

October 31, 1971

HOLD INQUIRY

A MAN need not fast almost unto death to draw attention to the ghastliness of secret detention by the security police. He need only throw himself from a building.

As Ahmed Timol, 30, did this week. From the tenth floor of John Vorster Square.

The police headquarters in Johannesburg named after the man who introduced the system of secret detention without trial. The man who is our Prime Minister, and who as Minister of Justice 90-dayed, banned and house-arrested people and now sticks to the legally and morally indefensible system of secret arrest, secret interrogation and indefinite detention without trial.

Their pleas

Sticks to it although voices of reason have

- Called on him, time and time again, to return to the normal procedures of the rule of law.

- Begged him not to incarcerate people without recourse to, and the protection of, the courts.

- Urged him with all the emphasis they could muster to ensure, by legal safeguards, that no detainee is ill-treated by his captors and interrogators.

- Pleaded with him that all allegations of ill-treatment be investigated publicly.

- Asked him when cases of the utmost disquiet came to light that a judicial inquiry be held to establish the true facts.

Yet, in spite of the public concern over what rumour, rightly or wrongly, suggested might be happening, in spite of universal condemnation of the system of detention without trial, Mr. Vorster and his Government have refused to alter the system or subject it to the probing light of a judicial inquiry.

Public concern is mounting once more, as was demonstrated by the sympathy and support given to the Rev. Bernard Wrangmore in his fast almost to the death over the Imam Haron.

The suicide this week of Ahmed Timol has intensified the public's anxiety.

But Mr. Vorster again refuses to hold a judicial inquiry.

Not reassuring

Instead, he has issued a statement which is not in the least reassuring.

Of course, as he says, it is the duty of the police to contain terrorism and sabotage.

What is at issue, however, is the manner in which they go about that task, not the task itself.

Of course, as Mr. Vorster says, the police have strict orders to act within the provisions of the law.

What is at issue, however, is the question whether some of them are not, in fact, acting in a manner contrary to the law.

Of course, as Mr. Vorster says, the police do not hesitate to act against any member of the force who makes himself guilty of any contravention.

What is not clear, however, is the reason they seldom, if at all, act against security policemen who, in specific cases involving detainees and in evidence in court, are accused of ill-treating prisoners.

Of course, as Mr. Vorster says, people have been detained for questioning in terms

of the legal powers vested in the police by Parliament.

But it is also true that these legal powers were obtained, and are administered, by a Government which has had scant respect for the normal procedures of the rule of law as it is applied in the Western world, and that the laws like the Terrorism Act which confer these powers are objectionable in themselves.

It is also true that nothing in any of these fundamentally bad laws allows policemen to harm their captives, physically or mentally.

If there are any rumours or suspicions that this might be happening in some cases, then that in itself is reason for holding a judicial inquiry.

We do not say, from our own knowledge, that prisoners held in detention are being tortured.

What we do say is that there are mounting fears that some might be — and that in itself is sufficient reason for an open inquiry.

We do not say that ten detainees who committed suicide (out of 17 who died in detention) did so because of any physical or mental duress to which they might have been subjected by their captors.

But the fact that there have been so many suicides of detainees is in itself reason enough for calling for an inquiry.

(We do not accept a Nationalist newspaper's theory that the detainees chose suicide rather than hand over important information to the security police; this could only be valid if — and we cannot see a Nationalist newspaper subscribing to the theory — the detainees were being tortured, or forced in any other way to give information.)

What is clear is that secret arrest, secret interrogation and detention without trial are sufficient in themselves to cause the greatest mental stress, whether or not any direct forms of mental duress are applied.

And this, too, is ground enough for an inquiry into the whole system.

Fight them but . . .

What we emphasise is this:

Fight Communism, fight terrorism, fight subversion — but do not do so in a manner which raises doubt about the way in which the fight is being carried out.

We say to Mr. Vorster:

- The time has come (despite your refusal to appoint a commission) for a full judicial inquiry into the treatment of detainees, including those cases which have aroused the utmost public concern.

- It is in the interests of the security police that their name be cleared and that any policeman who has ill-treated a detainee be brought before the courts.

- It is in the interests of the security of the State that the country's inhabitants, and especially non-Whites, be shown that in fighting Communism and subversion the police do not use methods of Communist police States.

- It is in the interests of law and order that it be shown that the State respects the law and the right of the individual to the protection of the law.

- It is in the interests of South Africa that it be demonstrated to the world at large that South Africa does not use police State methods.

Come on, Mr. Vorster. Do the right thing. Appoint a judicial commission NOW.