



Umbutho Wamalungelo Obuntu CIVIL RIGHTS LEAGUE Burgerregtevereening

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REWARD GROWS for FINDING ASSASSINS

Over one hundred academic staff, university executives and library workers from the Universities of the Western Cape, Stellenbosch and Cape Town have pledged a reward, now totalling more than R50 000, for information leading, in the opinion of senior counsel nominated by them, to the conviction of the killers of one or more of four assassinated office-bearers of the Cradock Residents' Association: Messrs Matthew Goniwe, Fort Calata, Sicele Mhlawuli and Sparrow Mkhonto.

The reward offered is continuing to grow as academics from the University of the Witwatersrand and elsewhere sign pledges to offer R500 each.

The United Democratic Front, to whom the Cradock Residents Association was

affiliated, are offering a further reward of R6 000, and the Department of Law and Order - (formerly Police) - R1 000.

The Civil Rights League is offering two rewards of R1 000 each. The first is for information which leads to the discovery of the three "disappearados" from the Port Elizabeth Black Civic organization: Qhaqhawuli Godolozzi, Siphon Hashe and Champion Galela.

The second reward of R1 000 is offered for information leading to the discovery of an earlier "disappearance", Siphiso Mthimkhulu. At the time of his "disappearance" he was the Port Elizabeth branch leader of the Congress of South African Students.

CALL for NOMINATIONS

The Committee calls for members to nominate persons to stand for the Committee for 1986. Two members of the present Committee have indicated they will stand down.

A healthy League requires the nominations of persons with the time and commitment to play an active role on the Committee. The Committee appeals to the younger and middle-aged members to help with the duties and responsibilities still shouldered by veteran, sometimes founder members of the League.

Nominations in writing, with the consent of the person nominated, must reach the Secretary fourteen days before the AGM. The address is: P O Box 394, Claremont, 7735.

DENNIS DAVIS to address AGM

Dennis Davis, newly promoted to Associate Professor in the UCT Law faculty, is to address the Civil Rights League's AGM.

Professor Davis, trenchant in his commitment to several causes, is a popular campus speaker, and has spoken to various community organisations.

The AGM will be held on TUESDAY 19 NOVEMBER at 8.00 pm in the Rondebosch Congregational Church Hall, Belmont Road, Rondebosch.

COMMENT

Judges challenge tyranny

The Civil Rights League fully supports those judges who recently delivered vital decisions in a series of test cases, restoring human rights. Their re-interpretation of repressive laws has restricted state tyranny.

To give a lay person's summary, the judges have interpreted certain conflicting laws, legal prerequisites and procedures rigorously, and others liberally, so as to ensure in each case an interpretation, or in some cases a re-interpretation, of the law which would least infringe upon the liberty of the subject.

The judges insist that even where statutes transfer certain powers from judges to prosecutors or security police officers, the latter have only judicial discretion, and not absolute discretion, in exercising that power.

And the courts may decide whether that power was exercised with absolute or judicial discretion.

First, at least three judges have successfully asserted their right, as opposed to magistrates, to visit detainees.

Second, judgements delivered by Mr Justices Friedman et al, and Milne in Natal seek to restrict the power of prosecutors to refuse bail. This effectively means restricting the power of the Security Police, Minister of Justice and the Cabinet to refuse bail in trials of the Government's political opponents. It is now more difficult for the state

to camouflage this variant of detention without trial as a judicial procedure.

Third, Mr Justices Didcott and Galgut of the Natal Bench have successfully asserted a court's prerogative to order the release of a detainee under a statute whose words exclude a court of law from pronouncing on any action taken under that law.

Fourth, Mr Justice Eksteen in Port Elizabeth granted an interim order restraining the police from continuing to illegally assault detainees en masse.

Dr. Wendy Orr, an Assistant District Surgeon, testified she had examined over 286 detainees who had been tortured. Injuries from assaults included eight ruptured ear-drums from blows to the head.

Mr Justice Eksteen ruled that the indemnity the State of Emergency decree gave police would not cover criminal or civil proceedings rising out of assaults upon detainees.

Especially interesting for human rights is Dr. Wendy Orr's sworn statement:

"I received instructions not to endorse the detainees' medical records requesting an investigation of the alleged assaults"

The above account is based upon press reports, in particular the ARGUS and CAPE TIMES of the 25 and 26 September respectively. Any lay summary of complex legal judgements inevitably contains inexactitudes. It merely draws members' attention to this remarkable series of judgements. The new Journal of Human Rights, published by the Lawyers for Human Rights will contain a more scholarly summary in due course.

The Civil Rights League expresses its appreciation of the courage and commitment to human rights of the judges and the assistant district surgeon, and others concerned, in repairing the damage wreaked by another, earlier, executive-minded court.

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PUBLIC STATEMENTS

Dot Cleminshaw and other committee members got League viewpoints on a large number of issues into a Cape Town newspaper's teleletters.

Keith Gottschalk, Brian Bishop and other committee members sent letters to the press on "disappearados", torture, and unlawful flogging of persons in their own homes by the police.

Di Bishop and other committee members have spent months working fulltime on collecting affidavits of torture and other abuse of police powers from the Eastern Cape to the eastern suburbs of Cape Town on the Cape Flats. The League is proud to note that her co-campaigner for human rights, Molly Blackburn, MPC, is also a Civil Rights League member, in addition to her better-known affiliations to the PFP and Black Sash.

Keith Gottschalk responded to invitations from the Conscientious Objection Support Group and the Detention Action Committee to write short articles on civil war and destabilisation for The Objector and the ADAC Newsletter respectively. He also contributed a leader page feature on the State of Emergency to the Sunday Tribune and Natal Witness.

JUDGES CHALLENGE - (From Page 2...)

We urge members to follow Government reaction in the commercial press.

If it follows the pattern of previous state reaction, Dr. Orr will presumably be victimized by whatever technicalities of civil service regulations are available, while the Security Police who assaulted detainees will not be dismissed from the police force, still less charged, in most cases.

At the time of going to press, the Government's first reaction is to order the Departmental switchboard to refuse to connect any phone calls from the press to Dr. Orr. The Department of Health has stopped her examining detainees, and transferred her to other duties.

TORTURE SURVEY

The institute of Criminology at the University of Cape Town released the first countrywide survey of detainees' experiences of torture. The survey was directed by Dr. Don Foster, Senior Lecturer in UCT's Psychology Department, and Diane Sandler of the Criminology Institute.

The survey was conducted by researchers independently in Cape Town, Durban, East London, Johannesburg and Port Elizabeth. As their results were similar, the survey was in effect replicated fivefold. Dr. Wendy Orr's affidavit also dramatically confirms the survey.

The survey, which costs R3, and consists of a duplicated 61pp volume, is available from the Institute. It concludes:-

"Torture in both physical and psychological forms has been practiced systematically on a widespread basis, as part of the coercive treatment of security law detention in South Africa.

"All cases report being subjected to some form of psychological coercion, while 83 per cent claimed subjection to some form of physical abuse.

"The claims regarding physical abuse were even higher for African detainees, with 93 per cent claiming to have been subject to solitary confinement.

"The range of different forms of torture, both physical and psychological, was found to be very extensive indeed... the average (mean) detainee claimed to have been subjected to three different forms of physical abuse, and six forms of psychological coercion. Seen in combination, this constitutes a highly severe set of coercive conditions.

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Torture survey (Continued...)

"In the words of the report of the Medical Association of South Africa, detention in terms of the security laws constitutes a "health hazard" substantially beyond the risks faced by 'ordinary' convicted prisoners.

"The symptomatology patterns, both within detention and following release, indicate...that anxiety and stress-related symptoms, as well as those associated with depression and psychosomatic forms, tend to dominate.

"... Obtained results were generally similar, in both types of symptomatology and frequency of reported problems, to previous research findings in other countries, for torture victims."

The torturers assaulted Africans more than whites, and men more than women. Young African males were most at risk.

Thirty per cent of all detainees interviewed had been detained four or more times. The highest proportion of detainees claiming the Security Police physically tortured them was

in the Eastern Cape and Border areas, with suspected brain injuries in many cases. The lowest incidence of physical torture was in Cape Town.

Physical tortures, in descending order of frequency, were: beatings - (75% of all detainees); prolonged forced standing - (50%); maintain abnormal body position - (34%); forced gymnastics - (28%); hooding of head - (25%); electric shocks - (25%); food deprivation - (21%); strangulation - (18%) - plus a variety of less frequent tortures.

Psychological tortures of the genre recognised by the European Court of Human Rights as "cruel, inhuman or degrading treatment" include, in descending order of frequency: false accusations - (83%); solitary confinement - (79%); verbal abuse - (71%); threatened violence - (64%); alternating "kind" and "harsh" interrogators - (57%); fed misleading information - (51%); witnessing, or having knowledge of torture meted out to friends or fellow detainees - (45%); threats of execution of detainee or family - (41%); forced to undress - (27%); constant interrogation - (23%); sleep deprivation - (15%). □

COMMITTEE NEWS

During 1985 a heavier-than-usual burden fell upon committee members, as the Chair required seven months leave of absence due to pressure of work.

The Chair would like to express his appreciation to Brian Bishop and Teddy Keen, who at various times stood in as Acting Chair; and to the whole committee for soldiering on in his absence.

The outgoing Committee urges the incoming Committee to make the enrollment of new members the top priority during 1986.

DIARISE the Annual General Meeting

SPEAKER: Dennis Davis

DATE: Tuesday 19 November
20h00 -- (8.00 pm)

VENUE: Rondebosch Congregational Church Hall
Belmont Road • Rondebosch

The Civil Rights League

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