June 22, 1982

MEMO

TO: Human Rights Activists

FROM: Jennifer Davis

RE: Report from South Africa on Torture in Detention

Enclosed you will find a report on the terrible conditions affecting political detainees in South Africa. This report was sent us from inside South Africa, along with copies of two letters, one from the Detainees' Parents Support Committee to the South African Attorney General, and his response to the Committee. ACOA has retyped the text of the statement made by the Detainees' Parents Support Committee to make it easily legible. It is an important document setting out in detail, from an unimpeachable source, the fact that a variety of forms of torture and assault are being systematically used by the Security Police.

Detention in solitary confinement, for months on end, without access to doctor, lawyer, or family, and without trail, is a common fate for apartheid opponents in South Africa. The police do not have to release information about detainees, so they easily become "disappeared people." In September 1981, several families of detainees joined together to form the Detainees' Parents Support Committee. White and black, from many different strata in South Africa's super-stratified society, they were brought together by common terror for the lives of the detainees. At least 50 prisoners have died in detention, several within the last year including white trade union organizer Dr. Neil Aggett.

We urge you to protest South Africa's policy of detention without trial and interrogation by torture.

We ask you also to demand that the U.S. government actively expose and condemn these monstrous human rights violations. In 1981 at least 672 South Africans were subjected to the conditions described in the Support Committee report. Yet in December Asst. Secretary of State for African Affairs Chester Crocker told Congress that in the view of the U.S. there had been human rights improvements in South Africa that year. This condones detention without trial and torture. It is a policy that must be ended.

Chester Crocker
Asst. Sec. for African Afrs.
Department of State
Washington DC  20520

Mr. H.J. Coetsee
Minister of Justice
Union Buildings
Pretoria
South Africa

Executive Director: Jennifer Davis
March 30, 1982

Mr. J.J. Nethling,
Attorney-General of the Transvaal,
Palace of Justice,
Church Square,
Private Bag X300,
Pretoria

Your Ref. 1/4/18/101/82

Dear Sir,

In response to your letter of 24 March 1982, we thank you for
your invitation to submit requests for information relating to
individual detainees, however, the reason for requesting a
meeting with you was to seek clarification of matters of
principle, and we reiterated our belief that this can best be
achieved by a face-to-face discussion as opposed to protracted
correspondence. While we are prepared to discuss individual
cases as examples of the more general issues at stake, our
concern is with the processes of law involved in the
investigation, formulation and prosecution of charges against detained
persons.

We are unclear as to the separation of functions between your
office and that of the Security Police. In your letter you
clearly state your function is to decide, upon evidence
gathered by the police, as to whether to institute a prosecution
against a specific person or not. For example, if on the basis
of a dossier submitted to you by the Security Police, you decide
there is insufficient evidence for a prosecution, is it your
function to prompt the Security Police as to whether further
evidence they should seek in order for you to bring a prosecution?
Or is it your referral to prosecute on the basis of the available
evidence in effect a recommendation to release the detainees
concerned? What is particularly puzzling to us is the statement
in several newspapers during late December 1981 (e.g., reported in
the E.P. Herald 25 December), attributed to the chief of the

Security Police J. General Goosen, to the effect "that
a number of the Antagonist-General's office had been assigned
to the Security Police to assist with formulating the charges."
This would seem to conflict with your function as we under-
stand it and as it is expressed in your letter.

Another issue which we wish to discuss with you relates to
the extraordinary length of time for some conclusions to be
reached. In late November 1981, exactly four months ago,
one of our members was informed by Col. Muller, head of the
Miederstadt Security Police, that an advocate had been
appointed by you, and that detainee should now move speedily
to a conclusion. Yet of those in detention at the time of
Col. Muller's statement, a few have only recently been
released, while the majority are still in detention. We
are totally at a loss to understand how, after an investiga-
tion lasting six months (and how months after the appointment
of the advocate from your office to prepare charges), three
detainees were brought to court without your office being able
to produce a charge sheet.

We also seek clarification in regard to your role in the
detention of persons under Section 12B of the Internal
Security Act, to which no reference is made in your letter.
Our understanding is that the decision in this regard is yours.
We would like to know what criteria other than those furnished
by Security Police influence your decision to detain under
Section 12B. We also believe that the conditions of detention
under Section 12B are subject to your discretion and we would
be interested to know the manner in which you apply your mind
towards exercising this discretion.

In view of the complexity of these and many other related
issues, you will appreciate our reasons for requesting an
interview, and we await your early advice as to a time and
date convenient to yourself.

Yours,

PARENTS' SUPPORT COMMITTEE

[Signature]

DI Y. COLEMAN

Security Police J. General Goosen, to the effect "that
a number of the Antagonist-General's office had been assigned
to the Security Police to assist with formulating the charges."
Dr. M. Coleman,
Liberation Support Committee,
P.O. Box 39431,
BRITISH
2 April 1962

Dear Dr. Coleman,

RE: Your letter of 30 March 1962

With reference to your above mentioned letter I wish to inform you as follows:

(1) I must unfortunately not agree to discuss with you the way in which I perform the functions entrusted to me by law. In regard to the statement attributed to Lt.-Col. Coetzer in regard to an advocate assigned by me to the Security Police, "to assist with formulating the charges" I wish to explain that I assigned an advocate of my staff, subsequently supplemented by another State advocate, to commence studying the evidence in the case, even before the police investigations had been completed, in order to expedite matters and thus enable us to reach a decision in regard to the matter as soon as possible. However a large volume of evidence is involved and the police investigations are still continuing.

(2) As should be evident from the above I and my staff are doing our best to dispose of this matter with as little delay as possible.

(3) As far as the application of Section 128 of the Internal Security Act, 1950 is concerned, I wish to refer you to the section itself. I exercise my discretion in regard thereto after consideration of all the relevant evidence.

It appears to me that no useful purpose can be served by a personal discussion of general matters regarding this matter.

Yours sincerely,

O.S. Nkomo
ATTORNEY-GENERAL