

VOLUME TWO

**Truth and  
Reconciliation  
Commission  
of South Africa  
Report**



The report of the Truth and Reconciliation Commission was presented to President Nelson Mandela on 29 October 1998.



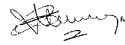
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Chairperson



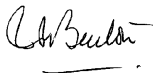
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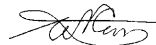
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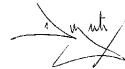
Ms Mary Burton



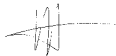
Dr Wendy Orr



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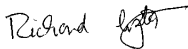
Adv Denzil Potgieter



Ms Sisi Khampepe



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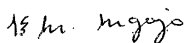
Ms Yasmin Sooka



Mr Wynand Malan\*



Ms Glenda Wildschut



Dr Khoza Mgojo

\* Subject to minority position. See volume 5.

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*... I stayed six months in solitary confinement ... and they would come and report some of the things that are happening at home. They even came and told me that my youngest child is dead. They promised to release me so that I can attend the funeral ... [if] I should sign this paper.*

118 Ms Shirley Gunn [CT00792/HEL] was detained at the Wynberg police station in Cape Town along with her sixteen-month-old unweaned son. The hygienic conditions were inadequate and the cell was drafty and cold. Social workers took her son away for a period of eight days. During this time police played a tape of his crying in order to put pressure on her.

119 The Commission received numerous statements detailing the effects of solitary confinement on detainees. Ms Zahrah Narkedien [JB04418/99OVE] describes the experience of being held in isolation in a cell the size of a small bathroom for seven months:

*I don't even want to describe psychologically what I had to do to survive down there. I will write it one day but I could never tell you. It did teach me something and that is that no human being can live alone for more than I think a month ... The basement ... was ... at the bottom with high walls. I felt as the months went by that I was going deeper and deeper into the ground ... I became so psychologically damaged that I used to feel that all these cells are all like coffins and there were all dead people in there, because they were not there, no one was there. It was as if I was alive and all these people were dead ...*

*I'm out of prison now for more than seven or ten years but I haven't recovered and I will never recover ... I have tried to and the more I struggle to be normal, the more disturbed I become. I had to accept that I was damaged, a part of my soul was eaten away as if by maggots ... and I will never get it back again.*

## **The use of torture in the arrest and interrogation of detainees**

120 The security legislation providing for detention during the mandate period was as follows:

- a Detention for interrogation: section 21 of General Laws Amendment Act (1963); section 6 of Terrorism Act (1967); and section 29 of Internal Security Act (1982).
- b Preventative detention: section 10 of Internal Security Act (1950); section 28 of Internal Security Act (1982).

- c Short-term detention: section 22 of General Law Amendment Act (1966); section 50 of Internal Security Act (1982).
  - d Detention of state witnesses: section 12 of the Suppression of Communism Act (1950); Criminal Procedures Act (1965); section 31 of Internal Security Act (1982).
  - e State of emergency detention: Public Safety Act (1953); Proclamation R121 (1985).
- 121 Torture of political detainees was reported from the early 1960s. That torture of political detainees was a relatively new phenomenon during that period is evident from the following statement by Mr Joe Slovo:

*However firm the old type of policemen were ... they were not torturers ... In a sense, up to about 1960/1, the underground struggle was fought on a gentlemanly terrain. There was still a rule of law. You had a fair trial in their courts. Nobody could be kept in isolation. Up to 1963, I know of no incident of any political prisoner being tortured.<sup>9</sup>*

- 122 It was widely believed by many political activists of the time that, in the early 1960s, a special squad of security policemen received special training in torture techniques in France and Algeria and that this accounted for a sudden and dramatic increase in torture. The Commission established that the following officers received training in France at some point during the first half of the 1960s: Hendrik van den Bergh (then head of the Security Branch), TJ 'Rooi Rus' Swanepoel, DK Genis, Lieutenant Daantjie 'Kardoesbroek' Rossouw, G Klindt, a Major Brits (from the Railway Police), a Lieutenant van der Merwe and one Coetzee.
- 123 However, the Commission found considerable evidence of the occurrence of torture in the years prior to 1963. While torture does not appear to have been used on urban-based, ANC political detainees until 1963, the Commission received information about the extensive use of *all* forms torture on rural insurgents involved in the Pondoland revolt in 1960 and against members and supporters of the *Poqo* movement of the PAC. Further, it is clear that such methods were widely used in criminal investigations before the 1960s.
- 124 It is more likely, therefore, that the French training promoted the development of other non-physical third degree methods. Indeed, in 1964, there was a marked shift to an approach in which teams working in relays used sleep deprivation

<sup>9</sup> Quoted in Thomas G Karis and Gail M Gerhardt, *From Protest to Challenge: A Documentary History of African Politics in SA, 1882–1990. Volume 5 – Nadir and Resurgence, 1964–1969*, p.25 or 26.

and non-physical means such as standing on one spot or the 'hard/soft cop' routine. It is probable that the techniques apparent in the 1964 period were the fruit of the French exercise.

- 125 The Commission received confirmation that a number of officers received further training in interrogation and counter-interrogation techniques in France in about 1968. Officers known to have attended this course include: TJ 'Rooi Rus' Swanepoel, Major JJ 'Blackie' de Swardt, Hans Gloy, Roelf van Rensburg and Dries Verwey.
- 126 It is further believed that, in the early 1980s, joint co-operation agreements between South Africa, Argentina, Chile and Taiwan led to further training opportunities and an exchange of ideas and experience. Close links with Argentina existed even before this. For example, Alfredo Astiz, a notorious torturer, was one of four torture experts attached to the Argentinian Embassy in Pretoria in 1979. During his stay, there were several seminars at which South African security police and the Argentines exchanged ideas regarding methods of interrogation.
- 127 It is also known that Military Intelligence (MI) operatives received training in interrogation techniques in Italy. According to one MI operative, such training tended to focus on non-aggressive methods of interrogation as the use of torture was seen to result in false confessions or information.
- 128 Finally, the training grounds *par excellence* were Rhodesia and South West Africa where South African police developed hands-on experience in fighting a counter-insurgency war.
- 129 Following the general failure of the Security Branch to conclude investigations in sabotage cases in the early 1960s, a tougher approach was adopted and a group of police was drawn in from outside the ranks of the Security Branch to constitute a special 'sabotage squad'. This was part of a more extensive restructuring of legal provisions relating to detentions and police structures introduced by the new Minister of Justice, Police and Prisons, Mr BJ Vorster, his new commissioner of police, Lieutenant General Keevy and new head of the Security Branch, Colonel Hendrik van den Bergh. An SAP *Commemorative Album* records that:

*Col van den Bergh decided that the Security Branch should be reorganised to enable it to deal more efficiently with subversive elements in the Republic. The Minister of Justice, who was fully aware of the threat against the Republic,*