

Combinations are also possible. For example, the latter form of punishment can be combined with dietary punishments. A prisoner could be sent to solitary with full diet, or with specified combinations of spare and reduced diet. There are fine scales determining, for example, how much rice and how many grams of mealie meal are to be given.

There are, however, some limits. The prison regulations specify that corporal punishment may not be combined with any other form of punishment. They also determine that, when a total period of more than thirty days solitary confinement has been imposed on more than one count, there must be a period of fourteen days without solitary confinement and with full diet between each period of thirty days. This could go on indefinitely. Another limit is that prisoners in solitary confinement do not forfeit their right to prescribed exercise in the open air.

(iii) Disciplinary procedure in South African Prisons

The Prisons Act contains a sort of mini-system of criminal procedures of its own. Before one can be convicted for a contravention of the Act, or one of the regulations made in terms of the Act, there has to be a proper trial before a magistrate or, in some cases, a commissioned prison officer. Prisoners are allowed counsel at such trials.⁶

The Act further requires that sentences of corporal punishment or imprisonment of more than three months imposed in terms of the Act be automatically reviewed by a provincial division of the Supreme Court.

In practice, this means that a judge of the Supreme Court reads through the record to decide whether he or she is satisfied that the proceedings were "in accordance with justice". If the judge is satisfied he or she certifies accordingly and that is the end of the matter. If not, he or she may take further steps to get the Division of the Supreme Court which has jurisdiction to set aside the verdict or sentence or to substitute for the original verdict that which the Court thinks should have been imposed. All sentences of corporal punishment are suspended until this review process has been followed.

A prisoner, however, cannot appeal against a conviction or a sentence imposed by a commissioned officer. If such a verdict has not been sent to the Supreme Court for review, it may be reviewed by the Commissioner of Prisons.

A conviction or sentence imposed by a magistrate for a contravention of the Prisons Act may be appealed against, like any other criminal conviction.

As far as treatment in general is concerned, there are provisions for making complaints. Bear in mind that it is an offence to lodge "false, frivolous or malicious complaints". According to the regulations every prisoner has to be "seen daily" by the head of the prison, to whom the prisoner may direct complaints and requests, and who must investigate every complaint and request so submitted, and, as far as possible, dispose thereof (reg 103(1)). The prisoner may also submit a written request for an interview with the Commissioner.

3.2. DETENTION BARRACKS

The rules governing DB are contained in the Detention Barracks Regulations promulgated as Government Notice R 1190 on 8 December 1961 and amended in 1964, 1976, and 1984. Section 2 of Chapter 2 stipulates that "every detention barracks shall, in so far as the available facilities and staff permit, be organised, controlled and managed so that a person serving a sentence shall be treated and trained in such a manner that on his release, he may be better equipped to adjust himself in employment and the community."

The following section explores aspects of your legal position as a convicted detainee in DB. The rights and privileges of an awaiting-trial detainee are discussed in par. 4.2.4 (ii).

It must be emphasized that it is difficult to ascertain what the real conditions in DB are. Only the theoretical, legal position in DB is discussed here. It would be useful to an objector facing DB to read some accounts of DB life written by objectors who have gone through this experience.

(a) Admission, administration⁷

Notice of the detention or transfer of a detainee has to be sent to next of kin indicating, amongst others, which regulations will affect them (i.e. conditions for visits and letters etc.).

The following equipment has to be issued to detainees:

Bedding - 4 blankets, pillow, foam mattress. A pillow case and sheet may also be allowed.
Furniture - bed, bed-cabinet. A table for study and a chair may also be allowed.

Receipts have to be issued for all money received on behalf of detainees.

As far as possible detainees have to be confined separately. No more than three detainees may be confined together.

No fraternising or familiarity between staff and detainees is allowed.

Inmates can be searched at any time, but searches have to be exclusively aimed at tracing prohibited objects and should be undertaken properly without offending the inmate's self respect.

(b) Disposal of property⁸

After his conviction a detainee's personal possessions are kept in safe custody by the DB authorities. Receipts have to be issued for the possessions of detainees, after the possessions have been compared with the receipts in the presence of the detainee. The detainee must receive a copy of the receipt. When a detainee is freed, all his possessions have to be handed back to him.

(c) Regulations⁹

The superintendent must ensure that inmates are given every facility to acquaint themselves with DB regulations. Experience has shown that this does not always happen, so

it is sound policy to familiarise yourself with it beforehand and take your own copy.

(d) Health and hygiene¹⁰

Every inmate must be examined by a medical officer as soon as possible after his admission. The Surgeon General or his representative must be satisfied that the cell complies with health regulations.

The obligations of medical officers include:

1. Regular visits to detainees in solitary confinement.
2. Informing the superintendent whenever the execution of a duty, training or punishment or using of a means of coercion has to be stopped or changed for health reasons. This is an important safeguard, and a detainee should insist on a medical examination if he feels that his state of health is not good enough to undergo the punishment or training or to do the duty.
3. Inspecting DB at least once a week to ensure that an acceptable standard of health is maintained.
4. Writing reports on all visits, results of examinations, and instructions regarding the medical treatment of detainees.

It is the duty of each member of the SADF to report any illness (physical or mental) of a detainee to the superintendent.

If you do not have toiletries (razors, shaving cream, toothpaste, toothbrush, soap and comb) DB officers must attempt to get them from your family or friends. Detainees must be allowed to buy toiletries weekly.

(e) Access to legal representative¹¹

Detainees have to be afforded every reasonable opportunity and facility for consulting with their legal representative. If the consultation is part of preparations for legal proceedings, the DB staff may see but not hear the consultation. In the case of other legal matters DB staff may both see and hear the consultation. As the meaning of "reasonable" is open to interpretation, it might be necessary to obtain access to legal representation by having pressure applied from outside.

(f) Use of force¹²

No force may be applied by a staff member against a detainee except in self-defence or if the detainee behaves in a rebellious or violent manner, or passively resists discipline, or escapes or attempts to escape. Even in such cases only so much force as is necessary under the circumstances to restrain the detainee may be used.

(g) Solitary Confinement¹³

A detainee may only be sentenced to solitary confinement by a court martial. A medical officer first has to certify that the detainee is fit to undergo such sentence before the detainee may be held in solitary confinement.

When in solitary confinement, a detainee can be obliged to forfeit the following:

1. All rations, excluding those to which he is entitled in terms of the sentence.
2. All reading, writing and postal privileges.
3. All privileges to smoke or purchase.
4. All permission to receive visitors other than a chaplain or his legal representative.

Detainees in solitary confinement have to be visited at least once a day by a medical officer and the superintendent of the DB.

(h) Visits¹⁴

Detainees may receive visits from relatives and friends. These visits are at the discretion of the superintendent. At least one contact visit by two people at a time for not longer than one hour is usually allowed monthly.

Visits are usually on Sundays, but the superintendent may allow visits on other days. DB staff must be able to see and hear everything during visits.

(i) Official visits and complaints¹⁵

An officer must inspect DB at least once a week, and on such occasion detainees may bring complaints to his attention.

All detainees must be given the opportunity to record complaints and requests in a Complaints and Requests Book. The manner in which these complaints and requests have been acted on, also has to be recorded in this book.

A detainee may also complain in writing to the officer commanding. If the complaint is against the officer commanding, he has to refer the complaint to his superior, who may then convene a court martial.

(j) Letters¹⁶

You may send and receive at least one letter per week, although the DB authorities may allow more. All letters are censored and records are kept of all addressees and of all incoming letters.

(k) Food¹⁷

You are not allowed to receive edibles from outside DB, unless the medical officer prescribe such foodstuffs.

(l) Other articles¹⁸

You may only receive other articles from outside with the approval of a staff member.

(m) Study¹⁹

You must be given every reasonable opportunity and facility to study. A library containing literature of a "constructive and educational nature" may be placed at the disposal of detainees.

The superintendent may authorise a detainee to study later at night than the programme stipulates. If a detainee requires reading material which is undesirable in terms of DB regulations, exclusive use thereof may be granted to him once it has been established that it is a requirement for his course.

(n) Smoking²⁰

You may be permitted to smoke on conditions determined by the superintendent.

(o) Clothing

You will be required to wear a blue overall.

(p) Remission of sentences²¹

Conscientious objectors - who are serving a sentence for a contravention of sec 126A of the Defence Act - are discriminated against in that they are excluded from compulsory statutory remission of sentence. All other convicted persons serving a sentence must be awarded a remission of one quarter of their sentence immediately on their admission to DB. Whilst compulsory remission is thus excluded, there is no provision which precludes the granting of remission to a sec. 126A offender.

A convicted detainee forfeits all remission if he is found guilty of any crime while in detention - with the exception that, if he is sentenced to a fine of R10 or less, he only forfeits half the period of remission.

Even when a detainee is not convicted of a crime while in detention, the period of remission is shortened when he is punished by the superintendent, as follows:

| | |
|--|--------|
| Solitary confinement | 6 days |
| Extra instruction and partial/ total forfeiture of benefits | 3 days |
| Reprimand | 1 day |

(q) Work²²

A convicted detainee can be required to perform or undergo any form of labour, service or training (other than military) on any day of the week, excluding Sundays. Such labour, service or training may be between 6 and 9 hours, excluding meal times. No work is allowed on Christmas Day, the Day of the Vow, Good Friday or Ascension Day.

A medical officer may impose any limit on the work which a detainee may be required to do.

Detainees in solitary confinement may not be required to do any labour, perform any service or undergo any training. They may, however, be required to do physical training of a maximum of one hour a day.

The services of an detainee may not be used for the direct or indirect personal advantage of any person.

(r) Purchasing rights²³

The superintendent may permit a detainee to purchase anything which he is allowed to have in his possession.

(s) Parole²⁴

On application by a detainee, he can be released on parole for up to 7 days subject to any conditions, in the following cases:

1. Death or serious illness of his wife, relatives or close relatives by marriage.
2. Serious domestic problems.

3. Serious damage to the house inhabited by his dependents, if such damage has the effect of causing extraordinary hardship.
4. To marry a pregnant woman.
5. For any reason that the commanding officer deems sufficient.

Such parole may only be granted if the detainee's presence elsewhere is absolutely necessary and if there is a good reason to believe that he will fulfill the conditions of parole.

(t) Review and confirmation of sentence²⁵ [see par. 2.2 in Annexure B to this booklet]

The DB authorities may release an accused, while awaiting the confirmation of a conviction and sentence. The sentence of a court martial may not be executed before the conviction and sentence have been confirmed.

The convict may make representations to the reviewing authority within three days of the conviction.

4. PREPARING FOR THE CONSEQUENCES OF MY DECISION.

4.1. THE IMMEDIATE CONSEQUENCES WHEN I REPORT / FAIL TO REPORT?

The possible offences with which objectors can be charged are discussed under paragraph 2.1 above.

Someone who has decided that he refuses to serve in the SADF in any capacity and does not want to go into exile, has a choice as to his course of action when he receives call-up papers :

- (a) he could report and then refuse to serve; or
- (b) he could fail to report and wait for steps to be taken against him. He has a further choice between notifying the SADF in advance of his intention or just leaving it to them to find out; or
- (c) he could apply to the Board for Religious Objection for classification as a religious objector.

For further information regarding the offence of refusing to serve, see paragraph 2.3.

In theory, an objector committing any of the offences related to failing or refusing may be arrested by either the military police or the South African Police. In practice it seems that the military police usually deal with these offences. Even if an objector were to be arrested by the SAP, the chances are that he would be handed over to the military police. An objector's rights after arrest are discussed under paragraph 4.2. If he is warned to appear, the next stage in the procedure of prosecution is described in Annexure B, paragraph 1.5.

4.1.1. Reporting, but refusing to serve

Reporting but refusing to serve may ensure a quicker trial. In the past it has sometimes meant being imprisoned in the unit's cells or in DB until trial. It may also mean that you are more likely to be tried at a Court Martial, because you are regarded as part of the SADF.

An objector who reports for his call-up but refuses to serve is likely to be arrested by an officer of the unit where he reports or by the military police.

In theory, however, such an objector could, in lieu of arrest, be warned that charges are being investigated against him or be warned to appear in court or at a court martial at a particular place and time (see paragraph 4.2).

It may be useful to look at the example of Ivan Toms' objection. He reported to his unit in November 1987, and refused to serve. He was almost immediately taken by the Military Police to the nearest Magistrate's Court and charged with refusing to serve. The trial was remanded to a later date and he was released on warning to appear at the date of remand.

One should not bargain on this happening in every case.

4.1.2. Not reporting

Whether or not an objector has notified the SADF of his intention not to report, he may have to wait a long time before anything happens. He should therefore keep his job or try to get one. He could either be arrested, or be summoned to appear before a civil court (or possibly a Court Martial).

Predictions are difficult. Some objectors charged with failing to report have simply been warned to appear in court, while others have been arrested by the military police. An objector who fails to report should prepare himself psychologically for arrest, which may happen only many weeks after the call-up date. He should even be prepared for arrest at his place of work. People who have had to wait for an arrest like this have found the uncertainty of waiting a major disadvantage and a psychological strain.

To avoid the long wait, it might be worthwhile for an objector to write to the Commanding Officer of his unit and the Registering Officer of the SADF beforehand, advising them of his intention not to report and stating

his reasons. This is more likely to lead to a charge of refusing to serve. Some objectors may also prefer the course of action described in paragraph 4.1.1.

4.2. WHAT ARE MY RIGHTS AFTER ARREST?

4.2.1. Until I am brought to court

When arrested by the

MILITARY POLICE

ORDINARY POLICE

Powers of military police

The military police have the same powers of arrest as the ordinary police. An officer, however, can only be arrested by another officer.

What happens then?

The arrested objector can be handed over to the ordinary police for prosecution immediately. If this happens, the procedure listed under ordinary police has to be followed.

Powers of ordinary police

The ordinary police have the power to hand an awaiting trial prisoner to the military police. If so, the procedure explained in the left hand column follows. If not, the procedure is as described below:

What happens then?

Any arrested person must be taken to a police station as soon as possible, unless the warrant of arrest states otherwise.

If the objector is not handed to the ordinary police, he must be brought before the commanding officer of the unit to which he was called up as soon as possible.

In practice the adjutant of the unit will attend to the administrative processing of the arrested objector. He will remain in custody in the unit until he has appeared before the commanding officer. It is, however, possible that the objector be allowed freedom of movement in the camp. This is at the discretion of the commanding officer.

Once the investigation of the case against him is complete, it is further possible that the objector will be handed over to the ordinary police.

The procedure which would then be applicable is described in the right hand column.

He must be brought to court within 48 hours of being arrested, unless a warrant for his further detention is obtained by the police.

* If the 48 hours ends after 4 p.m. on a week day on which the Court is open, the person must be brought to Court by the following day before 4 p.m.

* If the 48 hours ends on a weekend or on a public holiday, then the person must be brought to Court on the following Court day before 4 p.m.

* If he is detained for a longer period without being brought to Court, the detention becomes illegal. He can sue the policeman and the Minister of Law and Order for damages.

The reason why these time limits for detention pending appearance in Court are set, is to make it possible for the Court to decide whether the accused's further detention is warranted. If the Court does not apply its mind to this question, the proceedings may be irregular (see Annexure B, par. 2 on the issue of review of irregular proceedings).

4.2.2. My rights vis-a-vis the police

When arrested by the

MILITARY POLICE

The military police do not take part in the investigation of an alleged offence to the same extent as do the ordinary police. The unit law officer (or if none is available, the adjutant) is responsible for the investigation of the alleged offence. The law officer may obtain the assistance of the military police during the course of the investigations.

It would be preferable for his defence, if the arrested objector were to refuse to answer questions on the merit of the alleged offence. If he can arrange for legal defence, he should request the presence of his lawyer. Alternatively, a legal officer would be provided for assistance with his defence (see Annexure B, par. 1.1).

ORDINARY POLICE

An arrested person has the right to refuse to answer any questions put to him by the police. He need not make any statement or sign any document. He is obliged only to give his full name and address. It is better not to make any statements at all before seeing a lawyer. It is also better not to even plead "guilty" or "not guilty" before seeing a lawyer.

From the moment of arrest, an arrested person is entitled to the assistance of a lawyer. The police cannot deny him this right.

4.2.3. Bail

| | |
|-----------------------------|------------------------|
| <u>When arrested by the</u> | |
| <u>MILITARY POLICE</u> | <u>ORDINARY POLICE</u> |

No provision for bail is made in the Defence Act.

The arrested objector will remain in custody in his unit or the nearest detention barracks pending the convening of a court martial.

This will only happen once the preliminary investigation by the unit legal officer is completed. Depending on the circumstances of each case, a considerable period of time may pass before the investigation will be completed.

The legal officers at the regional command have to keep a record of all persons awaiting trial, and must report to the Senior Officer Personnel on the progress made with preliminary investigations. The court martial may also require the unit legal officer to give reasons if the preliminary investigations took unreasonably long.

The legal representative of the arrested objector may approach the Senior Officer Personnel for reasons for unreasonably long delays.

Bail is not a right of the arrested person. Bail can be granted by the police or by the Court. A police officer of the rank of warrant-officer or higher may grant so-called "police bail".

The considerations of the police for granting bail are the same as for the Courts. They are discussed under the granting of bail by the Court (see paragraph 1.2 in the Annexure B at the end of this booklet).

Courts martial may take place on a weekly or monthly basis, depending on the locality and size of the unit to which the arrested objector has been allocated.

4.2.4. What are my rights while held awaiting trial?

Your rights as a convicted prisoner are dealt with in paragraphs 3.1 and 3.2 above. In this section we discuss the position of someone held while awaiting trial. Awaiting trial prisoners held in prison are in a different position to those held in Detention Barracks, and the latter are thus discussed separately. In both cases it should be noted that :

- a) No one may be admitted to prison or DB unless a warrant to that effect is issued.
- b) When it is necessary to detain you in a police cell or lock-up (and not prison or DB), such detention cannot endure for a period longer than one month without the authority of the Commissioner.

(i) When held in civilian prison or police cells

When held in a civilian prison or police cell an awaiting-trial prisoner has the following rights which correspond in general to those discussed in paragraph 3.1 (above).

- (a) A copy of the Prisons Act Every prisoner is entitled to a copy of those provisions of the Prisons Act relating to the treatment and conduct of prisoners immediately on his admission to prison.
- (b) Health and Hygiene Although you have no right to see a private doctor, you do have a right to get medical treatment from the District Surgeon or prison doctor.
- (c) Access to legal representative You have a right to see a lawyer from the time that you are arrested and also after you have been charged.

- (d) Visits You have a right to visits from family. In prisons you are usually allowed to see your family twice a week on visiting days. You also have a right to see a minister of religion but you might only be allowed to see a minister employed by the Prison Services.
- (e) Letters You have a right to write and receive letters but they may be censored.
- (f) Reading material You have a right to a Bible or Koran. You may also receive newspapers and books approved by the authorities.
- (g) Study A right to study is not specified, but you can get stationary and books with the approval of the authorities.
- (h) Exercise You have a right to exercise of at least one hour in the open air per day.
- (i) Prison dress Awaiting-trial prisoners awaiting trial may not be compelled to wear prison dress, except where it is necessary for reasons of sanitation or the "administration of justice".
- (j) Other articles Money, valuables, and other articles, including documents, may not be taken away from the prisoner while awaiting trial. One may, however, not keep dangerous weapons or articles which may effect an escape. You have a right to receive things from outside if they are passed by the police or prison authorities.
- (k) Association and Segregation The general rule is association at work and segregation at rest. Prisoners awaiting trial must, as far as possible, be segregated from other prisoners.

(ii) When held in Detention Barracks

Please refer to paragraph 3.2 (above) as your rights while awaiting-trial correspond to your rights as a convicted prisoner. Note the following differences:

- (a) Property of awaiting-trial detainees²⁶ Each time an

awaiting-trial detainee has to go to court or is transferred from one DB to another, all his possessions (except ones which could be used as weapons) have to be handed to him. These are taken back into safe custody on his return to DB or his arrival at the new DB.

- (b) Visits²⁷ The same conditions for visits as for convicted detainees apply, but visits for awaiting-trial detainees are allowed weekly (not monthly).
- (c) Letters²⁸ You have a right to receive all letters addressed to you and write as many as you wish.
- (d) Work²⁹ When awaiting trial, you may not be required to perform physical or other labour or duty or to undergo training, but you may be required to do exercise for not more than one hour per day.
- (e) Smoking³⁰ You must be allowed to smoke during periods determined by the superintendent.

4.3. IN WHICH COURT WILL I BE CHARGED?

4.3.1. Military of Civil?

The Defence Act makes provision for either a Magistrate's Court or a court martial to try objectors for offences under Sec. 126A. Both are specifically given the power to impose the sentences provided for. Objectors charged with failing to report have been tried in both. As a result predictions are impossible.

Before the 1983 amendments, which created the 6 year sentence, came into force, all objectors were tried in courts martial. Some reports seem to indicate that these amendments were specifically intended to enable the state to try objectors in civilian courts. Whether such a policy change will be put into effect remains to be seen. Note that the few people known to have been charged with refusing to serve since the amendments (mostly Jehovah's Witnesses) have been charged in Magistrates' Courts.

The nature of the proceedings in both military and civilian courts is explained below in Annexure B.

4.3.2. Where in South Africa will I be tried?

As a rule, if all or part of an offence is committed within the area of jurisdiction of a particular court, that court can hear the matter. Thus, if a conscript is instructed to report at the Cape Town Castle with a view to starting his military service in Upington, and he fails to report or refuses to serve, he could be tried in either Cape Town or Upington.

He may be able to argue that, on grounds of convenience (for example presence of witnesses at his trial) he should be tried in Cape Town. However, should the SADF wish the trial to take place in Upington, it would be difficult to argue against it. Should he be called up directly to Upington, the trial will probably take place there.

Objectors might also like to know: "Will I be prosecuted on my own or with others?" The offence of refusing to serve can, by definition, only be committed by an individual. It is therefore highly unlikely that more than one accused would be charged at a time.

It might be arguable that two or more accused with identical defences should be charged together, but the prosecuting authority would ultimately have the power to decide.

4.4. PREPARING FOR TRIAL

- (a) There will probably be a period of at least three weeks before your trial, during which the prosecutor or law officer will collect relevant evidence to prove the state's case, i.e.
- (i) a statement from your unit to the effect that you are liable for military service, that call-up papers were sent to you and that you received it;
 - (ii) a statement from your unit to the effect that you in fact did not report for service on the required date or that you refused to serve;
 - (iii) a certificate from the Adjutant-General stating how many days the SADF is still allowed to call

- you up for. It is important to challenge this if it is incorrect.
- (b) If you are at home during this time, use it wisely: to rest, to prepare for your trial and to prepare for prison.
 - (c) You may find it helpful to decide for yourself first, before meeting your lawyer, the salient points you wish to be made in your defence. Making up your own mind on these various points may also assist you later if you testify in your own defence. When you discuss this with your lawyer, make sure that s/he clearly understands your position and the various emphases within your position, so that it is not misrepresented in court.
 - (e) You can either plead "not guilty" and present as defence the fact that you cannot morally comply with the law's requirements, or you can plead "guilty" and present the same issue in mitigation of your sentence. Decide beforehand whether you are going to plead guilty or not guilty (refer to paragraph 1.6 below).
 - (f) Work with your lawyer in formulating questions which s/he can put to you which will most clearly, concisely and logically put your case before the court. Rehearse the questions and answers with your lawyer and even role play the court scenes.
 - (g) Try to anticipate the questions of the prosecution; prepare answers in these areas too. Bear in mind that it may take at least two full days of working together to prepare your defence.
 - (h) Have witnesses, who will testify to the sincerity or content of your view, arranged well ahead of time (see Annexure B, par. 1.12 in this regard). These witnesses, your lawyer and yourself must spend time together preparing your questions and answers. Also anticipate the questions to be put to your witnesses by the prosecution.
 - (i) Study the section on court procedure (Annexure B) and consult your lawyer if you have any further questions.

- (j) If you intend to give information to the press, have a contact person who can, if necessary, inform them of the date of your trial and supply any subsequent information which may be of interest to them.

In these and similar contacts, make it clear that you are only presenting your own case, not suggesting that others do the same as you.

- (k) You may consider writing a letter of information on your position to the Minister of Defence, in order to challenge him to change the law to recognise conscientious objection.

4.5. STATING YOUR CASE

You can state the reasons for your refusal either during argument or when leading evidence in mitigation (See Annexure B, par. 1.10 and 1.12).

These are the accused's main opportunities to show why he refuses to serve in the Defence Force. He can lead evidence on all factors which influenced him in his decision to object to service in the SADF or to disobey an order. In Philip Wilkinson's case, he led evidence showing:

* what the SADF has done in townships, by calling a national serviceman who has served in township to relate his experiences;

* what the SADF has done in Angola and how they treated refugees from Namibia, by calling someone who has been held for four years in Mariental and assaulted by the soldiers.

4.6. PREPARING FOR PRISON

4.6.1. Practical preparation

Get a thorough physical check-up from your doctor. This will be an objective record of your physical condition which could be valuable if you come to any harm while in prison. If you suffer from any ailments and require medi-

cation, get your doctor to give you a letter about this. Try to keep this letter with you, because no pharmaceutical products are allowed into prison. If you have to surrender it to the Prison Hospital, make sure it is in your hospital file if you are transferred to another prison.

Obtain a copy of the Prisons Act³¹ or read it in a public library. Prison Regulations form an additional State publication printed in Government Gazette No. 1326 and dated 31st December 1965. These have been updated several times and you should ask a lawyer to help you get the current text. Read this through thoroughly. Mark the passages you feel will be particularly useful to know. Try to memorise their references. Take the act and the regulations with you to prison. You are entitled in terms of the Prisons Act to have access to a copy of the act and the regulations.

You do not need to be 100% fit when you go to prison, but it would be quite useful to practice a series of exercises that are suited to a small space. Yoga is ideal for this purpose.

Register to study before you go to prison. Registering while in DB can be made difficult if the Commanding Officer happens to disapprove.

What to take with you:

- (a) Take at least R50.00 with you. Certain categories of prisoners are allowed to spend R50.00 per month on toiletries and cigarettes or tobacco (see par. 3.1.2 (iii)).
- (b) In some prisons you will not be allowed to place an order for the first month, so take the following items with you:
 - (i) Pen, pencil, writing paper, envelopes and stamps.
 - (ii) Toilet kit in a bag, including face cloth, shaving cream and razors (you are compelled to shave), several bars of soap and a soap dish, body talc or non-alcoholic based spray deodo-

rant or after-shave, a small mirror, comb or brush, lip ice, vaseline intensive care, shampoo.

- (iii) Shoe polish and brush.
 - (iv) Two small packets of washing powder.
 - (v) Two cartons of cigarettes (if you smoke, or are prepared to barter!)
- (c) Other items that you may not be allowed to keep in your cell at first but which can later be fetched from your possessions in the store are:
- (i) 2 packs of cards (If you can't play bridge it is worth learning beforehand).
 - (ii) Sports kit, namely a pair of shorts, T-shirt, pair of tackies, pair of rugby boots, a Bullworker and/or springs.
 - (iii) A guitar. You might be allowed to use this on Sundays and Public Holidays. Do not bring in anything expensive because musical instruments or sports equipment can apparently be held by the prison authorities after your release.
 - (iv) If you are studying, bring all your study materials and text books with you. Once your study programme has been approved by the prison authorities you will be able to get them immediately. Otherwise you will have to wait a month or more for them to be ordered.

4.6.2. Psychological Preparation

- (a) Read literature on prison experiences so that you can prepare yourself psychologically for your ordeal. The social psychologist P. Zimbardo has done much research on this topic. Also look at Gandhi's book "Stone Walls do not a prison make". We include some accounts of experiences in civilian prison in Annexure A at the end of this booklet.
- (b) Be aware that the prison environment is brutal, violent and harsh. Experiment with being alone for long periods with nothing to do.
- (c) Develop positive attitude and response patterns to negative stimuli, e.g. imagine how you will respond to a person screaming at you two feet from your face.

Practice in your mind responding at a higher level than the stimulus.

According to Victor Frankel, who spent many years in Nazi concentration camps:

"Everything can be taken from a person but one thing: the last of the human freedoms - to choose one's attitude in any given set of circumstances, to choose one's own way". (Man's search for meaning.)

- (d) Develop the "knowing" that your going to prison is a meaningful event; that you will be able to help your fellow inmates to grow, that it is a meaningful witness to the prison and military authorities; that you are not alone but represent many individuals and groups who in turn are supporting you.
- (e) You may wish to arrange a particular day of the week, or a time in the day, when you will consciously "vibe" with people on the outside.
- (d) Envisage ways in which you will be able to use your time in prison constructively eg. by studying, or by getting alongside your fellows and helping them know and exercise their rights. Religious objectors could use this opportunity for counselling others, for being a willing ear and for praying with them. People who had a modicum of theological or pastoral training can minister to these people much more authentically than any prison or army chaplain.

4.6.3. Once you are in prison

The following are some general concerns about prison life of which it would be good to be aware:

- (a) You are thrown together with a group of people whom you did not choose for company and you must learn to get on with them. Go out of your way not to antagonise warders or other prisoners.
- (b) In general, the fact that one is in with "criminals" is not to be feared. Most of them are relatively

ordinary people - but be careful not to be conned into any illegal activity or to infringe the prison regulations. Peter Moll, for example, was put in solitary confinement for two weeks for giving a cigarette to a friend in solitary!

(c) You may have to cope with:-

- (i) feeling frustrated and bored;
- (ii) imagining unpleasant things happening to loved ones (e.g. if letters don't arrive on time);
- (iii) the general negative atmosphere of prison.

(d) A few people also experience the following:

- (i) a tendency to live in the past (especially if your sentence is long);
- (ii) a loss of responsibility and free will;
- (iii) a tendency to vegetate unless you have specific goals and tasks;
- (iv) a difficulty in getting back to making decisions and facing a day's work;
- (v) having to regain confidence in meeting people or in doing once familiar things like driving a car;
- (vi) being anxious, unable to relax and unsure of what to expect from the public;
- (vii) having difficulty eating rich food again.

However, different people respond in different ways and some objectors have not experienced any adjustment problems after leaving prison.

(e) With regard to visits by family and friends :

- (i) establish a support group of family and friends to co-ordinate visits and letters while you are inside;
- (ii) it is very important that they inform you by letter or during their previous visit when the next visit will be and who will be coming. Being called for a surprise visit may cause anxiety - What has happened? - and you may have trouble relaxing and enjoying the visit as a result;
- (iii) be realistic and honest in what you say to visitors. Don't try to protect them by hiding

the difficulties you face. They have lots of others to support them, but you haven't;
(iv) talk about the future and recover your motivation for living and planning.

Remember that this is all an adjustment that will take time, but that you will manage it, and then your prison experience will be a source of deep understanding of other people and their trials.

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ANNEXURE A
PERSONAL ACCOUNTS OF PRISON LIFE

BANDIET - Hugh Lewin

Hugh Lewin spent seven years in Pretoria Local Prison. He was one of the members of the African Resistance Movement (ARM) and was imprisoned in 1964.

Local Prison stands huge and ugly on the road as you come into Pretoria from Johannesburg. It could only be a prison. We used, as kids, to pass it on the way into town and joke about it. That was where, said our mothers, we'd end up if we didn't behave. That was where, according to our jokes, you could have people committed for being insane and gain a mythical half-crown as reward.

The two Branchmen who delivered me to Local were not concerned with half-crowns. They knocked at the massive front doors, a peep-glass opened and shut, and a small door within the doors let us in. They took me to an office at the end of a corridor - a reception room with two old, benign-looking prison officers seated behind large ledgers. One of the benign old men looked at me, then said to the Branch: "Why bother to bring this lot? You should shoot them all."

The four of them started to matter together, leaving me to stand alone in the corner. Which was fine because I was busy trying to extract a pencil from my overcoat pocket and slip it into my sock - without appearing to do anything other than scratch my leg. They ignored me, so I slipped a ballpoint into the other sock and waited, feeling pleased with myself for not having been spotted.

I was expecting to be searched by the warders but the Branch left (nodding to the warders, looking at me) and one of the benign-looking warders grabbed keys from his table and said, "Come". We headed, I supposed, towards the cells, but men gave no signs of bothering to search me and I became increasingly relieved. Through three sets of

locked grills, which he opened himself, then we stopped at a fourth grill, a sort of steel concertina-gate. He rattled the gate and shouted down the corridor: "Dankie Blankes/Thank you whites." From the gloom at the end of the corridor came another warder, with a uniform shirt and three stripes, and a different set of keys. He smiled at the elder warder, opened his grill and said, "Come." I went down that corridor with him and, as we walked, my earlier relief faded. The corridor, and the silent man with three stripes on his sleeve, seemed for the first time to mean prison. And when he took me to his office at the end of the corridor and said "Strip", I realized I was really there.

Walking into prison is like walking into a butcher's fridge, empty. It is cold - no curtains, no carpets, no heaters, nothing decorative, nothing unnecessary, just this long dull corridor like in a sleazy passenger liner, with heavy blind doors, impersonal - and all very solid. Essentials only. You are stripped of everything essential. You are stripped bare and given back only what they think is necessary. You are stripped bare of everything that you can call your own, constantly stripped bare of everything that you make your own; you are stripped bare in an endless process of peeling off your protective covering and leaving you naked. So they can watch you. So that you, like the corridor, are without decoration, without covering, with nothing behind which to hide, with nothing they can't see into and watch.

* * *

This was probably the prime disadvantage of being detained in prison, as opposed to police cells: that we were subject to the para-military regime of the Prisons Department. The fuss and fluster of tensed backs, stamped feet and obsequious salutes filtered through to us in our sloppy unconcern by way of slammed doors, curses, threats, and childish, often petulant punishments. Under the circumstances, it was difficult to remain unconcerned or even unafraid. But it was nevertheless amusing - and if not always that, then at least useful in terms of training for the subsequent life as a prisoner - to watch the chain-reaction of official cholera: a snapped comment from the commanding officer (a major) to the Chief-Warder about a smudge on a shining brass tap becomes (in the absence of the major) a growling complaint from the Chief to the

Head-Warder, which becomes (in the absence of the Chief) an obscene scream from the Head-Warder to the poor warder supervising the cleaning of the section - and from there, there's only one person left to bear the brunt of the hysterical howl of the warder: me, bandiet.

To survive in a system like this, you must do two apparently contradictory things. On the one hand, you must accommodate to the system sufficiently for you to be able to ride with it and not be ground down by it. This, in itself, requires that you somehow maintain a balance between appearing to be acquiescent to the system and losing yourself-respect in doing so. On the other hand, you must constantly fight the system, cheat it at every possible stage, and find as many ways as possible of beating it - which also requires that you maintain some balance between success and failure, for to be beaten too often is demoralizing.

You must, to survive prison, become a successful criminal. Only as a practicing crook can you gain any comfort for yourself or retain any sense of personal dignity. It is this complete denial of normal social behaviour and accepted morality which makes prison so different from Outside - and it is this which, I think, makes it impossible for anyone Outside to imagine what it is like Inside without themselves actually experiencing prison life. Prison is a complete world, a life complete in itself, without reference to anything outside itself.

BURIAL AND VICTORY - Victor Serge

Victor Serge was a prolific writer and political activist in seven countries. He was a seasoned inmate of prisons and died in 1947.

The unreality of time is palpable. Each second falls slowly. What a measureless gap from one hour to the next. When you tell yourself in advance that six months - or six years - are to pass like this, you feel the terror of facing an abyss. At the bottom, mists in the darkness.

So as not to lose track of the date, you have to count the days attentively, mark each one with a cross. One morning you discover that there are forty-seven days - or one hundred and twenty, or three hundred and forty-seven! - and that it is a straight path leading backwards without the slightest break: colorless, insipid, senseless. Not a single landmark is visible. Months have passed like so many days; entire days pass by like minutes. Future time is terrifying. The present is heavy with torpor. Each minute may be marvellously - or horribly - profound. That depends to a certain extent on yourself. There are swift hours and very long seconds. Past time is void. There is no chronology of events to mark it; external duration no longer exists.

You know that the days are piling up. You can feel the creeping numbness, the memory of life growing weak. Burial. Each hour is like a shovelful of earth falling noiselessly, softly, on this grave.

The first day in a cell contains, in miniature, the months, years, decades which will follow till death, which may wait for you at the end, and whose terrors you live through more than once. The effects of living in a cell develop according to a constant curve; I tend to think that only their rhythm may vary among individuals.

In the main they are characterised by three phenomena. First, exaltation, whose causes may be frivolous to the point of total insignificance. I have known inmates to live twenty-four hours or several days of radiant inner

joy in expectation of an exchange of glances, during fatigue duty. A fifteen-minute visit is enough to fill long days with expectation and long days with memory afterwards. A word, a gesture, a detail can feed the inner flame indefinitely. What extraordinary events letters are! War veterans probably remember what these little paper rectangles covered with familiar writing coming from the other world - the strange, storybook world of the living - meant to them in the trenches, which are in many respects like prisons ... They know how some brows used to darken after mail call and how other radiant or tragic faces pored over their letters. The exaltations of a man confined in prison take on the most varied forms. An exacerbation of emotional attachments, sex drives, the instinct for survival, religious faith, or political convictions is its most frequent manifestation. The periods of exaltation are followed, as a reaction, by periods of apathy. Dejection: dull torpor, indifference. I believe that this exaltation belongs to the period of struggle - which varies in length, and ends, once a man is freed from a decisive mental aberration and no longer puts up much resistance, in a state of vegetative, slow-motion existence in which sharp sufferings and sharp joys no longer play a part. I have met convicts like that who were astonishingly placid in their sixth, seventh, or tenth year of confinement.

This exaltation gives birth to obsession. The brain, at once anemic and feverish, is overcome by an idea, an image. In the absence of contact with outside reality, in the unreality of this deathlike existence, in the ruins of one's former mental equilibrium, fixed idea can move in and take over. There are those, usually males, who are haunted by an hallucinating carnal memory. Some are led to morbid lewdness by persistent sexual obsessions. Some are tormented by jealousy day and night, night and day. When you speak to them, they don't understand at first, "return from somewhere" blushing all at once, and are delighted by an unexpected diversion. There are also those, hardly less numerous, who are obsessed by their "case", who never stop weighing, trying, analysing, and examining the details of their imaginary briefs. These are the ones who are really "guilty," drowning men clutching at straws. Tireless, they write out long memoranda, underlining their "essential" arguments two or three times, arguing over the legal Code, which they learned by heart, piling defense upon defense to the point of absur-

dity ... Some are devoured by the obsession of death, and these will die in prison. For the fear of death is already death's lure, the weakening of the organism, death itself ... Some, desperate with anxiety, yearn for someone who is absent, beyond these walls. Obsessed by the thought of an accident, by the absolute, unreasoning certainty that the other person will die ... Some, obsessed by hate, bear a grudge against a judge, a cop on the vice squad ...

The manias and superstitions, common in varying degrees among all prisoners, are phenomena related to obsession. The connections between these various aspects of mental imbalance, unreason, and failure of the will are sometimes quite apparent. Many prisoners awaiting trial, obsessed by anxiety over their defense, become afflicted (quite rapidly, within a few months) by a kind of procedure mania. They know the Code thoroughly. They quote paragraphs, articles, interpretations, and jurisprudence. They find new defenses in it. They are incapable of carrying on a few moments' conversation without dragging in their case and quoting such and such a paragraph of the law. The authors of memoranda have the writing mania. Long after they are convicted, sometimes in the sixth or tenth year of a sentence, they are writing, still writing - petitioning for a new trial - and this gives their lives a meaning. They can always recite their irresistible arguments by heart, and they do so with voluble passion. Failure doesn't discourage them. But if their application for permission to write is refused, this plunges them into fury or despair ...

In the long run, an inmate's life is regulated by a quantity of less important little manias produced by the lack of any normal object over which he can exercise his will power. The few personal objects he owns are arranged and put away in an invariable order: Any disturbance of this housekeeping arrangement will throw him into a frenzy. (The warders, fully aware of this weakness, deliberately exasperate it through unnecessary searches in the cells and workshops.) He puts on his clothes in a certain manner, he has his own special way of doing up his buttons. In his cell, he has his own way of walking: so many steps in such and such a direction. Never in another ...

Personal superstitions are harder to get to know, for they are only revealed through confidences. My impression is

that they are very common ... Rare is the man who is not superstitious about lucky and unlucky dates, meetings, dreams, numbers, mental incantations. "If I count up to eleven three times before the next time a door slams, that will be a good omen."

The only healthy reaction of the organism against the incessant, multiple, insidious, and harassing pressure of madness is joy.

We all have great powers of vitality. We are filled with such a deep love of life that sometimes it takes only the slightest outside impulse to make the flame of joy suddenly rise up in us. And we are elevated above ourselves, the present, despair, prison. I once asked a comrade - whose life, I knew well, had been hopeless, full of suffering, a savage struggle in city slums and in jail - what had been the happiest hour of his past existence. He answered me:

"It was in V***** Prison, one Christmas night. I was alone. It was warm. I had a good book and some wine ... All at once I felt so well, so calm, so glad to be able to think, so glad to be alive ...

Among those who succeed in resisting madness, their intense inner life brings them to a higher conception of life, to a deeper consciousness of the self, its value, its strength. A victory over jail is a great victory. At certain moments you feel astonishingly free. You sense that if this torture has not broken you, nothing will ever be able to break you. In silence you struggle against the huge prison machine with the firmness and stoic intelligence of a man who is stronger than the suffering of his flesh and stronger than madness ... And, when a broad ray of sunlight inundates the barred window, when good news comes in from the outside, when you have succeeded in filling the dismal day with useful work, an inexpressible joy may ascend within you like a hymn.

The warders, peering through the peephole, are astonished to discover a radiant brow and oddly silent lips: for all the joy of living is poised on them in one unuttered cry.

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