

UPDATE

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SOUTH AFRICA'S YOUNGEST VICTIMS

Lawyers Committee for Human Rights

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The Lawyers Committee for Human Rights
36 West 44th Street
New York, NY 10036

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Printed in the United States of America

The Lawyers Committee for Human Rights

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This update has been prepared by the Lawyers Committee for Human Rights as a supplemental chapter to the report The War Against Children: South Africa's Youngest Victims, published by the Lawyers Committee in April 1986. Bound copies of the full report and copies of this update are available from:

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UPDATE

THE WAR AGAINST CHILDREN: SOUTH AFRICA'S YOUNGEST VICTIMS

On June 12, 1986 a second State of Emergency was declared in South Africa and remains in force. This time the Emergency was imposed nationwide. The regulations and orders which have been promulgated pursuant to this Emergency are the most stringent to date. South African military forces and police continue to occupy the black townships, exercising control primarily by the use of force. Human rights groups estimate that more than 22,000 people have been detained without charge under the emergency regulations and hundreds more have been arrested on criminal charges of public violence.

In many townships school boycotts continued or resumed in 1986, intensifying after the June Emergency declaration and following the introduction in July of new regulations requiring all pupils to register at school before being allowed to attend. The Director General for African education was empowered, without furnishing reasons and without a hearing, to refuse to register any pupil or to make such registration subject to conditions.¹ To enforce the regulations, many school premises have been fenced off and are constantly patrolled by army troops. Registered pupils are forced to wear special identity cards pinned to their clothing. It has been reported that many children who are

1. Proclamation No. R. 131, 1986, Government Gazette No. 10357, July 13, 1986.

detained are refused re-admission to school on their release.² 250 black schools have been closed down by the Department of Education and Training, which has argued that the continuing boycotts indicate that these schools have been "abandoned" by pupils and the communities.³ Under the 1986 Emergency, abuses against children have continued unabated; children are still the special target of the security forces and remain at risk of death, injury, arrest, detention and physical assaults.

I. Violence in the Streets

A. Children Killed

In the first six months of 1986, 570 people were killed in unrest, one third of those by the security forces.⁴ According to government figures, during the first 98 days of the current Emergency a further 288 people were killed.⁵ Hundreds more have been wounded. A number of these victims were children who are particularly vulnerable in security force confrontations. As the civil rights group, Black Sash, noted in their recent memorandum, "Neither adults nor children would appear to be safe if they are

2. 'At least 22 children in detention in Natal,' Weekly Mail, November 21-17, 1986.

3. '250 abandoned schools closed,' Citizen, September 22, 1986.

4. House of Assembly Debates, June 24, 1986, Col. 2385.

5. 'Apartheid Barometer,' Weekly Mail, September 26-October 2, 1986. The government figures give no breakdown of the victims by age.

on the streets for whatever reason. Not even their own homes offer protection."⁶

In Duduza township on September 15, 1986, 4 year-old Theodisa was killed when she was hit by a hippo while playing outside her home. According to witnesses, the armoured vehicle was travelling in a school zone at high speed. The police later came to apologize to the family and offered to pay for the child's funeral.⁷ Seventeen year-old Eric was shot dead by police in Soweto as he was walking home on June 25, 1986. According to his mother, "his body was lying a small way away from the house (at the back). His face, his head and his back were full of pellets. The ambulance only arrived 2 1/2 hours later."⁸ Eric's parents heard no commotion and have no idea why their son was shot. Early the next day, a hippo was spotted at the site of the shooting but the police did not contact the family. Relatives have attempted to report the shooting four times but were turned away by police who told them that the parents themselves had to report it.⁹

On May 25, 1986 police in Zola arrived at the scene of a confrontation between two men, one of whom was armed. Sidney, aged 17, happened to be passing by with some friends. According

6. Memorandum on the suffering of children in South Africa, Black Sash, April 1986 at p. 17.

7. Statement, DPSC, September 9, 1986.

8. Statement, DPSC, August 18, 1986.

9. Id.

to witnesses, the police started shooting wildly and fatally hit Sidney in the back as he started to run away. The witnesses reported that the police told them to "see that there are no [youths] around here, otherwise we will shoot them."¹⁰ When the police returned to the scene they attempted to imply that Sidney had been knived in a brawl and said to his father, "You people say you are fighting for freedom. But, look, you are killing each other."¹¹ However, the father showed police the bullet wounds on his son's body and pocketed a bullet he found at the scene which he later handed to his lawyer.

B. Children Injured by Police Action

Numerous children have sustained serious injuries from police bullets and shot pellets in recent months. Toto, aged 16, has spent four months in hospital since he was shot from behind by police on his way home from school in Alexandra on March 3, 1986. He has eight bullet wounds in his head, chest and arms, "and as a result my left arm and leg are paralyzed. . . . My mind is not 100% any more and there are periods during which I go completely blank. This occurs quite frequently, almost daily."¹² Fourteen year-old Victoria has lost an eye after being shot on

10. Interview by the Lawyers Committee, October 17, 1986.

11. Id.

12. Statement, DPSC, August 1986.

February 14, 1986 while standing in the yard of her house in Alexandra.¹³

Gladys and Sophie, both aged 12, were shot on September 24, 1986 by a town council policeman in Sebokeng. The girls heard the policeman order a man standing nearby to move on and then shot at him, so wildly that both girls were hit as well. A bullet pierced Gladys' intestines and she has undergone a colostomy.¹⁴ According to the girls, when residents asked the policeman why he had shot, "he said that he was playing, he was not aware that his gun had bullets in it."¹⁵

As noted earlier in this report,¹⁶ those who are shot are at particular risk of arrest on criminal charges of public violence, regardless of the circumstances. In some cases police not only arrest the victims but also assault them, despite their shot wounds. Roger, aged 16, was on his way home from work in Nyanga East on March 26, 1986, when a hippo arrived and police started shooting at some people throwing stones. Roger, who was not part of the group, took fright and tried to run away, but was shot in the back and side of the head. The police dumped him in the hippo and he recalls being repeatedly kicked by the policemen

13. Statement, DPSC, 1986.

14. Statements, DPSC, Johannesburg, October 16, 1986.

15. Id.

16. At Chapter III.C.

until he lost consciousness.¹⁷ An eyewitness to the attack stated:

All three of the policemen kicked Roger. The one who initially stood over him kicked him in his head... and the other two kicked him all over his body with their rifles. The one who kicked him on his head also used his rifle but not on the head, just on his body. . . . When I saw this I panicked because I thought he would die. . . .¹⁸

The doctor who examined him stated:

On the basis of all the findings, it appeared most likely that the patient's condition was due to brain damage caused by birdshot which had penetrated his skull and possibly aggravated by a subsequent physical assault. . . it is probable that there will be some permanent physical and mental damage as a result of these injuries.¹⁹

II. Arrests of Children

A. Arrest Under the Criminal Procedure Act

Recently published statistics reveal that 46% of more than 16,000 people charged with unrest-related offenses in 1985 were under the age of 18 years. More than 2,700 of the accused were under 16 years old.²⁰

Arrests of children on criminal charges, typically public violence, have continued throughout 1986. The youngest

17. Statement, September 2, 1986.

18. Statement by eyewitness, September 3, 1986.

19. Statement by doctor, August 27, 1986.

20. Source: Repression Monitoring Group, Cape Town.

victim reported to the Detainee Parents' Support Committee (DPSC) in recent months is a 9 year-old boy from New Brighton who was held for nine days alone in a police cell in July, 1986. He had been arrested on July 19 for allegedly stealing a bicycle. By the time the child was traced to the divisional police headquarters in the Eastern Cape, he had already appeared in court. He was eventually released on bail of R10 (\$5).²¹

The criminal process provides the state with an effective means of incarcerating children without the stigma attached to the detention-without-trial provisions of the security and emergency legislation. Many of the children who are held in custody pending trial are later acquitted or have their charges withdrawn. A court monitoring project of the Black Sash found that, in 193 criminal cases monitored between January and September 1986, only 42 out of 214 children held in custody pending trial were ultimately convicted.²² Another monitoring group in the Western Cape found that the accused were acquitted or charges were withdrawn in 80% of their cases. 70% of the accused in these cases were under 18 years old.²³

On December 21, 1985, in Philipstown, 58 people were arrested, several children among them, following an attack on the house of a policeman who had shot dead a woman without

21. 'Boy, 9, detained for nine days in cells,' Eastern Province Herald, July 31, 1986.

22. Court Monitoring Report, Black Sash, Western Cape, September 1986.

23. Weekly Fact Sheet, Repression Monitoring Group, Western Cape, August 11-17, 1986.

provocation, according to residents. After four months in custody, five of the children were released on bail. The remainder of the group, including a 14 year-old girl and three 16 year-olds, were imprisoned for ten months until the trial in October 1986, when 52 of the accused were acquitted.²⁴

There is a severe shortage of legal representation in these cases, due to the volume of cases and the fact that many run for months with numerous court appearances. In one recent case, Vincent, a 16 year-old epileptic boy, was forced to conduct his own defense two days after police had confirmed that he had suffered a severe and prolonged epileptic fit while in the cells. Vincent's mother, who was in court, said "he was sitting in the dock with his head resting in his hands, with his eyes closed, almost as if he were sleeping."²⁵ The prosecutor refused even to read a letter from the boy's doctor about the seriousness of his medical condition. Vincent has been sentenced to a year in prison for public violence and malicious damage to property.²⁶

Defense attorneys have themselves been harassed and detained. When the Emergency was declared in June, at least nine lawyers involved in political cases were detained, four of them

24. Interview by the Lawyers Committee, Pretoria, October 1986.

25. Affidavit of Mrs. Miriam N., Johannesburg, 1986.

26. Interview by Lawyers Committee, Johannesburg, October 1986.

at the courts where they were appearing on behalf of their clients.²⁷

The work of defense attorneys is also made more difficult by the frequent alteration of charges and the refusal of police to make details of the charges known until the case is underway. In June 1986, the Supreme Court set aside, as a miscarriage of justice, the convictions and sentences for public violence against 15 Riversdale school pupils, aged 13 to 21, most of them under 18. Eleven had been given jail terms in September 1985. Details of the charges had been given only in the afternoon of the day they appeared in court. The Attorney-General refused to allow a postponement to enable the defense attorneys to consult with their clients, saying that "swift processing of cases arising from unrest has an excellent deterrent value."²⁸

Those children who are convicted face stiff penalties, frequently terms of imprisonment, even for first offenses. Because public violence is a criminal charge, those who are convicted will serve their sentences alongside hardened criminals convicted of crimes such as murder, rape, and robbery.

On September 2, 1986 there was a public outcry when 32 residents of Zolani township in the Western Cape, including five

27. 'Nine lawyers held,' Weekly Mail June 27-July 3, 1986.

28. '15 pupils' convictions set aside,' Cape Times, June 10, 1986.

minors, were sentenced to a total of 258 years in jail for public violence.²⁹ 79 people were originally charged in the case, which arose out of retaliatory action by the community against a vigilante group that had been brutally assaulting school children. The assaults had been so severe that the community had been granted a Supreme Court injunction against the vigilantes in February 1986. The magistrate noted these facts and that all the accused were first offenders and said, "the court has great sympathy with the accused, particularly with the children." But, he added, "justice has nothing in common with maudlin sympathy."³⁰ He sentenced four of the minors, all aged 17, to seven years imprisonment. The youngest accused, aged 16, was sentenced to seven cuts with a cane.

B. Arrest Under the Emergency Regulations

The Detainee Parents' Support Committee, which closely monitors detentions, has estimated that, since June 12, 1986, more than 22,000 people have been detained under the present State of Emergency and that some 8,000 of those are children under 18 years old.³¹ About 4,000 of these children are believed to be still in detention or are missing. Over half the detainees have been held for more than three months in overcrowded prisons

29. 'AG inundated with calls on report of minors jailed,' The Star, September 5, 1986.

30. Western Cape News, Repression Monitoring Group, September 1-7, 1986; Court Monitoring Report, Black Sash, Western Cape, September 1986.

31. Interview with DPSC spokesman, October 9, 1986. Also, see '40% of Detainees are Children,' City Press, October 19, 1986.

with as many as 40 people in a cell.³² At the end of November 1986, it was reported that 22 children under the age of 16 had been detained in Natal for up to five months.³³

A sample survey by DPSC found that 3,000 of the children detained since June 12, are 14 years old or younger.³⁴ Thirteen year-old Solly from Tumahole was detained for two months after being arrested at his home at 3 a.m. on June 12, 1986. He said that he was beaten and interrogated, and was not permitted to see his parents or receive a change of clothes. He spent the last three weeks in Kroonstadt Prison in a cell with 37 other children.³⁵ Twelve year-old Joseph was arrested in Veeplaas on August 1, 1986 on his way to the local store. He saw a group of children chased by some soldiers and began to run away. The soldiers arrested him and he was in detention for almost two months before his mother was able to locate his whereabouts and make a request to visit him in prison.³⁶

When 12 year-old Amos from Daveyton went missing on July 17, 1986 police visited his parents three times in the middle of the night and searched the house before informing the parents that their son had been shot by the police and was in hospital. They had to wait three days to visit Amos and found

32. Memorandum on children under repression, DPSC, November 1986.

33. 'At least 22 children in detention in Natal,' Weekly Mail, November 21-27, 1986.

34. Memorandum on children under repression, DPSC, November 1986.

35. Statement, DPSC, September 9, 1986.

36. Statement, Black Sash, September 18, 1986.

him under police guard. His mother said, "his face was so very swollen that he couldn't see properly."³⁷ Amos later told them he had been shot in the ankle while simply standing in the street. Bleeding profusely, he said he was taken to the police station "where he was assaulted with fists, sjamboks and kicks" before being taken to hospital.³⁸ On July 31, he was taken to court but was not charged. Instead, the parents were told that he was being detained under the emergency regulations. On October 13, three months later, when his parents sought help, their child was still in detention and they had been refused permission to visit him.³⁹

There have also been a number of recent reports of young children being detained by police as 'hostages' in order to compel wanted family members to turn themselves in for arrest. On June 11, 1986, police in Witbank, while searching for a member of the local Youth Congress, detained his entire family -- six adults, a three year-old child and two babies, aged seven and four months old. They were all held for 24 hours and were repeatedly insulted and threatened. On September 11, the police finally found the young man they had been looking for. After questioning him, an eyewitness told the Lawyers Committee, the police told him to turn around and fatally shot him in the

³⁷. Statement, DPSC, October 9, 1986.

³⁸. Id.

³⁹. Id.

back.⁴⁰ On September 12, 1986 in Kwazakhele, soldiers detained a 14 year-old boy who is mentally retarded when he went outside to use the toilet. The detention is believed to be a threat or form of punishment against the boy's grandfather, who is active in a local civic organization.⁴¹

Detentions have been so widespread in 1985 and 1986 that some children have now been arrested and detained more than once. Repeated incarceration can have a devastating effect on detainees, especially children. Mrs. M's 14 year-old son, a member of the banned student organization, COSAS,⁴² was detained for more than six months under the 1985 State of Emergency. He was re-arrested on June 23, 1986 and detained for a further 47 days during the current Emergency. Mrs. M told the Lawyers Committee:

Since he was in prison this time he is not the same as before. Now he takes time before he answers you. . . as though he doesn't hear you. And he is silent. He just sits much of the time without saying anything.... That is not at all like him.⁴³

Isaac, a member of a youth group in Tembisa, spoke to us about a 15 year-old boy in his community:

The police repeatedly pick [him] up and torture him and then release him. . . . They keep asking him about things he does not know about. Last Sunday he was vomiting blood. He has gone to Tembisa hospital several times for treatment.

40. Interviews by the Lawyers Committee, Witbank, September 13, 1986.

41. Statement, Black Sash, September 17, 1986.

42. The Congress of South African Students is a broad based high school students' organization that was outlawed in August 1985.

43. Interview by the Lawyers Committee, October 18, 1986.

You know there is a problem when the parents go to visit the children. The children start to cry and cannot talk. So it is hard to know what is really happening to them.⁴⁴

The strain of detention is telling on families also. One man in New Brighton, who became very depressed after his entire family of eight children were detained, committed suicide in September 1986. Police refused to let any of his children attend the funeral, even under police guard.⁴⁵

The scale of detentions in 1986 has greatly intensified the problem of missing children. Parents are almost never informed of their child's detention or where he or she is being held. One mother was told by a friend that her 13 year-old son had been taken away by the police on June 16, 1986. At the local prison she was told she could not see him for 14 days, but when she returned on July 9, she was told he was not there. She had no money to travel to the other police stations and prisons to search for him. "I'm so worried about this child," she said, "because he is so young and he is supposed to be back at school. If I just know where he is I'll be satisfied."⁴⁶ It took a further three weeks to trace her son.

In contrast to last year's State of Emergency when police issued weekly lists of detainees, almost no information

44. Id.

45. 'And 8 won't see Dad again,' City Press, September 7, 1986.

46. Statements, Black Sash, July 17 and 25, 1986.

has been provided about those detained under the current Emergency. When questioned in Parliament on June 24, 1986, the Minister of Law and Order refused to divulge the names, ages or other information concerning those detained because "the provision of the information is not in the public interest."⁴⁷ On August 18, 1986, the government released its first list naming 8,501 detainees but giving no other details about them. The list purported to include only those who had then been in detention for 30 days or more, but even so a number of detainees known to be in this category were missing from the list.⁴⁸

III. Assault and Torture of Children

A. Assaults of Detainees

The assault and torture of detainees in 1986, including children, has been amply documented in recent months by volumes of affidavit evidence, medical reports, and urgent court applications seeking to enjoin the police from further assault or to secure the release of detainees.

On September 12, 1986 an urgent court application to prevent further assaults was brought on behalf of 14 children and 10 adults detained in Westville Prison, all of whom alleged that

47. House of Assembly Debates, June 25, 1986, Cols. 2386-7.

48. A subsequent list naming an additional 786 detainees was released by the government in September, 1986.

they had been assaulted by the police.⁴⁹ The Durban Supreme Court granted the order in early October, by which time two of the children had been in detention for almost four months and all but one of the remainder had been held for about two months. The following accounts have been extracted from the affidavit evidence presented in court:

[The policeman] asked me why I had attended an illegal gathering on the night of the 23rd August, 1986. I told him that it was not an illegal gathering but merely a party. He refused to believe me and accused me of lying. He then proceeded to squeeze my throat with both of his hands. He throttled me until I was about to collapse. He then released his grip.... He thereafter seized my testicles and proceeded to slowly squeeze them... the pain I suffered was excruciating.

(VM, aged 14 years -- arrested August 23, 1986.)

[A] uniformed policeman put a car tyre around my neck. He put papers in the tyre and poured petrol onto my head. He thereafter gave me matches and told me to set myself alight... another uniformed South African policeman placed the barrel of his gun in my mouth.

(DZ, aged 16 years -- arrested July 30, 1986.)

I was accused of burning two schools. I denied these accusations. As a result of this denial I was assaulted.... I was struck in the stomach and all over my body by the policemen, using their closed fists. This interrogation interspersed with assaults went on for about an hour.... At one point I was actually knocked down... they pulled a piece of a motor car tyre over my face like a balaclava and tied it at the back of my head tightly. As a result of this I found it difficult to breathe. The piece of tube was left on my face for [5-10] minutes while they continued to ask me questions.

(VM, aged 14 years -- arrested August 6, 1986.)

I was placed in a large room by two SADF soldiers who brought sjamboks along with them.... I was thereafter

49. Siphiwe Ximba and 23 others v. The Minister of Law and Order and others, September, 1986.

attacked by these two soldiers for approximately 15 minutes. I was struck on all parts of my body. I still have visible marks on my body.... I was thereafter placed in the hippo... two soldiers then struck me with the butts of their rifles on my head about six times. The driver of the hippo then placed his boot on my private parts and applied pressure for approximately two minutes. At the same time he punched me twice in the stomach.... We thereafter drove to a house... in the house I was made to lie down on the bed and I was struck with a sjambok on my back about eight times.

(BM, aged 16 years -- arrested June 16, 1986.)

In October 1986, two mothers from Diepkloof filed such an application on behalf of their sons, aged 12 and 14 years respectively. Moses and Charles were arrested on October 17, 1986 when they went to the store. Despite several attempts, both mothers were refused permission to see their children, a typical police response when detainees have been badly assaulted and still bear marks of the injuries. On October 19, Charles' mother was allowed to hand clean clothes to her son but was not permitted to speak to him. As she did so, according to her affidavit:

I noticed that the one side of his face was blue and very swollen. His right eye was very red and virtually closed. I also noticed there was blood on the collar of his sweater.⁵⁰

Mrs. Dube also caught sight of Moses. She said, "I could see that the left rear part of his head and neck were very swollen and bruised."⁵¹ The next day both mothers were informed that

50. Affidavit of Mrs. Salomina Dube in the matter of Elizabeth Madia and Salomina Dube vs. The Minister of Law and Order and others, October 1986.

51. Id.

their children would not be charged but had been handed over to the security police. The policeman in charge has told them "that we [will] not see our children this year."⁵²

A number of children have reported being subjected to electric shocks by police. Abram Moloi, aged 17, is one of about 30 children, aged 14-18 years, who were arrested during the last week of August 1986, in the township of Harrismith. A number of them are children of trade unionists, and many of them are also members of a community organization affiliated to the United Democratic Front. Abram Moloi's affidavit describes what happened to him when he was interrogated:

I was then assaulted by these three policemen, who in turn punched and kicked me all over my body.... I was blindfolded [and] they tied something around the fingers of both my hands which felt like wires... suddenly I experienced an intense pain throughout my body which caused me to cry uncontrollably.... The pain started in my hands and filled my whole body. I remember nothing else of what was happening to me while the shocks went through my body.⁵³

Some days later Abram said he was again blindfolded and taken in a car. He was made to kneel in front of the car, his hands tied behind him and wires attached to his fingers. The car engine was started and he said he felt "the same intense pain" and believes it was caused "by the current of the car battery running through my whole body." He was shocked twice and then

The pain stopped and I was then punched in the stomach.... My hands were placed in handcuffs in front

52. *Id.*

53. Affidavit of Abram Faniki Moloi in the matter of Aaron Moloi vs. The Minister of Law and Order and others, Sept 9, 1986.

of me.... I heard a car engine start and I was pulled forward and dragged along on my stomach... I was unable to walk from pain.⁵⁴

Lesley, aged 16, was arrested at her home in Tumahole on June 16, 1986. She was beaten and kicked by police and then interrogated about the burning of a policeman's house:

When she denied any knowledge of this, she was then assaulted by [three policemen who] put their hands round her throat when she was blindfolded. Then she felt shocks at the top of her spine. This seemed to go on for about 10 minutes. She was sitting on the floor and while the shock treatment continued one of the police put his feet on her knees to keep her still.⁵⁵

Lesley was detained for more than a month and was interrogated and beaten up twice more during that time.⁵⁶

Many arrests and subsequent assaults appear to be carried out at random on children who happen to come into contact with police. Vincent, aged 16, was at Baragwanath Hospital in Johannesburg on September 30, 1986, visiting a friend who had been shot by police at a funeral. While there, he was noticed by two policemen and taken to Protea police station. He was accused of working for the banned African National Congress and was beaten and kicked. They made Vincent lie down and kicked him in the face. Two days later, according to the statement:

He was chained to a pole in the yard. There was a chain wrapped around his neck, he was handcuffed and his feet (crossed) were 'chained like a dog'. This lasted about 3 hours. Whilst he was chained he was

54. Id.

55. Statement by DPSC, August 26, 1986.

56. Id.

beaten with a thin iron pole, slightly thicker than a golf club. . . . He was told that he would be killed and that he was a 'freedom fighter'.⁵⁷

Vincent was bleeding and his face was swollen. Later that day, the same policemen put him in a car and drove out to a river:

They threw him in the river. From about 15 meters, the white policeman fired 3 shots, one of which grazed his temple and the other two just missed his stomach. The policemen seemed to think he was dead and drove away.⁵⁸

Seventeen year-old Marvis was arrested in Worcester on June 18, 1986 while playing video games in a local store. His mother said:

According to the eyewitnesses..., Marvis pleaded innocence and resisted arrest. He was thrown to the ground, kicked and then carried to the [police vehicle] where his head was banged several times against the vehicle.

When his mother visited him:

A large gash on his head was visible, and he said his kidneys had been badly bruised from the kicking and he had bled from one ear.... He acted very strangely and just held his head and cried the whole time. A teacher who had been in detention with him and was subsequently released [said he] had had a severe fit one night.⁵⁹

Physical abuse of children has not been confined to police and prison cells. On August 7, 1986, Mrs. O from New Brighton heard her 11 year-old son screaming and crying. She did not see her son again. Later, an eyewitness told her:

SADF members were chasing some boys in the street outside my home and they caught my boy as he was not

57. Statement given by DPSC, October 8, 1986.

58. Id.

59. Statement by Mrs. E.W., PFP Monitoring Group, 1986.

fast enough. [The witness] saw SADF members hold my son in the flames of a burning dustbin on the corner. That is why he screamed in agony. They then took him away in a van and I do not know where he is.⁶⁰

Solly, aged 15, was talking to a friend in Soweto on August 22, 1986 when a police car drew up and six men got out:

The white policemen knocked Solly down with his gun and then took him to the street corner.... There he was assaulted... with a rubber truncheon and pliers and threatened with a knife. One of the police told him to run so that they could shoot him. [They took him into the school yard where] he was assaulted with rubber truncheons and sjamboks. He was blindfolded with a greasy cloth, his hands tied behind his back with his belt. He was stood up against a wall and they said they would shoot him. . . [they] showed him a tyre which they said they would place on him and they would set him alight. A black policeman then said "I've been sent from Port Elizabeth to kill people and let this one be an example."⁶¹

B. Assaults by Municipal Police

There have been a number of reports in recent months of attacks by municipal police on children and township residents. The municipal police are employed by the local township administration and do not form part of the national police force. Nor do the emergency regulations confer on them the special powers granted to the national security forces. A number of the statements and affidavits received by the Lawyers Committee have alleged assaults by municipal police or taking place in

60. Statement by Mrs. O, Black Sash, August 13, 1986.

61. Statement by DPSC, August 26, 1986.

administration offices and buildings by unidentified men who apparently have easy access to such places.

The Grahamstown branch of Black Sash in the Eastern Cape has received "numerous complaints and reports" of misconduct allegedly by the Rini Municipal Police, many of them taking place in a building that Cabinet Minister Heunis has stated is also used by the South African police. Mr. Heunis reported that there had been an investigation into these complaints in June and July but no results of that inquiry have been forthcoming.

In one such incident, nine boys, between the ages of 13 and 19, were picked up from their homes on August 14, 1986 by the Rini Municipal Police. The boys were taken to an administration office and kept there until the afternoon of the following day. Throughout the night, the boys said that they were repeatedly and brutally beaten with rifles, boots and sjamboks. They were given nothing to eat or drink and were harrassed and intimidated, being forced to do exercises and sing freedom songs. Sixteen year-old Thabo said there were more than 20 policemen:

I was beaten on my head and my back and I felt dizzy.... They beat us for many hours, from about 10 p.m. Thursday until Friday morning.... There was no food and no water. I was bleeding on my leg. Others had nosebleeds.... There was one toilet but we were too scared to use it. One policeman said I must drink my urine.⁶²

Several of the boys reported that members of the South African police were also present, although they did not appear to have

62. Statement, Black Sash, August 20, 1986.

taken part in the beatings. The next day one boy was released and another, who was so badly injured that he could not walk, was taken to hospital. The rest were taken to a police station where they were held until 10 p.m. on August 17.

IV. 'Re-absorption' Camps for Detainees

In early September 1986, it was revealed in the press that the government was running several youth camps, to which a number of detainees were being sent straight from detention to attend 10-day courses designed, according to government spokesmen, to facilitate their 're-absorption' into their communities on their release.

A group of journalists and members of the opposition Progressive Federalist Party (PFP) attempted to visit one of the camps on September 14. They were met by two men, apparently in charge, who were "extremely hostile, impolite and uncooperative."⁶³ The group was denied access to the children and was later stopped and searched by police on their way home. The surprise revelations about these secret camps raised serious concerns that the young detainees sent there might be pressured to become police informers or subjected to other forms of coercion and intimidation.⁶⁴

63. 'Hostile welcome for PFP group at youth camp,' Natal Witness, September 15, 1986.

64. Numerous detainees and others picked up by the police during the past two years have reported that they are promised rewards if they will become informers and are threatened with further detention, assault, or loss of jobs or schooling if they refuse.

Forced to lift the veil of secrecy surrounding the camps, the government admitted that there were six youth centers run by the Department of Education and Training (DET)⁶⁵ that had been set aside several weeks earlier exclusively for ex-detainees.⁶⁶ Courses were provided by unidentified private consultants on study methods, leadership training, vocational guidance, community development and sport.⁶⁷ DET spokesmen insisted that attendance at the camps was purely voluntary and that the inmates were free to leave if they wished. They said that children under 18 attended only with the written permission of their parents. Deputy Education Minister, Mr. De Beer, said there was "no question of secrecy, indoctrination, brain-washing or political persuasion."⁶⁸

Unable to quell the public outcry, the DET organized a visit to the Roodewal Camp on September 18 for certain invited media representatives and members of Parliament. The group were shown the camp facilities but were only permitted access to the youths in their classroom for a few minutes. The reporters were barred from any further interviews, although Mrs. Helen Suzman of the PFP and other parliamentarians were permitted to interview some of the children after strongly protesting to the DET officials. A few of the children interviewed said that the

65. The DET is the government department responsible for the segregated education of African children outside the homelands.

66. "'Emergency' children in government camps," Business Day, September 12, 1986.

67. Id.

68. 'No further 're-orientation' camps planned at present,' The Natal Mercury, September 19, 1986.

prison authorities had threatened that they would remain in detention if they did not agree to attend the camp, while others said that they had attended voluntarily.⁶⁹

A number of other detainees have reported that the police told them they would not be released from detention if they did not agree to go to the camp. One said that, at the camp known as La Boheme in the Transvaal, the inmates were questioned about the identity of anti-apartheid activists organizing boycott campaigns or possessing weapons.⁷⁰

DET officials also said that only 167 detainees had attended the camps and, in the wake of mounting criticism, the Deputy Education Minister said that no further 're-orientation' courses for detainees were planned but that future detainees who wished to attend "will continue to be accommodated on a voluntary basis."⁷¹

V. The Government's Response

The most significant reaction by the government to allegations of security force abuses has been the imposition of draconian press restrictions under the present Emergency. Reporting of or comment on any security action without permission is prohibited and media reporters are not even permitted to be

69. 'PFP, press at DET Free State Camp,' Daily Dispatch, September 19, 1986.

70. 'Pretoria Lifts Veil on Disputed Camp,' New York Times, September 19, 1986.

71. "No further 're-orientation' camps planned at present," The Natal Mercury, September 19, 1986.

within sight of incidents of unrest.⁷² These restrictions, coupled with the large scale detentions of community leaders, human rights activists and others, has made the task of monitoring these abuses even more difficult.

As the abuses against children continue, the South African government has refused to take any measures toward a comprehensive investigation of the allegations of such abuses or any steps to control or discipline its security forces. Instead of investigating reported abuses, the government has sought to strengthen the police force in the townships by the addition of a new special black constabulary known as 'Kitskonstables' or instant constables. Given only three weeks training, 1,000 of these raw recruits are now being armed with guns and sjamboks and sent on patrol into townships already seething with resentment and bitterness toward the security forces. Another 5,000 recruits will join them in the next three months. The special constables will have limited powers and will operate under the guidance of fully trained police officers, according to the former Minister of Law and Order.⁷³ An SAP spokesman, Brigadier Jaap Venter, explained "They are simply being trained to make the long arm of the police force a little bit longer."⁷⁴

72. Notice No. 1866, Government Gazette No. 10428, September 2, 1986. This Notice reimposed and tightened up the press restrictions initially in place under the Emergency, after the Natal Supreme Court found certain of the regulations to have been improperly promulgated and therefore invalid.

73. 'Special constables to have limited powers - LeGrange,' Citizen, September 23, 1986.

74. 'New SAP task force to fight comrades,' Cape Times, September 22, 1986.

The response of the South African authorities to reports documenting abuses against children has been utterly dismissive. On March 24, 1986, a memorandum detailing such abuses, citing many of the examples described in this report, was handed to the Minister of Law and Order, Louis Le Grange,⁷⁵ and a high ranking official in the Department of Justice. The memorandum was prepared by the Committee of Concern for Children and was endorsed by 13 other child welfare, legal, community, human rights and religious groups in South Africa. According to the memorandum, these organizations "were horrified by the overwhelming evidence of violence perpetrated by State."⁷⁶ Far from evidencing any concern about the cases cited in the memorandum, Minister Le Grange dismissed the allegations as "unsubstantiated" and an "obvious bid to discredit the police." "It is unfair," he said, "that the South African Police should be subjected publicly to such serious allegations and for which it cannot defend itself until it has had the opportunity to investigate and evaluate the true facts."⁷⁷ Another memorandum, issued by Black Sash on October 14, 1986, was dismissed by police as "vague allegations" and "yet another attempt to discredit the South African police."⁷⁸ This memorandum found the treatment of children by the authorities to be "utterly reprehensible, totally unacceptable

75. Louis Le Grange resigned as Minister of Law and Order on November 3, 1986. He will be replaced by his deputy, Adrian Volk.

76. Memorandum on the Detention of Children, Committee of Concern for Children, March 1986.

77. 'LeGrange reacts to memo,' Soweto, March 26, 1986.

78. 'South Africa Rights Groups Accuses the Security Forces of Brutality,' New York Times, October 16, 1986.

and indiscriminately applied, irrespective of any possible guilt."⁷⁹

In November 1986, Brigadier Leon Mellet of the government's Bureau of Information issued a statement in response to this report by the Lawyers Committee. He dismissed The War Against Children as "nothing more than another typical and ruthless attempt to vilify the South African security forces," supposedly written "by a person who probably has never set foot in South Africa."⁸⁰ Brigadier Mellet stated that the allegations in the report are "vague and cannot be tested" and that "none of [them] are based on fact." Brigadier Mellet pointed out in his statement that "children have been involved in some very serious cases of unrest crimes" and acknowledged that children have been arrested, but stated "that they have been subjected to such horrific allegations as contained in the report is untrue and blatantly designed as a carefully calculated propaganda campaign against South Africa."⁸¹

79. Memorandum on the suffering of children in South Africa, Black Sash, April 1986 at p. 28. The memorandum was prepared in April but only formally released in October.

80. Statement of Brigadier Leon Mellet, Bureau of Information, quoted in full in 'The War Against Children,' Sunday Tribune, November 2, 1986.

81. id.

