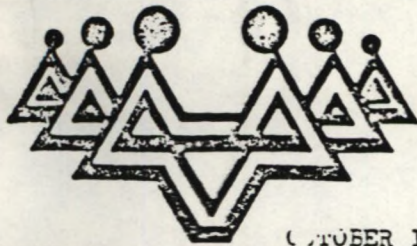


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DESCOM BULLETIN IS A PUBLICATION OF THE DURBAN DETAINEES SUPPORT COMMITTEE

# le grange's refugees

However the drama at the British consulate in Durban ends, the brave actions of 6 ex-detainees have highlighted several features of political reality in South Africa today. Fittingly, the 6 completely upstaged the installation of P.W. Botha as the single most powerful figure in the new tri-racial parliament, thus revealing something of the National Party in power: it may indulge in pomp and ceremony but it relies on repression whenever it feels its position threatened.



The 6 also attracted world attention to the plight of detainees in this country. These men, like some 40 others, were detained before the so-called coloured and Indian elections, in a wave of repression designed to silence opposition to the new constitution. They were held under Section 28 of the Internal Security Act, the implications of which are far-reaching. Section 28 detainees are automatically "listed" - that is, they may not be quoted and are condemned to silence for non-existent crimes. As much of concern, Section 28 detainees may not practice as lawyers - an especially serious aspect for the consulate 6, as four of them are attorneys, one is nearly qualified as one and one trained as a lawyer, although does not practice as one. Therefore, this group of people will feel the harshness of Section 28 particularly severely if final judgement (likely to be a long time coming) finds their original detention orders valid.



Perhaps most importantly for the future of non-parliamentary opposition to apartheid, what the consulate 6 have demonstrated is that it is still possible, in the late 20th century, to act effectively in the best tradition of Mahatma Gandhi - to resist injustice and unfreedom by passive non-cooperation. They have shown that Satyagraha remains a most potent weapon in the struggle to end oppression. By the same token, they have indicated their commitment to open, peaceful political struggle - a commitment not matched by the South African state.

DETAINEES SUPPORT COMMITTEES - 3RD NATIONAL CONFERENCE  
WILL BE HELD IN PIETERMARITZBURG  
20 AND 21 OCTOBER, 1984

PUBLIC MEETING SATURDAY 20 OCTOBER AT 2 PM IN THE  
LAY ECUMENICAL CENTRE, EDENDALE



## the case of alfred mkhize

Alfred Mkhize, a 31 year old asthmatic was detained along with two others (David Gaza and Sipho Gumede) on the night of June 16, 1984. All three are being held under Section 29 of the Internal Security Act.

At approximately 3.30 am on June 20, Mkhize was taken to King Edward Hospital suffering from an acute asthmatic attack. The police refused to give his name and initially refused permission for a hospital card to be made out for him. After prolonged discussion, a card was finally issued to him (with no name) and he was given emergency treatment in the hospital's outpatient department. Later that morning the doctors decided that he needed hospitalization for further care. However, he was not permitted to remain at King Edward VIII Hospital and he was transferred to St Augustine's Hospital for further management. He was treated there for approximately 48 hours and then discharged back to detention on treatment.

During his few hours at King Edward, the detainee was heard on several occasions to say that he had been assaulted and to request help on this score.

On the night of July 1, 1984 Alfred Mkhize was again taken to King Edward VIII Hospital suffering from an asthmatic attack. On this occasion he was admitted to the ward and treated the following day (July 2). The doctors at King Edward in charge of the detainee were told that he could not be kept there and would have to be taken elsewhere for treatment. The doctor in charge of the detainee refused to discharge the patient from hospital unless he was supplied with a letter from the security police stating that he was being moved against medical advice. A letter was sent to the hospital but doctor refused to accept this letter as it did not comply with the request. Mr Mkhize therefore remained at King Edward VIII Hospital under police guard.

On Saturday July 7, an urgent application was brought in the Supreme Court by the detainee's father, William Mkhize. The application sought to have the detainee's family informed of his state of health in view of rumours which had been circulating. During the application and subsequent hearing, it transpired that a medical student and the doctor in charge of the detainee had contacted his attorney at Mkhize's request as he had been unable to make his allegations of assault known in any other way. Under Section 29 of the Internal Security Act, the attorney was not allowed access to his client but an associate of the attorney had managed to communicate with the detainee and to confirm the allegations of physical torture. The doctor's affidavit also listed allegations of physical assault and included reference to marks on the wrists and abdomen. The doctor also stated that the patient felt his asthma had deteriorated in prison as he had not been able to keep his inhaler with him.



## a question of torture

Despite a multitude of declarations and conventions drawn up by various bodies, including the United Nations, International Red Cross, and a host of medical, legal and religious organisations, practises such as arbitrary arrest, detention without trial, solitary confinement, intimidation, harsh and lengthy interrogation and other forms of physical and psychological torture - gross and atrocious infringements of human rights - are a daily reality in South Africa.

Between January and July 1984, for instance, 394 detentions have been officially recorded - as compared to 453 for the whole of 1983. Of the 394, 135 were released without charge after varying and often lengthy periods. Since 1963, around 60 recorded deaths have occurred in detention. Recent Amnesty International reports cite South Africa as having one of the worst records in the world for torture which is defined by the Tokyo Declaration (1975) as:

"the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason."

The last decades have seen a rapid proliferation of research studies, research and rehabilitation centres, and medico-legal literature on the subject. The bulk of this work has been done overseas. Amnesty International, for example, has conducted research in more than 52 countries and set up a number of rehabilitation centres, the largest of which are in Canada and Denmark. In South Africa, research is in its early stages but is growing rapidly. Projects are currently being run by universities, churches and organisations like the Detainees Support Committees.

The following main points emerge from these various research findings:

- \* Forms of torture most frequently used range from extreme physical torture (beatings, submersion, suffocation, electric shocks etc) to the stress and trauma of confinement, powerlessness, false accusations, verbal abuse, disturbed routines, poor diet and insufficient exercise
- \* The consequence of all torture, however short or severe, is destructive. It is always multiple, involving physical, psychological and interpersonal aspects of the person, and it is frequently long term
- \* Physical torture symptoms include headaches, tremors, sweating, insomnia, bowel dysfunction, fatigue, menstrual dysfunction and specific pains. Mental symptoms include anxiety, depression, phobias, mood-swings, difficulties in concentration and memory and loss of self-esteem. Common interpersonal symptoms are withdrawal, suspiciousness, communication difficulties and sexual dysfunction.
- \* Depending on the form of torture used, there are other physical and neurological symptoms: Head injury, heart and breathing



While awaiting the hearing Alfred Mkhize was kept in hospital under police guard. He was discharged from hospital on July 19 in terms of a court order. He was returned to detention and he has not yet been released. His medical condition at present is unknown.

The legal issues in this case are complex and include the possible right of the detainee to give evidence. This has not been resolved and the case has been referred to the full bench of the Natal Supreme Court for judgement. The date of this hearing is not known.

JAN - AUG 1984 : FATE OF DETAINEES	
RELEASED WITHOUT CHARGE	
WITHIN 48 HOURS	122
AFTER LONGER PERIOD	67
CHARGED AND CONVICTED	4
CHARGED AND ACQUITTED	149
CHARGED, AWAITING TRIAL	106
DIED IN DETENTION	1
REPORTED ESCAPED	1
STILL IN DETENTION	122
TOTAL	572



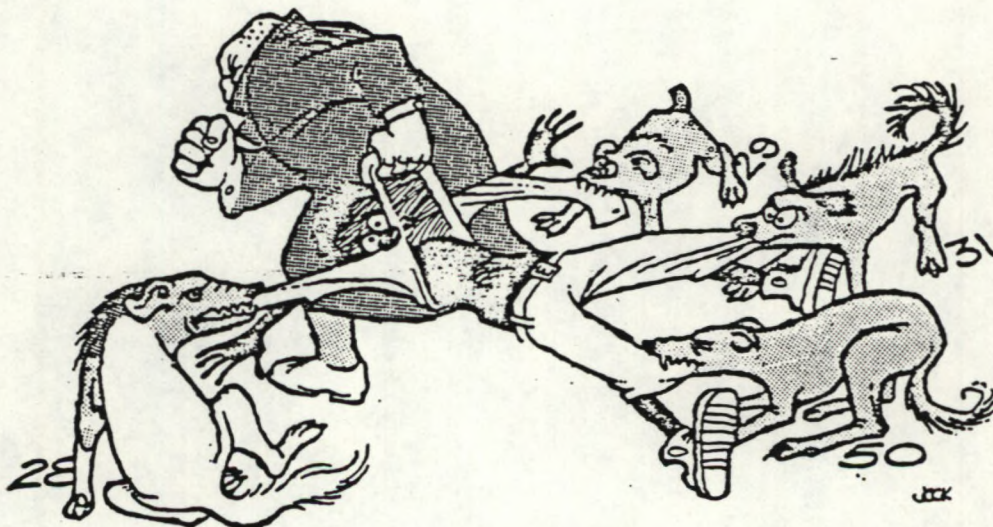
At present, there are 6 known Section 29 detainees being held in Durban - incommunicado, indefinitely. They are

- Sagren Thaver, aged 29, a computer technician who was supporting his family;
- Monogram Thaver, Sagren's younger brother, aged 21 and unemployed;
- Ronilla Pillay, a friend, aged 19, who is a student at the University of Durban-Westville.

All three have been incarcerated for nearly six weeks now.

- Edward Mathobula
- Israel Ndimande
- David Gasa
- Alfred Mkhize
- Sipho Gumede

The last three have been in solitary confinement since June 1984.



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**DELMAS TREASON TRIAL 1985 - 1989**

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