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COMMISSION ON HUMAN RIGHTS

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Item 6 of the draft provisional
agenda

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA

LETTER DATED 28 JUNE 1985 FROM THE CHAIRMAN OF THE COMMISSION ON
HUMAN RIGHTS ADDRESSED TO THE ASSISTANT SECRETARY-GENERAL
FOR HUMAN RIGHTS

The Ad Hoc Working Group of Experts on Southern Africa has transmitted a Special Report that it adopted at an Emergency Meeting on 14 June 1985 on the situation of human rights in South Africa.

I share the concern of the Ad Hoc Working Group of Experts, in particular as regards the need for urgent international action to put an end to the present violence in South Africa and to accelerate the process of the eradication of apartheid.

In accordance with the request of the Ad Hoc Working Group, I would be grateful if the Special Report were circulated as a document of the Commission on Human Rights at its forty-second session.

In addition, I would like that this Special Report be transmitted to the President of the General Assembly, the President of the Security Council and to the Secretary-General.

I appeal to the members of the Commission on Human Rights to undertake meaningful efforts aimed at ending this situation of violence and the policy of apartheid that is at the root of it.

Abu Sayeed Chowdhury
Chairman, Commission
on Human Rights

*Reissued for technical reasons

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Special Report of the Ad Hoc Working Group of Experts

This Special Report of the Ad Hoc Working Group of Experts is based on information dealing with recent developments in the human rights situation in South Africa received from individuals and organizations who have directly experienced the situation described therein as well as on information from the press and publications. */

Since this information continues to be received, this report may be considered as descriptive of the situation from the end of the forty-first session of the Commission on Human Rights up to the end of May 1985.

*/ The sources of this information are:

Tribune de Geneve of 23, 30 and 31 March 1985; Le Monde of 20, 25, 26 March and 25 April 1985; Rand Daily Mail of 14 and 15 February, 21, 22, 23 and 26 March and 26 April 1985; The Citizen of 14 February, 3 April and 1 May 1985; The Star of 4, 22 and 29 April 1985; The Guardian of 3 and 11 April 1985, 8 and 11 May 1985; The Times of 10 April and 8 May 1985; International Herald Tribune of 9 and 10 May 1985; Newsweek of 11 March and 8 April 1985; Time of 8 April 1985; The Economist of 27 April 1985; Financial Times of 26 March 1985; The Guardian Weekly of the week ending 31 March 1985; Jeune Afrique of 3 April 1985; Amnesty International (Urgent Action dated 9 and 13 May 1985); Communication from the World Federation of Trade Unions; Report by Working Group Kairos; Memorandum on Police Conduct in the Eastern Cape, 26 March 1985 by the Black Sash; Sworn statements about Police Violence in the Eastern Cape - South Africa, Kwa-Nobuhle - Uitenhage, January/February 1985; collected by members of the Provincial Council (Cape Province).

TABLE OF CONTENTS

	<u>Page</u>	<u>Paragraphs</u>
LETTER OF TRANSMITTAL	iv	
INTRODUCTION	1	1 - 6
CROSSROADS	2	7 - 9
UITENHAGE	2	10 - 16
TSAKANE	4	17
DEATHS IN DETENTION	4	18 - 20
OTHER INCIDENTS	4	21 - 23
OBSERVATIONS	5	24
CONCLUSIONS	5	25 - 26

LETTER OF TRANSMITTAL

Sir,

I have the honour to refer to our consultations on the situation of human rights in South Africa in the second half of March 1985 when, in pursuance of paragraph 16 of Commission on Human Rights resolution 1985/8 the Working Group had drawn your attention to the serious deterioration of human rights.

Since that time the Working Group has continued to follow the situation and has noted no sign of mitigation in the extensive loss of life, violence and brutality. The Working Group, therefore, decided to hold an emergency meeting to examine the situation and to decide what measures were to be taken by the Working Group.

The depth of the concern of the Working Group is illustrated by the fact that such an emergency meeting has never been called by the Working Group since its establishment in 1967. Accordingly, on 14 June 1985 the Working Group convened and examined information relating to the situation of human rights in South Africa and discussed various possibilities of further action to be undertaken.

The Working Group agreed that the situation calls for exceptional measures and as a first step is submitting to you, Sir, the attached summary covering the last few months with a request that this is considered as an interim report of the Working Group to be duly circulated to the members of the Commission on Human Rights.

We would hope that you would agree to give this initiative of the Working Group the support of your Chairmanship with the purpose of obtaining from the member States concerned the awareness and action vis-a-vis the South African authorities. Furthermore, please consider this request as being formulated also under paragraph 16 of Commission resolution 1985/8 for whatever further action you may deem fit to take.

In formulating this request the Working Group is convinced that only concerted international action could contribute constructively to lessening the likelihood of further violence and bring an end to apartheid.

Yours sincerely,

Annan A. Cato,
Chairman, Ad Hoc Working Group
of Experts on South Africa

Justice Abu Sayeed Chowdhury
Chairman, Commission on Human Rights

Introduction

1. The fact of police brutality in South Africa has been referred to by the Working Group over the years; the Working Group has repeatedly heard witness' accounts of torture of detainees; indiscriminate shooting; arrest and assault, including assault of young children.

2. A memorandum received from the Black Sash in recent weeks contains affidavits from people in the affected areas which bear witness to the fact that incidents such as those enumerated below are neither isolated nor fictitious.

3. The memorandum claims that "not once was the truth of what occurred admitted; not once was there any expression of regret nor any admission that this type of behaviour was reprehensible. No attempt was made to call to account those who were guilty and could easily be identified ... Black people already have genuine grievances which require immediate redress by the Government ... Instead the situation is exacerbated by police brutality, irresponsibility and non-accountability". The report of the Black Sash gives the view that police are unaccountable because they feel supported or encouraged in their conduct by the knowledge that white opinion is overwhelmingly behind them and that no real retribution will follow. Mrs. Helen Suzman, PFP MP, says that "the bashing around of people at police stations is a direct result of the impression the police have that they are a law unto themselves". The PFP is reported to have presented a dossier of affidavits to the Minister of Law and Order and to the President, Mr. Botha, alleging irregularities and brutality and urging an independent inquiry into police behaviour. Three of the affidavits are said to have been read into the parliamentary record. One woman's testimony gave a chilling impression of police violence: "The police kicked in the door and searched the house ... They pulled [the deceased] out from under the bed ... They dragged him behind the house after having beaten him ...". "I heard the white policeman say 'Shoot him' ... The black policeman shot him with a gun ... Later I was told by the police he had died". After turning the dossiers over to Minister Le Grange, PFP representatives said that the "minister's attitude when cases are brought to his attention appears to be one of resentment". The representative added that they could not understand the apparent tardiness with which police investigated allegations of violence.

4. Black South Africans on their part finding themselves politically shackled and economically cornered have increasingly been driven to vent their frustration. According to one report the unrest which has racked the country over the past ten months has claimed more than 240 black lives all at the hands of the police. Thousands have been injured and more than 1,100 people have been detained.

5. Even by the Government's own admission the number of deaths in the last five months is considered high. In reply to a question in Parliament by Mr. Ken Andrew (PFP Gardens), the Minister of Law and Order, Mr. Le Grange said that between 1 January and 20 April 1985, 123 people were killed in unrest in the Eastern Cape alone. Of these 94 were killed by Police, one by the SADF and two by community councillors. The Minister said that he did not consider it to be in the public interest to give the names and ages of the people killed, or the dates and places of the killings.

6. The following paragraphs touch upon the principal areas and other aspects where the situation degenerated into one of particular violence and brutality.

Crossroads

7. On 18 and 19 February 1985 more than 18 people were killed and at least 200 injured in fierce battles between police and residents at Crossroads. The squatter camp outside Cape Town is the home of some 80,000 people who have been struggling to preserve their unsanctioned settlement. Twenty-five years ago police opened fire on a crowd of blacks protesting against the pass laws in the township of Sharpeville. Twenty-five years on the pass laws remain. The February tragedy at Crossroads is directly related to these laws which over the years have controlled the movement of blacks from cradle to grave. Black South Africans still seek to abolish them, while government agents seem to try to ameliorate them - as a first step towards a new policy of "orderly urbanisation for blacks".

8. The presence in the Cape Town area of the Crossroads' squatters is unlawful under the influx control laws. The squatters are under threat of forced removal and live in fear of police raids: thus, in February their patience snapped under the strain of rumours that plans to move them to the huge and isolated settlement of Khayelitsha, more than 20 miles from Cape Town, were imminent. The pass laws were declared unacceptable by blacks long before the Pan-Africanist Congress campaign for their abolition in March 1960 led to the Sharpeville shootings. They remain as integral to the wide policy of apartheid today as they did a quarter of a century ago. In a recent book, Professors Herman Giliomee and Lawrence Schlemmer elaborate the raison d'être "Influx control is an attempt by the State to keep in balance two opposing forces: the political exclusion of blacks and the increasing and very extensive reliance of whites on a black labour force".

9. But the cost of these laws is mounting not just in political and financial terms but also in human terms as blacks become increasingly resentful; as the rural areas to which most blacks are confined become more and more devastated and as the vast army of bureaucrats needed to administer the laws gets bigger and bigger. The violence which has characterized the Crossroads' resistance and resistance in other townships brings into sharp focus the urgency and need for a workable black urbanization policy which must replace influx control and the pass law system. There is no doubt that at the root of the Crossroads unrest is the anger at the continued enforcement of these laws.

Uitenhage

10. Uitenhage is 20 miles from Port Elizabeth, the Eastern Cape's largest city. On 21 March 1985, twenty-five years to the day after the massacre of more than 69 black South Africans by security forces in the township of Sharpeville the police killed, according to official sources, 19 people. The toll according to witnesses was much higher than that. In the days that followed there were other scattered incidents in which at least 20 more people lost their lives.

11. The South African Government's attempt to explain away the shootings as an apparently random act of police indiscipline and the police explanation gave rise to much controversy. The Minister of Law and Order initially told Parliament that 4,000 black demonstrators had provoked the gunfire. The demonstrators, he said, had threatened to march on white sections of the town.

But eye-witness accounts tell another story which in essence contradicts the versions given by the Minister. Mrs. Helen Suzman, PFP member of Parliament, who visited the scene of the Langa killings said that "the impression we got from every source that we queried was that the whole thing was a peaceful march, and there was no need for police action at all". Witnesses say that thousands had gathered to board buses from Langa to Kwanobuhle for the funeral of a black activist killed in a clash with police a few days before.

12. The funeral had been prohibited by the authorities who feared trouble not only because it was the anniversary of the Sharpeville massacre but also because of persistent unrest in the township over a string of well-known grievances. The police ordered everyone out of the vehicles and then, according to witnesses, opened fire with automatic rifles, pistols and shotguns at close range. One man in the crowd who rushed for shelter recalls the horror of bodies falling and the wounded lying on the ground "moaning and writhing in agony".

13. Placards carried by the mourners at the funeral of the victims highlight the tragedy, cruelty and senselessness of the police behaviour in the Langa bloodbath. One poignant sign of all read simply: "Why". Among the most prominent was one which depicted a uniformed and helmeted man firing an automatic rifle and bearing the words "The Uitenhage Massacre". Yet another one is that of a child walking ahead of the first coffin of the 27 coffins carrying a white cross with the legend: Zola Jantjies, died 18-03-85, age 16 years.

14. Dr. Allan Boesak, president of the World Alliance of Reformed Churches in his address to the mourners at the funeral repeated allegations made by other speakers at the ceremony that 43 and not 19 people were killed at Langa. He said that what happened there had not been an accident but was the inevitable result of a disregard for human rights. "It is what must be expected to happen when a government rules by the power of the gun and not with the consent of the people ... Uitenhage is the state of our nation" he said.

15. The macabre coincidence of the Langa massacre 25 years after Sharpeville is not really paramount. What is important is the truly shocking fact that, in fact, there is nothing special about Langa apart from the date. Because what happened on 21 March 1985 could have happened a few days earlier or a few days later. What happened on 21 March is happening every day in South Africa. Opposition MP Alex Boraine describing the Eastern Cape said "almost without exception every day of the week somebody is being killed somewhere". In his criticism of the Government for failing to implement effective unrest control methods, Bishop Desmond Tutu said that the nation had turned a blind eye to the reality of a situation which was now claiming at least one life a day. John Dugard, Law Professor at Johannesburg's Witwatersrand University says the Eastern Cape can best be viewed as gestapo country. "The president", he adds, "has no control of the police and they are allowed to do what they like". It would seem that the odd but daily death by gunfire at the hands of the South African police does not make waves, if South Africa looks bad after Langa it was certainly not better before it, for those who wished to see.

16. The Government has established a Commission of Inquiry under Judge Kannemeyer to look into the Langa massacre, the report of which has been issued.

Tsakane

17. On Wednesday, 9 May 1985, the black township of Tsakane was reported totally cut off. This followed a period of what was described as "internecine black violence". In street battles between migrant workers and local black residents, 11 persons were reported to have been killed. Police blamed the fighting on rivalries between tribal groups - said to be mostly Zulu and Xhosa migrant workers on the one hand and local black residents on the other. The Tsakane residents were said to demand that the migrant workers leave the township. But residents who wished to remain anonymous for fear of reprisals denied this and said that the fighting was due to differences on how to confront white-minority rule.

Death in detention

18. On 5 May 1985 a student leader, Sipho Mutsi, aged 20, died while in police custody in Odendaalsrus in the Orange Free State where he was arrested on 4 May 1985. First reports from the police were that Mutsi had an epileptic fit and fell over backwards while being booked. But others at the police station allege that he was tortured by the police and that a policeman was seen kicking his head as he was lying handcuffed on the floor. Sipho Mutsi was admitted to a local hospital suffering from head injuries. He was then transferred to Pelonomi Hospital in Bloemfontein, where he was found dead on arrival. An independent pathologist who attended Mutsi's post mortem reported that Mutsi had brain damage but no signs of epilepsy. The police say that they have instituted "an urgent inquiry into the death".

19. It is known that the most common cause of death given for those who have died while in the custody of the Security Branch is "suicide by hanging". Only one Security Branch policeman has been convicted in connection with a detainee's death. This was in 1983, after a detainee was shot in a Soweto police station. The policeman was jailed for ten years.

20. On 6 May 1985 the death of a leading South African trade unionist Mr. Andries Raditsela, was reported by the Chemical Workers' Industrial Union. The death was confirmed by Police Headquarters in Pretoria. Mr. Raditsela who worked at the Dunlop Industrial Products factory in Benoni was senior shop steward of the Chemical Workers' Industrial Union and a member of the executive council of the Federation of South African Trade Unions (FOSATU). In a statement the Chemical Workers' Industrial Union said that Mr. Raditsela died of head injuries in the neurological ward at Baragwanath hospital near Soweto. It is alleged that he was assaulted by the police. A union official said that at the time of his arrest on Saturday, 4 May 1985, by police in camouflage uniform outside his home at Tsakane Township, Mr. Raditsela was in good health. Following his arrest he was charged under the Internal Security Act but the charges were withdrawn on Monday only hours before his death.

Other incidents

21. On 22 January 1985, Mr. William Kratshi, an executive member of the UDF's rural committee of Beaufort West was shot dead by police who are said to have tried to arrest him in connection with a shooting incident on Saturday, 19 January 1985.

22. On 11 April 1985, two black men were reported to have died at Port Elizabeth in the continuing unrest in the Eastern Cape.

23. During the weekend of 12-14 April 1985, seven people were shot dead and several injured when police fired on a crowd of 10,000 black mourners in the Port Elizabeth township of Zwide. During this period violence was also reported from townships around Port Elizabeth, Uitenhage, Adelaide, Addo, Cradock, Grahamstown, Bedford, Kimberly and on the Reef in Soweto and Daveyton.

Observations

24. Mr. Ray Smart, the PFP's chief spokesman on black affairs said during the budget debate in April 1985, that the unrest sweeping South Africa was wholly understandable. He called for a climate conducive to meaningful negotiation over a new constitution which was the only way to satisfy the aspiration of all South Africans. The UDF at its first national conference in the West Rand Township of Azaadville called for the scrapping of all group area laws; the dissolution of Bantustans - to guarantee citizenship for all people within the borders of South Africa; setting up of a unified education system; the repeal of pass laws and other restrictions on freedom of movement; the disbanding of the SADF and the SAP and other repressive apparatus. Any other attempt at reform which does not take account of these elements will remain meaningless and any reluctance on the part of the Government to offer blacks a reasonable political deal will only make for a new cycle of violence. This fear is perhaps most hauntingly expressed in a cartoon drawing in the Johannesburg Star. The drawing shows three gravestones. The first says "Sharpeville 1960", the second reads "Uitenhage 1985" and the third tombstone reads "Watch this space".

Conclusions

25. The call for dialogue and negotiation with the country's authentic leaders has been met with murder, violence, detentions and harassment.

26. Having considered the events presented in the preceding paragraphs the Ad Hoc Working Group of Experts is of the opinion that these events, because of their seriousness and cruelty, should be investigated thoroughly within the mandate of the Working Group. The Working Group remains convinced that recent events in South Africa confirm the fact that apartheid continues to be upheld in all its cruel manifestations. The Working Group consequently expects the international community to take bold and decisive measures to eliminate apartheid.