

The Secretary,
CAPE BAR COUNCIL.

Dear

A FULLER REPORT

1. What happened:

A full report would run into many pages. It is easier for me to convey orally what happened and if members so wish I will supplement this memorandum orally.

Early on during my recent detention as a 180 witness I was subject to irregular and unlawful procedures by a team of 6 members of the South African Police from Johannesburg headed by a Capetain Swanepoel. Late one Friday afternoon I was taken to a special interrogation room at Caledon Square Police Station. I was told that I would not be allowed to return to my cell until I "co-operated". I said that I was being held as a witness and not for purposes of questioning and that should they wish get a statement from me they should in terms of the law take me before a magistrate or alternatively let me speak to a member of the Attorney-General's staff. They persisted in their attitude saying that they were policemen and were not interested in my legal arguments. I was then subjected to a long political harangue, repeated questioning and pleading and periods of complete silence. After some hours I noticed that they were operating in relays. They indicated that they could go on forever and would go on until I co-operated and made a statement which satisfied them. By midnight I was extremely tired and thereafter as the hours proceeded I was overcome by deep exhaustion. Whenever my eyelids started to close one of the interrogators would shock me into wakefulness by banging the table, calling out my name, tickling my arm or jostling me. At one state my eyelids were forcibly kept open. I kept pricking my finger with a pin in order to stay alert but the fatigue became overwhelming and by about dawn I was mentally and physically numb.

Eventually I collapsed on to the floor. While I lay prostrate cold water was thrown on to me. Then I was lifted up from the ground. I collapsed again and was lifted up again. This process was repeated several times until about four of the team crowded round me and so kept me virtually propped up. I revived slightly during the morning. By midday I felt so drained and feeble that I feared that a further night of this sleep deprivation would cause me permanent emotional and psychological damage. I accordingly decided to "settle" and eventually at 2 p.m. dictated a statement which was completed by 6 p.m. In the first portion of the statement I mentioned briefly the circumstances outlined above. I also complained in the statement that I was being questioned about matter which could have had nothing to do with the trial in connection with which I was detained.

Subsequently .../

Subsequently when returned to my cell I took every opportunity open to me to register a complaint against my treatment and eventually made a sworn report to the magistrate who visited me on the Monday morning.

2. Why I wish to have an interview with the Minister:

The manner in which the interrogation was carried out and remarks passed by the officers concerned left me in little doubt:

- (a) that the officers regarded 180 detention in a light quite different from that contemplated by Parliament at the time when the enabling legislation was passed
- (b) that they were practised in the art of breaking people down by sleep deprivation, had frequently applied the technique before and proposed to continue using it in the future
- (c) that their contempt for the concept of and process of legality was equalled only by their contempt for persons concerned with the administration of justice, especially lawyers
- (d) that they felt that their activities would be condoned at a high level.

I feel that I could better convey the full facts and atmosphere in a personal interview than in a written memorandum:

That a memorandum could be pigeonholed;

That the matter is of sufficient importance to warrant it being considered at the highest level;

That in a personal interview I could be questioned about aspects which the Minister felt to be of importance;

That as a member of the profession I have a duty to use the administrative channels available to me to curb abuses of which I have become aware through personal experience;

That in the present case more can be achieved in half an hour of face to face discussion than in weeks of correspondence;

That an informal and off the record atmosphere can more easily be maintained in discussion than in writing;

That the danger of retaliatory steps against me would be reduced if I were able to have an interview at the highest level.