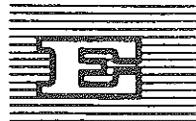


950,951



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/950
27 October 1967
ENGLISH
ORIGINAL: ENGLISH/FRENCH

227

COMMISSION ON HUMAN RIGHTS
Twenty-fourth session

0256

REPORT OF THE AD HOC WORKING GROUP OF EXPERTS SET UP UNDER
RESOLUTION 2 (XXIII) OF THE COMMISSION ON HUMAN RIGHTS

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VII. RECORDS OF EVIDENCE

82. At various meetings of the Working Group, witnesses gave evidence relating to torture and ill-treatment of prisoners, detainees or persons in public custody in South Africa. In the records of evidence below, the statements of members of the Working Group are summarized and those of witnesses are reproduced verbatim.

A. Testimony of Mrs. Marie Louise Hooper
(New York, 29 May 1967)

83. Mrs. HOOPER took the following oath: "I declare solemnly, in all honour and in all conscience, that I will tell the truth, the whole truth and nothing but the truth."
84. She then made the following statement:

"My name is Marie Louise Hooper. I am the Director of the South Africa Programme of the American Committee on Africa. I have lived in South Africa and have had the great privilege of working with the African National Congress there and the even greater privilege of being elected the only white member of it.

"First, I should like to say that I am entirely convinced that the document which you have before you (A/AC.115/L.53); containing a letter dated 3 March 1964 from Mr. George Hauser, Director of the American Committee on Africa (to the Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa), enclosing statements and affidavits of police brutality and torture in South African prisons, is absolutely authentic. I regret that the absence of Mr. Hauser - who is presently in Africa - and my lack of knowledge of his filing system prevent me from furnishing you with the names which he, for the sake of those writing, deleted from the papers in this document. He will, no doubt, be able to give them to you on his return, if you so desire.

"I am sure that these statements are authentic, for at least two reasons: first, I have personally talked with South Africans who have suffered abuse and torture in prison and I am, today, submitting to this working group, a copy of the statement of one of these people, Mr. Abdulhia Jassat, given to me on the occasion of our conversation in Dar es Salaam in 1964, after his escape from South Africa. Secondly, I am persuaded of the authenticity of the report submitted by Mr. Hauser because I have, myself, received a number of such affidavits and statements, sent directly to me from South Africa by my former associates in the freedom movement there, primarily by Mrs. Ruth First, who is now in London, and also from some of her associates, who are presently incarcerated in South African prisons. I can give you their names, in confidence, later, if you wish.

"I am also submitting for your information, if you care to have it, a letter from Ruth First, which mentions the transmission of documents to me by people on her instructions.

"For the working group's consideration, I am hereby submitting to you copies of four additional statements from former prisoners, which were received by me during late 1963 and 1964 (E/CN.4/AC.22/R.13). The names of the prisoners and police officers and of identifying places have not been deleted from these documents. I rely on the discretion of this working group in this regard, since I do not know whether the persons who made the statements are still in South Africa or not.

"It will be noted that there is a great deal of similarity in the affidavits submitted by George Hauser and the documents which I am laying before you today; all deal with people detained under the 90-Day Detention Act and nearly all tell of brutality, torture to obtain information and other police methods, inadmissible according to international law, but consistently used in South Africa.

"Perhaps, I should add just a few words from my own personal experience in the fort in Johannesburg, which is a very famous prison. I spent a very short time there and was given especially good treatment as an American, even to the extent of having sheets on my bed. But my cell was near the women's clinic and when we were out on exercise, I met and talked with African women, some of whom proved to be wives of my political associates in the African National Congress. I learned from them that the Africans were cold, underfed and generally mistreated in prison and that beating, especially of the men, took place for little or no reason. These stories of the beating were whispered to me as I walked slowly past the line of African women waiting for the doctor next to our cell.

"In conclusion, let me apologize for the notations and underlinings on the pages of the documents here submitted. I used these statements as material for speeches and articles on South Africa in the course of my work at that time, as West Coast representative of the American Committee on Africa, not realizing that at some stage they might possibly be useful to a committee such as yours. Thank you, Mr. Chairman, for allowing me to appear before your Committee."

85. In answer to a question put by the CHAIRMAN, Mrs. HOOPER said:

"The African women prisoners do not have enough blankets. They have to be under them, as well as over them, because they sleep on the cement floor and when it is cold in winter, as it was when I was there - I was very cold - they have to put most of the blankets under them to keep the cold of the cement out, so they have practically nothing over them. They do not have beds. This is one very simple discrimination, but a very much disliked one; even a murderer, if he is white, has a bed, and a mattress on the bed, but the Africans, even the most distinguished Africans, sleep on the ground.

"And the food too. As a matter of fact I did not state in my deposition what we did about the food. The people in the treason trial brought me my food. Since I was not convicted of anything, I could have food brought in from the outside, and it was much better than the prison food. I took the prison food, as we were permitted to, but I made little packages with kleenex and dropped it out of the back window of my cell to the African women who were so hungry that they queued up behind my cell every day for the food that I gave them. They were always hungry.

"And the beatings. They told me about an African man whose punishment was that he had to climb a short ladder and as he climbed a man stood by and flogged him on every step with a whip. I was told that he was all bleeding when he came down from the ladder."

86. In answer to questions put by Mr. ERMACORA, Mrs. HOOPER said:

"The names of the persons who made the statements (contained in document A/AC.115/L.53) are somewhere in the files of the Director of the American Committee on Africa. When George Hauser returns I am sure he will be able to find them and give them to you. All the names are still in the documents that I am submitting to you. There are five documents of this sort which I am submitting to you that are not included in this collection. The persons who wrote the statements are either in South African prisons or somewhere in the world as refugees, I do not know where. The statements were received through the mail from people inside South Africa, who always send such statements to me, or to Mr. Hauser, or occasionally to other people. They hope to get publicity for the plight of these people.

"The statements were not written in the prison, but were given to lawyers when the people came out, after serving their term. The lawyers of our freedom group immediately got hold of them and had them make the statements and the lawyers noted them down and had them witness them; some of them were notarized. These were done after they exited from prison. Then they disappeared. Some of them are refugees, some of them went underground. We do not know where they are. But the statements were then sent to us, either by the lawyers, or by people like Ruth First, who was more or less leading the freedom movement, or at least one part of it, at that time."

87. In reply to a question put by Mr. JANKOVIC, Mrs. HOOPER described a day in gaol in the following terms:

"You must always bear in mind that conditions are different for white and black prisoners. But the day is more or less the same. You get up fairly early and then you have to run and get your breakfast before they throw it out, literally. If you are not there by the time everyone else has taken their breakfast, they take it away. Then you go back to your cell with your breakfast and the breakfast is apt to be some hard bread

which, however, is quite good, and coffee, and sometimes for white prisoners there would be something like oatmeal. For Africans there would be only mealy - what they call mealy meal; they think this is all Africans eat, so they give them mealy meal three times a day and it would probably be dry mealy meal for breakfast.

"You would be shut up and then have exercise time. We had exercise time between about ten-thirty and twelve, something like that. Our cells were built around a centre patio or open space, and we were allowed out there. There were even some flowers and a little grass there. I was very surprised. This was the women's part of the prison and I understand that it was not as nice in the men's part. But, of course, this was only the part for white women, and you were allowed to walk around out there. After breakfast, you immediately had to go and empty your chamber pot and wash it out and leave it in the sun and do it just exactly so, or you would be punished. If you were going to be punished they would give you a little ticket to put in your pocket. When the inspection came around, you had to stand up and the Commandant came through and looked around, and if he saw a ticket in your pocket you got some privilege taken away. With the Africans they usually took away a meal, but they never gave me any tickets. I tried to be very good and hurry up with everything.

"At night in our cells we had no running water, of course. We had a chamber pot that we had to use, and this we had to clean out in the morning. I was given a gift, because I was a greenhorn, and they all felt sorry for me. Most of the women in my department had been in many times. They were prostitutes or alcoholics; it was a short-term thing, and they felt rather sorry for me and they made me lots of little gifts. One of them brought me a gin bottle, with a top you could screw on. This was quite a gift, because, she said, 'This is to put your drinking water in at night and it will keep it fresh because it has a cover'. I appreciated that. That was your drinking water, if you were lucky enough to have a bottle. The prison did not provide you with a bottle, you had to scrounge around for it. Only the prisoners who were awaiting trial were allowed any reading material at all. The prisoners who were serving time, who were on our same corridor - the alcoholics and the prostitutes who were there for a few months - were not allowed to have any kind of a magazine, or anything to read, or anything to write with. They were supposed to work hard, and they scrubbed around a little bit, but they did not really work very hard.

"Out in the yard where the African women stood in line to see the doctor - the clinic was right next door to the cell where I was - I got to talk to the African women; they had to stand and wait - often for an hour - for the doctor. The warders were busy somewhere else at that time and did not bother us at all, so I would talk to the African women.

"Then we would have lunch. You would have to go and run for your lunch again. Everything was done at a run. I did not run, and the other

prisoners said, 'You will be punished if you don't run', because you were supposed to run if anyone summoned you. I said, 'I'm not going to run; they can punish me if they like'. But they didn't. But the other prisoners were so worried for fear I wouldn't get my food that they ran and got my food too and brought it for me to the cell, where I made the little packages for the African women, and they watched out of the front door so the warder wouldn't see me doing it while I passed it out of the back window.

"Then we were locked in. We were let out for another short period in the middle of the afternoon, and we had our supper at three-thirty. We were locked in all the rest of the day from three-thirty on, over night. And, as I said, you were not supposed to have any reading material or anything. This was true certainly for the Africans, too. The Africans not only sleep on the ground but they are forbidden to roll out their blankets during the day time. All they can do is sit or squat on the ground; if they are caught rolling out their blankets to take a little rest or something in the day time, they are punished, since they are not allowed to, except at night.

"So this is, more or less, a prison day. It wasn't bad for me because nobody abused me. You were allowed to take a shower twice a week. One of my prison mates used to go and stand in front of the shower because there was a woman who took a dislike to me, since I had told the Commandant of some of the abuses that went on, and she threatened to kill me. So my prison mate would go and stand in front of the shower to be sure that nobody hit me on the head while I was taking a shower.

"They used older prisoners, prisoners who had been there longer, to supervise the ones who had just come, and they were very cruel to the prisoners. This I noted even among the whites, and I understand they use the same procedure among the Africans. They use prisoners who know the ways of the prison. They don't have enough warders, and these prisoners are put in charge of a group of newcomers to the prison and they are even meaner to the prisoners than the white warders are. This I heard from the Africans and this was also true in the white section. And this is what I complained about to the Commandant, though I learned you mustn't do this in prison."

88. In reply to questions put by Mr. MARCHAND STENS, Mrs. HOOPER said:

"It wasn't a warder but another prisoner who threatened me, one of the prisoners who was in charge. This was the person I was complaining about to the Commandant. The Commandant gave me an audience while I was in prison because he didn't know what to do with me. He said: 'What are you doing here? You have no charge against you.' You see, I was put in just by a letter of the Minister of the Interior who said: 'Throw Mrs. Hooper in prison', and they didn't know why. And so, I complained to him about this woman in our cell block who abused the other white

prisoners and she, then, heard about it. Evidently she was scolded. She came to me in my cell and she threatened me. She said: 'These grandmothers from California' - meaning me - 'had better watch out, or they'll never get back to California.' And my cell mate knew her and she said: 'Oh, she's a dangerous woman, I had better stay with you every time you go out of the cell.' So, after this threat from the other prisoner, the prisoner in my cell stayed with me every time I went for a walk and every time I went to the bathroom or to the shower. It wasn't a warder, but it was another prisoner who I had complained about to the Commandant. I don't think the Administration really knew about it. They were a long way away from our cell, and the matron would have been in charge of the women prisoners. She knew of course that I had complained about this woman, because she was probably the one that sent the scolding down to her, which made her angry with me. But the fact that the woman threatened me would not be known to the Administration. These things remain always between the prisoners; nobody goes and tells the matron and I had made one mistake, it seems, by complaining - although I wasn't at all sorry that I did - but I didn't think that I should make another mistake by telling the matron of this. Besides, I didn't really believe in this threat, although my friend did, and that's why she stayed with me. The other woman didn't actually hit me, she only threatened to do so. But the Administration didn't know about it. They were at least four compounds removed from our cell. The women's cell was more or less in the centre of the women's part of the prison and when I went to see my lawyer, I passed through three different barred gates, going out to where the matron would be. So, I doubt if the authorities ever knew anything about it."

89. In answer to a further question put by Mr. MARCHAND STENS as to whether any of the women prisoners she had spoken with had been detained under the ninety-day Detention Act, Mrs. HOOPER said: "I really don't know, because we had to speak very quickly, you know, and more or less carefully, for fear that we might be seen talking. I don't know whether there were any 'ninety-day' women there. There may have been. But the ones that I talked to the most were there for ordinary offences. However, the prostitutes and drunkards I was talking about were the white women with whom I was in this cell block. You see there were two kinds of women I talked with. Some were the white women that were living in the same group of cells where I found my cell; there were the prostitutes and the drunkards, and I must say they were very nice to me. The others were the African women who came in from the African part of the prison; they were not living with us, at all. They came in only to see the doctor, and they would queue up in front of the clinic, sometimes for an hour at a time, or longer. If I happened to be outside when they were there, as I often was, then I talked to them, more or less in passing, although if the warden wasn't there we would have a good talk. I found out that one of them was the wife of an associate of mine, Alfred Nzo, of the African National Congress and I said:

'Well Mrs. Nzo, what are you doing here?' She said: 'This is something that is quite common'. She is a lovely woman, a school teacher, and I couldn't imagine why she found herself in gaol. She said: 'Well, you know, my husband, like most men, likes a little drink once in a while, and so I went and tried to get him a bottle.' This has now been changed and Africans may have liquor, but at that time they were not allowed it except some kind of beer, you see. Africans often used to buy liquor, however, illegally, under the counter, so to speak, in an African store; the white store-keeper would sell it to them, although he knew it was against the law. So, this lady went to buy a little bottle of something for her husband for the week-end and it just happened that a policeman was in the store in plain clothes, at the time she asked for it. The store-keeper, who had sold it to her before, pretended, of course, that he had never heard of such a thing and turned her over to the policeman. That's how she landed in gaol. But the ones who told me about the troubles that the Africans had were the African women who were waiting to see the doctor. After they saw the doctor they went away and they didn't stay in our compound."

90. Mr. MARCHAND STENS asked whether the witness could explain why all the statements contained in document A/AC.115/L.53 were from men, and whether she could remember what day of the week she was arrested.

91. Mrs. HOOPER: "Yes, I do remember because I was arrested on a Sunday, and I remember they woke me up and I was very annoyed. So it was from Sunday until, I believe, the next Friday. The reason these statements are all from me is because it was the men, by and large, who were tortured. You see, these statements are all about torture and physical abuse.

"Later on, in more recent times, in the last two years, for example, they have also used a certain amount of physical torture on women. They did on Sylvia Neame and on some other women, I believe. They made Leslie Schoenbrocker stand for hours while they interrogated her, which is really a very severe kind of torture, after forty-eight hours, or so. But at that time they were only torturing men and that is why the statements are all from men."

92. In reply to a question put by Mr. MARCHAND STENS as to the circumstances in which she had left South Africa, Mrs. HOOPER said: "After I got out of gaol, I

think I was served with a deportation order almost immediately and then I fought it. As a matter of fact I fought the case of my arrest and won that; we contended that this was a false arrest, because they hadn't complied with the law. They found the law had not been completely complied with and so I got out; otherwise I could have been in indefinitely, there was no time-limit.

"At the same time, a deportation order was issued against me. As I say, we won the first case. I won £1,750 from the South African Government, which the African National Congress was happy to have. But then we tried to fight the deportation order and I lost that, of course. And so, in the spring of 1957, about three months after I got out of gaol, I decided I had better leave under my own steam, without being deported, because the American Government is not very happy about having its citizens deported, and I was afraid I might not get an American passport again if I was deported. So, I fled by night through what is now Botswana. A couple of my colleagues in the African National Congress drove me out to Palappy Road on the railroad and I stayed there until the train came through and took me out to Rhodesia. This is how I got out of South Africa, much to my regret, because I had worked with Chief Luthuli for over two years - you know, the Chief who won the Nobel Peace Prize and who is the President of the African National Congress - and the work I was doing was very dear to my heart, but I couldn't help it. So I had to sell my home at a great loss and take my furniture back to California and I left just ahead of the law, you might say."

93. Mr. MARCHAND STENS asked whether there had been any threat of ill-treatment when the witness had gone to the shower the second time.

94. Mrs. HOOPER replied: "Well, the threat did not occur in the shower. The threat occurred in my cell. About an hour after I had come back from the interview with the Commandant, at which I had complained about this woman, she came over to my cell. Evidently she had been rebuked; probably the Commandant had telephoned the matron and the matron had rebuked her, you see, for abusing these other prisoners. I told the Commandant what she made them do. One woman had water on the knee, which is very painful, and she particularly made that woman scrub the floor on her knees. She was very cruel. So she came over to my cell, where I was at the time, and threatened me, in the hearing of this other woman who was in the cell, and who was, you might say, a hardened criminal. Actually she was accused of murder, but she had taken a liking to me and she said 'I'll defend you.' I thought

it was more or less of a joke, but she said 'No, it's not a joke.' She said 'I know that other woman.' And so from then on she went with me everywhere I went, and then there was no difficulty because she was a great big strong woman, lots bigger than the one that threatened me, and so I had no real difficulty, But the threat was in my cell."

95. The CHAIRMAN observed that prisoners in gaols were often organized and had a leader. The woman who had threatened the witness had perhaps been such a leader.

96. Mrs. HOOPER: "It could be, although she was so cruel I am sure she never would have been elected. But she was a strong character, and they never have enough warders in any prison I've heard of, and it makes their work much easier if they find a prisoner who is forceful and who will get the work done. They put this prisoner in charge then, and they say 'You're responsible for seeing that all the work gets done', and then she's almost like a sub-warder. Now, this is all very well if it's a decent person, but in this case it was not a decent person.

"Of course, they deny doing it. When I spoke to the Commandant about that, he said, 'That is not true'. He said, 'No prisoner has authority in my gaol'. And I said, 'Oh, it's well known this happens in every gaol.' 'Oh no', he said, 'no, this is not true'. But of course it was true. And I'm sure it's true in most gaols too, especially where there's a shortage of warders. And the warders were Afrikaaner women, young women, who were not a bit interested in anything in the prison. I mean, they were the most lackadaisical prison officials I ever saw. As a matter of fact, after a while I got them eating out of my hands, so that they even passed out cakes through the bars to all the prisoners after hours, if I gave them the biggest piece themselves. And the people in charge of the prisoners were very lazy - at least in the women's section. So this is what they did: they found someone who was a strong character and gave them authority."

97. The CHAIRMAN asked the witness whether she was American or South African.

98. Mrs. HOOPER: "American, but my devotion and my loyalty are South African. I became so fond of these people and so closely associated with them. You see, something like the Freedom Movement - the African National Congress - is the closest sort of association you can imagine. I suppose any revolutionary movement is. And we were closer than brothers and sisters. And I look forward to going back when South Africa is free and becoming a citizen of South Africa, when it has its rightful ruler."

99. The CHAIRMAN asked the witness how long she had lived in South Africa.
100. Mrs. HOOPER: "Three years. But I have spent a great deal of time in the rest of Africa, getting as close as I could, and I have worked for South Africa ever since I left. It has been twelve years now."
101. The CHAIRMAN asked the witness why she had been imprisoned.
102. Mrs. HOOPER: "For working with Chief Albert Luthuli, the President of the African National Congress - although they never said so. But obviously this was the reason. I hadn't done anything else to land in prison. They didn't have to tell you why they put you in, but I'm sure this was the reason they caught me. Well, actually, a document which I had written for the African National Congress and unfortunately put my name to - although they insisted on it, it was foolish - came into the hands of the police, and I was arrested shortly after that."
103. The CHAIRMAN said that it was his understanding that the witness had been arrested without a plausible reason, and then released without having been brought to trial.
104. Mrs. HOOPER: "That is why I tried to fight it. The only warrant they had, as I said, was a letter which they showed me from Dr. Donges, who was then Minister of the Interior, and which simply said 'Arrest Mrs. Hooper and put her in prison'. That's all it said. And after I was let out there was also no reason ever given for my deportation. We tried to get them to show cause. They said 'The law does not make it necessary for us to show cause', and they refused to. But it was obviously because I had worked with the Congress."
105. The CHAIRMAN inquired whether the witness had been alone in her cell.
106. Mrs. HOOPER: "The first two days I was alone in the cell. They put me in a cell over on the convicted prisoners' side, because those were single cells and I would have preferred to be alone. But after the Commandant came through on an inspection one day and saw me standing over there with the convicted prisoners but wearing normal clothes, and he could see that I didn't belong to them, he didn't like it. And so I was put on the other side, with those awaiting trial. And then there were three of us in this cell. There was this woman who guarded me. There was another woman who was a prostitute - she was accused of something else too - and

there was a third woman, an Afrikaaner woman who had stolen a sheep. We were all together in a good-sized cell, and all shut in at 3.30 in the afternoon. That was for the other three days. I was alone for two days."

107. The CHAIRMAN asked whether there had been any separation between the political prisoners and the common law prisoners.

108. Mrs. HOOPER: "No, there was not, and that was really the point on which I got out, you see, because the lawyer contended that it was not suitable to keep a person who was not accused of anything in the same cell with an accused murderess and prostitute and thief, and so this was the point on which I was allowed out."

109. Mr. ERMACORA asked for additional information about the Roeland Street Gaol, which was mentioned in document A/AC.115/L.53 (p. 30).

110. Mrs. HOOPER: "That's a gaol in Johannesburg where prisoners are taken when they are first arrested, before they are taken to spend any length of time somewhere."

111. Mr. ERMACORA inquired who had carried out the examination of prisoners at that gaol (A/AC.115/L.53, pp. 30-33).

112. Mrs. HOOPER: "I would guess it must have been the lawyer. Or a doctor, possibly. I really don't know. And I doubt it would show in the original either, because these are copies, exactly the way we received them."

113. Mr. ERMACORA suggested that it might be possible to obtain the name of the doctor who had carried out the examinations.

114. Mrs. HOOPER: "I'm afraid not. These things on page 30 must be the medical examinations made at a police station. They were made by doctors, but we didn't get the name. The doctor evidently was afraid to give his name. You find that frequently."

115. Mr. ERMACORA asked who had sent the examination reports to the American Committee on Africa.

116. Mrs. HOOPER: "As I told you before, they were all sent to us through the mail by people who were members of the Freedom Movement. Sometimes we didn't know who sent them."

117. Mr. ERMACORA expressed surprise that a doctor engaged by the Government to perform such examinations should send the reports to the American Committee on Africa.

118. Mrs. HOOPER: "Well, the doctor wouldn't have anything to do with the sending. The doctor might have been willing to give this report telling about the bruises and the contusions and what not, to the lawyer who was also present, and the lawyer sent the documents. The doctor evidently was scared even to give his name but perhaps, if he was a little sympathetic, he would give the statement of what he found to somebody; and if they sent it, that was none of his business. They were sent to us by lawyers and various other people."

119. Mr. ERMACORA asked where and before whom the statements reproduced in document A/AC.115/L.53 had been signed.

120. Mrs. HOOPER: "They would have been signed in South Africa just as the man got out of prison, as I said about my statement. They would no doubt have been signed before a lawyer. You see, we have lawyers who take care of these cases."

121. Mr. ERMACORA asked the witness whether her organization knew the name of the lawyer or lawyers concerned.

122. Mrs. HOOPER: "I'm not sure whether we do or not. As I said, we don't always know who sent us these statements even - I mean, which lawyer. We know they came from the Freedom Movement, but if the lawyer's name is not on it we probably don't know which lawyer it would be, but simply that the statements were sworn to in front of a lawyer and sent to us."

123. Mr. ERMACORA observed that the admissibility of the evidence might be affected if the lawyer's name could not be obtained.

124. Mrs. HOOPER: "We have the names of the persons. All that are blanks, we have the names of. And also, then, we probably have the signature of the person - Mr. D., for example. But the lawyers, I'm not sure whether we have their names or not. Mr. Hauser would know more about that, because he received these statements."

125. Mr. ERMACORA asked whether the witness had submitted a complaint concerning her detention.

126. Mrs. HOOPER: "I sued them. Before I left, I sued them and, as I told you, I got a payment of £1,700, which was a pretty fair sum, from the Government of South Africa for unlawful detention on a technical ground, on a point of law. The technical point was this: the law, which was a new one - and I was the first person to be imprisoned under it - stated that people can be held without charge and without being told what they are accused of, but it said they should be held in a place to be hereafter specified - and they forgot to specify the place where they should be held. This was the point I got out on, because they held me with criminals and prostitutes. But after I got out they changed that, and added to the law the specification of where they should be held. I don't know what it was, but they amended the law so the next person would stay in."

127. Mr. ERMACORA asked the witness whether she thought that other persons - for instance, Africans - also had the possibility of seeking remedy.

128. Mrs. HOOPER: "No, I'm afraid not. As I said, they closed that loop-hole. They made an amendment to the law which said where they could be held. Besides, you see, I wasn't held under the 'ninety-day' law. The incident with me was long before the 'ninety-day' law, and the 'ninety-day' law has its own specifications, which say that you have no recourse to the courts; if you study the 'ninety-day' law you will see this is all taken care of. You have no recourse. You cannot appeal, you cannot sue, you cannot even exert the right of habeas corpus to get yourself out to talk to a magistrate. But I was held before the 'ninety-day' law. That's really how I could have recourse, I think."

129. Mr. MARCHAND STENS asked the witness in what month and year she had been arrested.

130. Mrs. HOOPER: "1957, and it was in the spring. It was either March or April. I rather think it was toward the middle or the end of March."

131. Mr. MARCHAND STENS asked the witness whether she had been able to ask for medical treatment while she was in prison.

132. Mrs. HOOPER: "No, I didn't need to, although I had a brush with the admitting officer when I arrived because I have asthma pretty badly and I have a little atomizer I use for asthma. When they took my things away from me, as

they do when you go into gaol, they were going to take this away from me, and I said 'Oh, you'd better leave that with me. If you don't I'll get so sick, and you'll have to call the doctor in the middle of the night'. And I threatened them because I did need it and, because it was Sunday and the doctor wasn't there, they let me keep it. But aside from that I had no need for medical attention; I'm sure I would have had it if I needed it. And, as far as I could see, the Africans seemed to be getting adequate medical attention, at least the women who came there."

133. Mr. MARCHAND STENS asked the witness whether she had considered that the very fact that she had been put in a cell with common criminals constituted ill-treatment in itself.

134. Mrs. HOOPER: "Yes, in a way I did. Actually, the matron, who was the admitting officer for the women, didn't want to do this. As I told you, she put me in a single cell first. She tried to be nice to me - she was a middle-aged woman, and she didn't know what I was doing there either. She said, 'Wouldn't you rather be alone?' and I said, 'Yes, I would, if it's possible'. So then she put me in a single cell and ordered clean sheets for my bed. I was amused by this. I don't know if they give some people dirty sheets, but she did order clean sheets for my bed. Most of the prisoners don't have any sheets, of course. And she put me in a single cell. But the only single cells were for the condemned prisoners - that is, those who were serving time. They all have single cells. And so the Commandant wouldn't let me stay there. This was a prison-regulation thing. It was being fussy about prison regulations. They really had wanted to be nice to me and let me stay alone. So I don't know that I can blame them for that. But all the cells for people who were awaiting trial - and that was as close as they could come to it with me because I wasn't even awaiting trial; I was just there, but they didn't know quite what to do with me really so they put me in this big cell."

135. The CHAIRMAN asked the witness whether she had met any prisoners who had been released from prison in South Africa.

136. Mrs. HOOPER: "Yes, some of my friends in the African National Congress had been in prison a good many times already; in fact, I would say all of them practically, but they didn't spend much time telling tales about prison. They went to work when they got out, but they all said of course that Africans were knocked

around pretty much in prison; for example, I didn't put this in my statement because I couldn't find the letter in which I had it, but it is well known that Chief Luthuli himself - that grand old man and Nobel Peace Prize winner - was hit in the face twice by a prison guard when he was imprisoned after Sharpeville, you know, and actually his wife wrote to me - only I've got the letter, I guess, in my summer home - at the time and said Albert was struck so that he was knocked down, and then he was left lying on the floor of the cell for quite a long time before he was given any medical attention. He is a man who has had heart trouble and the shock of being struck and knocked down resulted in his having to be in the prison hospital for several weeks, although the blow which he received really wasn't bad enough, but it just brought on his high blood pressure and heart trouble. In general, the Africans always said that being in prison was a very unpleasant experience if you were an African, because you always were dodging blows - I mean, rather casually, they wouldn't be out to beat you, they just hit you as you went by or something. It was kind of a habit practically, with the Whites. They all complained of the cold and I found that the ground was so cold that even when you had shoes on you have to get your feet up off the ground. I can imagine what it would be like to sleep on the ground; the cold comes up from under that cement floor and people really suffer with the cold and with the food because they give them mealies three times a day, and about twice a week they give them a little piece of meat. And this is rather strange, but in a way you can understand it: the Africans complained the most, talking of their food, about the fact they never got bread. They had very good bread in the prison, it was dark - it was almost black - but it was very good and very nourishing, and you got a big hunk of it, as big as my hand, every day. I never could eat it, and so I passed all of it out the window to the Africans. But they never got bread, and this to them was a kind of symbol of the discrimination: they got mealies and the white people got this good bread. I knew many people who had been in prison many times. And you'll meet a lot of those when you go to London and to other places, because a lot of them are out now and they'll be able to testify about their own experiences to your Committee."

137. The CHAIRMAN inquired whether prisoners who had been released could leave South Africa easily.

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138. Mrs. HOOPER: "Yes, they can, if they are willing to take an exit permit and never come back to their homeland. The Government is anxious to get rid of Africans, and unless you are too famous, like Robert Sobukwe, of the Pan Africanist Congress, to whom they refused to give an exit permit - I don't expect they'd give one to Chief Luthuli either, but he wouldn't ask for one either because he wouldn't leave - you can ask for an exit permit and go, but then you have to sign a statement that you realize that if you ever return to South Africa you are prepared to go to gaol - a gaol term is awaiting you if your ever return - and your wife has to sign it as well, and you can never, never come back to the country of your birth. And there are not too many Africans, unless they feel they can do political work outside, who want to leave for ever."

139. The CHAIRMAN asked the witness whether those who were arrested by the South African police were helped by attorneys selected by the African Congress.

140. Mrs. HOOPER: "Oh yes, they have lawyers. It's getting more difficult now though; it used to be easy for us to get lawyers for these people; there were many white lawyers and some Indian lawyers who would take all these freedom cases and fight them very successfully as far as they could until the Government found some law against them. But quite a few of our best lawyers have left the country because they found they couldn't live there without spending all their time in gaol, and those who are left are getting quite frightened of the Government now, especially since the Defence and Aid Fund has been banned in South Africa; this was the fund that we used to pay the lawyers with. The defence part, of course, was money for lawyers, for people accused of political crimes, and since this fund has been banned, the lawyers are afraid of doing anything that will connect them with it in any way. For example, they will not even accept money from someone if they suspect he got that money from the Defence and Aid Fund in England - there is still the Defence and Aid Fund in England, and of course we have a Defence and Aid Fund here too at the American Committee on Africa. But we have to take very devious and interesting ways of sending the money into South Africa before the lawyers will even accept the money, and they are insisting on the money now. They used to defend for almost nothing, frequently for nothing; if the African National Congress or the Pan Africanist Congress were broke, they would defend for nothing. But now they are

insisting on a reasonable fee, for one thing they've done it for too long, and then they're taking a real risk to take these freedom cases, because there is always a risk. If you are a lawyer, and you defend too many of these political cases, then the Government is apt to have it in for you, and what they often do is name you a communist; now this doesn't mean that you are a communist by any means. But it means the Government has called you a communist. And this will be enough to get you disbarred from practice very soon, because they have a law that is pending now that hasn't been passed yet, but probably will be, which will disbar from practice any lawyers who are communists or who are even called 'communists' by the Government, which will take, I must say, an awful lot of our very best lawyers. So we still get lawyers, but it is getting harder, and we have to be quite devious as to how we do it. But we do it still; people are still being defended."

141. The CHAIRMAN drew the attention of the witness to the fact that since the meeting was open, the Press could be informed of what had been said. He inquired whether the five potential witnesses on the list she had given him had been imprisoned in South Africa.

142. Mrs. HOOPER: "Yes, these five people, I understand, have all been in prison in South Africa; two of them, I know, for political offences, the last two. The others, I am not sure what they were in prison for; sometimes it is just for not having your documents. But, even so, they might very well have a story to tell of what they found in prison. I would definitely think that you should have a closed session when these people come, because they are students and some of them possibly may want to go back to South Africa. But, Mr. Chairman, I would also like to request most urgently, please, that the names in the documents which I submitted be withheld from the Press because these people, I do not know whether they are in or out of South Africa, they may be still there, and they would be punished if it were found they had sent any such documents out, even though it was 1964. They don't care; they go after them."

143. The CHAIRMAN said that if there was no objection he would take it that the Committee did not wish the names in the documents submitted by the witness to be made public.

144. It was so decided.

145. Mr. JANKOVIC asked the witness whether she could provide additional information about the use of electrodes to torture prisoners.

146. Mrs. HOOPER: "Torture by electrodes is mentioned all through the documents and also in the new ones which I brought, of which I had a copy for each of you. This is one of the things that the man with whom I talked personally in Dar-es-Salaam, Mr. Jassut told me about. He was treated in that way, and evidently this is - or was, at least at that time - one of the characteristics of the torture used by the South Africans to force confessions. Some of them, you know, signed things that they later said weren't true because of the pressure that was put on them and the shocks that they received. He said it was done to him, that it was extremely painful and that he understood it was done to nearly everyone from whom they were trying to get information. And, actually, this has been admitted on one occasion by a police officer in South Africa... who said, 'Oh, well, yes, methods like that had often been employed', or something like that. But I think we probably have the cutting in our files at the office. This seemed to be a very common way of mistreating people, and very effective because it frightened them so. You see, first, most of the time they put a bag over their heads so they couldn't see what was being done to them. So then you are frightened to start with, and you don't know what part of the body they're going to start with. And then they give you a shock, and it's a terrible thing. Some people go all to pieces and confess all kinds of things which may or may not be true."

147. Mr. JANKOVIC asked the witness whether her organization had drafted the statement by Mr. C (A/AC.115/L.53, p. 15), and whether she could provide any additional information about the statement.

148. Mrs. HOOPER: "No. All of these statements came to us just as they are here; they came through the mail, just as they are here. And they were drafted usually by a lawyer at the dictation of the person who was tortured, as soon as they were able to get hold of him. This I was told by Ruth First; in other words, after they came out of gaol, they would get hold of them and take them to somebody's flat where they could be quiet. The lawyer would be there, and they'd say: Tell us all about it. And then the lawyer would write it down, and they would sign it."

149. The CHAIRMAN asked whether the lawyers had free access to the prisoners without any administrative or penal official being present.

150. Mrs. HOOPER: "Only after they were out of prison; they were not allowed to see them at all when they were in prison. Under the ninety-day law you are not allowed to see a lawyer or anybody. No. All of these things were done after they emerged from whatever they had been sentenced to, or after they were let out, you know after ninety days, sometimes they got disgusted with them and let them go; sometimes they made a statement and then they let them go. No, this was always afterwards."

151. The CHAIRMAN asked the witness how the statements made by prisoners while in prison had been obtained.

152. Mrs. HOOPER: "There are not, as far as I know, any statements made by people while they were still in prison. These were all made by people after they got out. They would have no opportunity for making statements while in prison. No, except people, well, I mean people like me, I was allowed to see my lawyer, but as I said I was not in under the ninety-day law. No, they were not allowed to see anybody under the 'ninety days', except the police officer, who came and asked some questions. And sometimes a magistrate would come by and say: Are you being ill-treated? and then walk off before the prisoner had a chance to answer usually. And if you told him: 'Yes', he still didn't do anything about it. But they didn't see anyone else while in prison. It was only after they got out that they were able to get the statements."

153. The CHAIRMAN inquired whether prisoners were allowed to see their lawyers.

154. Mrs. HOOPER: "No, not under the ninety-day law. The ninety days, you know, has now been changed into 180 days and I understand they are about to change that into an indefinite kind of detention. But under the ninety days, which was when these statements were written, no lawyer, nobody, was allowed to see you while you were in prison - nobody at all - except by special permission; once or twice Ruth First got permission to see her children. But this was very unusual. No. They could have a lawyer, but he wouldn't do them any good; they wouldn't get to see them."

155. The CHAIRMAN observed that the ninety-day law was a preventive detention act. During the period of preventive detention, it was considered that the person arrested was not charged with any crime or offence, and therefore could not have the services of a lawyer. He would, however, like to know whether persons who were brought to trial could have the services of a lawyer.

156. Mrs. HOOPER: "If they change the status of the prisoner from the ninety-day detention, and charge him with something specific, why then of course he has a lawyer to help prepare his case. But a large percentage of the ninety-day people were never charged with anything; they were just let go eventually. Some of them were charged, in which case they would have a lawyer, but not otherwise. Like Ruth First, for example, she was in under the ninety-day law for 117 days; in other words, that was more than one ninety-day period, and she was never charged with anything. Finally, they just let her go because they got tired of her stubbornness."

157. Mr. MARCHAND STENS asked the witness to give the name of her own lawyer.

158. Mrs. HOOPER: "Yes, well my lawyer, my chief lawyer, was Dr. Lowen, who is a Queens Counsel, and a very distinguished lawyer. And I also had another one, oh, dear, he wasn't very good. I can't recall his name at the moment, but Hyman Basner was the one who first took care of me and then he had to get a higher lawyer to fight the case in the courts. They have two kinds of lawyers in South Africa, you know, and only the one kind can take cases in the courts. So, it was Mr. Basner, and then Dr. Lowen. They won the case for me, and got me out of prison, but unfortunately couldn't win the case against the deportation. You can't win a case against that Government, really. Dr. Lowen made the main presentation at the trial. I forget his initials; I would have them somewhere. It was quite a famous case at the time, because I was an American, for the first thing, and they wondered what an American was doing in gaol in South Africa, and then it was the first case also under what at that time was a new law, and so it got quite sizable headlines in the Press in South Africa. And I remember the American Consul came to see me, very much disturbed, wringing his hands, and I said: 'What are you going to do for me?' And he said: 'Oh, oh, we can't do anything for you. You come here to this country' - and, you see, I was a permanent resident there, I had my home there - and he said: 'You are under their laws.' That was true."

159. Mr. MARCHAND STENS asked how long the witness' trial had lasted.

160. Mrs. HOOPER: "It wasn't that long; it was maybe four or five days, something like that. It wasn't very long. They had a point. You see, our Dr. Lowen had found a point that was irrefutable: you couldn't avoid the fact that they had forgotten to put this thing in the law, and they didn't really fight it very hard because they knew they were going to lose."

161. The CHAIRMAN thanked the witness for her testimony.