

From 1961 there has been a turn to violence and this period has seen the suppression of all important African political bodies, including the African National Congress which, after all, stands out from all the welter of opinions and personalities as the most important authentic voice of the African people. The Government's action is understandable from the point of view of security and the defence of the **status quo** but it means that instead of honest opinions being openly expressed the Congress has been driven into the position of an unlawful society expressing its views how and as it may. One realises when reading through Volume 3 the immense amount of suppression that has gone on so far as African political expressions of opinion are concerned.

Volume 4 contains a picture gallery of African and certain white leaders and alphabetical biographies of them covering 168 pages. The amount of research which has

taken place in compiling these biographies is remarkable and that there should have been very few mistakes made by people working from a distance from South Africa is a striking tribute to the energy and ability of the writers. As mentioned earlier in this review, it is surprising to find the extent to which Communists figure in a biography of this kind. There does not seem to be any special favouritism shown as regards the African leaders, Communist or non-Communist, but it does seem, if one may offer a hesitating criticism, that white Communists have been given a somewhat favoured place as against other whites. But this perhaps is because of the great energy and enthusiasm of their work and their close relations with the African leaders.

Taking it by and large this biographical section is of great value and importance and we ought to be thankful and must be thankful for having it. □

DETENTION AND EVIDENCE

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There have been a number of significant comments recently by judges in cases on deaths in detention, and the reliability of evidence obtained by police interrogation.

* In a judgement on the death while in detention of Mr Joseph Mdluli on March 19, 1976, Mr Justice Howard (Maritzburg) referred to injuries sustained by Mr Mdluli, saying, *inter alia*:

"We are satisfied that Mr Mdluli sustained injuries while he was in the custody of the security police . . . There is no evidence of how he suffered the injuries or in what circumstances . . . Having regard to the nature of the injuries, we are satisfied that they were not self-inflicted and that not more than a small percentage of them could have been caused accidentally . . . The possibility that the police inflicted the injuries during interrogation cannot be excluded . . ." (Cape Times, 26/7/77)

Said the "Cape Times": "As the authorities refuse to abolish detention without trial and decline to order a commission of inquiry into the spate of deaths in detention, there is only one course to follow. From now on, every single allegation that is made of maltreatment or of physical or mental torture by the security police should be investigated immediately by a judge of the Supreme Court . . ." (19/7/77).

In another case in Maritzburg the same judge, after hearing allegations of torture made by a state witness, instructed

the state prosecutor, "Please see that these allegations of assault are thoroughly investigated and the necessary steps towards justice taken." (Cape Times, 16/7/77).

In a case in Johannesburg Mr Justice Steyn remarked: "I have found the investigational systems used in this case very suspect and I have kept this in mind throughout my judgment." (Cape Times, 16/7/77).

At a terrorism trial in 1971 in Maritzburg the judge said of affidavits signed by 12 accused alleging torture, "I don't know if these allegations of torture are being investigated or not, but it seems clear to me that something should be investigated." (Cape Times, 16/7/77).

Mr Justice Howard, at a trial in Maritzburg, warned that it was necessary for the court to exercise caution before accepting the evidence of witnesses who had been kept in solitary confinement and subjected to long periods of interrogation. One witness, he said, had been in detention for more than a year and his statement had been read to him once a month since then . . . "it is clearly against the interests of justice for him to be coached in this fashion . . . We aren't prepared to accept the evidence of any witness unless we are satisfied he is telling the truth in spite of the coaching." (In this particular instance, however, "the man had been a good witness and the court was inclined to accept his evidence in spite of the fact that he was coached," said the judge. (Cape Times, 15/7/77). □