William's Town. The police stated that he had "hanged himself".

(b) Luke Mazwembe, aged 32, member of the Western Province Workers' Advice Bureau, died on 2 September 1976, two hours after being detained in Cape Town. According to the police, the detainee "hanged himself". An autopsy carried out on the deceased's body at the request of his family revealed that he had died from strangulation.

(c) George Botha, aged 30, teacher, died on 15 December 1976 five days after being detained under the General Law Amendment Act. According to the police he "threw himself down the staircase at the police station" in Port Elizabeth.

(d) Dumisani Mbatha, aged 16, detained in Johannesburg on 16 September 1976. Later transferred to Modder Prison and then to Far East Rand Hospital, where he died the same day. The official autopsy report stated that he had died from "natural causes".

(e) Ernest Mamasila, aged 35, arrested on 16 November 1976. His family was advised of his death on 18 November 1976. According to the police, he "hanged himself".

(f) Wellington Tshazibane, aged 30, arrested on 9 December 1976 following the explosion at the Carlton Centre in Johannesburg. On 11 December 1976 the police advised his family that he had died "from hanging".

(g) Dr. Naoth Ntshuntsha, arrested on 14 December 1976 under section 6 of the Terrorism Act. The detainee died on 8 January 1977. The police stated that he had "hanged himself".

(h) Matthews Mabelan, aged 23, died on 15 February 1977. According to the police report he "jumped from the 10th storey of Vorster Square Police Station while trying to escape". Mr. Mabelan had been detained under section 6 of the Terrorism Act.

(i) Elmon Malele, aged 52, arrested on 7 January 1977. According to police reports, the detainee died following an "attack".

(j) Lawrence Ndzanga, aged 52, arrested at the same time as his wife, Rita, on 18 November 1976. Detained under the Terrorism Act. The police stated that the detainee died on 8 January 1977 while in detention at Johannesburg Fort Prison following a "heart attack".

(k) Samuel Malinga, aged 45, arrested on 31 January 1977, transferred from Johannesburg to Pietermaritzburg without his wife's knowledge. When she tried to contact the police in Pietermaritzburg she was told that her husband was under medical surveillance in a local hospital. On 22 February 1977 Mr. Malinga died from what the police described as "pneumonia".

(l) Aaron Khoza, aged 45, arrested under section 6 of the Terrorism Act at Krugersdorp on 9 December 1976. Transferred to Pietermaritzburg, where he died in his cell on 29 March 1977. According to police reports, the detainee is said to have "hanged himself". An autopsy carried out on the deceased's body revealed that death had been caused by suffocation following strangulation.

53. In addition to the deaths of the persons mentioned above, who were detained under the security laws, the following six detainees, allegedly arrested for non-political reasons but in fact arrested under various security laws, have also died in detention.

William Tshwane	June 1976
Fenuel Mogatusi	September 1976
Jacob Mashabane	October 1976
Edward Mzolo	October 1976
Thabo Mosala	November 1976
Twalimfene Joyi	Date not disclosed

54. In addition, the Ad Hoc Working Group of Experts has been informed of the recent deaths of the following:

(a) Mr. R. L. Barber, a white, detained at Durban Central Prison. According to the police, he died after jumping from the wall of the prison toilet block. 16/

(b) Mr. Elijah Lauza, aged 59, former black trade unionist, arrested by the security police on 27 May 1977 under the security laws. Died in a Cape Town prison. His relatives, who had visited him a few days before his death was reported, explicitly stated that he had been tortured during his time in detention, whereas the police stated that he had "had an attack", which had necessitated moving him to hospital on 8 July 1977. 17/

(c) Mr. Phakomile Mabiya, whose death occurred on 6 July 1977, according to testimony given to the Group by Mrs. Jan Marsh (457th meeting).

55. In addition, according to information communicated to the Ad Hoc Working Group of Experts, 115 people arrested during 1976, not under the security laws but on other charges, have died while in detention. 18/

56. Another person detained for non-political reasons died in detention in February 1977. He was Mr. William Sampson, 37 years of age, who, according to the police, was found hanged in his cell at Cape Town Prison. 19/

57. It should be pointed out that official figures published by the Minister of Police mentioned only six deaths during 1976 (House of Assembly Debates, 22 February 1976) and five deaths during the first two months of 1977 (House of Assembly Debates, 22 March 1977).

17/ The Times, 3 August 1977.

18/ Information contained in a document submitted by the representative of Amnesty International in support of his statement to the Ad Hoc Working Group of Experts at its 459th meeting.

19/ The Times, 25 February 1977.

IV. OBSERVATIONS

58. As regards the introduction of Afrikaans in accordance with the "50-50" rule, the black South African students see this measure as the imposition of the language of their oppressors and as a means of isolating the black community from the rest of the world.

59. Since the events of June 1976, the passing of two new laws aimed at extending police power and holding people in detention for a period of 180 days without trial has strengthened the South African Government's weapons of repression. The laws are the Indemnity Act, 1977, and the Criminal Procedure Act, 1977.

60. In the light of the information that it has received since it last reported to the Commission on Human Rights in January 1977, the Ad Hoc Working Group of Experts considers that it is well-justified in confirming its conclusions about the repressive policy of the Government and the apartheid system and to state that the situation for persons in police custody has become considerably worse. This finding of the Group is based on wide-ranging testimony (T/CN.4/1222 and Corr.1, para. 630 et seq.). It may be noted in particular that people in police custody are often released after a long period of detention without having been charged. In addition, they are often put under house arrest or imprisoned again.

61. The Soweto massacres and the events which followed the peaceful demonstrations showed once again the brutality with which the South African Government intends to repress any opposition to the apartheid régime. At the same time, the demonstrations revealed on the part of the black population a tremendous determination to mobilize against apartheid in all its manifestations.

62. These events have enabled the whole of the black population to measure the inhuman and stubborn nature of apartheid and to become aware of the need to use force to liberate themselves from oppression and racial discrimination.

63. Since the Soweto massacres arising out of the events of 16 June 1976, the Ad Hoc Working Group of Experts has noted that the number of executions has continued to increase and that, in addition, there has been a growing number of deaths in prison.

64. It is incumbent on the international community to assume its responsibilities in the face of a policy which violates the provisions of the United Nations Charter and, to that end, to adopt specific measures against the Pretoria régime and any régime which gives it political, economic, military or other assistance.
