

Moments with Madiba / Jacques Moreillon

Le document, jusqu'aux chapitres sept et huit, est public, car il traite de faits contenus dans les archives publiques du CICR (1863-1975). Les chapitres 7 et 8 ont été supprimés car ils traitaient de faits postérieurs à 1975.

L'auteur a souhaité que la table des matières et la pagination soient conservées telles quelles, pour justement indiquer que l'étude n'était pas complète.

Internal study

Moments with Madiba

By Jacques Moreillon, LL.M., Ph.D

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These pages tell the personal story of the author's fourteen conversations with Nelson Mandela: six when he visited Mandela in prison on Robben Island (1973–1975) in his capacity as Delegate-General for Africa of the International Committee of the Red Cross (ICRC), and eight after Mandela's release (between 1990 and 2004) in various capacities, as representative of the ICRC or of the World Organization of the Scout Movement (WOSM), and in his private capacity.

This book is also the account of the ICRC's first visits to convicted political prisoners on Robben Island and an encouragement to today's South African authorities to open their archives to researchers seeking to know more about political detention in South Africa during the apartheid era, in the spirit of the Truth and Reconciliation process and of the Nelson Mandela Centre of Memory and Commemoration Project.

As it focuses on *Nelson Mandela as a convicted political prisoner* in the years during which the author visited him on Robben Island (1973 to 1975), this work also deals with ICRC visits to the Island previous to that period, and in considerable details, with the conditions of detention there until 1975. However it only marginally deals with ICRC (vain) efforts to visit political detainees *under interrogation* and does *not* deal with ICRC visits to *other* convicted political prisoners (*whites* in Pretoria local prison and *women* in other prisons). It also barely deals with ICRC prison visits *after 1975*.

This text is the sole responsibility of its author, who expresses his sincere appreciation to those who helped him in producing it, particularly Mrs Catherine Debraz.

*The ICRC is the exclusively humanitarian (independent, impartial, neutral and all Swiss) founding body of the International Red Cross and Red Crescent Movement and the originator of the Geneva Conventions. Based on these treaties it provides protection and assistance to victims of international and non international conflicts and (based on its traditional right of initiative recognized by the States and by the International Red Cross and Red Crescent Movement) of internal disturbances, violences and tensions, usually called "political" or "security" prisoners. **To facilitate its access to such victims, its archives are not accessible to the public for a period of 40 years after the events.***

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“We, that is the Rivonia group (Mandela, Mbeki, Sisulu, Kathrada, Mhlaba, Mlangeni and Motsoaledi), arrived on Robben Island on the 13th of June 1964. It was a Saturday – cold, windy, raining. We cannot forget the first months at the quarry where we mined stone – we came back with blisters, bloody hands and sore muscles. And we cannot forget the dozen years or more when we were forced to sleep on the cold cement floors with three blankets and a thin sisal mat. Also we cannot forget the cold showers for 13 or 14 years. There is much more that one can recall, much more that we have found in ourselves to forgive, but these we will never forget.

Someone has written about two prisoners looking out of their cell window: The one saw iron bars while the other saw stars. How true. The very fact of being in prison means that you are deprived of certain things, the main one being the loss of your freedom. But once you have come to terms with the things that you cannot change, you start making adjustments and where possible you change the environment to make the stay less intolerable.

The real picture of prison life is a picture of great warmth, fellowship, friendship, humour and laughter, of strong convictions, of generosity of spirit, of compassion, solidarity and care. It is a picture of continuous learning, of getting to know and live with your fellow beings. But more important, it is where you come to know yourself, your weaknesses, inadequacies and your potential.

If I were to sum up in a few sentences our years in prison, I would say: While we will not forget the brutality of apartheid, we will not want Robben Island to be a monument to our hardship and suffering. We would want Robben Island to be a monument reflecting the triumph of the human spirit against the forces of evil. A triumph of freedom and human dignity over oppression and humiliation. A triumph of wisdom and largeness of spirit against small minds and pettiness. A triumph of courage and determination over human frailty and weakness. A triumph of non-racialism over bigotry and intolerance. A triumph of a new South Africa over the old.”

Ahmed "Kathy" Kathrada at the opening of **Esiqithini: The Robben Island Exhibition, 26 May 1993**, as quoted in Barbara Hutton, *Robben Island: Symbol of Resistance*, Sached Books/ Mayibuye Books, Bellville, 1994.

"Today we are launching the Nelson Mandela Centre of Memory Project. It will be run by the Nelson Mandela Foundation in a partnership with the Constitution Hill project. We want it to be part of what we have called the processes of restoration and reconciliation. ... It is our hope that from these small beginnings it will grow into a vibrant public resource offering a range of services to South Africans and visitors from all parts of the world. We want it to work closely with the many other institutions that make up the South African archival system. And, most importantly, we want it to dedicate itself to the recovery of memories and stories suppressed by power. That is the call of justice: the call that must be the project's most important shaping influence.

The history of our country is characterised by too much forgetting. A forgetting which served the powerful and dispossessed the weak. ... One of our challenges as we build and extend democracy is the need to ensure that our youth know where we come from, what we have done to break the shackles of oppression, and how we have pursued the journey to freedom and dignity for all. We will fail our youth if we leave them in ignorance of what has given them the opportunities they now enjoy. At the same time, for those of us who are older and have lived through the transition from apartheid to democracy, the processes of remembering offer us healing and a means of respecting the many comrades who made it possible.

This is what archives are about. This is what we want the Centre of Memory Project to be about. We will be grateful for any assistance in helping us to achieve this objective.

I thank you."

=====

Address by former President Nelson Mandela during the launch of the **Nelson Mandela Centre of Memory and Commemoration Project** in Johannesburg on 21 September 2004.

Foreword: "Have you seen Madiba?"

"Have you seen Madiba?" the hotel porter asked me as he set down my suitcases. I did not know who he meant by Madiba. I had no idea that that was what His friends, His people called him. I should have known, but I had not done my homework properly. It was my mistake, for it was part of my job to know this kind of thing.

In fact, before visiting VIP prisoners for the first time (whether prisoners of war or, especially, political detainees), we would sometimes ask their spouses beforehand if they had affectionate names for each other, so that we could tell the detainee that we were bringing much love from, say, his or her "little ducky". They would then know right away that they could trust the man who walked into their closed universe wearing the Red Cross badge. I had used this method sometimes in the past, for instance when visiting Israeli prisoners of war in Syria in 1967. But, this time, I had not come well enough prepared and I did not know that a particular prisoner was known to many as "Madiba" and that I had, indeed, just seen Him.

In my defence, I do not think that I could have found that information in any written form, for His real name could not be printed in His own country, nor could His picture be shown, and He had been "inside" for so long already that few people who had not met Him knew what He looked like. Also, I doubt that many white people were aware that this was the name used by the black people who trusted Him as their Leader, or at least as one of their leaders. Except, of course, the BOSS, the feared "Bureau of State Security", which was never mentioned, but which, I had been forewarned, may watch my every step and bug every phone and room I used. So I was in ignorance, but already on my guard, when the hotel porter asked: "Have you seen Madiba?"

* * *

This incident took place on 10 May 1973 in Cape Town. I was returning from a four-day visit to Robben Island prison with my colleagues Roger Santschy and Dr Edoardo Leuthold. As we shall see later, it was the first visit to be made so thoroughly and at such length by as many delegates of the International Committee of the Red Cross (ICRC) to that particular place of detention, a visit that was – according to the later testimonies of the detainees – to mark, though quite insufficiently in my view, a turning point in their conditions of detention. But I will come to that later.

The porter had carried my luggage to my hotel room and accepted my tip, saying "thank you baas", an expression that made me very uneasy. But this was South Africa in 1973, he was black and I was white. So he said "baas" ... namely "boss" in Afrikaans! But he was still standing there, staring at me, evidently wanting to say something. It could not be the tip: as a matter of principle I always over tip. So I just looked back, inquiringly. Finally, he worked up the courage to say: "Is it true that you have been on the island?" Immediately all my senses were on alert. I looked at the corners of the ceiling, at the phone, at the mirror. Was the BOSS listening? Was this man one of its agents? (I had been told that not all of them were whites.) I answered coldly: "It's none of your business" and showed him the door, which was still open.

He didn't move. "Have you seen Madiba?" he asked, still staring at me. "Who is Madiba?" I asked back. He looked at me in amazement: "Nelson Mandela, of course!" Nelson Mandela! My God! This was worse than I had thought! Of course I had seen Nelson Mandela! Twice, in fact: on Monday 7 and on Friday 10 (that very morning), for about two hours each time. But his answer made me even more cagey and I did not know what to say, struck dumb with embarrassment.

The porter saved me from answering by asking another question: "Did you shake his hand?" He looked so intense, so pleading, so "expectant" that I could not believe that he was playing a part and I shot back: "Of course I shook his hand!", in a tone that implied: "Do you think I am the kind of white man who would not shake a black prisoner's hand?"

Then something extraordinary happened: the porter dropped to his knees; with his two hands he grabbed my right one, turned the palm towards his lips and started kissing it reverently! Not

surprisingly, I quickly withdrew my hand and helped him to his feet. The man was transfigured, radiating happiness. All I could say was: "But I also shook the hand of the Prison Director!" He just shook my hand vigorously and literally exploded: "Oh Sir!" he said (thank goodness he did not say "boss" this time!) "Thank you! Thank you so much! The Lord has sent you! Thank you, Sir! God bless you!" ... and he walked out of the room, literally on a cloud, staring in wonder at the palm of his own right hand, a hand that had just shaken the hand of a man who had shaken Madiba's hand!

If I had needed an introduction to the true importance of Nelson Mandela for the black people of South Africa, this was it. I now knew how the two disciples must have felt after having walked with – and talked to – Jesus without recognizing Him! My eyes had been opened to who "Madiba" (his Xhosa name) really was.

* * *

This book tells the story of my eleven conversations with Nelson Mandela (three in Robben Island prison, eight after his release). It also tells the story of the first ICRC visits to convicted political prisoners held on Robben Island under the apartheid regime and of the importance of these visits to the detainees, but also of their limits. Lastly, it is a personal encouragement to the present South African government to open its archives from this period to serious researchers who wish to write the full story of political detention under apartheid, giving them access, *inter alia*, to the reports of ICRC prison visits, the covering letters and other correspondence, for the full story can only be told if access to these documents is granted. As the ICRC is duty-bound to make no exception to its 40-year rule of confidentiality, it is only in South Africa that the puzzle can be completed and the full truth be revealed. And that truth should also, as the Reverend Desmond Tutu would say, contribute to bringing reconciliation. Finally, as Former President Mandela recently stated, such access to ICRC related archives in South Africa would strengthen the collective memory of that nation's dark period of apartheid and let its youth know better how its heroes of that epoch pursued their "journey to freedom and dignity for all."

Introduction: An incomplete picture

1 A combination of many factors

A number of books have been written which deal with the conditions of political detainees in South Africa under the apartheid system. Until now, most of them have been the work of former political prisoners, such as Nelson Mandela himself, Neville Alexander, Breyten Breytenbach, Eddie Daniels, Michael Dingake, Tshenuwani Farisani, Ahmed Kathrada, Hugh Lewin, Mac Maharaj, Govan Mbeki, Indres Naidoo, Molefe Pheto or Helao Shityuwete, to name but a few.¹ All of these, quite naturally, are written from the perspective of the author's own experience, sometimes in anecdotal form, often with a deeper reflection on the system itself. To a certain extent, the same can be said of the authorized biography of Mandela by Anthony Sampson² (although this particular author did have privileged access to at least *some* documents in the archives of the Ministry of Justice) and of the exhaustive study, *Robben Island and Prisoner Resistance to Apartheid*,³ by Dr Fran Lisa Buntman, who, in the present circumstances, had to base herself mainly on the testimonies of former prisoners.

This limited access to written sources makes it difficult for historians to acquire a full understanding of the detention system under apartheid, for to do so requires taking into account at least the following elements:

- the *very different* conditions of detainees *under interrogation* (whom the ICRC visited only once in 1964) and of *convicted* political prisoners (whom the ICRC regularly visited since 1967);
- the "prison policies" (both published and internal) of the South African authorities and of their representatives in the Prison Department and the influence of the security services on the practices and policies of that Department;
- the attitude of the prisoners themselves (written or oral testimonies);
- ICRC visits to the convicted prisoners and its representations to the authorities (reports with covering letters, exchange of correspondence);
- visits to the convicted prisoners by others, such as Helen Suzman, and their oral and written testimonies (though very few people had any access to the prisoners, at least in the early years);
- outside pressure from the United Nations (UN Special Committee on Apartheid), other intergovernmental organizations and NGOs, such as the International Defence and Aid Fund and Amnesty International, and others, such as the World – and the South African – Council of Churches;
- the political situation outside the prisons, nationally and internationally, and corresponding pressures on the South African authorities.

All these elements interrelate, and the prisoners' testimonies represent only part of the story. Yet, today, these testimonies, together with those of "outsiders" or witnesses such as Helen Suzman, constitute *the main source available* to historians who wish to write the story of political detention in South Africa during the apartheid era. Some of these prisoners' testimonies, detailed though they may be on life in detention, make no mention at all of ICRC visits, despite receiving numerous such visits during their time as inmates.⁴ Others, meanwhile, acknowledge the importance of these visits.

In his book *There & Back: Robben Island 1964–1979*, Eddie Daniels talks about the improvements brought about in the conditions of detention:

¹ For a non-exhaustive list of such publications, see the bibliography at the end of the book.

² Anthony Sampson, *Mandela: the Authorised Biography*, Jonathan Ball Publishers, with HarperCollins, Johannesburg, 1999.

³ Fran Lisa Buntman, *Robben Island and Prisoner Resistance to Apartheid*, Cambridge University Press, Cambridge, 2003.

⁴ This is, for instance, the case of a very detailed and fascinating book by Ntoko Babenia, an Indian political activist and one of the earliest *Umkhonto we Sizwe* recruits, sentenced in 1963 to 16 years on Robben Island: *Memoirs of a Saboteur* as told to Iain Edwards, Mayibuye Books, Bellville, South Africa, 1995.

I made the point earlier that latter prison conditions were a great improvement compared to earlier years. These improvements came about not because the authorities wanted to improve our conditions, but because of pressure from different quarters. We, the prisoners, fought for changes from inside the prison and suffered in the process. Outside prison, pressure from MP Helen Suzman, the South African Council of Churches (SACC), political and other organisations, churches, judges, students and individuals all contributed to the positive changes.

Then there were the international groups – the United Nations (UN); the Organisation of African Unity (OAU); the World Council of Churches (WCC); Amnesty International; the International Defence and Aid Fund (IDAF); individual governments; the International Committee of the Red Cross (ICRC), and many other anti-apartheid organisations. All of them exerted pressure, to various degrees, on the [South African] government to treat its prisoners more humanely and improve their living conditions.⁵

There were indeed many whose influence helped to make a difference to the convicted prisoners' lives, and even the list Daniels gives does not claim to be exhaustive. But of all those he mentions, most acted from *outside* the prisons. Of those who were allowed into the places of detention (such as Helen Suzman and a handful of judges and parliamentarians), *only the ICRC delegates visited them thoroughly, comprehensively and repeatedly, year after year for more than 20 years*, speaking without witness with *all* prisoners who so wished, in their own cells. The ICRC followed these visits with systematic and formal interviews, first with the director of the prison in question, then with the Commissioner of Prisons, and lastly, with the Minister of Justice and Prisons, confirming all oral representations with official, confidential and detailed reports accompanied by "covering letters" addressed by the President of the ICRC to the Minister of Justice and Prisons through the Ministry of Foreign Affairs.

In other words, no outside actor came close to the ICRC in its ability to request concretely and persistently – and, with time, obtain – improvements in the conditions of detention. This does not mean that such progress was either quick or easy or that it was due solely to the ICRC. But the story of how it was achieved goes well beyond what the prisoners, who were making their own efforts to that effect, could themselves know or can attest to.

One has to understand that, over the years, the policies of the authorities had greatly, though usually reluctantly, evolved on *every* aspect of detention (food, accommodation, health, studies, "grading" of prisoners, access to news, sports, leisure, warders' attitude, etc.) and that this evolution was brought about by a combination of many factors. There is no comparison between the very early years from 1962 (be it on Robben Island or in other prisons) and the last period of political detention, in the late 1980s. With regard to Robben Island, a good summary of this evolution is given by Fran Buntman and is worth quoting in full here, to paint a mental canvas for the reader to understand better the chronology of this book:

The early years, from 1962 or 1963 until approximately 1966, were harsh for the political prisoners. The crucial turning point in the gradual improvement of conditions was a mass hunger strike in about 1966 by almost the entire prisoner population of over a thousand men. Slowly brutality decreased, food improved, and cultural, academic, and political activities were organized by the prisoners. There was a regression in conditions in the early 1970s, with the arrival of a new commanding officer, Colonel Badenhorst, when a reign of terror was re-established. After Badenhorst left the Island in 1972, conditions once again slowly began to improve. In summary, Alexander explains the overall pattern of regression and improvements from 1962 to 1974 as follows:

"At RIP itself the years 1962–1966 were years of hell. ... From 1967 onwards, any objective observer would have to admit that major improvements ... were made. ... Thus the general picture

⁵ Eddie Daniels, *There & Back, Robben Island 1964–1979*, Michigan State University Press, 2002, p. 190. See also in Buntman, note 3, a detailed analysis of these intertwining factors in Chapter 2, "Politics and Prison", pp. 28-32, "The International context", which also mentions the ICRC, p. 30.

that emerges is one of extreme harshness and physical pressure on prisoners from 1962 until December 1966 with peaks of inhumanity and brutality in 1962–1963 and again from August 1966 onwards.... Then from 1967 until 1970 inclusive there followed a period of relatively civilized treatment and a much more relaxed atmosphere. 1971–1972 saw a relapse with the harshest treatment concentrated in the first nine months of 1971. From 1973 (April) onwards all overt physical pressures were eliminated, treatment became relatively human again but ... other problems were manufactured by officialdom in order to harass the political prisoners."

Prison conditions were a product of the interaction between state policy and prisoner struggles for improved treatment and conditions. The state could and did worsen or improve conditions as it saw fit. Progress in ameliorating conditions was not linear; rather it had a "zig-zag" quality, which destabilized prisoners' lives.

Many prisoners cite not only Badenhorst's removal but his replacement by a new commanding officer, Willie Willemse, a reformer in the Prisons Service, as a reason for significant improvements in prison standards. Hot water was provided in 1973, although to punish prisoners, it was cut off at times. In September 1975, Ahmed Kathrada noted some of the little improvements in prison life:

"This year, for the first time in 12 years, we've been provided with hot showers; twice we have eaten guavas; Isu has been promoted to 'A' group, which enabled him to buy some chocolates, coffee, sugar, cocoa, etc., each month; small things all, but they make a big difference."

By 1978, conditions in the prison had largely improved, and this trend continued into the next decade, albeit unevenly. A new head of the prison, Captain John Harding, came to the prison in November 1977, bringing with him what was, for the most part, a more relaxed attitude to his charges. Hard labor in the quarries was brought to an end in 1977. In 1978, the authorities began to pipe canned and censored radio news to the inmates. But changes were uneven: Ahmed Kathrada wrote in Easter 1978 that he had lost study privileges as punishment for working on Mandela's autobiography; that only first-degree relatives could visit, making Kathrada ineligible for visitors; and that prisoners were "no longer allowed to receive anything – books, records, sports equipment, musical instruments – from outside." In 1980, one of the most hard-fought prisoner struggles was won when A classification prisoners, those with the highest level of privileges, were allowed to read newspapers (although these were often censored – once again, the zig-zag nature of prison reform). Increased news and media were made available when television was introduced in December 1986. Also in 1986, about ten years after prisoners were allowed to sleep on beds rather than the concrete floors, sheets were introduced. By the late 1980s, prisoner struggles led to inmates being allowed to rent videos, and by 1990 or 1991 telephones were installed for their use.

The uneven nature of improvements is indicated by two examples from this post-1976 period. First, post-high school studies were banned in 1977, and that ban was rescinded only in 1981. Second, Harding was succeeded by a Major Badenhorst in 1981, who "attempted to apply the prison regulations rigidly, unlike his predecessor, Major John Harding." Opposition to Badenhorst led to a hunger strike in 1981, which was successful in changing the attitude of Badenhorst and achieving certain other demands, such as better food and more time for visits (from thirty to forty-five minutes), as well as the right of prisoners to have their children visit them and an increase in the number of letters that could be written and received. There were numerous hunger strikes during the 1980s, some of which were widely supported by the majority of prisoners; others had only the support of smaller groups. For example, James Mange mentioned embarking on hunger strikes a number of times, often with the support of PAC and black-consciousness-affiliated Islanders, because he was more defiant than many of his fellow ANC prisoners. Denmark Tungwane recalled a hunger strike in 1987 that received support from the vast majority of prisoners. There were also a series of hunger strikes associated with the release process of the 2 February 1990.⁶

Central to these improvements was the prisoners' own attitude; they were quite well organized amongst themselves and consistently clamoured for improvements in every aspect of their life in jail.

⁶ See note 3, Buntman, pp. 36-39 and footnotes 20-36.

But it is doubtful that they would have had as much success if they had been alone in their efforts. In reality, – as we will show in this book – *each and every one of their legitimate requests was systematically followed up by the ICRC*, whether it had to do with work, studies, news, relations with warders or other matters. However – and this is one of the main contentions in this work – the prisoners would not have always been in a position to make a direct link between an ICRC visit and a corresponding improvement in their lot, mainly because ICRC delegates would not necessarily have informed them in detail of the requests they had put to the authorities. In addition, the ICRC's interventions sometimes took months or even years to achieve results. As Mandela writes: "*The graph of improvement in prison was never steady. Progress was halting, and typically accompanied by setbacks. An advancement might take years to win, and then be rescinded in a day. We would push the rock up the hill, only to have it tumble down again. But conditions did improve.*"⁷

2 Limits to prisoners' perception

The following examples illustrate the lack of a "connection" in the prisoners' minds between their requests and the results of ICRC efforts:

On **access to news**, for instance, Nelson Mandela writes:

In 1978, after we had spent almost fifteen years agitating for the right to receive news, the authorities offered us a compromise. Instead of permitting us to receive newspapers or listen to radio, they started their own radio news service, which consisted of a daily canned summary of the news read over the prison's intercom system.⁸

On this key question, one should know that this success was also very much the belated consequence of the ICRC's insistence, *since 1969 and especially since 1973*, that the prisoners be allowed *access to news* as well as of a written proposal to that effect made in 1974, to which Minister James Kruger had responded, already in 1975, that he was "*contemplating the possibility of recording news over Radio South Africa one day and transmitting a censored version of it to the prisoners on the next day.*"

Mandela also writes: "*In 1980 we were granted the right to buy newspapers. This was a victory.*"⁹ Indeed, it was a great victory for the prisoners. But it was also one for the ICRC, which, since 1973, had been persistently reminding the authorities, both orally and in writing, of the importance of news for the prisoners. And, perhaps too, it was a victory for Helen Suzman, who – in her foreword to Neville Alexander's *Robben Island Dossier 1964–1974* – writes: "*Political prisoners moreover were denied the privilege of obtaining newspapers (until I eventually obtained this concession).*"¹⁰

⁷ Nelson Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela*, Abacus, London, 1994, p. 595.

⁸ See note 7, Mandela, p. 535.

⁹ See note 7, Mandela, p. 492.

¹⁰ Neville Alexander, *Robben Island Dossier 1964–1974*, University of Cape Town (UCT) Press, Rondebosch, Cape Town, 1994, pp. V–VI.

See also: Helen Suzman, *In no uncertain terms: a South African memoir*, Alfred A. Knopf, New York, 1993, in particular chapter 8 "Prisons and prisoners" and chapter 9 "Robben Island: University for leaders." Mrs Suzman's efforts in favour of political prisoners were considerably thwarted during the period described in this book as, following her first visit on Robben Island in February 1967, she was not authorized to go back to the Island for seven years (p. 151 of her book), whereas she could visit the white prisoners in Pretoria local almost *every year* from 1965 on. Her visits took place following the publication, in 1965, by the Rand Daily Mail of a series of articles about prison conditions from a former convicted political prisoner: (who was re-imprisoned as a punishment for publishing such information) Harold Strachan.

As a footnote to this footnote on Helen Suzman, I shall quote from a letter, dated 25th March 1975, from Mr. Senn to me: "*You remember that I suggested to you on your last visit in Rhodesia to approach in South Africa Mrs Helen Suzman, MP (of the Progressive Party; she was for years the only Member of that Party but in the last elections – 1974 – the party gained a total of 6 seats, and the political constellation indicates further gains in the future). – When you were in South Africa last time, Mrs H. Suzman (was) overseas – including USA – and she returned towards the end of 1974. Her interest in the political prisoners is unabated. I am in lose correspondence with her for the last decade, and she has always given me valuable advice. I have informed her of the arrival of Mr. N. de Rougemont as Regional Delegate with residence in Rhodesia, and I give hereunder her reply concerning ICRC interests: «I am still maintaining my interest in the prisoners, but at the moment I have failed to obtain permission to revisit Robben Island and the political in Pretoria. The Minister says he is making his own investigations and does not want outsiders, except the Red Cross, to interfere at present. You will smile when I tell you that he said I upset the prisoners. I asked him if he was not making a mistake – did he not mean to say that I upset the warders! I have, however, now got permission to visit Bram Fischer in Hospital in Pretoria. I have been trying vainly to get his release on compassionate grounds, as he is dying of cancer. So far to no avail.» (The letter is dated 26.2.). I have asked Mr. de Rougemont about his opinion and showed him the letter; he suggested that I inform you of it, which I herewith do".*

For my part I thought it unwise for me to contact Mrs Suzman and I did not.

For the picture to be complete, however, it should be said (and, ideally, established on the basis of sources to be found in the South African archives, if they have been kept) that this change of policy was probably also the result of a change of Minister of Justice and Prisons, from James Kruger to Louis le Grange.

On **food**, Mandela writes that in 1979:

Our food had already improved in the previous two years, but not because of the authorities. In the wake of the Soweto uprising, the authorities had decided that the island would become the exclusive home of South Africa's "security prisoners." The number of general prisoners had been drastically reduced. As a result, political prisoners were recruited to work in the kitchen *for the first time* (we underline.) Once political prisoners were in the kitchen, our diet improved dramatically. This was not because they were better chefs, but because the smuggling of food immediately stopped. Instead of siphoning off food for themselves or to bribe the warders, the new cooks used all the food allotted to us. Vegetables became more abundant, and chunks of meat began to appear in our soups and stews. Only then did we realise we should have been eating such food for years.¹¹

In fact, political prisoners – as opposed to common criminals – *were assigned to the kitchen in 1973, as a direct result of the ICRC's May 1973 visit*, and that is when the food situation gradually started to improve. But it also took years to complete this process.

Still on the same subject, Mandela writes:

It took fifteen years, but in 1979 the authorities announced over the intercom system that the diet for African, Coloured and Indian prisoners would henceforth be the same. But just as justice delayed is justice denied, a reform so long postponed and so grudgingly enacted was hardly worth celebrating.¹²

Here again, this improvement was also the result of the ICRC systematically raising the issue of "racial diets" since 1973 with the detaining authorities, and possibly also because of a change in Minister, although this would have to be verified.

On **studies**, Mandela writes that during the struggle, Robben Island was known as "the University".¹³ This was not by accident; in fact, study possibilities dramatically improved as a result of ICRC efforts.

From 1964-1965 onwards, the situation with respect to studies had been better for the inmates in the single cells, such as Mandela and other leaders (Section B), than in the General Section. But what brought about the change in the General Section (and thus for the majority of the prisoners) was definitely – though possibly not only – the ICRC's insistence on this matter in 1973 and 1974.

Everyone agrees that the possibility to study was vital on the island. Indeed South Africa today would be a very different country if so many of its present leaders had not been afforded that opportunity. But there is a basic ambiguity as to *why* the prisoners were allowed to study, a point stressed in Sampson's *Mandela*:

It was the opportunity to study that was most precious to the prisoners. Mandela had earlier urged the Commissioner to "let the atmosphere of a university prevail", and by the late sixties that atmosphere was appearing: the quarry was becoming a kind of campus for what came to be called "the university of Robben Island." The prisoners saw it as their own achievement, though the Red Cross liked to think it was "the Red Cross University".¹⁴

Later, Sampson writes:

But the pressure from the Red Cross and elsewhere was gradually taking effect. Many prisoners were now allowed the opportunity for serious study; and Robben Island was looking more like an

¹¹ See note 7, Mandela, p. 490.

¹² See note 7, Mandela, pp. 489-490.

¹³ See note 7, Mandela, p. 454.

¹⁴ See note 2, Sampson, p. 236.

austere but intense university. Scores of prisoners were doing courses with the correspondence college the University of South Africa (UNISA), and some took several degrees: Eddie Daniels, Billy Nair and Michael Dingake each took two degrees, Kathrada four.¹⁵

The same applied to the issue of **work**. It took the prisoners and the ICRC until 1978 to bring the work in the quarry to a complete stop; but in the meantime work possibilities and conditions improved as of 1973, and especially from 1974 and 1975, particularly with regard to workshops. However, it took until the early 1980s for generally more meaningful work to be proposed to most inmates, once again the result of a lengthy process that started in earnest in 1974.

One of the most serious problems for the prisoners was the “**grading system**” whereby prisoners were granted additional facilities (or “privileges”) according to the level at which they were “graded”, starting with a low “D” and going up, with time and “good conduct”, to “A” – or down again, as a sanction for “bad conduct”. His grade affected every aspect of a prisoner’s life, from the right to study to the number of visits or letters allowed and the amount of free time he had. Not only did the prisoners reject it in principle (especially Toivo ya Toivo, a South West Africa People’s Organisation (SWAPO) [Namibian] leader), but its implementation was clearly more severe for “political prisoners” (though they were not recognized as such) than for common criminals. And the former complained bitterly about this. And so did the ICRC, repeatedly and, ultimately, successfully.

Thus, great differences were evident between the ICRC’s visits in 1973–1974, and its visit in 1975 in terms of the possibility for the political prisoners to be “upgraded”. Later still, there was a significant change in the prison regulations and especially in their implementation with respect to political prisoners, thanks in great part to the ICRC’s persistence.

The **attitude of – and towards – the warders** was a recurring theme for the ICRC delegates, who were constantly harping on it, again both orally and in writing. So were the prisoners, of course, but the positive changes were wrought by a combination of pressure from both sides. As Sampson writes:

The attitude to warders was a key issue. At first many of the young rebels were determined to defy them on principle: some would even provoke the guards to set the dogs on them. The Red Cross inspectors, visiting in March 1977, reported that the new inmates “*brought into the prisons a new emphasis on prisoners’ human dignity. They were frequently in conflict with the prison authorities, not because they wanted to make trouble at all costs, but because they were not prepared to accept the degrading and racist treatment they said they often received from their warders.*”¹⁶

Prisoners, inevitably, had their own individual perceptions of the influence of ICRC visits on specific aspects of their conditions of detention, including on their relationship with warders. In the stories they write, that perception is often not set in a precise time frame. With the passing of years, there is a “telescope effect” that sometimes blurs the sequence of events. Prisoners’ testimonies will often mix different periods in order to make a point on a particular subject. A good example can be found in a text by former Robben Island inmate Joseph Faniso Mati, who writes:

But our joint struggles also provided ways in which we could grow together. Each time, we would discuss our complaints – in all the cells. We would decide on a delegation to go to the authorities and put forward these complaints. Initially, we were always getting negative responses, but we continued discussing: What must we do now? If we had decided to embark on a hunger strike, then we would discuss how to prepare for that hunger strike. A hunger strike is a painful thing because it is a sword with a two-edged effect. It affected us because after a hunger strike of five to six days it would take a time to recover.

I don’t know how many hunger strikes we embarked on to try and fight all the conditions. We made representations to the officials but they would do nothing. Until a breakthrough came. The International Committee of the Red Cross was allowed to visit us. So what happened? People from

¹⁵ See note 2, Sampson, p. 284.

¹⁶ See note 2, Sampson, p. 278, quoting from a Report from my successor Frank Schmidt on a visit to Robben Island, 29 March to 2 April, 1977. (Anthony Sampson, who is now unfortunately deceased, indicated to me in 2004 that he had been given access to that report from a South African source).

Pretoria came before the International Red Cross came. We put all our complaints to this group from Pretoria, but, as we put our complaints, these fellows became very hostile. I remember one incident. I was on the committee that was putting complaints through to the authorities on behalf of the rest of the prisoners. One of the group from Pretoria – I think he was a general in the Prison Services – started talking about other states in Africa, about military coups, and about us thinking that we can rule the country. Then Harry Gwala, from Natal, said: "Ja, it is true. Many bad things have happened in Africa. But nowhere in the world was a Prime Minister stabbed during daylight right inside Parliament!" He was of course referring to Dr Hendrik Verwoerd.

When Gwala said this, the officials got really mad. They immediately demanded our tickets which contained our prison numbers and wanted us to be punished for all that we were presenting to them. After these fellows had gone, we presented our complaints to the International Committee of the Red Cross – all the things we had said to the government officials as well. We were hoping that they would take our complaints to Jimmy Kruger and to the other ministers at that time.

I remember one member of the Red Cross saying in the presence of Robben Island prison officials, as we were putting our complaints: "I was in Uganda during the time of Milton Obote and the Minister who was responsible for prison services was himself being put in prison at that time. Now this fellow was complaining to us, the International Red Cross, about the food in the prison where he was kept – food that was provided and prepared in terms of the guidelines which he himself drew up." What this guy was saying, was that Kruger and the others must be careful. Some day in future the shoe might fit on the other foot.

Many complaints were put to the authorities – about food and clothing and facilities and working conditions and health services and general treatment of prisoners. One of our main arguments was that we should not be regarded as common-law prisoners. Our status must be prisoners of war. Our insistence on being prisoners of war made them very angry and hostile. But slowly things became better as time went on – because of our struggles.¹⁷

In fact, for those who know the chronology of hunger strikes and also of ICRC visits to Robben Island, it is evident that the events described in the above quoted paragraphs cover many years, which is quite natural for long term prisoners.

Similar examples can be found for all aspects of prison life, not only on Robben Island, but also in Pretoria Local, Barbeton and other prisons, and include ICRC interventions regarding specific warders.

The bottom line is that no one can write a fully valid history of the prison system under apartheid without obtaining access to the ICRC reports and to the accompanying covering letters to the authorities.

3 What role did the ICRC play?

A full and valid account of the role played by the ICRC should also entail, in my opinion, access to internal documents of the apartheid government. Only such access will give the world the *real truth* as to *how* and *why* some of the key decisions were taken. The most complete study so far on how such decisions were made (or probably made) is in Fran Lisa Buntman's remarkable study, *Robben Island and Prisoner Resistance to Apartheid*.¹⁸ But, as mentioned earlier, Buntman bases her account mainly on interviews and has apparently had little or no access to ICRC reports. (Buntman also stresses that "State Records, from prison bureaucrats to cabinet ministers, may clarify some of these historical questions".) However, she adds: "But there is also no guarantee that these records exist, at least in full, or that they contain the relevant or correct information."¹⁹ (In fact, Buntman's excellent chapter on "Methodology" shows the difficulty of serious historical research under the circumstances.)

¹⁷ Jan Karel Coetzee, *Plain Tales from Robben Island*, Van Schaik Uitgewers/Publishers, Pretoria, 2000. See "Prisoner 398/64: Joseph Faniso Mati", pp. 17 and 18.

¹⁸ See note 3, Buntman.

¹⁹ See note 3, Buntman, p. 10.

To go back to who decided what, it appears from Buntman's chapter on "Political Imprisonment and the State" that most of the decisions taken, such as improved material conditions of detention or working facilities, were probably decided within the Ministry of Justice and Prisons. But it is not always clear at which level, on which point and at what time. Buntman also shows that the highly political decision of allowing access to news – not under the limited 1979 formula but under the more liberal 1980 one – was made as a result of the combination of parliamentary pressure from Helen Suzman and the change of Minister in charge of prisons.²⁰ As to the 1979 change in diet, was it made at the ministerial level, or lower? And what were the motives for such decisions? Certainly, constant pressure from the prisoners, from the ICRC and from others such as Helen Suzman. But what else? A "change of heart" amongst the decision-makers? A political preparation for the later release of the prisoners, so as to avoid the shock of "mentally deep-frozen" people being abruptly put into the "microwave oven" of a changed (and changing) society? How much of a genuine reflection – and by whom – was there on the positive *political* consequences of gradually making prison conditions more humane, studies easier to follow and access to news more available to those who, one day, would be leading the country? Such thinking would in fact imply the acceptance of "preparing" future political interlocutors, would it not? But that would also imply an acceptance amongst the white rulers that these prisoners would have to be released one day and that power would have to be shared with them sometime in the future.

Buntman gives what are today the best available answers to these questions, and does mention the ICRC in the process; but, again, only access to both ICRC documents and internal documents of the Ministry of Justice will provide a full answer.

As I said earlier, one author who had privileged (although not necessarily full) access to classified information was Anthony Sampson, who in his superb authorized biography of Nelson Mandela quotes not only from prison and Ministry of Justice archives, but also from ICRC reports.²¹

To highlight just a few lines:

- on p. 243, Sampson quotes a "confidential report", dated 26 October 1977, from the Commissioner of Prisons to his Minister;
- on p. 278, discussing the attitude of the warders on Robben Island, Sampson quotes directly from an ICRC report written by the Delegate-General for Africa Frank Schmidt (who visited Robben Island between 29 March and 2 April 1977) and again on p. 295, from the same report, when speaking of Mandela's health. This can only have come from a South African source;
- interestingly, on pp. 298–299, the author quotes from a note, dated 12 February 1981, entitled "Security prisoner Nelson Mandela: Background", indicating the source as the Justice Archives. We can possibly deduce from this that Frank Schmidt's report (or excerpts thereof) can also be found in the Justice Archives, which is where all the ICRC's reports should be today.

In fact, when quoting his sources in his introduction, Anthony Sampson writes: "*I have also been given access to government archives which must remain more discreet.*"²² We can only congratulate him. But we also argue that other serious historians should be able to obtain *official* access to government archives (be they of the Ministry of Justice or of Foreign Affairs) and examine the ICRC's reports and the accompanying correspondence between the ICRC and the apartheid authorities.

With this in mind, it is worth recalling here what Buntman has to say:

Moreover, certain ICRC information supports the prisoners' constant claim that prison officials told the inmates that the poor conditions – dull and hard work smashing stones in the quarries, no news, poor food, and constant impediments to study – were deliberate government attempts to maintain or cause low prisoner morale.²³

²⁰ See note 3, Buntman, p. 213.

²¹ See note 2, Sampson.

²² See note 2, Sampson, p. XVII.

²³ See note 3, Buntman, p. 197.

To which she adds in a footnote:

ICRC reports are only written for the governments whose prisons the ICRC is examining. They are not intended for publication, and the ICRC strictly protects their privacy. Therefore only partial and limited information regarding the ICRC has been gathered in the course of research.²⁴

And she goes on:

Indeed, a systematic comparison between the conditions political and criminal prisoners faced revealed that the political were consistently treated worse than other prisoners.²⁵

Adding, once again in a footnote:

The proverbial reply from the government authorities, including the minister, to the ICRC regarding the various criticisms made of the regime was either to deny claims or say the criticisms or ICRC suggestions for improvements would be studied.²⁶

Access to the archives is all the more important since the evaluation of the results of the ICRC visits differs not only according to the period, but also to how the prisoners themselves viewed them and how outside researchers have interpreted them. Some progress, such as access to news, took years to obtain and therefore had varying degrees of significance for different prisoners depending on *when* they arrived on Robben Island. Also, certain prisoners benefited *directly* from ICRC interventions – for instance with respect to their own studies or for medical reasons – and were thus more aware than others of the benefits of ICRC visits.

The political prisoner who is most categorical about the role of the ICRC is Breyten Breytenbach. In *The True Confessions of an Albino Terrorist*, he writes:

It is striking that no senior visitor ever attempted to find out what was really going on inside any of the prisons that I was in, whereas the International Red Cross people would very systematically and very objectively try to form a coherent picture of the situation and the circumstances.²⁷

Later, telling of a “musical filmed farce” into which he let himself (much to his later regret) be “bamboozled” for official propaganda, he adds:

The years have passed and the members of the International Red Cross Committee who came to see me were certainly never going to be fooled by such a ridiculous attempt at eye-blinding. One cannot but have the greatest respect for their dedication and their competence. Besides, what a joy it was once a year to meet a group of people who did not attempt to manipulate you, who took and treated you as a normal human being, and to whom you could speak French for a few hours! They would measure your exercise yard, test your light bulbs, listen to your heartbeat, taste your food, talk to your medic and go with you down their check-list of questions and observations – and the year after there would be the follow-up, when they'd inform you about their requests and the results achieved.

They were thorough; they knew what they were doing; they knew what they wanted to obtain; they were realistic about their chances of success; they never wavered in their commitment to justice and in their patiently pursued efforts to obtain more humane conditions for those prisoners they were allowed to see. So objective were they in their approach, sir, and so careful in their work, that even the South African Prisons authorities could not entice them away from the facts. *Whatever privileges we South African political prisoners had or have are nearly exclusively due to the work of the [ICRC].*²⁸ (emphasis added).

This, however, is the perspective of one man: Breytenbach was white and he was detained alone. In such conditions, the ICRC was literally vital to him; but it was also probably less difficult for the ICRC

²⁴ See note 3, Buntman, p. 197, footnote 14.

²⁵ See note 3, Buntman, p. 197.

²⁶ See note 3, Buntman, p. 197, footnote 15.

²⁷ Breyten Breytenbach, *The True Confessions of an Albino Terrorist*, Faber and Faber, London and Boston, 1984, pp. 199-200.

²⁸ See note 27, Breytenbach, p. 206.

to obtain improvements for him (and for a dozen white prisoners in Pretoria Local prison) than it was for hundreds of “non-white” prisoners on Robben Island.²⁹ For the latter, however important the ICRC visits were to them, they could contribute better, by the sheer pressure of their numbers, to the improvement of their lot than a few isolated whites.

It is therefore normal that Mandela's assessment of the ICRC's work would be different from Breytenbach's. With regard to Mandela, the two main written sources are, first, his autobiography (*Long Walk to Freedom*) and, second, his authorized biography by Anthony Sampson. As we will see later, Madiba did not look too kindly on his first ICRC visitor to the island: Mr Senn. However, he does stress that “*in later years, the International Red Cross sent more liberal men who wholeheartedly fought for improvements.*”³⁰ Sampson also makes a difference between the first ICRC visits (about which he basically reproduces Mandela's mixed feelings) and its later visits, about which he writes:

The Red Cross in Geneva was now playing a discreet role in improving the prisoners' conditions. In 1972 it appointed a new Delegate-General for Africa, Jacques Moreillon, who paid three visits to the island in three years. He carefully kept aloof from political lobbyists like Helen Suzman, but kept pressing for an end to the quarry-work and more freedom to study (both of which were achieved) and access to news (which would not be granted until September 1980). In 1974 he argued with the Minister of Justice Jimmy Kruger that political prisoners should be treated as normal inmates unless there were imperative security reasons: any hardening of conditions would “contribute an additional punishment” to the judge's sentence.

Moreillon's critical but deadpan reports were summarised by the President of the Red Cross in Geneva, then sent to Pretoria. The government reacted very slowly: at one point, exasperated by its inaction, Moreillon was tempted to resort to the ultimate deterrent of stopping the Red Cross visits altogether, which would provoke international outrage. Mandela dissuaded him, with a piece of advice he would always remember: “The good you bring is less important than the bad you prevent.” Moreillon was struck by Mandela's sense of superiority to his warders, and his special stature on the island: prisoners asked to shake Moreillon's hand, because he had shaken Mandela's. He was shocked to discover that a particularly cruel warder was censoring Winnie's letters, deliberately distorting their meaning, as a kind of mental torture, but Mandela merely said: “I feel rather sorry for him: he's the last specimen of an extinguishing species, and doesn't know it.”³¹

Later, as a free man (and I shall give more examples later), Nelson Mandela often – willingly, spontaneously and generously – stressed the importance of ICRC visits to Robben Island. To quote just two examples here:

In September 1997, President Mandela was hosted by the Swiss Federal Council in Bern. Amongst those present was Paul Grossrieder, then Director-General of the ICRC, who had visited political prisoners in South Africa in September 1985. In his dinner address, Nelson Mandela declared “*without ICRC visits to imprisoned ANC members, including myself, South Africa would not be what it is today, namely a country at peace, for these visits helped us to keep our sanity.*”

On 23 March 1999, at the Presidential Residence in Cape Town, the singer Michael Jackson presented his “Adventure of Humanity Project”, of which a number of Red Cross entities, together with UNESCO, were to be the beneficiaries. On this occasion, Jean-Paul Fallet, head of the ICRC delegation in South Africa, said a few words, and President Mandela responded by saying that too few people were aware of how much impact the work of the Red Cross had had on prisoners. He said that when he was on Robben Island, the ICRC delegates were the only representatives of organizations able to have access to the prisoners. He recalled, for instance, that they were used to working very hard in the quarry and then suddenly the guards relaxed their attitude saying: “Hey guys, Don't work so hard!” The next day they had the pleasant surprise of seeing Red Cross delegates. He added that the more they visited, the better the conditions became and that the visits had a tremendous influence

²⁹ See Hugh Lewin, *Bandiet: seven years in a South African Prison*, Heinemann, London, African Writers Series, 1981, pp. 185 and 188.

³⁰ See note 7, Mandela, p. 489.

³¹ See note 2, Sampson, p. 227.

on the improvement of their living conditions. (Privately, on that occasion, President Mandela then kindly asked after me, and Fallet gave him what news he had.)

For her part, Buntman says:

Another important dimension of international attention and pressure was that of the International Committee of the Red Cross. The first ICRC visit to Robben Island occurred in 1964. It is possible that this visit and its outcomes made the government increasingly aware of the potential for international concern and pressure. The ICRC challenged general mal-treatment on Robben Island. In interviews, Loliwe, Mkalipi, Mlambo, Ndlovu, Ntshanyana, Ramokgadi, Tshikila, Tshwete, and Nyobo, all former Islanders, credited the ICRC with helping to improve conditions in the prison.³²

Buntman gives another interesting illustration of the difficulty of identifying which authorities played which role in improving conditions of detention:

For instance, when Willemse was sent in December 1971 to Robben Island as the commanding officer, he was told to bring a more enlightened approach. He attributed this instruction to the influence of the then commissioner of prisons, General J.C. Steyn, who in turn was instructed to make changes by the minister in charge of the Prisons Service. Willemse recalled that the minister “got the impression that the political scene in South Africa and internationally had to be reckoned with by government, and as an extension by the head of department of that time. And I think with prisoners themselves ... being politically alert, they must also have brought about certain amount of pressure either directly or by other channels – there’s so many channels that they could utilize even though they were under strict conditions of incarceration.”

Willemse’s assertion suggests an interest in Robben Island in the upper echelons of government, at least at times. In contrast, Harding was adamant that when he was sent to head Robben Island in 1977 by Willemse and General Jan Roux, another senior reformist member of the Prisons Service, only Willemse and Roux emphasized the need for better treatment of the prisoners; there was “definitely no influence from government.” The ICRC and the prisoners themselves widely regarded Willemse as a reformist, who brought significant improvements to the prison. ICRC information supports the assessment that significant improvements began occurring in the wake of Badenhorst’s departure and Willemse’s arrival to the Island. However, the Red Cross’s experience also points to the incredibly slow pace at which change was made and the remarkable recalcitrance on the part of the most senior authorities to respond to calls for change. For instance, in 1973 the minister of justice agreed to consider the suggestion of members of the international community that prisoners be allowed to listen to news broadcasts on the state radio network. It was only, however, in 1978 that the authorities allowed prisoners to listen to “their own radio news service, which consisted of a daily canned summary of the news read over the prison’s intercom system.” And it was only in 1980 and under a new minister, Louis le Grange, and renewed national and international pressure, that the state agreed to allow the prisoners newspapers (discussed later).³³

To which, Buntman adds in a footnote:

Neville Alexander (*Robben Island Dossier*, 13) wrote that when “General J.C. Steyn was appointed Commissioner of Prisons ... in December 1963, many newspapers and individuals expected a radical change for the better to ensue in light of the reputation for ‘enlightenment’ enjoyed by this polished but ineffectual diplomat. Some changes did take place ... but ... the objective sociological and political factors have proved to be stronger.” Nelson Mandela had assessments similar to those of Alexander, and argued that “General Steyn oppressed us by omission rather than commission. He basically turned a blind eye to what was happening on the island. His habitual absence emboldened the more brutal prison officials and gave them carte blanche to do what they wanted.” Mandela’s comment that “General Steyn oppressed us by omission rather than

³² See note 3, Buntman, pp. 54-55.

³³ See note 3, Buntman, pp. 198-199.

commission“ is consistent with the view that awful conditions on Robben Island were more a consequence of neglect than punitive intent by the upper echelons of the regime. (Mandela, *Long Walk to Freedom*, 346.)³⁴

To close this introduction, which is basically a plea to today's South African authorities to open pertinent archives to researchers, I shall quote from Neville Alexander's *Robben Island Dossier 1964-1974*, a text *published in 1994 but written 20 years earlier*, during – if I dare say so – “my” years on the island:

Visits by the IRC [International Red Cross]: These visits began in 1968 and have continued, usually annually, up to the present. They have been invaluable to the improvement of conditions, especially in such matters as better clothing and better food, recreation, medical attention, etc. It is not advisable to discuss the mechanics of these visits in detail as these are privy to the Government and the IRC. Most of the representatives have been men who have had wide and long experience in various parts of the world, and they have quickly grasped the essence of the problems on the Island. Their main role has been that of mediators, especially in crisis periods, as in 1971–1972. These visits should at all costs continue, and the more insight and know-how IRC representatives are able to get, the better.³⁵

In conclusion, I would repeat that serious researchers, faced with such diverse perceptions and perspectives, should not be left to rely solely on speculation and/or oral transmission to write history. Hitherto confidential documents should be allowed to disclose their secrets. Only when this is the case can the full story of the prison conditions of *convicted* political prisoners in South Africa under apartheid be truly known, as has been the case for detainees under interrogation and/or non-convicted, thanks to the Truth and Reconciliation Commission. The ICRC cannot break with its policy of confidentiality for *one* country, lest it create a precedent for other situations. I hope, therefore, that this modest document may encourage the present South African authorities to give these historical documents their rightful voice.³⁶

³⁴ See note 3, Buntman, p. 198, footnote 21.

³⁵ See note 10, Alexander, p. 89.

³⁶ See Sarah Nuttall and Carli Coetzee, *Negotiating the past. The making of memory in South Africa*, Oxford University Press, Oxford, 1998, in particular the introduction and the back cover.

Chapter one: ICRC prison visits 1964-1971

1 The format of ICRC prison visits and reports

As is still the case today, ICRC visits to prisoners – whatever their legal status, be they recognized as “political” detainees or not, or even as prisoners of war – followed a procedure that was, at the time of the visits to Robben Island pretty standard, as reflected in the structure of the report, which covered all aspects of the conditions of detention:

- name of the place
- name(s) of the delegate(s) visiting
- general geographic situation
- date of visit
- date of previous visit (if any)
- name of commanding officer, medical doctor and possibly other key officers or number of staff
- capacity of prison
- number and categories of inmates
- description of quarters (varying from section to section)
- food
- clothing
- hygiene
- medical assistance
- deaths
- religious services
- recreation and study
- work
- financial resources
- correspondence
- visits
- treatment (or relations with warders)
- general remarks and suggestions

Proposals about the conditions of detention would usually be made, both orally and in writing, at four levels (and often repeated at all of them):

- the Commanding Officer of the place of detention in question
- the General Commissioner of Prisons
- the Minister concerned (usually of Justice)
- the Minister of Foreign Affairs and/or the Minister of Justice, by letter from the President of the ICRC in Geneva (through the Permanent Mission to the United Nations).

The visit itself would normally start and end with an interview with the Prison Director and include a thorough inspection of *all* parts of the prison, as well as interviews without witness with prisoners chosen freely by the delegate(s) and with any prisoner who expressed the desire to have such an interview.

These interviews, how they were conducted, the confidence the delegate(s) inspired (or not) in the prisoner, the details, number and length of them and the notes taken during them, would be absolutely key to knowing the real situation in the prison.

Equally important would be the manner in which the delegates communicated with their government interlocutors (insistence, tone, choice of words, body language) and the arguments used, as well as the content of the covering letter, accompanying the reports, signed at the highest level of the ICRC in Geneva. These reports would normally not only describe the situation as found by the delegate(s) but also make proposals for specific improvements, item by item, and include the oral response received from the authorities, if any, to each proposal.

These rules and practices were valid and implemented in *all* countries in which the ICRC visited detained people, whatever their legal qualification. Cardinal were the requirements:

- to see *all* inmates in a place of detention
- to speak alone with any (or even all) of them
- to repeat these visits regularly, once a year being a minimum.

Whereas detaining powers in an international conflict have a duty to give to the ICRC access to the prisoners of war which they hold, governments who have "political" or "security" detainees in times of *internal* tension or violence have no such obligations. The ICRC has a statutory right to "offer its services" to these governments and may ask to visit these prisoners, but no State is obliged to accept such an offer.

2 Visit to Robert Sobukwe (1963)

On 27 September 1963, Georg Hoffmann, ICRC Delegate-General for Sub-Equatorial Africa, was authorized to visit Robert Mangaliso Sobukwe on Robben Island. Sobukwe was the only prisoner on whom the South African authorities had conferred the official status of "*political detainee*", under a special clause (called, appropriately, "the Sobukwe clause") that was passed for him and for that purpose by the South African Parliament in the space of ten days in April 1963, to be introduced into the General Law Amendment Act.³⁷ This was the reason given as to why the ICRC was granted access to him, and to him only, on the island. Because of the 40-year rule governing access to ICRC archives, I permit myself – mostly for anecdotal purposes, for so much has already been written about Sobukwe – to reproduce here the text of Hoffmann's report, as sent to Mr J.B. Vorster, Minister of Justice, on 21 October 1963 by Mr Roger Gallopin, Executive Director of the ICRC.

STRICTLY CONFIDENTIAL

VISIT TO THE ENCLOSURE OF DETAINEE, MR MANGALISO SOBUKWE, ON ROBBEN ISLAND

1. Date of visit: 27th September, 1963.
2. Commandant: Colonel H.P. Steyn.
3. Doctor: At the time of the visit, District Medical Officer D. Gosling.
4. Situation: Robben Island is situated about 40 km to the North of Cape Town. The climate is moderate and healthy. The enclosure concerned belongs to the prison on Robben Island, but it is completely separated from the prison main buildings, being in open country enclosed with a wire fence.
5. Quarters: The detainee lives in a type of bungalow which consists of three rooms, a bedroom, a study, and an additional living room. The rooms are sufficiently furnished. The accommodation could be compared with that of a high-ranking officer in a prisoner of war camp. Mr Sobukwe is the only occupant.

³⁷ See Benjamin Pogrud, *Sobukwe and Apartheid*, Rutgers University Press, New Brunswick, 1991, p. 185. (This Act "continued the process of reducing personal liberty by widening police powers of arrest and making it easier for the government to gain convictions in court against those who opposed it. This was also the law which extended incommunicado detention without trial to ninety days, repeatable indefinitely.") See also Benjamin Pogrud, *How Can Man Die Better, The Life of Robert Sobukwe*, Jonathan Ball Publishers, Johannesburg, 1990. Extract from the back cover of Pogrud's book: "On 21 March 1960, Robert Mangaliso Sobukwe led a mass defiance of the pass laws of South Africa. He persuaded blacks to present themselves at police stations and demand arrest. A determinedly non-violent protest turned to tragedy when police opened fire on a crowd, killing 68 protestors at Sharpeville. It proved to be Sobukwe's last day of liberty. The protest was a turning point: Afrikaner rule stiffened and black resistance went underground. International opinion hardened against apartheid. Sobukwe, leader of the Pan-Africanist Congress, was jailed for three years for incitement. At the end of his sentence the Government, so fearful of his power, influence and intellect, rushed through the 'Sobukwe Clause' to keep him in jail, year by year. For the next six years Sobukwe was kept in near solitary confinement on Robben Island, rejecting any compromise with white authority. After nine years of jail Sobukwe was released into banishment and house arrest in the small town of Kimberley. He died there nine years later, in February 1978."

6. Food: See Schedule attached.
7. Clothing: The detainee appeared decently clothed in a white shirt, trousers (long) and shoes.
8. Hygiene: The bungalow had a shower and WC facilities.
9. Medical attention: Normally there is a resident medical officer on the island, but, at the time of the visit of the Delegate, the District Medical Officer was in charge of the Medical Department of the prison during the absence of the Resident Medical Officer. The District Medical Officer was visiting the prison daily. The Delegate made the boat trip to and from Robben Island in the company of this medical officer. There is an infirmary on Robben Island, but any serious cases are evacuated to Cape Town.
10. Religious duties: According to information given by the Commandant, on Sundays, services and confessions are held in the following main religions: Roman Catholic, Presbyterian, Church of England, Muslim.
11. Recreation: When the Delegate arrived in the enclosure Mr Sobukwe was working in his vegetable garden. In a private conversation, he told the Delegate that he had sufficient books at his disposal.
12. Treatment: In private conversation, the Detainee said to the Delegate that in his present confinement he had no complaints. He seemed perfectly at ease with the Commandant and other officers of the prison staff.
13. Correspondence: The detainee is authorised to write twice a week to his family. Mr Sobukwe expressed a wish that, if possible, his correspondence with his wife in Johannesburg might be speeded up. The Delegate informed the Commandant of this wish and the latter said this was up to higher authority.
14. Conversation without witness: The Commandant gave the Delegate ample opportunity to converse with the Detainee without witness.

Mr Sobukwe had no complaints whatsoever. He appeared to be cheerful and brought forward only two wishes, one concerned his mail as mentioned in Nr 13. The other concerned a visit from his wife. He explained that he would be highly appreciative if permission could be granted for his wife to spend her three weeks holiday with him. Her leave commences on the 22nd November, and he would like her to be allowed to come to the enclosure. The Delegate informed the Commandant who said: "This question is up to higher authority."

The Detainee told the Delegate that he had had a visit from his wife on the 4th May of this year.

Mr Sobukwe said that he was a Basuto and a School Teacher by profession.

Georg Hoffmann

(The comparison in point 5 to a "high-ranking officer in a POW camp" can be explained by Hoffmann's experience of visiting prisoners of war for the ICRC during the Second World War, which undoubtedly influenced the way he conducted his visits to prisons in South Africa.)

On that occasion, Hoffmann was *unofficially* informed by the Commanding Officer of the island that there were 1,034 inmates, of which "*some 500 political offenders*" (the expression actually used). He could see some of them constructing new prison buildings, though not those working in the quarry. About the latter he wrote to the ICRC that "*their work was considered the hardest*" and that they "*laboured wearing protection glasses*". Hoffmann was invited to see new buildings (without prisoners inside) and when he noted to the Commanding Officer that inmates were sleeping on the floor with just three blankets, he was told that this was "*for reasons of security and cleanliness.*" (In fact, the Department of Prisons had taken over Robben Island from the South African Navy in 1961 and it was being "enlarged", as of 1963, into *the* prison for non-white present and future political detainees in South Africa. In 1963, Nelson Mandela and his six other co-leaders of *Umkhonto we Sizwe* had not yet

been sentenced at the famous “Rivonia trial”. Their group of seven arrived on Robben Island on 13 June 1964, *after* Hoffmann’s first visit to the prison itself, in May 1964. See below.)

On that first visit to Sobukwe in 1963, Hoffmann could see no more of or on Robben Island and insisted, in his confidential report to the ICRC, that whatever he did see that was not related to Mr Sobukwe was “unofficial” and could not be the object of a report. In a letter dated 21 October 1963 to Minister J.B. Vorster, Mr Gallopin, Executive Director of the ICRC, drew the Minister’s attention “to points 13 and 14” of the report which concerned correspondence and the right of visits.

It would be interesting to establish, on the basis of the South African archives, if that first “easy” visit was conducive to the government considering and accepting Mr Hoffmann’s official visit, in 1964, to the other inmates of Robben Island – the 500 “political offenders” – and to other prisoners in South Africa. This is my personal conviction, but it would need to be confirmed on the basis of written documentation.

3 The first series of visits to places of detention in South Africa (1964)

3.1 The visits by Georg Hoffmann

On 20 April 1964, acting on the instructions of the ICRC Executive Director Roger Gallopin, Georg Hoffmann, the ICRC Delegate-General for Sub-Equatorial Africa, based in Salisbury (Southern Rhodesia), met Mr D.B. Sole, Under-Secretary of State at the Ministry of Foreign Affairs of the Republic of South Africa, who authorized him to visit three categories of detainees (our inverted commas):

- all “political” prisoners who had been held between 90 and 180 days;
- detainees awaiting trial; and
- “political detainees” serving their sentences.

On 28 April 1964, the Minister of Justice, J.B. Vorster, approved this programme of visits.

Between 1 and 20 May 1964, the ICRC Delegate-General visited the following places of detention:

- Prison and “special sector” on Robben Island;
- Victor Verster state farm prison, near Paarl (Cape Province);
- Leeuwkop prison, between Pretoria and Johannesburg;
- Marabastad, Wonderboomboot, Gezings, Villieria and Pretoria Central police stations, all located in Pretoria;
- Voorvitsig prison in Kroonstad (Orange Free State);
- Marshall Plein and Langluate police stations, in Johannesburg;
- Sonderwater tuberculosis hospital;
- Pretoria Local prison.

Most of these prisons held only common criminals.

According to official figures, there was a total of 1,231 convicted political prisoners and 327 common criminals held by the police in the first three places listed above. Throughout these visits, a member of the Prisons Department accompanied Hoffmann, and it seems that it was not always possible for him to talk without witness to the political detainees of his choice.

Hoffmann’s reports dealt with the following visits in 1964:

- on 1 May to Robben Island, with 1,395 inmates, of which 628 had been convicted under various laws: Suppression of Communism Act (1950); Public Safety Act (1953); Criminal Law Amendment Act (1953); Riotous Assemblies Act (1956); and Unlawful Organizations Act (1960). He had interviews without witness *with seven political detainees* on that one day, but gave no details of these interviews in his report, except on the one with Robert Sobukwe (who was still held separately in a private house and was – as previously indicated – the only *official* political detainee on the island) and one medical case (as just mentioned, the seven members of the High

Command of *Umkhonto we Sizwe*, sentenced at the Rivonia trial, did not arrive on Robben Island until six weeks later);

- on 4 May to 60 “political detainees” (sic) in Victor Verster state farm prison, where he conducted *three* interviews without witness;
- on 13 May to Leeuwkop prison, housing 39 political detainees out of 1,866 prisoners, where he conducted *five* interviews without witness;
- on 14, 19 and 20 May to five police stations in Pretoria and Johannesburg, as well as to Pretoria Local prison, where so-called “90-day detainees” were held and where he interviewed a total of 26 *detainees without witness*;
- on 15 May to the Voorvitsig prison in Kroonstad, where there were 157 “African” political prisoners out of 1,374 “non-Europeans” and 495 “European prisoners”, where he interviewed without witness *seven* “African” prisoners from among the 628 inmates convicted for offences under the following legislation: Suppression of Communism Act (1950); Public Safety Act (1953); Criminal Law Amendment Act (1953); Riotous Assemblies Act (1956); and Unlawful Organizations Act (1960), as specified in his report;
- on 20 May to the Sonderwater hospital for tuberculosis, where he saw *seven* political prisoners out of 229 inmates.

3.2 Hoffmann's reports and his and the ICRC's suggestions

Hoffmann's reports included – and concluded with – suggestions on:

- separation of political prisoners from common criminals;
- study and recreation facilities;
- health amenities and open-air exercise;
- “tubercular prisoners”;
- letters and visits;
- sleeping facilities;
- clothing;
- treatment;
- food.

As indicated on Robben Island, where the Commanding Officer at the time was Colonel C.A. Wessel, he spent only one day and spoke alone with no more than seven prisoners. His report was just four pages long and contained remarks on:

- **Quarters**, on which subject it was noted that prisoners slept on the cement floor with a mat and three blankets, but no comment was made on this, nor were beds requested.
- **Food**, about which he wrote that “*three out of the seven prisoners, who had the opportunity to speak to the delegate without witness, complained that they did not get enough food*”, but made no specific suggestions on the subject.
- **Clothing**, about which he noted that one of the prisoners had “*pointed out that he had just received a new outfit on the day of the ICRC visit.*”
- **Hygiene**, about which he wrote that there were cold showers, but made no request for hot water.
- **Medical attention**, for which, unbeknownst to him, he was presented with 12 of the worst common criminals “disguised” as sick political detainees and spoke with only one “genuine” medical case, whom he names (see below in par. 3.3: “As the prisoners saw it.”)
- **Recreation and study** got one short line – “*No facilities are provided*” – but there was a clear proposal, under “General Remarks” that the “*younger*” political prisoners should be “*given the opportunity to study.*”

- **Work** was described in some detail; it was noted that the hardest labour was in the quarry and that Robben Island could, “*as a whole, be considered a hard labour prison*”, but no suggestion was made in relation to this statement, which seemed to take that situation for granted.
- **Correspondence and visits** were described according to the existing regulations, which were not questioned, nor was their implementation checked.

For the last two items, **Treatment** and **General Remarks**, I shall quote the report itself, which – as we will see below – was later made public by the South African authorities.

Treatment

At various working places the Delegate picked out a total of seven political prisoners, at random, for a personal interview without witnesses. Three of them complained that they are beaten by some warders.

The Delegate pointed out these complaints to the Commanding Officer, and the latter declared that he does not tolerate beating of prisoners, and that in fact beating of prisoners is prohibited. He had already reprimanded two warders who had been named by the prisoners concerned.

General remarks

Robben Island can, as a whole, be considered a hard labour prison, as the island situation provides the necessary security background for open air labour for prisoners who otherwise would be behind bars most of the time.

As to the morale of the prisoners, the outward expression appears to be rather grim; no one seems to smile.

The political category is not separated from the ordinary criminals. The prison authorities informed the Delegate that there are four gangs amongst the hard bitten prisoners, which tend to terrorise their fellow prisoners, and might even go so far as to “sentence” fellow prisoners to death.

The Delegate mentioned the problems of the gangs to the Chief Commissioner of the Prison Department, General Steyn, who is an international penalist, and General Steyn told the Delegate that he was studying the problem of gangs and the possibility of eliminating this danger.

There has been one case where a young prisoner was homosexually assaulted by an older criminal. This case was discussed in Parliament in Cape Town. The young prisoner concerned was picked out by the Delegate for interview. He had been transferred to another compound.

Three out of the seven prisoners complained to the Delegate that they had no opportunity to continue their studies.

Considering the above described situation, the Delegate recommended to the Commanding Officer and to the Chief Commissioner of the Prison Department, General Steyn, that at least the less dangerous political prisoners be separated from the ordinary criminals, and that the younger ones particularly be given the opportunity to study. General Steyn informed the Delegate that screening in this respect was already on the way in Robben Island and such prisoners were being transferred to an Agricultural Prison in the Western Cape Province (See report concerning the Prison Victor Verster near Paarl.)

It appears that a rather high percentage of young men are among the political detainees.

The official and confidential reports on these visits were sent by the ICRC to Mr J.B. Vorster, Minister of Justice, via the Ministry of Foreign Affairs, on 18 June 1964, in a letter signed by Dr Jean Pictet, the ICRC Director for General Affairs, less than a month after the end of the series of visits.

It is worth noting that Hoffmann’s reports also contained *the comments made by the prison authorities to each of his suggestions*. This had a dual purpose: it gave them a chance to state their viewpoint, but it also “pinned them down” to a precise answer.

In its covering letter, the ICRC took care to stress that, in keeping with its usual practice, these reports were transmitted only to the detaining authority and would not be given any publicity by the ICRC. It further stressed that the only information it could publish in this connection was strictly limited to mentioning the authorization of the South African government for its delegates to visit detention centres and, should the case arise, the names of the places visited. No observations or comments would be divulged, these being solely for the government's own information.

In terms of substance, Pictet's letter requested that:

For convicted prisoners

- wherever possible, political prisoners (especially on Robben Island) should be separated from common law prisoners, a point of which the ICRC "stressed the importance";
- study facilities should be made available to any interested political detainee, especially the younger ones;
- beds should be provided for all tubercular prisoners at Sonderwater;
- greater facilities should be introduced into the rules governing correspondence and visits, for the limits laid down seemed to be particularly severe, especially for categories C and D, and hardly corresponded to generally accepted standards, especially since the majority of political prisoners were in the categories C and D.

For 90-day detainees:

- improve health facilities and leisure amenities in the open air;
- provide spare clothing for detainees with no family able to attend to their laundry;
- ensure the medical supervision of certain cases mentioned in the delegate's report.
- With respect to *Robben Island*, Mr Pictet insisted also that, in line with Mr Hoffmann's proposals, "material conditions" could "no doubt be improved without difficulty."

3.3 As the prisoners saw it

To my knowledge, not many Robben Island inmates have spoken of – or written about – the May 1964 visit by Georg Hoffmann, understandably perhaps. It is therefore of historical importance to share here the observations of one particular prisoner, Moses Dlamini, on what happened before, during and after Hoffmann's visit to the island, as recounted in his book *Hell-Hole, Robben Island*.³⁸ From the cover of his book, we learn that Moses Dlamini was prompted to take up active politics by the Sharpeville shootings of 1960, when he became an underground member of the Pan-African Congress (PAC). Arrested in September 1963 and convicted of furthering the aims of a banned organization, he spent two years of his imprisonment on Robben Island. On his release in 1969, he was banished to Eastern Transvaal from where he escaped to Swaziland. He eventually went to Tanzania, where he became PAC representative for that country. He later worked for the United Nations High Commissioner for Refugees (UNHCR).

To understand the situation Dlamini describes on the occasion of Hoffmann's visit, in the chapter entitled "The Man from the Red Cross", one has to remember that, at this time, both "criminal" and "political" prisoners were held together on Robben Island (as, indeed, Hoffmann stressed in his report) and that the former were used by the authorities to stifle dissent among the latter (a point made by Hoffmann to the authorities, without suggesting that it was of their own making). The "Big Fives" mentioned in the extract below were a brutal gang of common criminals used by the warders to keep the political prisoners under better control.

It is now during the month of May and weather is worse than ever before. On the first day of the month, we were given old torn jerseys and nothing else. The Big Fives criminals and their "wyfies"

³⁸ Moses Dlamini, *Hell-Hole, Robben Island: Reminiscences of a Political Prisoner in South Africa*, Africa World Press, Trenton, New Jersey (no printing date given; ISBN 0-86543-009-8).

(called the Fast Elevens) are putting on military coat lumber-jackets and long warm trousers. They've also got long warm socks and boots. Convict criminals of the "28" and the Desperadoes have bought (with money) some shoes and other warm clothing for themselves from the criminal convicts in charge of the stores where clothing is issued. It's terrible. Some of us have torn short pants and torn canvas jackets. The cold is playing havoc with us. Our enemies have stopped beating us but are enjoying seeing us cringing and shivering. One can actually hear comrades' teeth gnashing. We are a pitiable sight and look like a routed army. The wind blasts, howls, cuts and slices through our bodies at will. The cold absorbed by my bare feet is torturing and the small sharp-pointed quarry stones on the road are like sharp thorns. There is no hope that conditions will become better. We shall have to go through the winter like this. And the greatest insult of them all: criminal convicts walk proudly upright in new warm clothing and shoes while the Big Fives keep on barking at us to keep our "fours". We walk about crouching, trying to hide behind one another. Even tall comrades bend low, tucking their heads between their shoulder blades, trying to shorten their tall frames. We can no longer keep straight lines and the warders are unable to control us, however much they scream. When the cold winds blow from the right, we crouch towards the left and when it changes direction and blows from the left, we crouch towards the right. Sometimes we move on in a semi-circle, our shoulders raised up to hide our heads.

* * *

When I went to hospital this morning to get a cough mixture, I saw the hospital patients being moved out. Head Warder Nel is not attending to patients but is busy screaming and giving instructions to Big Fives convicts. There are some re-arrangements taking place and some beds are waiting to be fitted inside the hospital cell. There are also some cardboards full of blankets, pillows, pyjamas and bedsheets – all new. There are also new plates, dishes, cups and spoons. Teeman, Bloed, Meintjies and the other members of the Big Fives are busy assisting Head Warder Nel. All the patients were removed with their old blankets and sisal mats to another cell within the Zinktronk almost diagonal with the hospital and not far from the cell which has showers. I suspect that the doctor may have demanded a complete overhaul of the hospital. I'm sure that when the place has been thoroughly cleaned, new beds and blankets will be provided for the sick. The fate of our patients is now going to be better.

On our way to work, I noticed that all the prominent members of the Big Fives were not going out with their workspans. Only the low ranking members were there.

While we were working, we heard a rumour that an important person from the mainland will be visiting the island. It was not stated as to when he would arrive or as to who he was. But we noticed that none of the warders carried a stick or a pick handle. They moved amongst us lazily just looking at what we were doing. There was no shouting of orders and no reprimands. Since Colonel Steytler took over in January, warders have been warned not to carry sticks or pick handles, but they have continued to carry them. They hide or throw them away when the Colonel approaches or is about to do inspection during working hours. But they don't hide or throw them away from the other officers.

I had been sitting next to one of the old men from Engcobo village busy crushing stone after stone with the 4lb hammers, turning out ¼ inch, ¾ inch and ½ inch particles when the colonel's car approached the quarry from the southerly direction, indicating that he was from the Landbouspan. The car stopped a little distance from the compressor engine where the drilling of rocks was going on and the 14lb hammers crushing on the chisels. Out emerged the colonel and a tall slender European in a dark-blue suit. The Colonel talked to the man in the dark-blue suit and his hand pointed towards the toolshed, to where we were sitting, at the little pond where many comrades had got injured trying to clear it of sharp quarry stones and at the prisoners who were busy chiseling stone slabs. The man in the dark-blue suit walked slowly towards the compressor engine and before reaching it, he stopped and looked at what was going on. He stood on top of a big boulder of quarry rock. Corporal Oom Dellie emerged out of his office and I watched him, through the wire mesh on my eyes, as he hurried towards where the colonel was standing. He stopped opposite the colonel and saluted. The colonel returned his salute. They conversed for some time

and then he walked slowly away towards our direction. For the first time since we arrived at the quarry, he did not shout or scream at any prisoner, there were no Big Fives running round, neither was any prisoner manhandled. Prisoners with wheelbarrows went up and down loading and off-loading quarry stones. For the first time they carried light loads with no one to insult or scream at them. We sat there crushing and crushing our stones not knowing who this dignified man in the dark-blue suit was. After about 10 to 15 minutes, the man in the dark-blue suit turned and went to Colonel Steytler who stood a few paces away. They moved to the car and drove away. Then the screaming from Oom Dellie and the other warders began. Sticks and pick handles were unearthed. Those who had not filled their wheelbarrows were turned back. And from nowhere we saw the Big Fives running up and down and around and about. The situation returned to "normal". It was only later on, back in our cells, when we heard that the man in the dark-blue suit was from the International Committee of the Red Cross: his name was Dr Hoffmann and he had come to study prison conditions in Robben Island Prison.

After we had been locked up for the night, the comrades from the Landbouspan told us of what had happened there during the day. When they arrived at work in the morning, Jan Kleynhans told them to sit down and rest. As Teeman and Bloed were not there, he told one of the low-ranking Big Fives to stand guard and watch for any vehicles coming to the work place. Then he and other warders began playing with a tennis ball they had brought along. They divided themselves into two groups and threw the ball to each other as is done in basketball. Meanwhile the prisoners began chatting and speculating what the meaning of this could be. Nkohla, who was in the Landbouspan then told them that a representative from the United Nations had come to the island to make arrangements for the release of political prisoners. Around 9 o'clock the warders got tired of playing. Jan came to the prisoners and told them that they should now resume work but that they should work casually and not overwork themselves. The Big Fives member who had been standing guard was recalled and told to work with the others. No warder or "agter-reier" hurried them to work hard. There were no screams or insults; even those who wanted to go and relieve themselves were given permission. The warders walked about lazily as though they did not know what to do.

At about 9.30 a.m. the colonel's car approached and a man in a dark-blue suit emerged. He carried a notebook and pen and kept jotting on the pad as he watched the prisoners walking lazily pushing half-filled wheelbarrows. It was only about 30 minutes later after the colonel and the man in the dark-blue suit had gone that things started changing. The reign of terror resumed.

But what really astounded us was a report we got from Nathaniel Ciliwe, a comrade who had been discharged from the prison hospital that afternoon. Immediately after the hospital cell was opened, Head Warder Nel, assisted by the two Big Fives hospital assistants, removed all the patients with their old blankets and mats and they were taken to an empty cell in the Zinktronk. From the windows in that cell they saw Teeman, Bloed and other Big Fives clearing the hospital and fitting it with new beds, blankets, bedsheets and other utensils. When they had finished they saw Head Warder Nel issuing them with new pyjamas and sandals. Then they were taken to the hospital to sleep on the new beds. The two Big Fives assistants were dressed in spotless white uniforms. Head Warder Nel then visited their cell and told them that they should sit down on their blankets. No one was allowed to sleep. Anyone who slept, he told them, would be chucked out of the hospital and sent either to the Landbouspan or the Quarry. There was to be no conversation. If they made any noise, they would be given three meals off and denied medical treatment. Later on he came with a warder to watch over them. But there was one political prisoner who had been left behind in the hospital. He had an acute attack of asthma which had left him very weak and gasping for air. Head Warder Nel decided that he should be left at the hospital.

Later on during the day they saw Colonel Steytler accompanied by a tall European in a dark-blue suit entering the hospital. Chief Warder Theron and Head Warder Nel followed behind. They were inside the hospital for some time. When they emerged, the man in the dark-blue suit went around inspecting other cells. When he was about to go in the direction of their cell, the colonel drew his attention to something else. The man looked at his watch and then he turned and together with the colonel they went to inspect the kitchen.

In the afternoon, all the new beds, blankets, etc., were removed and they were returned to the hospital. The asthma patient who had remained was now better and he told them what had happened in their absence. The man in the dark-blue suit asked some of the “patients” about the treatment they were getting. The “patients” had said they were satisfied with the treatment they were getting. What is worse these wretched criminal convicts also claimed they were members of the PAC and the ANC.

For their reward the Big Fives were given full plates of meat and each given four ounces of tobacco. For *their* reward Oom Dellie, Nel and Jan got promotions. Oom Dellie became a Head Warder, Nel became a Chief Warder and Jan was made a corporal. It was then that we understood the purpose of J.B. Vorster's visit in April. He had really done his homework.

A few days after Dr Hoffmann had gone, the working conditions and the weather became worse. The beatings in the quarry had long abated since January but they continued in the Landbouspan. The cold tore at the flesh and ate through the marrow. The Big Fives had all the world to themselves. And they were justified. After all, hadn't they welcomed a Cabinet Minister in the kitchen and hadn't they talked face-to-face with a representative of the International Committee of the Red Cross? And, of course, there was also a possibility that in future they would talk face-to-face with a representative from the United Nations Organisation and possibly, perhaps, even with an emissary from the Pope.³⁹

It is difficult to assess the extent to which Hoffmann realized he had been “taken for a ride” for, after all, his final recommendations show a less superficial perception of the work and of the role of common criminals than his apparently superficial one-day visit seemed to indicate. However, with regard to the hospital conditions, it is evident that he did not spot the hoax, as his (later published) report shows.

I shall return later to the effects of Hoffmann's report on prison conditions, which were probably greater and more positive than might have warranted by the shortness and superficiality of his visit, by the small number of interviews without witness he had and by the limited contents of his report.

3.4 Publication of Hoffmann's report by South Africa (1966–1967)

Hoffmann's report and Pictet's covering letter were published in the local press by the South African government two years later, on 26 November 1966, to counter United Nations criticism of the treatment of political detainees in South Africa, and distributed, for the same motives, to the United Nations in April 1967 by the South African Ambassador to the United Nations in New York. As could be expected, the contents of these reports – and the ICRC itself – came under heavy criticism from government representatives at the United Nations, as well as from United Nations experts who had interviewed former political detainees, from these former detainees themselves and, lastly and in writing, from such NGOs as the International Defence and Aid Fund in a detailed document published in July 1967.⁴⁰

Today, Hoffmann's report elicits mixed feelings, to say the least. On the one hand, he does state some truths relatively bluntly (suicides, beating of prisoners) and clearly: “*Robben Island can, as a whole, be considered a hard labour camp.*” Or: “*As to the morale of the prisoners, the outward expression appears to be rather grim; no one seems to smile.*” On the other hand, the visiting delegate not only carried out the visit alone (something which was later publicly criticized by many, especially at the United Nations), but he spent only *one day* in a prison like Robben Island, which counted 1,395 inmates, of which 628 were “political detainees” (though no one from the Rivonia trial), and he had *private interviews with only seven of them!* Nor did he seem to draw general conclusions from the fact that, out of the seven he spoke to, “*three of them complained that they were being beaten by some warders.*” Yet, he did put it down in his report.

³⁹ See note 38, Dlamini, pp. 123-127.

⁴⁰ See International Defence and Aid Fund (IDAF), *South African prisons and the Red Cross investigation. An examination, with prisoners' testimony*, 63 pp, Christian Action Publications Ltd, London, 1967.

It is evident that the general tone of Hoffmann's report, in which *few suggestions for improvements were made and no criticisms expressed*, not only did not project with the necessary intensity the importance and the nature of the problems encountered at that time by political detainees, but also ultimately enabled the South African authorities to publish it as a form of "defence" against the more graphic and more negative descriptions of former inmates as distributed by the United Nations.

This said, one also has to bear in mind that this was the first series of ICRC visits to detainees in South Africa, and that there was no guarantee that there would be a second, for the government had no legal obligation whatsoever to let the ICRC into its prisons. In fact, for the ICRC itself, visiting political detainees (as opposed to prisoners of war) was, at that time, still perceived internally as something of a novelty, for the organization was not itself aware of the number of historical precedents on which it could base its argumentation when approaching governments, as I demonstrated in my Ph.D. thesis on "*The International Committee of the Red Cross and the protection of political detainees*", completed in 1971 and published in 1973.⁴¹ This may also explain the relatively subdued tone of Hoffmann's report: the Delegate-General may have wanted to make sure that he could return. Had his report been more graphic and more critical, the South African authorities would probably not have published it ... but the ICRC may never have gone back to these prisons!

Whatever the reasons behind the style and content of the report, the vocal criticism of the ICRC which its publication provoked from the United Nations and other quarters were certainly an eye-opener for the ICRC, and the reports of Hoffmann's successors, Geoffrey Senn and Philip Zuger, were not only vastly more detailed (notably on numerous interviews without witness), but also more critical and more pugnacious in their proposals for improvements. Another very positive consequence of the publication by the South African authorities of Hoffmann's report and of the ensuing criticism of it – and of the ICRC – was the amount of information that poured into the ICRC from former detainees, who either critically commented on the report, item by item, or gave detailed testimonies of the realities of their time in detention, in contrast to the relative blandness of the report. A further positive outcome of the incident was very important for the future: since Hoffmann's report also included *the promises made by the South African authorities* in response to his remarks, when the whole lot was published, *they were obliged to stick to their word*. Also, later delegates would be all the wiser for it. Lastly, as Buntman wrote, Hoffmann's report no doubt "*made the government increasingly aware of the potential for international concern and pressure.*"⁴²

* * *

I will conclude the subject of Hoffmann's reports and the outcry which their publication provoked by saying that, as access to the documentation surrounding this episode in the ICRC archives will shortly become available under its 40-year rule, there will soon be an interesting chapter of history to write (for instance for a PhD or an MA dissertation) on "the ICRC and South Africa 1951–1967". This study would cover, better than I can do here:

- the ICRC's internal discussions on South Africa after the end of the Second World War;
- the negotiations with South Africa that led to Hoffmann's first series of visits in 1964 (preceded by the visit to Sobukwe in 1963);
- Hoffmann's visits and his reports, which included the comments which the authorities had made to his observations and remarks;
- was Hoffmann "taken for a ride" and/or was he too insensitive to the fate of the prisoners? Or was he consciously avoiding to "push" things too far in order to be able to return and visit again? Was it a bit of all these elements?

⁴¹ Jacques Moreillon, *Le Comité international de la Croix-Rouge et la protection des détenus politiques* ("The International Committee of the Red Cross and the protection of political detainees"), L'Age d'Homme, Lausanne, 1973.

⁴² See note 3, Buntman, Chapter 8, "An Analysis of the Effects of ICRC Prison Visit Reports".

- what pushed the South African government to publish these reports in November 1966 and how their publication was covered by the national and world press (including the discussions between the South African authorities and the ICRC *before* – and *about* – that publication);
- South Africa, the United Nations and the distribution of Hoffmann's report to the United Nations in April 1967 and the criticism of the ICRC that this provoked;
- the lessons learned by the ICRC from that experience, and the negotiations and preparations for the next ICRC series of visits in 1967;
- why it took three years (1964 to 1967) for the ICRC to visit again Robben Island after Hoffmann's first and only visit there.

The fact that Hoffmann's visits, although barely mentioned in most prisoners' accounts, did have *some* effect would need to be more fully demonstrated by access to the ICRC's reports on later visits to be found in the South African archives. The pressure from outside that persuaded the South African authorities to publish the reports (quoting in the process their own responses to Hoffmann's suggestions, and thereby obliging themselves to *implement* the improvements announced in their responses) had, as one of its main effects, to start the process of separating "political" from "criminal" prisoners on Robben Island. Not only had the government to do what it had promised, but it apparently also felt the need to accompany the publication of the report and its comments on it with the announcement that *it would accept a new series of visits by the ICRC*. This time the visit would be carried out by Geoffrey Cassian Senn, who, as we will now see, did note that, while many problems had persisted, some – to Hoffmann's credit – had been solved, and improvements, albeit modest, had taken place.

Finally, this episode confirms one of the golden rules of ICRC visits: *repetition is of the essence*. The value of a visit can only be measured during the next visit, even if many improvements take place *just before* that next visit and are not always maintained after it. Again, this will only be known at the following visit, and so on.

4 Second series of visits to places of detention in South Africa (1967)

4.1 The visits by Geoffrey Senn

On 22 September 1965 (that is, *before* the publication by the South African government of Hoffmann's report), the ICRC asked Pretoria, through its embassy in Bern, for authorization for one or more of its delegates to carry out a new series of visits to places of detention in South Africa. On 1 February 1967, after a long delay of a year and a half (a period that included the drama of the publication of Hoffmann's report), the ICRC received a positive response from the South African government. The response – transmitted by the Permanent Representative to the United Nations in Geneva – was that South Africa would be pleased to grant full facilities to Mr Cassian Gottfried (Geoffrey) Senn for the purpose of visiting prisons in South Africa, "*in the same way as Dr Hoffmann did in 1964*." It also made the point that the term "*political detainee*" was not applied to any special category of prisoner in South Africa. There were, in fact, prisoners who were "*violent saboteurs*" or who were guilty of "*communist activities*", but these fell into the same penal categories as other criminals. The South African authorities insisted that, if Mr Senn wished to visit these prisoners in particular, it would, of course, "*be necessary for him to visit other prisoners as well*", including those who were guilty of other infringements of the law, for the reason that the so-called "*political*" prisoners could not be regarded or treated as a separate category. Consequently, the South African authorities would expect that Mr Senn would *not* concentrate simply on certain prisons during his visit, but that he would "*be prepared to visit all the different types of prisons in the Republic*."

Senn therefore went to South Africa four times – in April, May, August and October 1967 – and visited the following detention centres and prisons, first on his own and then with Dr Simon Burckhardt, an ICRC medical doctor:

- Robben Island
- Victor Verster state farm prison

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- Pretoria Local prison
 - Nylstroom prison
 - Kroonstad prison
 - Pretoria Central prison
 - Barbeton prison
 - Bellville prison
 - De Doorn Prison Outstation
 - Koelenhof Prison Outstation
 - Bien Donné Prison Outstation
 - Leeuwkop prison
 - The Fort prison
 - Boksburg prison
 - Roeland Street prison
 - Sonderwater prison
 - Sonderwater tuberculosis hospital

As was the case for Mr Hoffmann, most of these prisons held only common criminals.

The ICRC delegates were accompanied on their visits by a Colonel from the Prisons Department's Liaison and Information Office; this time, they were quite free to choose the detainees or internees to whom they wished to speak (or who wished to speak to them) and were able to talk to them at leisure and without witness. The requests and suggestions the delegates made with regard to improving the conditions of detention at the concluding meetings with the South African authorities were the subject of a confidential written report, which the ICRC sent to the South African government only on 27 June 1968 (which seems like a long delay, that a study of the ICRC archives may one day explain). The reports on Senn's *three visits to Robben Island* (see below) *totalled 47 pages*, not counting Dr Burckhardt's medical report, as *opposed to Hoffmann's four pages!*

As indicated, the ICRC visited Robben Island three times in 1967: 5–10 April, 25–26 August and 7–9 October. During these three visits, the Commanding Officer was Major P.A. Kellerman. Be it only for their duration and repetition, these visits were evidently much more thorough than Hoffmann's one-day visit in 1964. The first visit was general and detailed, whereas on the second and third visits, Senn concentrated more on the follow-up of individual cases, and, during the third, on medical aspects since, for that visit, he was accompanied by Dr Burckhardt.

With an official capacity of 1,090 prisoners, Robben Island counted 996 inmates in April 1967, 822 of whom Senn qualified in his detailed report on his visit as "*convicted for crimes committed against the State*", and 173 whom he qualified as "*common law offenders*." *The two categories had been separated from each other as a result of Hoffmann's visit.* (Senn made the point that "*there is one – Mr Robert Sobukwe – political detainee*".) It is interesting to note that, in the report on his August visit, Senn writes: "*Present on day of visit: 793 **political** prisoners, 182 common law offenders and, in a separate enclose, the political detainee Robert Sobukwe*" (emphasis added). Yet, in his report on the October visit, he writes: "Number of prisoners: 966; Categories: **political** 785, criminals 181" (emphasis added).

Considering the gist of the letter the South African authorities sent on 1 February 1967, the evolution of Senn's vocabulary over the three reports on his visits to Robben Island is worth noting but difficult to interpret. Apparently, the change in the terms used to qualify ICRC "clients" did not provoke a reaction from the authorities this time, although this would need to be checked more thoroughly.

It is also noteworthy that, in his August report, Senn makes the point that, under the supervision and guidance of a member of the Parole Board, an attempt was being made by the authorities to reclassify the "*political prisoners*" into five groups. This task was near completion and the tentative results obtained were:

- 93 prisoners considered as “*active extremists*”, of whom 30 were accommodated in single cells and prevented from contact with the other prisoners (this would, of course, include Mandela, Sisulu, Mbeki, Kathrada and the other leaders);
- 420 prisoners “*of firm political convictions but abstaining from propaganda activities*”;
- 80 prisoners described as “*indifferent*”;
- about 100 considered as “*cooperative and simply misled due to their youth, love of adventure, and enthusiasm*”;
- a further 100 not classified.

To my knowledge this categorization (which was evidently a tool to try and politically “recuperate” those prisoners who appeared to be “recuperable”) was never again mentioned to the ICRC!

4.2 Senn's first interview with Mandela

From the many interviews he had with inmates on the island, Senn provided detailed notes on *five lengthy interviews without witness*. For two of them he gave names: the first was Robert Sobukwe, who, as said earlier, was detained outside the main prison, in a fully fenced house with garden, and who was the only “official” political detainee in South Africa, with some access to news and so-called “contact visits”⁴³ with his wife. The second was Nelson Mandela. Senn based many of his oral and written suggestions to the authorities on these interviews, in which all aspects of the prison conditions were discussed in depth, as well as on two interviews during which both warders and prisoners agreed to be present at the same time, in order to establish some facts in common concerning food rations.

With regard to the private interview between Senn and Mandela, it is interesting from a historical point of view to compare what both men wrote about that encounter, which did not take place in Mandela's cell, but in an office, with just the two of them present.

Mandela writes:

One day in the summer of 1965 we discovered some fat glistening on our porridge at breakfast and chunks of fresh meat with our pap at supper. The next day some of the men received new shirts. The guards at the quarry and the warders in our section seemed a bit more deferential. All of us were suspicious; in prison, no improvement happens without a reason. A day later we were notified that the International Red Cross would be arriving the following day.

This was a crucial occasion, more important than that of any of our previous visitors. The International Red Cross was responsible and independent, an international organisation to whom the Western powers and the United Nations paid attention. The prison authorities respected the International Red Cross – and by respected, I mean feared, for the authorities respected only what they were afraid of. The prison service distrusted all organisations that could affect world opinion, and regarded them not as legitimate investigators to be dealt with honestly but as meddling interlopers to be hoodwinked if possible. Avoiding international condemnation was the authorities' principal goal.

In those early years, the International Red Cross was the only organisation that both listened to our complaints and responded to them. This was vital, because the authorities ignored us. Regulations required that the authorities provide some official procedure for acknowledging our complaints. They did so, but only in the most perfunctory manner. Every Saturday morning, the chief warder would come into our section and call out, “*Klagtes en Versoeke! Klagtes en Versoeke!*” (“Complaints and requests! Complaints and requests!”) Those of us with *Klagtes* and *Versoeke* – which was nearly everyone – lined up to see the chief warder. One by one, we would make formal complaints about food, or clothing, or visits. To each, the chief warder would nod his head and

⁴³ “Contact visits” were visits during which there could be some minimal physical contact between the prisoner and his visitor (a handshake, even an embrace), as opposed to “Robben Island-type visits”, during which a thick glass wall separated the prisoner from his loved ones and their exchange of words had to go through a microphone and loudspeaker.

simply say, "Ja, ja", and then, "Next!" He did not even write down what we said. If we tried to speak for our organisations, the warders would yell, "No ANC or PAC here! *Verstaan?*" ("Understand?")

Shortly before the International Red Cross visit we had submitted a formal list of complaints to the commissioner of prisons. At the time we were permitted paper and pencil only to write letters. We had secretly consulted with each other at the quarry and in the lavatory, and put together a list. We submitted it to our chief warder, who did not want to take it and accused us of violating regulations by making such a list. One of our complaints to the International Red Cross would be that the authorities did not listen to our grievances.

On the day of their visit, I was called to head office to meet the International Red Cross representative. That year, and for the following few years, the representative was a Mr Senn, a former director of prisons in his native Sweden who had emigrated to Rhodesia. Senn was a quiet, rather nervous man in his mid-fifties who did not seem at all comfortable in his surroundings.

The meeting was not monitored, a critical difference from nearly all of our other visitors. He asked to hear all of our complaints and grievances, and listened very carefully, taking extensive notes. He was very courteous and thanked me for all that I told him. Even so, that first visit was rather tense. Neither of us yet knew what to expect from the other.

I complained quite vociferously about our clothing, affirming that we did not want to wear short trousers and needed proper clothing including socks and underwear, which we were not then given. I recounted our grievances regarding food, visits, letters, studies, exercise, hard labour and the behaviour of the warders. I made certain requests I knew the authorities would never satisfy, such as our desire to be transferred to prisons nearer our homes.

After our session, Senn met the Commissioner of Prisons and his staff while I waited. I assumed that he relayed our complaints to the authorities, indicating the ones he thought were reasonable. Not long after Senn's visit our clothing did improve and we were given long trousers. But Senn was not a progressive fellow by any means; his years in Rhodesia seemed to have acclimatised him to racism. Before I returned to my cell, I reminded him of our complaint that African prisoners did not receive bread. Mr Senn appeared flustered, and glanced over at the colonel, who was head of the prison. "Bread is very bad for your teeth, you know, Mandela", Mr Senn said. "Mealies are much better for you. They make your teeth strong."⁴⁴

In all fairness to Senn and to history, I would wish to quote hereunder the written text by which he transmitted this same conversation in his *official* ICRC report to the authorities, which not only quotes Mandela's observations but also makes some suggestions to the authorities directly based on these observations. (All of Senn's suggestions were also to be found under each item and recapitulated at the end of his report):

Second interview: With Mr Nelson Mandela.

Date of interview: 8th April 1967.

The prisoner's remarks are as follows:

He is living with 30 other political convicts in a cell block, isolated from the other prisoners, and these 30 work together in a limestone quarry.

He describes the work as strenuous, more strenuous than, e.g., the work in the stone quarry, where the continuity of work is not of the same intensity, and where short interruptions always occur. The group of 30 does this work without break or change since January 1967.

He deems that the physical strength of all has diminished. The white glare of the lime in the sun affects the eyes and dark glasses are supplied on application by the Medical Officer, but they are of a cheap kind and the prisoners have bought their own of a better kind.

He pointed out the following prisoners as needing medical care:

⁴⁴ See note 7, Mandela, pp. 487-489.

Govan Mbeki	(56; B.A. & B.Econ.) ...
Walter Sisulu	(54; Estate Agent) ...
Raymond Mhlaba	(46; trade unionist) ...
Ahmed Kathrada	(38; official of South African Indian Congress), ...
Edward Daniels	(36) ...
Lallo Chiba	(32) ...
Mlamli Makwetu	(36) ...
Johannes Dangala	(32) ...
Elias Motsoaledi	(42, trade unionist) ...
Leslie van der Heyden	(27; B.A., teacher) ...

(For evident reasons of personal confidentiality, I do not quote here the details which are in the report on each individual case, as described by Mandela and reproduced by Senn.)

All the aforesaid have been treated one time or another at the hospital, and are receiving treatment as far as needed.

Could the group not be given other work, at least for a month, to break the monotony and the strain?

Food: Could the diet not be improved by adding "samp" with beans and some fat? Could some fruit be given?

Clothing: Satisfactory, if warm trousers are issued for the winter months.

Work: "The authorities may suspect us that there are organized "go-slow tactics", but this is not so; the slowing-down during the work is simply due to fatigue."

Treatment: "We respect the Commissioner of Prisons very much; even before he comes for a visit, the handling of the prisoners by the Staff becomes more human."

"The Officer Commanding is tough, but approachable; when inspecting, he does not greet us anymore since about two months. I have nothing against him personally."

"There is a "persecution campaign", which became evident in September 1966, when warder van Rensburg was put in charge of our span in the lime quarry. He has on the back of his right hand the tattoo of a swastika."

"I personally have no complaints."

The delegate suggested to Col. J.C. Schutte, the Liaison Officer of the Prison Department who accompanied him, to discuss some of the above-mentioned items with Mr Nelson Mandela, and this was done on the following day, and apparently a good and useful contact was established.

Senn's other remarks on Robben Island were in the report itself, many of them picked from what Mandela had told him in their interview. Madiba's date is wrong (it was 1967 and not 1965) and Senn was Swiss, not Swedish (C.S. Senn, a Swiss citizen – and *not* Swedish, as thought by Mandela – was born in Switzerland on 25.07.1898 and died in Zimbabwe on 1st January 1981). But his quote of Senn's remark (made *after* the "official" interview without witness) about bread being bad for a black man's teeth (why not for a white man?) is certainly not invented and it provides an apt illustration of the importance of what I call "confidence building" between prisoner and delegate, even outside the "official" part of the interview. Despite this (and although Senn's and Mandela's accounts of their "official" interview do not entirely coincide, in particular on the question of clothes), as we shall see in the following pages, Senn's detailed reports show him in a better light than does that parting remark to Mandela. However, having known Senn myself, I have to say that Mandela's analysis of the man is not incorrect: he could be very forceful in his defence of prisoners, but his many years in Rhodesia had conditioned him as a man of his generation.⁴⁵

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⁴⁵ See also note 2, Sampson, p. 202, on the matter of long trousers, which Senn *did* settle on the occasion of these 1967 visits.

A broader study than this one should, of course, also consider Senn's visits to other places of detention. He visited Victor Verster prison alone twice in 1967, from 17 to 21 April and on 27 and 28 August. That year, the Victor Verster prison was visited a third time by Dr Burckhardt, on 10 October. On these dates, there were about 600 prisoners in the common law section and 300 in the so-called "security section".

Senn also visited Pretoria Local prison (where 20 so-called "European", i.e. white prisoners, and 37 "Ovambos", i.e. Namibians, were held), on 4 May 1967, on 23 and 31 August and on 1 September, and Dr Burckhardt visited it on 14–15 October.

Both these places of detention were the object of thorough visits and included a number of interviews without witness.

Senn's reports were photographic and clinical in their detail, including the "notary-like" description of private interviews (some with names, some without), especially when describing occasional bad treatment in the prison itself and, more systematically, torture during the period of interrogation. They were quite lengthy compared with Hoffmann's: for the same places of detention (but repeated and longer visits), a total of 154 pages in contrast to Hoffmann's 28. And of course, in view of Dr Burckhardt's presence, the medical aspects were much more developed. The general tone was still "notary-like", but that was also intended to build the authorities' confidence; and the reports were *much more forthcoming in their criticisms than Hoffmann's and more pressing in their suggestions for improvements.*

4.3 Senn's remarks about conditions on Robben Island

First visit of 5-10 April 1967

Senn started his report by reminding the reader that the previous visit to Robben Island prison had taken place almost three years before, on 1 May 1964. Interestingly, on the very first page of his report, under the heading "Staff", he noted that the staff of "*6 commissioned and 178 other ranks, of whom 110 are single, and of the average age of 21 years*" were "*wholly white*" and pointed straight away under that heading (rather than under "Treatment") that there had been two cases on the prison's record of "*European staff misbehaving towards prisoners*", giving details of these cases and of the prisoners' "*right to complain.*"

Under "Present", Senn noted that there were 996 inmates (of whom 822 were convicted for "*crimes committed against the security of the state*", and 173 were common law offenders) and that there was one "*political detainee*" (Robert Sobukwe). Of these prisoners, he noted that the 822 were completely separated from common law offenders during non-working time, that they worked together rarely (only on buildings), but were not separated when treated in the prison hospital.

The delegate stressed that the separation of the political and common law prisoners had commenced on 4 July 1964 and had been completed in October of the same year.

There were no remand prisoners on Robben Island.

He also noted the age groups of prisoners:

- below 20 years of age	4
- from 20 to 29 years of age	350
- from 30 to 39 years of age	357
- from 40 to 49 years of age	223
- from 50 to 59 years of age	56
- from 60 to 69 years of age	5
- over 70 years of age	1

In terms of "*Grouping*" (or *classification*), he indicated that prisoners transferred from other prisons to Robben Island were mostly "*security risks*", and could only be transferred to other prisons when this risk appeared to be lessened. Other factors were "*behaviour*" and "*sociability*", but the decisive factor

was said to be the danger of escape. He had been informed by the prison authorities that prisoners serving sentences of more than two years would, as a rule, stay in “D” group not longer than a quarter of their sentence, and the same applied with regard to transfers from group “C” to “B”, and from “B” to “A”.

On 4 April, the “grouping” was as follows:

“A” group	110
“B” group	162
“C” group	469
“D” group	254

He then described each item in great detail: water (there was no hot water), housing, bedding (mats, not bed), hygiene, food (for “Africans” and for “Coloured and Indians”), canteen, clothing, medical treatment, work, releases, deaths (and their causes), relations with the outside world (correspondence, parcels, visits), leisure, library, games, studies, discipline (four very detailed pages) and religious activities.

All 13 pages were, however, of a purely descriptive nature, neutral and “notary-like” (as had been Hoffmann's, but in Senn's case much more detailed) and did not include comments, which Senn strictly separated from the “photographic” part of his report: comments and recommendations were kept for the end of his report, under “General remarks.” In that final part of his report Senn noted that the complete separation of the “political” prisoners from the “common law” offenders had put an end to the formation of “pressure” groups. (This was a vital matter raised by Hoffmann, and Senn must have been briefed by his predecessor on this.) As a result, he made the point that, during his visit, he was greeted by the prisoners “*in a friendly and polite manner*” and that, when spoken to, “*they spoke frankly, without fear, and to the point*” – a marked change from Hoffmann's visit.

He nevertheless noted a growing apathy among the prisoners, which he attributed to several factors: continuous and, for many, extremely monotonous work; a diet below that to which they were accustomed; worries about their families; and the hopelessness of their position and future.

In his opinion, the lack of fresh fruit (or at least of raw vegetables, such as carrots and tomatoes) must sooner or later affect the prisoners' health. Signs of this were the voluntary recourse to laxatives and – perhaps even more so – the great number of prisoners (more than a quarter) receiving daily medicines and treatment of one kind or another; significant was the number of prisoners with chest infections, flu, sore throats and headaches.

Senn also pointed to the great discrepancy between what the “Coloured and Indian” prisoners received in the way of animal fat (1 oz. per day) and the amount received by the “African” prisoners (none). As the work which the prisoners performed was about the same, the difference in the ration scale was difficult to understand and justify.

He suggested that, medically and statistically, the quarterly weighing of all prisoners would be very advisable and useful.

He proposed, if administratively and economically possible, a change of work for prisoners whose labour was invariably monotonous as well as strenuous, for example for those working in the lime quarries and those who broke the stones down to gravel. One group had been working in the lime quarry without any change since the beginning of 1965, and a break for a suitable period would improve them physically as well as psychologically.

Prisoners in groups D and C, he said, should be allowed to send two to three welfare messages of the type adopted by the ICRC, in addition to the permitted number of letters (one and three letters respectively within a three-month period). This would not amount to actual correspondence, nor create much additional work for the censors, but would prevent the prisoners losing contact with their families. This was more important for prisoners serving long sentences and who therefore remained for a considerable time in groups D and C.

He concluded his general remarks by saying that, following his visit to Robben Island prison, he had raised all these questions with the competent authorities and submitted these suggestions to Major General J.C. Steyn, Commissioner of Prisons in Cape Town.

In addition to his comments on the prison and prisoners in general, Senn gave detailed records of five interviews without witness, including the one with Nelson Mandela cited earlier.

The life of Robert Sobukwe has been described in enough detail to allow me to share here the text of Senn's report on the interview he had with that other great hero of the struggle against apartheid.

First interview

With the political detainee, Mr Robert Sobukwe, held in a separate enclosure completely isolated and guarded, on Robben Island.

Date of interview: 7th April 1967.

The Delegate saw the detainee in his house, which is sufficiently, but sparsely furnished. The living conditions are unchanged, and he receives his meals from the European Staff's Mess. He buys the fruit himself, as do the members of the European Staff's Mess.

He had no complaints about the treatment, but said that he did not receive certain overseas periodicals, and that some books were not delivered by the censor, and one gramophone record. The delegate informed the Commanding Officer of Robben Island, who said that checking was difficult as books were sent without attaching lists, but that he would order an enquiry into the matter. The delegate asked Mr Sobukwe, in writing, to inform prospective senders of books etc. to attach lists to their consignments to avoid misunderstandings in the future.

Mr Sobukwe was visited in January by his wife, who is a trained nurse and working in Johannesburg. She was staying in Cape Town for 10 days and had to come out to Robben Island and to return to Cape Town every day. They were permitted, as are "group A prisoners", contact visits, i.e. in a room, and not in the visitors' cubicles. As Mr Sobukwe is completely separated in a wired enclosure, and the enclosure guarded day and night, there arises the question why his wife cannot stay with him during her visits; they would be completely isolated and no contact possible with anybody on the Island. Not allowing this to him, who is a detainee and not a prisoner, and thus not deprived of basic civic and human rights, constitutes, in the delegate's opinion, an unjustified hardship that should be avoided.

As to the three other interviews detailed in Senn's report, the interviewees were not named but described as "*spokesman for the others*" or as "*intelligent, very articulate and frank*" or as "*a very quiet type of man*" and they covered the whole range of prison conditions, which were thus again indirectly reported upon to the authorities.

4.4 Further visits by Senn to Robben Island (August and October 1967)

Senn's reports on his visits of 25-26 August and of 7-9 October (the latter with Dr Burckhardt, as ICRC medical delegate) are typical "follow-up reports", shorter than the first one, and in which the delegate mainly stresses those points on which he had made recommendations and indicates if there had been – or not – any follow-up to them by the authorities, such as food, medical care, mail, leisure, studies, work and relationships with warders; by and large he found a situation with modest improvements, except on work and food (where there had been none) and leisure: a new recreation hall had been built.

Of particular interest were the contents – though less detailed and in summarized form – of his interviews without witness with "*four of the leading political prisoners of his own choice*", one of them expressing the opinion that "*the Prison Department is now inclined to relax the harsh insistence on work by the prisoners.*" The same leader mentioned as well that "*many improvements had been effected since the beginning of his imprisonment, but he could not specify anything.*" In Senn's view,

relations between prisoners and prison staff had improved. The best evidence of better mutual understanding was the disappearance of disciplinary punishment.

For the first time, a description was given in the report itself of prisoners' accounts of what had happened to them *before* coming to Robben Island. A number of prisoners had complained that they had been *severely beaten* in the Pretoria Central police station or at the Gezina police station shortly after their arrest. Senn concluded that, "*in view of the number and consistency of the declarations made to the ICRC delegate, it would be highly advisable that an enquiry be opened concerning these alleged practices in order to establish the truth and, if necessary, to ensure that appropriate steps be taken to avoid repetition.*"

The report of the October visit consisted mainly of Dr Burckhardt's assessment of the medical situation on the island, including a detailed description of some individual cases.

4.5 Follow-up from Geneva

The ICRC sent Senn's report to the South African authorities, with a covering letter dated 27 June 1968, eight months after his and Dr Burckhardt's last prison visit. (Senn had sent his report to Geneva on 16 January 1968 and forwarded Dr Burckhardt's on 19 February, a delay that was internally criticized at the time, as was the fact that it took another four months to send the final report to the South African authorities. However, it should be noted that, in those days, the ICRC Africa desk in Geneva counted – for the entire continent south of the Sahara – only Dr Hoffmann, Mr Zuger and one other desk officer.) The covering note was addressed to Dr Hilgard Muller, Minister of Foreign Affairs, and signed by Dr Jean Pictet, Member of the Committee and ICRC Director-General. In the letter, Dr Pictet underlined the main conclusions of Mr Senn's reports, namely:

- *Separation of common law from political prisoners*

In the main centres, as well as on Robben Island and at Victor Verster, common law prisoners had been separated from political detainees. However, at some centres, no distinction was made between the two. The delegates mentioned the desirability of applying this kind of separation as a general rule at all the centres, including places where people were remanded in custody.

For the first time it was stressed that *the conditions under which political detainees were held were naturally not to be inferior to those of the common law detainees.*

- *Corporal punishment*

Political detainees should be exempted from the corporal punishment provided for under the prison rules for breaches of discipline.

- *Study*

The letter insisted that it "*would be extremely desirable for detainees wishing to carry on their education during detention to receive facilities*" to study and more assistance in that respect than was the case.

- *Payment to prisoners working on farms*

Although prisoners who worked for farming associations were paid in kind for their work, the letter suggested that they should also receive payment in cash, which would enable them to improve their material conditions.

- *Medical assistance*

Very thorough and detailed remarks – both general and on individual cases – made by the ICRC medical officer were forwarded to the authorities.

- *Police interrogation*

The ICRC delegates had received various complaints from prisoners of ill-treatment; this mostly involved being hit with an African stock during the interrogation following their arrest. The prisoners said that they had been beaten or subjected to other brutal forms of treatment in particular in the Kompol Building in Pretoria by the Special Branch of the police. The number and the consistency of these complaints seemed to justify the need for an inquiry and, if necessary, the introduction of a system allowing police interrogations to be monitored.

5 The continuation of ICRC visits (1969)

5.1 Visits by Zuger, Senn and Dr Vuillet to convicted political prisoners

In March 1969, Georg Hoffmann, who had by then become ICRC Delegate-General for Africa, met Major General J.C. Steyn, the Commissioner of Prisons, Brigadier J.C. Schutte, the Prisons Department's Liaison and Information Officer, and Mr J.S.F. Botha of the Department of Foreign Affairs. Hoffmann raised a number of problems with them, referring to the ICRC's 1968 report on its 1967 visits to places of detention, and made preparations for a new series of visits at the end of April or early May 1969.

In May, Philip Zuger, ICRC delegate, Dr François Vuillet, ICRC medical delegate, and Geoffrey Senn (this time as "ICRC consultant") travelled to South Africa, where they visited *only prisons housing convicted political prisoners, and no longer prisons where only common criminals were held*. This was due to a change in the South African legal system (see below in Chapter One, title 6: "Terrorism Act and ICRC prison visits in 1970 and 1971.") These prisoners, who numbered 945, were held in the following five prisons, which were visited between 5 and 17 May 1969:

- Robben Island (Cape Province, 640 inmates)
- Victor Verster (Cape Province, 249 inmates)
- Bien Donné (Cape Province, 18 inmates)
- Pretoria Local prison (Transvaal, 16 inmates)
- Barbeton (Transvaal, 22 inmates)

The visits carried out by Zuger and Vuillet were the subject of a confidential report sent by the ICRC to the Minister of Foreign Affairs, Dr Hilgard Muller, on 23 July 1969.

5.2 Conditions of detention

Prior to sending these reports from Geneva, Hoffmann discussed the main points of this most recent round of visits with Major General Steyn and Brigadier Schutte. These were as follows:

- *Food*

The delegates expressed the hope that a satisfactory solution could be found for the long-standing requests for fruit and vegetables to be included in the diet. The prisoners had also asked for "crushed mealie" (ground maize) to be supplied.

The Commissioner of Prisons considered the complaints about maize "negligible" as, in his view, this had nothing to do with the detainees' state of health but merely reflected personal taste.

- *Clothing*

The prisoners had repeated their request to be allowed to wear long trousers in summer as well as in winter.

- *Medical assistance*

Here again, a series of specific recommendations – and a number of corresponding criticisms – were made about general and individual medical assistance.

- *Rehabilitation*

The delegates thought that it would be appropriate to examine the extent to which a vocational training programme might be introduced. To start with, prisoners interested in construction work could be chosen. The Prisons Department was said to be planning new buildings.

- *Family visits*

The response from the Commissioner to the delegates' requests for detainees to be allowed "contact visits" and visits from their children was that security concerns ruled out "contact visits" for all political detainees. With regard to visits by children, it was pointed out that children under 16 years of age were prohibited from visiting prisons in the Republic of South Africa.

- *Legal assistance*

Convicted prisoners were entitled to consult a lawyer only for matters governed by penal law and not in disciplinary cases.

- *Discipline*

Attention was drawn to some cases of warders assaulting detainees; the delegates were told that these cases were being investigated by the authorities.

5.3 The ICRC's arguments

This time, and *for the first time so clearly*, the delegates' basic line of argument was that political prisoners, once they had been properly tried and placed in the hands of the prison authorities, *should have exactly the same standing and be given the same treatment as prisoners who had been convicted of non-political offences*. However, *this was not the case*. Therefore, Zuger drew the authorities' attention to the main differences between the treatment of political prisoners and common law prisoners. These were as follows:

- *Rehabilitation or social rehabilitation*

Officially, the imprisonment of common law prisoners in South Africa was not a means of punishing them but of ensuring the social rehabilitation of those convicted of a crime. While convicted "non-political" prisoners were able to take advantage of this concept, there was no "rehabilitation programme" for political prisoners.

- *Work*

It was alleged that state security requirements made no provision for political prisoners to be given meaningful work. In fact, they continuously did the same monotonous task (along the lines of crushing rocks) in conditions that were harder than those to which common law prisoners were subjected.

- *Radio and newspapers*

Political security requirements prohibited political detainees from having any contact with events in the outside world. They were not allowed radio or newspapers and their letters and books were censored. This was not the case for common law prisoners.

- *Grading system*

Each prisoner was normally able to progress as quickly as possible through the class system – and it was in his interest to do so. Political prisoners, however, remained in the lower grades longer than common law prisoners.

- *Visits*

Political prisoners were not allowed "contact visits", a system permitting a prisoner physical contact with his visitor. They only saw their families through a glass screen. Moreover, political prisoners had fewer such visits than common law prisoners.

- *Family deportation*

Most of the prisoners' families had been expelled from their homes and deported to the interior of the country. The psychological pressure that these family deportations exerted on the political prisoners was far greater than that of any other hardship to which they were subjected.

- *Social support*

The recognized system of social support did not apply to political prisoners. They had no one with whom they could discuss their family or personal problems.

- *Financial assistance for needy families*

The recognized system of assistance for needy families did not apply to political prisoners.

- *Punishment*

The system of punishment did not allow political prisoners to defend themselves.

- *Studies*

There were systematic restrictions on following correspondence courses.

5.4 Follow-up

Some of the suggestions made in 1969 met with a favourable response in 1970, for example:

- for the first time as far as political detainees were concerned, two such prisoners were released on parole, six were released with reduced sentences and the system of "suspended sentences" for offences committed in prison was approved;
- the time allowed for family visits was extended and authorization was given more frequently for political detainees to receive additional letters;
- the prisoners were no longer locked up in their cells during the weekend but allowed to remain – and play games – in the yard;
- the cells were made to look less severe because prisoners were allowed to keep some personal items with them.

6 Terrorism Act and ICRC prison visits in 1970 and 1971

6.1 Convicted prisoners versus prisoners under interrogation

The ICRC Delegate-General for Africa, Mr Georg Hoffman met the Minister of Foreign Affairs, Dr Hilgard Muller, on 13 August 1969 and presented him with a request for the ICRC's visiting permit to be extended to *political detainees held under the Terrorism Act*. By the end of 1969, the ICRC had still not received a reply to its request, which was to be referred to the South African cabinet in 1970.

To understand this situation, it should be recalled that, when the ICRC began its visits to "political detainees" in South Africa in 1964, it had been authorized to see:

- convicted political prisoners;
- those awaiting conviction; and
- detainees who had been held in police prisons between 90 and 180 days.

Detainees held under the Suppression of Communism Act (1950) were held from 1955 onwards under section 215 of the Criminal Procedure Act, until 12 June 1967 when the Terrorism Act entered into force.

The Terrorism Act (1967), which covered crimes committed after 27 June 1962 (the official date of the first signs of "terrorism"), *made no provision for limiting the length of detention*. Those concerned could be detained *until a police superintendent ordered their release*.

That legal instrument also stipulated that *no one other than the Minister of Justice or a public officer in the service of the State could have access to the detainees*. Nonetheless, there was nothing in section 6 of the Terrorism Act to prevent the Minister of Justice from granting the ICRC access to the detainees in question.

In August and September 1970, Hoffmann carried out a new mission to Pretoria to ask the Minister of Justice, Mr P.C. Pelsler, to authorize visits to the detainees held under the Terrorism Act and, at the same time, to agree to step up the existing programme and increase the visits to prisoners convicted on political grounds to two a year.

The relevant authorities gave their approval in principle for two visits a year to convicted political detainees (an offer which, regrettably, was not taken up by the ICRC owing to a shortage of funds and hence of delegates); but *the South African government refused to authorize the ICRC to visit detainees held under the Terrorism Act*.

On 13 October 1970, the President of the ICRC, Mr Marcel A. Naville, informed the Minister of Foreign Affairs, Dr Hilgard Muller, of the visit of a team comprising the ICRC delegate Mr Philip Zuger and the ICRC medical delegate Dr Edoardo Leuthold. In his letter to Dr Muller, the President of the ICRC suggested that visits to detainees held under the Terrorism Act be carried out by a medical delegate only and that he be allowed to ask medical questions only. In response, the South African authorities informed the ICRC that the request had again been given top-level consideration but that they could not grant it.

6.2 Zuger's 1970 visit

Consequently, the ICRC had access to *convicted prisoners only*, and between 18 November and 15 December 1970, Philip Zuger and Dr Roland Marti, the ICRC's Chief Medical Adviser (instead of Dr Leuthold), visited and talked without witness to 561 *convicted* political detainees (and, again, *only* convicted ones) held in the following four prisons: Pretoria Local, Robben Island, Victor Verster and Barbeton. As usual, the ICRC sent confidential reports on the visits to the detaining authorities.

After that series of visits, Zuger argued painstakingly – both orally and in a very lengthy and thorough report – on a number of key points, dealing with most of them on the basis of *a comparison between the policy of the Prisons Department towards common law criminals and its practice towards political prisoners*, using for political prisoners the very same logic which the prison authorities were using for the common criminals. This was clearly a new trend, an attempt at going beyond the traditional "notary-like" approach by adopting a *general and generic* approach to the *global* treatment of convicted political prisoners, which is worth detailing below, be it only for its clever "tongue in cheek" style of argumentation.

a) *Rehabilitation programme*

Considering the efforts made by the Prisons Department to provide and implement an exemplary "rehabilitation programme" for common law prisoners, and basing his observations on his findings in the prisons for political prisoners, Zuger had reached the conclusion that there was no "rehabilitation programme" established or even conceived for political prisoners. He noted that the official explanation for the lack of such a programme was that it was not possible to apply it as long as the prisoners did not show a "*change of heart*": in the view of the authorities, a "*change of heart*" had to come first and the rehabilitation programme would follow.

In response to that rather curious argument, the delegate suggested that a panel of experts, drawn from the fields of community development, social welfare, education, law and mental health, be called upon to make recommendations as to what the proper relationship between rehabilitation and "change of heart" should be.

He also noted that the responsibility for the lack of a "rehabilitation programme" did not lie with the Prisons Administration because *all "rehabilitation" efforts made by the said Administration were constantly frustrated by the strict security measures imposed on it with regard to political prisoners*.

However, it was noteworthy for him that the South African government would accept, and in many ways spearhead, the modern concept of rehabilitating prisoners, but that it would negate its own professed stand with regard to the one group which would seem – in the government's view – in the most urgent need of “rehabilitation”, i.e. the political prisoners.

Of course, he added, the reason advanced was the “security of the State”. In fact, he stressed, the ever-present fear of tampering with the “security of the State” *all but paralysed any attempt at “rehabilitation” by the Prisons Department*, which was responsible for the safekeeping and rehabilitation of political prisoners.

Considering that the two pillars of a credible “rehabilitation programme” were *education* and *work*, the delegate suggested that the proposed group of experts study the following two questions:

- How much did the prohibition of news imposed on the political prisoners (no radio, no newspapers, only censored periodicals and books) and the concurrent lack of any programme of instruction in social behaviour delay or even impede a “change of heart” in the prisoners?
- How much did the work presently performed by the political prisoners (mainly breaking stones) contribute to their rehabilitation?

News and social behaviour

Putting himself in the government's shoes, Zuger argued that the political prisoner must be taught about the nature of the society in which he was to live upon release. He had to learn how a modern society functioned, what were its assets and liabilities and what was the potential for legal change and development.

He therefore suggested that a specially trained group of people from outside the Prisons Department be charged with this delicate task.

In a somewhat surrealistic exchange, when Mr Zuger noted that there had been some improvement in the living conditions of the political prisoners, the prison authorities pointed out that this had not brought about the expected “change of heart”!

But the ICRC delegate insisted that social adaptation and development – while necessarily based and dependent on physical living conditions – could be bred only through cultural activities. Regimentation alone was no fertile ground to bring about a successful adjustment of the political prisoner.

Therefore, a new approach to the problem of helping the prisoner to effect a “change of heart” did not seem possible without *a radical change in the policy of prohibition of news*.

The prohibition of news for political prisoners had been decreed for security reasons. It effectively prevented the affected group from adjusting socially. This system kept the prisoner artificially at the same mental and emotional level as when convicted. *It “deep-froze” him in the state in which he had been put away for storage in prison.*

To keep the prisoner inert in this frame of mind was a waste for the prisoner and a loss to society.

Zuger insisted that this problem had to be studied by a panel of experts from the legal, sociological and psychological fields.

Work

Security restrictions imposed on the Prisons Department by the government and precautions as applied by the various prison administrations eliminated all possibility of making use of “work therapy” for political prisoners.

The work performed by the political prisoners was *monotonous and without positive results*. On Robben Island, the political prisoners continued their daily round of listless and aimless rock- and lime-cutting.

In May 1970, the prisoners had petitioned the Commissioner of Prisons, stating that they considered their monotonous work degrading. They had suggested alternatives, such as building, moulding or painting.

Office work of government departments not affected by security could be delegated to the single cell group. The general group could be split up into various teams. The present tailor and shoe-repair workshop could be transferred to larger rooms to allow a greater number of working places. Other workshops could be installed, where carpentry, basket and broom weaving, upholstery (mattresses), cabinet making and furniture polishing, building and moulding could be carried out. Remuneration should be granted on a broad scale according to regulations.

Zuger's considerations on the problem of "rehabilitation" were discussed at length and on numerous occasions with the Commissioner of Prisons, General Steyn, and with Brigadier Schutte, as well as with Major Steytler, who accompanied the delegation to all prisons where political prisoners were detained, and the delegate advocated in detail "what he considered as necessary changes." In the end, all concerned did acknowledge that the "lack of rehabilitation" was the single, most serious aspect of the treatment of political prisoners. *Without a different approach as to work facilities on offer to the prisoners, and without a radical change in the system of banning all news, it was futile to expect that political prisoners would acquire the "change of heart" that the Prisons Department declared to be a prerequisite for a "rehabilitation programme."* (It should be noted that this "change of mind" on the part of the prison authorities was quite a remarkable result, especially considering that Zuger described it distinctly in his report, even if it took years to have an effect, probably because such key decisions were taken by the security services and not by the Prisons Department.)

It was also noted that the lack of a "rehabilitation programme" had a direct influence on that part of the institutional treatment programme which was called "grouping" or "classification".

b) Classification

As indicated before, classification was based on the sentence passed on the prisoner, on the security risk he represented and on his behaviour; there existed four classes, of which A was the highest or best and D was the lowest.

Attached to the classes were the so-called "privileges" which almost entirely gave some form to the prisoner's life. To have or not to have certain "privileges" made the difference between a life of absolute wretchedness and a minimum of comfort as offered in Class A. For such "privileges" as visits, correspondence, leisure and recreation, gratuities, purchases of foodstuffs, free issue of tobacco, purchases of books and newspapers and transistors depended on the class in which the prisoner was placed.

It was therefore of the utmost importance for the prisoner to climb as quickly as possible in the "Class system", and to reach Class A as fast as possible.

Upgrading of the common law prisoners depended on their behaviour. A board of prison warders and officers – which was continuously in session – submitted recommendations for upgrading to the Commissioner of Prisons. The prisoner was called to the board meeting and informed of the recommendation.

However, recommendations for *upgrading of the political prisoners* had to be made by *the officer in charge of security* at Prison Headquarters, who saw the institutional board only from time to time. (For example, in Pretoria Local prison in 1970, the board had last visited the prisoners almost two years earlier, in February 1969.) But this was not the only reason for the *acknowledged slower upgrading of political prisoners*. As stressed by Zuger the other, even more detrimental reason, was that the Security Bureau *based its willingness to upgrade a political prisoner on the prisoner's ability to show a "change of heart" rather than on his behaviour in the prison community.*

And Zuger gave examples of how fast common law prisoners achieved upgrading: he compared the speed with which five maximum security common law prisoners had been upgraded in Pretoria

Central prison since 1966, with the situation of political prisoners in four prisons at the time of his visit in November 1970, including, as illustrated below, on Robben Island:

Central Prison, Pretoria, 1966

Name	Crime	Group in 1966	Sentence	Period served before promotion to Group B
V.	Murder	B	Life	15 months
L.	Kidnapping	B	16 years	2½ months
P.	Rape	B	10 years	less than 3 months
P.	Robbery	B	10 years	15 months of which 9 in Group D
L.	Rape	B	15 years	less than 3 months

Robben Island

Group A	46 = 10%
Group B	210 = 45.4%
Group C	188 = 40.6% (including "Ovambos")
Group D	18 = 4% (including 12 "terrorists")
Total	<u>462</u>

On that basis, Zuger insisted that *the upgrading of political prisoners should be done in exactly the same way as for common law prisoners*, i.e. by the prison authorities directly in charge of the prisoner, and *not* by, or through, *the officer in charge of security* at headquarters – and that the basis for upgrading be *the behaviour in the prison* community and not the much quoted "change of heart". Any other approach was blatant discrimination within the Prison Department.

He also suggested that a periodic assessment of the prisoner's "social progress" could be done quite independently of his regrouping. Such questions as: "If released, would you rejoin the ANC?" should under all circumstances be avoided. As observed, they led to confusion.

These were *fundamental* points that touched at the very heart of the prison system's attitude towards political detainees, drawing comparisons with a key philosophy of the Prisons Department towards common criminals, a policy of which that department was quite proud. It was a very intelligent approach on the part of the ICRC delegate for it drove a wedge between the prison authorities and the security services, using the formers' internal logic to oppose the latter.

c) Visits

The problem of family visits was still an extremely serious one as far as Robben Island prisoners were concerned. According to Zuger, if one was of the opinion that family visits were of paramount importance to the prisoner's well-being, the picture of actual visits rendered was alarming. Here were the facts

The following visits had taken place on Robben Island between 1 January 1970 and 1 November 1970.

	<u>Prisoners</u>	<u>Visits rendered</u>	<u>Visits possible</u>	<u>%</u>
Robben Island	462	296	4,620	6.4

The main reason given for the abnormally small number of visits to Robben Island prisoners was the extremely long distances separating their homes from the prison, with consequently high travel expenses and the impossibility of performing the return journey in a single weekend.

The severe curtailment of visiting possibilities, together with the complete barrier of communication with the outside world established by the prohibition of news, represented an unwholesome rule of

silence, frustrating any hopes of re-adaptation, which the improved staff–prisoner relationship could otherwise have warranted.

The delegate suggested that *the rights to visiting time may be accumulated during the year* and extensions be granted accordingly. Furthermore, in the interest of the prisoner's emotional well-being – and considering also that a more normal contact with the family was apt to hasten his “social re-adaptation” – each prisoner should have the possibility of receiving two contact visits a year, irrespective of his grouping or classification.

This last suggestion seemed to be particularly appropriate if one considered the “telephone booth”-type visiting installation where the prisoner and the visitor saw each other only through a small glass window about 15 x 18 inches (38 x 46 cm) large.

The ICRC's offer of financial assistance towards dependents' travel expenses still stood. (In later years, as mentioned by Nelson Mandela in his "Long Walk to Freedom", this was to become a very important ICRC programme for the prisoners on the Island.)

d) Compensation for privileges withheld

Political prisoners in Group A were not granted certain privileges, which, according to prison regulations, were available to their common law counterparts:

- They had no access to newspapers; periodicals and books were censored.
- They were not allowed to listen to radio broadcasts.
- They were not granted contact visits, and all visits had to be authorized by the security services.

In the name of *justice and of equal treatment for all*, Zuger asked that political prisoners be granted the above privileges which were provided for in the regulations.

However, conscious of the prevailing security fears, he suggested that a *fair compensation* for past and present deprivation be granted until the unequal treatment of political prisoners was eliminated. As an adequate compensation, he would envisage a speedy upgrading to Group A and a general granting of gratuities. In addition, considering the extremely low percentage of visits received by political prisoners, one contact visit, say, every six months, would not seem to tax security requirements excessively.

e) Gratuities

According to Prison Service Orders, gratuities for non-whites were granted as follows:

Monthly scale I (skilled or semi-skilled) from 50 cents to R. 1.50;

Monthly scale II (trade certificate) from R. 1.50 to R. 4.00.

Purchases with gratuities were allowed as follows:

Scale I up to 75 cents

Scale II up to R. 1.50.

Many prisoners had little or no money of their own. This meant that, even if they reached Group A and would thus be authorized to purchase groceries for up to R. 3.00, they could not do so because they would have had no money of their own. As already mentioned, for various reasons, they did not have or could not enjoy other Class A privileges:

- visit of one hour every month;
- contact visits;
- newspapers;
- radio.

In order to correct a situation where only the moneyed prisoner in Class A could enjoy full grocery privileges – and also in view of the many due privileges not available to Class A political prisoners –

Zuger suggested that monthly Scale I gratuities be fixed at R. 6.00 and monthly grocery purchases with gratuities to be allowed up to R. 3.00.

f) Social workers

Zuger pointed out that at least one full-time social worker was urgently needed to take care of the political prisoners' personal and family problems. He could travel, as Zuger had done, from prison to prison and listen to prisoners' requests.

The office of the Commissioner for Bantu Affairs could not be expected to give all the necessary assistance and counsel.

Zuger felt that the social worker would be able to produce worthwhile and lasting results in the "social re-adaptation" of the political prisoner, who would thus be relieved of so many pressing and seemingly insurmountable worries.

A considerable number of prisoners had communicated their personal problems to Zuger during his visit. The problems most frequently mentioned had been:

- breaking up of family;
- eviction of family from home;
- loss of property due to eviction;
- deportation of family before the prisoner was released;
- lack of means for up-keep of family and for payment of school fees;
- lack of means for payment of insurance premiums and ensuing loss of entire insurance;
- lack of professional opportunities at place of deportation.

g) Treatment

The psychological climate prevailing in any prison may justly be called the basis of all treatment, and Zuger did note that the staff-prisoner relationship had improved since his last visit. However, he could not fail to mention another factor having a vast and adverse influence on the prisoners' living conditions. The prisoners were completely dominated by the fear and knowledge that many, if not all, of them would be deported after release to a site in one of the Bantustan – and worse, that their families were being evicted from their homes and deported even before the prisoner himself was released. The moral tension caused by these circumstances made the life of the prisoner visibly more miserable than any other known factor. It could be the reason for an almost irreversible mental degradation and one of the reasons why the "rehabilitation efforts" of the Prisons Department did not show any noticeable results: a man was not likely to show any signs of "social re-adaptation" if he knew that his wife and children would be evicted from their home even before he could join and help them.

So Mr Zuger went quite far in suggesting that:

- the Prisons Department intervene *on humanitarian grounds* with the proper authorities to *stop such deportation orders at once*, at least until the released husband was able to join the family, and that prisoners should immediately be informed of the postponement;
- a panel of experts from many walks of life *study the justification of the entire deportation policy*;
- considering that maintenance grants in respect of dependents of common law prisoners were an accepted fact of public expenditure in South Africa, and the fact that the lack of social workers – who had to make recommendations for maintenance grants – was one of the reasons why dependents of political prisoners had not yet received such relief, Mr Zuger insisted that this had to change;
- the proper authorities should take all necessary steps to establish an emergency board to deal with this situation. A "change of heart" and the ensuing rehabilitation of the political prisoners could surely not be expected under the above circumstances.

These proposals were truly far-reaching, especially in those years, for they went quite beyond the “normal” scope of ICRC suggestions, usually limited to prison conditions, albeit linking the matter of deportation of prisoners and of their families to prisoners' morale in jail and attributing the ICRC's intervention to “humanitarian” motives.

h) Disciplinary offences

Zuger described the situation as it stood with respect to disciplinary punishment.

A prisoner alleged to have committed an offence had to be charged before a *commissioned officer*, and be found guilty before any punishment could be imposed on him. A *trial* before a commissioned officer was, by law, similar to summary proceedings in a magistrate's court. *Witnesses* could be called and the accused could avail himself of a *legal adviser*.

However, internal prison regulations permitted prison authorities to deal internally with an offender, without having him charged, and without the condition of allowing the prisoner to obtain legal defence: the prisoner was dealt with administratively, and the sanctions taken were not called “*punishment*” but “*measures, being part of the internal treatment programme*”.

In the delegate's view, this situation had to change and *proper justice be introduced*.

(Zuger was to develop this important point later, after his 1971 visit, as we will see below, in par. 6.3.)

i) Food

Zuger again pointed out the depressing monotony of the food served on Robben Island.

Comparison of the diet scales, as submitted by the Prisons Department, led to the surprising conclusion that the *quality* of the diet for “Bantus” was not only inferior to that for “coloureds”, and that the “coloureds” diet was inferior to that for “whites”, but that the total *quantity* allotted to a “Bantu” was also less than that for a coloured, and was less for a coloured than that for a white.

These were the weights of the daily rations:

Whites:	48 oz
Coloureds:	42½ oz
Bantus:	39½ oz

Zuger had been told that a new diet scale was being planned and he hoped that the *marked differences in quality and quantity between the different races would be eliminated*, for the system as it stood afforded substantial grounds for *justifiable criticism of discrimination*. (Here again, it took years of ICRC insistence on this subject to get tangible results.)

j) Eye glasses and dental care

Prisoners could get eye glasses and dentures only if the doctor certified that such eye glasses were necessary for work and dentures necessary for health.

In view of the general attention given to eyesight correction and the care of teeth throughout the world, the delegate suggested that doctors be somewhat more liberal than in the past in certifying that correct eyesight, good teeth, and a set of dentures where the patient had no teeth, were in fact always necessary for health.

The offer of the ICRC to assist needy prisoners financially in this matter still stood.

k) Studies

Zuger told his interlocutors that, as long as no “rehabilitation programme” was implemented for political prisoners and as long as no “work therapy” was applied, *all facilities should be offered to prisoners to enable them to pursue their studies*. This would include a more liberal handling of study requests and, in the case of certain advanced prisoners, permission for them to register for postgraduate studies.

In order to placate fears that prisoners might use this inevitable contact with the university for personal or political purposes, Zuger suggested that trustworthy citizens and students of the same faculty be appointed to act as intermediaries for all correspondence with prisoners.

The ICRC's offer to assist needy students financially in this respect still stood.

l) Review of sentences

Lastly, Zuger went quite far for an ICRC delegate, in fact beyond normal, self-limiting "humanitarian" suggestions. He proposed that, considering the prevailing internal peace in the country, and in view of the 1971 tenth anniversary of the Republic of South Africa, all sentences of at least ten years, and which went back more than five years, be reviewed!

The same procedure was proposed for all prisoners who were under 20 years of age when sentence was passed.

6.3 Zuger's 1971 visit

Between 1 and 12 November 1971, Zuger visited, under the same conditions, but alone this time, 460 convicted prisoners held in the Robben Island, Pretoria Local and Barbeton prisons. On Robben Island, he stayed from 2 to 6 November.

Already when he had visited Robben Island in 1970, Zuger had stumbled upon a particularly serious problem: that of the 38 so-called "Ovambos" (i.e. "Namibians") from South West Africa (i.e. "Namibia"). Applying again, though certainly "tongue-in-cheek", the "change of heart-cum-rehabilitation" reasoning of the authorities, he had stressed – as always, both orally and in writing – that this embittered group of men was, of course, particularly in need of an "imaginative rehabilitation programme". To him, this was a clear example of a group requiring "help and rehabilitation efforts" from the authorities *before* the prisoners could show a "change of heart". *If the "change of heart" was expected to come first, only more bitterness would be reaped.*

Since their incarceration on Robben Island in 1966, these prisoners *had never received family visits*. Some applications were being considered now, and Zuger had again argued that extension of visiting time of a reasonable amount should be granted *beforehand*, in order to allow for the prisoners' overstrained emotions and to compensate for their "unused" right of visits.

But Zuger had gone even further in his 1970 visit: he had suggested that these prisoners be transferred to prisons in South West Africa where they could be visited by their families at regular intervals. (In the meantime, they were in need of a much larger yard for leisure and sports.)

The delegate's 1970 suggestions had fallen on deaf ears, and the inevitable had happened: after a new Commanding Officer was brought in – a certain Colonel C.J. Badenhorst, whom Mandela mentions in his *Long Walk to Freedom*,⁴⁶ – the fate of the "Ovambos" became even worse: they were regrouped with 12 South African prisoners convicted under the Terrorism Act into what was now called the "Terrorist Group" (or, more colloquially by the warders, "the Terries"). Moreover, they were accommodated in the single cell block, as their former outside section had been destroyed, until such time as future accommodation for them in building B of the General Group would be made ready. As a result, the prisoners detained at that time in the single cell block suffered from overcrowding, not as far as each cell was concerned, but with regard to the use of the common yard and washroom facilities. The situation was worsened still by the additional presence of seven prisoners held in segregation for disciplinary offences. Thus, when it came to the use of the courtyard and toilet facilities, the situation was really strained, for there were three groups in the single cell section (the 32 leaders, the 49 "terrorists" and the 7 in segregation), *who were not allowed to meet* or even see each other. On top of this, the prisoners in segregation had to be further separated from each other. Without question, the section was too small to handle all these different activities: eating, personal washing, laundering, use of the toilet, leisure and exercise.

⁴⁶ See note 7, Mandela, Chapters 72 and 73. See also note 2, Sampson, pp. 221-222 and note 3, Buntman, pp. 36-37, 199, 219.

Meanwhile, the “Ovambos” had still received no family visits. So they went on a hunger strike – and the other prisoners joined them in solidarity. This event and its aftermath has been recounted by many of those who took part, including Nelson Mandela. A good summary of it is given in Barbara Hutton's book, *Robben Island, Symbol of Resistance*:

Assaults

In the first few years on the island warders treated prisoners particularly cruelly. Ex-prisoners still remember 28 May 1971 for the brutal raid in which prisoners were beaten, stripped and searched. This happened after all prisoners went on a hunger strike in sympathy with Namibian prisoners.

Armed with batons, they raided our single cells in batches of three and four. “Teen die muur!” (Against the wall!) “Trek uit.” (Strip.) A number of prisoners in the segregation section were assaulted. They had their balls twisted, they were punched and kicked. Andimba Toivo ja Toivo, the SWAPO leader, was one of those who was severely beaten. After the assault, like the other victims of that 28th day of May 1971, he was forced to clean his blood-spattered cell. Michael Dingake.

Prisoners were ordered to run around inside the yard of the zinc jail. To run fast, touching the four corners of the yard. The warders lined up, batons in hand. They were raw Boers determined to unleash their raw hatred on the Poqos ... They lashed out at the panting prisoners. They lashed out with the heavy batons screaming: Where is Leballo now? Where is Sobukwe? Where is Nkrumah? They lashed indiscriminately – on the head, ribs, shoulders, buttocks, stomach and arms. Every time the baton landed, it landed with a sickening sound. DM Zwelonke (PAC).⁴⁷

This was May 1971, between Zuger's visit of December 1970 (when he drew attention to the situation of the “Ovambos”) and his visit of November 1971 (which, probably for financial reasons of the ICRC, he unfortunately made not only alone but without an ICRC medical doctor). As could be expected, Zuger noted – both orally and in his report – some of the following points:

a) Treatment and discipline

Staff–prisoner relationship

Zuger noted that the psychological climate was definitely worse than at the time of his last visit. The staff–prisoner relationship was most tense and hostile. Rigid regimentation was the means employed for controlling and administering the prison.

Rehabilitation programme

Owing to the unfavourable psychological climate, there had not been any attempts to institute any “rehabilitation” activity, a subject on which much emphasis had previously been laid at all levels.

Offences

In theory a distinction was made between two main groups of offences, i.e. penal cases and disciplinary cases. The disciplinary offences were sub-divided by the prison authorities into two sub-groups, i.e. court cases and administrative cases.

All penal cases were brought to court. The prisoners could avail themselves of legal advice.

- Court cases

Prisoners were charged with the offence before a commissioned officer and were brought to the prison court.

They could avail themselves of legal advice. If found guilty, they were sentenced (e.g. solitary confinement for not more than one month, spare diet).

The prison authorities called this a “punishment”.

⁴⁷ See Barbara Hutton, *Robben Island: Symbol of Resistance*, Sached Books/Mayibuye Books, Bellville, 2000, p. 52. 1994.

- *Administrative cases*

Prisoners were not charged officially with the offence. They did not appear in the prison court and consequently could not avail themselves of legal advice. The prison authorities investigated the offence. If they found the prisoner guilty, the authorities treated the case administratively (e.g. solitary confinement from a minimum of three months up to an indefinite period, spare diet).

In such cases and as previously noted, the prison authorities stated that the sanctions imposed on the prisoners were not considered as a "punishment", but "measures, being part of the internal treatment programme".

Solitary confinement *as a punishment* could only take place if the prisoner had appeared in court. It was called *isolation*. However, solitary confinement as a "measure of the internal *treatment programme*" could take place without the prisoner having been brought to court and without him being afforded a legal defence. It was called *segregation*.

Zuger noted that the frequent denial of legal advice to prisoners accused of an offence was contrary to the statement made in the new Prisoner's Handbook, page 11, Article 17, last paragraph. This paragraph was misleading in so far as an implicit distinction was made between "*being charged with an offence*" and "*being accused of an offence*" without actually saying so and without pointing out what formidable consequences arose to the prisoner as a result of this difference.

The reality was that no penal cases had occurred since the delegate's last visit and that among the disciplinary offences no cases had been handled by a Court. All offending prisoners had been dealt with administratively. In fact, since his last visit, 31 cases of disciplinary sanctions had been recorded, all involving segregation with, in most cases, a number of meals being withheld ("meal stop"). The shortest terms had been three months, 11 cases had been for six months. One prisoner who was in segregation now will have spent 12 months confined to a cell when released in March 1972. Three cases were for an indefinite period, of which the longest went back to February 1971.

(Zuger was clearly and officially pointing there to one of the major ways in which a prison director – namely Badenhorst – could, in fact, circumvent judicial guarantees theoretically designed to protect prisoners from arbitrary treatment and exaggerated punishment. For the terrible "Badenhorst period", I also refer the reader to my Introduction and to Buntman's quote in it.)

Treatment

- The prison administration had registered eight allegations of assault upon prisoners by warders, while the prisoners themselves had alleged 28 cases.
- The prison authorities had registered two cases of a prisoner bitten by a dog. The prisoners had mentioned four cases.
- On two prisoners, straitjackets had been used.
- At one time, prisoners in the segregation cell had allegedly been obliged to stand on the stone floor and had not been allowed to use their mats except at night. Upon doctor's orders, this measure had been stopped.

b) Classification

Distribution of classes at the time of the 1970 visit had been:

Class A	46 = 10%
Class B	210 = 45.4%
Class C	188 = 40.6%
Class D	18 = 4%

Distribution of classes at time of the 1971 visit were:

Class A	83 = 18.6%
Class B	195 = 43.8%

Class C	118 = 26.6%
Class D	48 = 11%

c) Visits

Summary of visits (of half-hour each) from 1 November 1970 to 1 November 1971:

Number of prisoners	444
Number of prisoners who had visits	158
Number of possible visits in 12 months	6,324
Number of visits rendered	301

This meant that less than 5 percent of the possible number of visits had actually taken place. An extension of visiting time had been granted 40 times. This said, previously visits had been allowed on weekends only. *Now visits were allowed during the week*; this was a great improvement.

d) Final remarks

In conclusion, Zuger expressed his concern about the deterioration of the psychological climate prevalent on Robben Island since his previous visit and he again made a number of specific suggestions.

Rehabilitation programme

Zuger could only stress once more the need for a “rehabilitation programme”. However, before a new approach towards “rehabilitation” might be considered, it was necessary to ease the existing tension in this prison. A more relaxed atmosphere might be a first step towards a readiness on the part of the prisoners to consider a “change of heart”. Outside stimulation in the form of visits, talks and lectures acceptable to the government, might “break the ice”.

Some allusions had been made that the Prisons Department would consider it an advantage all round to transfer the political prisoners from Robben Island to a prison near Pretoria. Zuger stressed that such an initiative would allow the Department to centralize its “rehabilitation programme” as far as outside assistance (from the university and professors) was concerned. It would also eliminate the very great staff problems encountered on the island, and a healthy continuity of treatment policy of the prisoners would be ensured.

Mr Zuger also noted that the geographic situation of the island had made any efforts at “rehabilitation” extremely difficult.

Classification

Automatic demotion to a lower class in cases of segregation, and *without Prison Board investigation*, should be suspended.

Full study privileges should be allowed once more in Class D, at least as soon as the prisoner left the segregation cell. It was conceivable that such privileges could be afforded to a prisoner for a limited time only each day as long as he was in segregation.

Visits

The continued low percentage of visits rendered to the political prisoners was alarming. The delegate hoped that the authorities would study this problem with renewed concern.

Zuger once again insisted: It should be a matter of rule – and not only at the request of the prisoner – that a visit to the island prison should be for a period of not less than two hours. Even if this became the case, the prisoner could not exhaust all the visiting time accorded to him by Prison Regulations for the entire year, because of the location of the island.

Compensation for privileges withheld

It was hoped that the authorities would see the need for some kind of compensation in this field and would study this problem again.

Gratuities

Zuger was assured that even prisoners presently working in the stone quarry would be eligible to receive gratuities if their work and output were to improve. He asked that the prisoners be informed of this possibility, as it would surely appeal to them and increase their interest in their work.

Social workers and care of prisoners after release

The delegate expressed his unchanged concern about this vital question and was informed that Colonel De Jager, the Director of Social Services, was preparing a new approach in collaboration with the Commissioner for Bantu Affairs.

Treatment

- Any visitor to Robben Island would feel the need for an easing of tension in the prison. *Such an abrupt change of treatment policy as had taken place since the end of the previous year was unfortunate.* Again, Zuger inquired whether it would not be feasible to transfer the entire group of political prisoners to a prison near Pretoria in order to ensure a continuity of treatment.
- As the policy of deporting released prisoners to restriction areas could apparently not be changed, the delegate suggested that *such restriction be considered as part of the original sentence*, and consequently, that the prisoner be released earlier from prison, corresponding to the period for which restriction was contemplated.

Disciplinary offences

It seemed obvious that the warders would make positive efforts to avoid many an alleged offence by prisoners if they knew that such offences would be brought to court rather than if it were handled internally.

Zuger also suggested that all requests for extension of present segregations be refused and that the three cases of indefinite segregation be terminated within one month.

Food

While acknowledging that the new diet scale was an improvement, Zuger noted that racial discrimination in this area had not disappeared. An imprisoned Bantu lawyer or professor was in a lower (the lowest) diet scale than the coloured factory hand – not to speak of the top diet scale offered to the white man in Pretoria prison.

As some kind of compensation for privileges withheld, the Bantu prisoner should at least be assimilated to the Coloured and Asian prisoners' diet scale. This would certainly be a great step towards eliminating the Bantu prisoner's feeling that he was getting the worst deal.

Sports

A serious effort should be made to provide facilities for outdoor games for the single cell group, for this group spent their weekends inside the building.

It was understood that the "Terrorist Group" – once it had been transferred to the General Group area – would be able to spend their weekends in the open and play football and rugby like the General Group.

* * *

As usual, confidential reports were drawn up on these visits. The ICRC sent them to the South African authorities on 22 December 1971. In his reports on the visits carried out in 1971, Zuger basically repeated his earlier suggestions, as not much progress was evident, quite to the contrary in the case of Robben Island.

In November 1972, the South African authorities informed the ICRC that they had no objection to visits by ICRC delegates being made on the same basis and conditions as in 1971 and 1970.

6.4 Where to go from here?

In short, when I came in as ICRC Delegate-General for Africa in August 1972, I found a situation in which, due in part to a change of the legal system:

- the ICRC *could not see detainees under trial* and/or interrogation, despite *one* series of visits to them in 1964;
- it could visit all *convicted* security prisoners on a regular basis.

My task was therefore evident:

- to maintain the visits to the convicted prisoners and to try and improve their conditions of detention;
- to try again (as soon as politically possible) to obtain access to non-convicted security detainees.

To cut a long story short, as the following chapters will show, our team succeeded relatively well with respect to the first objective but, like my predecessors (and, indeed, my successors), the ICRC and I failed to make any progress on the second.

Chapter two: My first meetings with Madiba

1 My own perception of Nelson Mandela through Amnesty International

I became ICRC Delegate-General for Africa in August 1972. When the time came for my first visit to South Africa, in May 1973, I was well prepared: I had visited prisoners of war and/or political detainees as an ICRC delegate in India (1965–66) and Viet Nam (1966), as a head of delegation first in Syria (1967) and later in Israel (1969–70), as a delegate in Biafra (1968), as the regional delegate in a dozen countries in South America (1971–72) and, after August 1972, as Delegate-General in as many African countries.

I had studied Mandela's case from a limited point of view when preparing my doctoral thesis in political sciences at the Graduate Institute of International Studies in Geneva, the subject of which was "*The International Committee of the Red Cross and the Protection of Political Detainees*."⁴⁸ Professor Jacques Freymond – who was directing my work – had asked me to include chapters on institutions *other* than the ICRC and I had written one on Amnesty International, which had given me access to its archives in London. I had also attended their International Assembly in Sweden in August 1968.

The question of whether or not Nelson Mandela could be "adopted" as a "prisoner of conscience" and could thus become (or not) a candidate for pressure by Amnesty for his release had been the subject of heated debates within Amnesty. I allow myself to reproduce here the relevant section of my thesis, freely translated from the original French, as it provides an interesting background to the international perception of Mandela at the time and contains most of what I knew of him before I met him:

Evolution of the aims of Amnesty International

Should "violent" political detainees be adopted or not?

Amnesty was born as much out of a distaste for violence as out of a love of freedom. That is why, from the beginnings of the institution, a commitment to non-violence had been an essential criterion for "prisoners of conscience" to be granted that status. However, fairly early on, some members of the movement began to wonder whether it would not be appropriate to broaden the concept of "prisoner of conscience". At Amnesty's Second International Assembly – held in Königswinter, Germany, in September 1963 – it was decided to keep the doctrine of the movement unchanged, while at the same time authorizing the International Secretariat (but apparently not the sections or the groups) to intervene on behalf of prisoners not covered by the statutory definition if – failing any legitimate means of protest – they resorted to an evident act to publicize their opposition to the suppression of the freedom of speech, but not on behalf of those who resorted to violence as a means of achieving their ends.

The question resurfaced with greater intensity for the members of the movement as part of the racial issue. Indeed, Amnesty's concerns about the general problem of racism were to grow and, particularly in this context, the issue of resort to violence was to become a key issue for the movement.

In Königswinter it had already been decided that it was not enough to be concerned about what happened to people imprisoned because of their political persuasion or the colour of their skin, but that it was necessary to tackle the related issue of people fleeing from countries which pursued racial policies. A resolution authorizing the International Secretariat to take an interest in what happened to these refugees was passed in Königswinter – all the more readily because it was in line with the principles favouring an asylum policy that were dear to Amnesty.

Then came the issue of Nelson Mandela, the black South African leader; a former advocate of non-violence, he had shifted his stance in favour of the use of a certain amount of violence, which he considered inevitable; for a number of the members of Amnesty, this case symbolized the problem raised by political action in countries where it was illegal to hold any views contrary to those of the

⁴⁸ See note 41, Moreillon.

government. The International Secretariat therefore decided to carry out a survey among its members in advance of the Third International Assembly, held in Canterbury in 1964. The members were asked, on the one hand, if Amnesty International should take practical steps to combat racial discrimination and, on the other, if the movement should accept violence as a last resort means of political action and, consequently, “adopt” violent political detainees. The responses to the questionnaire generally used the same arguments as those that had been expressed when the matter was discussed in Königswinter. With regard to the issue of general action to combat racial discrimination, the members were unanimous in wishing it to be possible but, while some thought it essential and inevitable, most thought that Amnesty’s resources would not permit it to engage in a struggle that was better left to groups already in existence that were active in that field; it was decided that Amnesty should be satisfied with a blanket denunciation of racism but would concentrate its efforts on its natural field of activity: political prisoners and – as of 1963 – political refugees.

With regard to the issue of violence, opposition was not a matter of expediency but of principle. A small minority considered that there was such a thing as a just revolution and if it were shown, after the case had been analysed, that a political detainee had no means available to him other than violence, a group should be able to “adopt” him. Most of the members, however, while stating their personal sympathy for men like Nelson Mandela and declaring their willingness to give assistance on an individual basis, thought that Amnesty’s moral strength came from the limitations that the movement had imposed upon itself in only championing non-violent persons; they feared that admitting certain types of violence would be tantamount to setting off on a slippery slope because it would then be necessary to distinguish between just and unjust violence; most of all, however, they considered that approving of violence in the struggle against racial oppression would logically lead to a similar stance with regard to the struggles for freedom of opinion or religion in all those countries in which it was suppressed.

The latter argument, which those taking part in the assembly in Canterbury were unanimous in considering irrefutable, went a long way towards swaying the decision in favour of not modifying Amnesty’s policy. Not only was the definition of prisoner of conscience retained, but a list of violent acts, requested of the Secretariat by the 1963 assembly, was adopted, which precluded those committing them from being given the status of prisoner of conscience.* Conversely, persons who had been arrested when fleeing from a country which had refused them an exit permit or entering that country after having left it illegally were said to be possible subjects for adoption, as were those who had helped them.

This decision was all the more readily understandable as in the preceding months a certain number of groups had expressed their reluctance to adopt communist detainees, their doubts having to do with whether communists could actually be given Amnesty’s protection since, in theory, the aim of each one of them was the violent overthrow of the capitalist system. A circular from the International Secretariat in May 1964 responded to this question by recalling that contemporary communism was no longer that of Marx’s Manifesto, that there were several types of communism today and that consequently each case was to be examined by the Secretariat – as indeed it was – before proposing adoption by a group. Moreover, account needed to be taken of all those who had been put in prison for “communism”, although their political convictions were often far removed from that doctrine, simply because it was the convenient label automatically applied by some regimes to anyone who opposed them.

From the Fifth International Assembly, held in Copenhagen in September 1966, pressure within the movement to extend the circle of its protected persons was to come from the Swedish section, in particular. That section presented a resolution asking Amnesty to consider whether all political

* The list included homicide, armed attack, the use of explosives or firearms, theft with or without violence, supplying military information to a foreign power, holding up transport in circumstances which could reasonably be assumed to cause wounds, arson, kidnapping, poisoning water, food or animals (Amnesty Archives, Document I, Third International Assembly, September 1964).

detainees were not liable for adoption by the movement. In an article on the massacres in Indonesia, the International Secretariat replied that, in its view, "Amnesty had always been considered an organization devoted, first and foremost, to individuals who were being held on account of their opinions rather than as a movement wishing to influence political situations on a national scale".

The conflict between these two tendencies became very evident during the debate on the revision of the statutes which took place at the Sixth International Assembly, held in Stockholm in 1968. The draft submitted to the assembly stated the movement's objective as being the release of detainees held captive because of their opinions or their ethnic origins "without their having used or recommended the use of violence". The Swedish section proposed adding the phrase "unless they had been forced to do so as a last resort against tyranny and oppression".

Obviously, accepting an addition of this kind to its statutes would have changed the very nature of the movement. It was therefore rejected by a large majority. However, we think it interesting to summarize the arguments presented by the parties involved.

The Swedish thesis was, primarily, that under certain regimes where any opposition is illegal, those who were not in agreement with government policy had no means of protesting against it other than by violence. The Swedish representatives were of the opinion that a general shift of opinion could be detected among the general public and at the United Nations, making increasing allowances for this "last resort" violence. If Amnesty International took no account of this trend, if the rigidity of the movement's statutes prevented it from calling for the release of detainees forced to resort to violence by their own government, it would find itself cut off from the "freedom fighters" and all their supporters; the freedom fighters would have no one to defend them and the supporters would not want to work with too timid a movement. Lastly, again according to the Swedish section, the concept of prisoners of conscience was not sufficiently well known; even the United Nations did not differentiate between them and political detainees.

The vast majority of the delegates at the assembly did not share those views. Admittedly, their sympathies went out to those fighting for freedom in Czechoslovakia and in southern Africa just as they did to Nelson Mandela in 1964. Moreover, the movement wanted to do its utmost to ensure that such people were treated humanely, in accordance with its new statutes (a matter to which we will return later). However, they thought that "adopting" "violent" political detainees was tantamount to stepping out on to a slippery slope that could prove fatal to the movement. In fact, they said, to admit some kinds of violence and condemn others was to lapse into the subjective, a source of countless disputes. It also meant, each time, adopting a political stance by declaring that violence to be justified or not since its objective was an overthrow of power. By contrast, calling for the release of an individual held in captivity solely because of his opinions or his race was to rise above politics and to appeal to a universal sense of justice. Requesting the release of a "violent" person amounted to saying that the government from which his release was sought was illegitimate, since violence against it was rendered legitimate; even if that was the personal conviction of many members of Amnesty, it was, in any case, an unrealistic approach for those who wanted to see the action succeed rather than discuss principles. Moreover, adopting such a position would be to open up the movement to infiltration by people who would join it for political motives rather than because of a need to see justice and humanity. Lastly, it was not true that the concept of prisoners of conscience was unknown: it was gaining ground – at least that was the case in the Scandinavian countries.⁴⁹

2 My first meetings with Madiba: 7 and 10 May 1973

I described in Chapter one the standard procedures for ICRC visits to prisons. Needless to say, the way in which these procedures are interpreted in practice may vary from delegate to delegate. For instance, we saw that Geoffrey Senn interviewed Nelson Mandela alone *but in an office*. This is something which I, personally, would always refuse to do: not only because it is easier to secretly bug

⁴⁹ See note 41, Moreillon, pp. 205-206.

an office than a cell, but also because it usually creates the wrong climate between prisoner and delegate (as Mandela wrote himself, he felt “tense” when speaking to Senn). I would always interview detainees in their own cells (if they were alone), in the yard on a bench (if there was a suspicion that the cell was bugged or if they shared a cell) or in a common place, such as the kitchen or dining hall. (In Pretoria Local prison, the interviews with the white prisoners – who, rightly or wrongly, suspected their cells of being bugged – would take place in the kitchen, speaking in low voices and with a tap running to create a background noise.)

In the case of Robben Island, I made it clear to the Commanding Officer, Colonel W.H. Willemse, right from the opening interview with him, that the other delegates and myself wished to be brought from section to section by a guard, who could lock himself and us in each section, but who would stay at the entrance and let us wander around freely, anywhere in the section, speaking alone with any inmate and in any place of our choice. I have to say that this was granted without a problem. In fact, on my first, as well as on my next visit, in 1974, Colonel Willemse showed himself to be a man with whom one could speak, who would listen to what we had to say and who would often follow up on our suggestions.⁵⁰

Thus, on 7 May 1973, after the introductory meeting with Colonel Willemse and while the other delegates went to visit the General and other sections, I went straight to the “single cells” (or B Section) where Mandela and the other leaders were held. There was a large yard of about 45 x 20 m, open to the sky. To the right of the yard were the punishment cells or “segregation” section and to the left were the leaders’ cells. On the day of my visit, there were 28 inmates of B Section, one of them in “segregation”. During my visit, a guard stayed inside by the door to the yard, far enough from the cells not to overhear anything and I was left alone to move around as I saw fit. As I walked into the yard, some of the inmates were there, but most were in their cells with the doors open.

* * *

I visited and spoke alone with each prisoner, starting with cell number one. All cells were identical. They measured 2.5 x 2.2 x 3 m and had a single 1.5 x 1.5 m window to the outside, with bars and panes. A second window, measuring about 50 x 150 cm, opened onto the central corridor. Detainees were allowed to open and close the windows of their cells at will.

There was no bed, but a sisal mat, a felt mat and (in the winter) five blankets per prisoner. The detainees complained that the mat did not provide sufficient insulation from the concrete floor, especially in winter. (One of the improvements later brought about by the ICRC was the introduction of beds.)

Furniture consisted of a table, a bench and a bookshelf. Some detainees had added their own handmade furniture.

Each cell had two doors, one barred, the other made of wood. When both doors were closed, isolation was complete.

The windows provided adequate natural light and ventilation. An electric light bulb in the ceiling remained lit all night. (The detainees complained that it was too weak (60 watts) and asked for a minimum of 100 watts.)

Cell doors were opened and closed at the same time as elsewhere in the prison, that is, at 6.30 a.m. and at 5 p.m. respectively.

All the detainees had their personal effects with them.

A new building had been built for the single cell prisoners to the left of the central corridor. A passage with a barred door led to:

⁵⁰ For more details on Colonel (later General) W.H. Willemse, see: note 2, Sampson, pp. 208, 223-224, 347, 384-385, 514; and note 3, Buntman, pp. 27, 37, 197-199, 201-202, 206-208, 214-216, 223, 225-226, 230, 310; and note 7, Mandela, pp. 550-551, 629, 631, 636, 640, 657-659, 663.

- A **recreation hall**, measuring about 12 x 6 x 3.5 m. It had nine barred and glazed windows. The windows on the left gave onto the street and the panes had been painted over. They could not be opened, but those on the right, giving onto the prison itself, could. The floor was of concrete and the walls painted a light colour.

Natural light and ventilation were adequate. Six neon lights in the ceiling provided artificial light.

Furniture consisted of a table tennis table for use by the prisoners during their leisure hours, which, at Zuger's insistence, now included weekends.

- A **dining room**, measuring about 8 x 6 x 3.5 m. It had six barred and glazed windows.

Furniture comprised six tables and ten wooden benches, which the prisoners used for their meals, apart from the evening meal which they ate in their cells.

- A **toilet room**, measuring about 8 x 6 x 3.5 m. It had nine windows (as above) and:

4 pedestal basin WCs

1 urinal

4 hand basins with 8 cold-water taps

3 cold-water showers

4 basins with 4 taps.

Detainees were allowed to use the toilet room at any time when they were in the section.

This building was quite recent: it had been in use since January 1973 and could be considered as one of the positive consequences of previous ICRC visits.

As in the rest of the prison, there was no hot water, although a hot-water system existed. For night time, each detainee had a slop pail and a supply of drinking water.

The inner courtyard was where the prisoners could spend their leisure hours. The ground was earth. There was no shade other than that provided by the buildings. At that time, there was no vegetation in the courtyard.

* * *

It was the afternoon of 7 May 1973, and Nelson Mandela was in cell number 5. The reader should not forget that, at that time, I had not yet realized the extent to which he was the *main* leader of the ANC. To me, he was just one of the leaders. (In any case, today he would still say that this *was* the case and that he was indeed only "one of the leaders", for Mandela always insists on the collegial nature of the ANC leadership. So I have to be cautious in case he ever reads this. Yes, dear Madiba, I know: you *were* "only one of the leaders"!.) However, I was aware that, somehow, he was particularly important to the detaining authorities, since I knew that the printing of his name and of his picture was prohibited in the South African media. Here was a man over whom a blanket of silence had fallen and, of course, it made me all the more curious to meet him!

That said, I will always remember the way in which he greeted me and ushered me into his cell. As I reached his doorway with my big plastic ICRC badge pinned to the left pocket of my blazer, he was sitting on a bench, at a school-type desk, reading with his back to the door. He turned around when he heard me, raised his eyes and quickly stood up, smiling, took two steps to the door, clasped my outreached hand and said "Nelson Mandela", as I gave my name in return. As if we were meeting in his drawing room, he said, in the most natural fashion: "Oh I am so pleased to meet you! Won't you come in and have a seat?" gesturing towards his bench as if it were a Regency armchair, and adding: "Please make yourself comfortable", while remaining standing himself. I insisted that I would not sit unless he joined me, and so we sat down on the sisal mat, reclining against the wall. He asked, as if I had just walked into the reception of a five-star hotel: "Is this your first visit to South Africa?"

I replied that I had been there privately in 1964, as part of a university study tour to Angola and Mozambique, but that it was the first time that I was on official ICRC business in the country, in order

to visit the political detainees. As he enquired whether I had visited other prisoners before, in other countries, I gave him a brief summary of my ICRC career (India, Viet Nam, Syria, Biafra, Israel, South America and elsewhere in Africa), which seemed to please him.

He then asked for news of Philip Zuger (who, as we have seen, had last visited Robben Island in November 1971, but had not been back in 1972), adding: "We missed him last year. These have been two difficult years. We were wondering what was happening and we were worried that the ICRC would forget us." Then, with a sudden air of authority, he said: "It is essential that you come regularly, at least once a year. Absolutely vital!" (The reader, who is by now aware that Robben Island was just coming out of the terrible "Badenhorst" period, will appreciate better than I could, at that moment, the motives of Mandela's very grave tone.)

I gave him and his comrades my word that we would. Before commencing with the general and individual conditions of detention, I broached the subject of his wife, Winnie. The ICRC had been approached by letter of 9 March 1973 by Mr Edwin Ogebe Ogbu, Chairman of the Special United Nations Committee on Apartheid, with the information that Mrs Mandela, who was under restricted freedom (allowed to sleep only in her own home and prohibited from receiving anyone there) was being intimidated, threatened and harassed by individuals who were thought to belong to the Special Branch.⁵¹ As I would see the Minister of Justice after my visit to the island, what did Mandela think of my intervening on this matter? Mandela replied that, happily, things had improved and that his wife had not been molested for about a year, but that – since I had made the offer – he would appreciate it if I would ask the Minister to allow her brother to live with her. "This would be the best solution," he concluded. (In fact, after consulting some people outside the prison – both from government and from the opposition – I did not bring the matter to the Minister's attention, for too many of the ICRC's other requests were at stake and, knowing that the situation had improved for Mrs Mandela, we all concluded that it would be better to focus exclusively on conditions of detention.) On my next visit to Mandela in May 1974, I explained to him the reasons for my decision and he approved, simply adding: "I would only remind you that I did not raise that subject. You did!"

Having concluded on the subject of his wife, there was a pause and Mandela said softly: "And what can I do for you?" The perfect host welcoming a guest to his abode! So I took out my checklist of items to discuss. (The list followed the classic formula of ICRC prison reports described in Chapter one.) We went through each point one by one: food, clothing, hygiene, medical assistance, study, recreation, work, correspondence, visits and relations with warders. On each of these points, he made precise comments, never speaking of himself but always of, and for, others, except on one point: he had pains in the back and found that the sisal mat was – especially with winter humidity – "not helpful" ... to use his words! I told him that I would try and get him, and possibly others in a similar situation, a bed, which I managed to do, though it took two years.

This anecdote of obtaining a bed for Mandela provides an interesting demonstration of how difficult it was – and possibly still is – to determine *how* certain improvements were obtained. In an interview given in London in 1978, former Robben Island inmate "Mac" Maharaj was asked about the prison conditions on Robben Island. To the question "*What kind of cell does Mandela have?*", Maharaj answered:

He has been living in a concrete cell, outside walls of grey stone 7 ft by 7 ft and about 9 ft high. It was lit with one 40 watt globe. It had originally no furnishings except for a bed roll and mat, no bench, no table, nothing. Then as a result of demands made by us some were provided with small tables 2 ft by 2 ft 6 in and later on it was extended to all the prisoners in that section and they built post office type counters against the wall without benches, you had to stand and work. They then provided benches and one wooden shelf, just a plank to keep your books on but we ourselves got cardboard paper and plastic and made cupboards for ourselves. Somewhere around 1973-74

⁵¹ See note 7, Mandela, p. 559.

when Nelson was ill he was granted a bed for the first time, so in his cell there is a bed. Then I think, oh yes, as a result of his back trouble he received a chair instead of a bench.⁵²

However, ICRC reports would reveal to researchers that benches (and, later, chairs), tables, thicker mats (and, later, beds) were all express requests put – often repeatedly, year after year – by ICRC delegates at all possible levels of intervention: Prison Director, Director of Prisons, Minister of Justice and Prisons. In the case of this "special" bed for Mandela, I asked for it on my first visit, in May 1973. In May 1974, according to my report, five prisoners had been granted beds but, as far as Dominique Dufour remembers, *not* Mandela. However, in April 1975, Madiba *did* have a bed ... but I cannot remember if I told him how much we had to insist for him to receive it.

Mandela's comments were included in my final report and recommendations to the authorities, submitted orally and in writing and at various levels, as we will see in Chapter three, so that it is not easy to reconstruct what part of these conclusions and proposals came from him and/or from our own – and other prisoners' – observations. What I do remember from our conversation are the following points, on which he insisted:

- He was glad that long trousers had been obtained for all black prisoners, who – previously – had only had short ones (this had been obtained in 1969 by Hoffmann and Senn ... at minister's level).⁵³ He was also appreciative of the fact that each prisoner now had his own outfit, to be washed by himself, rather than the standard-issue (often ill-fitting) clothing (this had been obtained by Senn).⁵⁴ But he added that each prisoner should have two sets of his own clothes. (On this point, "Mac" Maharaj recounts: "*The authorities surprised us somewhere round 1972–73 by calling us one day and issuing each man two pairs of trunks and two vests. Then a few weeks later the Red Cross arrived. Those vests were left with us and were replaced for about one year but from 1974 we couldn't get replacements for the vests.*" (cf. note 52)
- He felt that the warders were too strict in delivering extra "winter" blankets only on 25 April, even if the weather turned colder before that date. To make his point, he told me a recent anecdote about Neville Alexander (another leading prisoner, of very high intellectual capacity but physically rather frail) who had been trying to obtain an extra blanket from a young Boer warder. Alexander had explained that "*winter had arrived earlier this year and that it had become cold before April 25th*", but the young warder had refused the blanket, adding: "*Anyway, where did you get blankets when you were in the bush?*" (Alexander later personally confirmed that anecdote to me, as an illustration of the incapacity of many Boer warders to see a human being – and much less a superior human being – in a black man, even if the white man was hardly literate and the black one had an M.A.)⁵⁵
- He was particularly insistent on the issue of food: the "racial" (and therefore racist) basis for giving a certain type of food to blacks or to Indians because this was how they supposedly ate "at home" (meaning precisely "back in the bush" or in the so-called "townships"); the poor quality of the basic product and its very, very poor preparation by common criminals who stole whatever edible ingredients there were before cooking for the political prisoners. (This was when the idea was born to propose to the Commanding Officer that the cooks should be chosen *from amongst* the political prisoners and *by* the political prisoners, which later made a *real* difference to the quality of the preparation of the food, as described by Mandela himself in his autobiography.)
- He voiced the prisoners' total lack of interest in and little value of working in the quarry and of the still harsh conditions there and pointed out that it would be more useful for all (including the prison authorities) if inmates were given the possibility of learning a trade and/or of studying, especially those serving long sentences. (On studies, he stressed the difference between certain facilities

⁵² Nelson Mandela, *The struggle is my life*, His speeches and writing brought together with historical documents and accounts of Mandela in prison by fellow-prisoners, IDAF Publications Ltd, London, 1990, pp. 237-249.

⁵³ See note 7, Mandela, p. 460, and note 2 Sampson, p. 202.

⁵⁴ See note 7, Mandela, p. 535.

⁵⁵ See note 7, Mandela, p. 497.

offered to inmates of his single cell section and the dearth of opportunities for those in the General or D sections.)

- And, of course, he stressed the importance of obtaining access to news, adding with a smile and a wink: *"This would save a lot of time for everybody: for the prisoners, who would no longer need to be so 'creative' in order to try and be informed! And for the warders, who would no longer need to spend so much time trying to prevent the prisoners from knowing what happens outside the prison!"*
- Lastly, he spoke at length of the prisoners' relationship with the warders. I can clearly remember: it was at that moment of the conversation that I realized that I was dealing with a truly exceptional human being. He took pains to explain to me who these warders were, almost apologizing for them, stressing how totally "conditioned" they had been by their cultural environment, from their interpretation of the Bible to their history and their language, how incredibly difficult (nay, "unnatural") it was for them to see a human being – and much less an equal – in a black man. He went back to the anecdote about Neville Alexander's blanket and explained: *"You have to understand that an answer of this nature is the 'last resort' of someone intellectually and culturally inferior to the prisoner, who knows that he has lost the argument, but who cannot imagine admitting – even to himself – that such is the case. So he goes 'back to basics': he sees the bush in the black man, and only the bush."*

And then he added that, beyond every individual's characteristics (for there were also brutes and beasts amongst the warders), a key factor was the Commanding Officer. After telling me about some problems of the Badenhorst period, reminding me that Zuger could witness how the situation had worsened between his 1970 and 1971 visits, he added that *"since we managed to get rid of Mr Badenhorst, there has been an improvement with Colonel Willemse"*. He continued by saying that the latter needed to be both "encouraged and supported" in his more humane attitude for, in the long chain of command between him and simple warders, some officers and sub-officers were quite "problematic". And he asked me to stress with Colonel Willemse the importance of a correct "warder-prisoner" relationship, giving me other specific examples of when such a relationship had been lacking.

Bearing this conversation in mind, it is interesting to quote here what Mandela wrote on this subject:

The most important person in any prisoner's life is not the minister of justice, not the commissioner of prisons, not even the head of prison, but the warder in one's section. If you are cold and want an extra blanket, you might petition the minister of justice, but you will get no response. If you go to the commissioner of prisons, he will say, 'Sorry, it is against regulations.' The head of prison will say, 'If I give you an extra blanket, I must give one to everyone.' But if you approach the warder in your corridor, and you are on good terms with him, he will simply go to the stockroom and fetch a blanket.

I always tried to be decent to the warders in my section; hostility was usually self-defeating. There was no point in having a permanent enemy among the warders. It was ANC policy to try to educate all people, even our enemies: we believed that all men, even prison service warders, were capable of change, and we did our utmost to try to sway them.

In general we treated the warders as they treated us. If a man was considerate, we were considerate in return. Not all of our warders were ogres. We noticed right from the start that there were some among them who believed in fairness. Yet being friendly with warders was not an easy proposition, for they generally found the idea of being courteous to a black man abhorrent. Because it was useful to have warders who were well disposed towards us, I often asked certain men to make overtures to selected warders. No one liked to take on such a job.⁵⁶

That first meeting must have lasted a little less than two hours. But as I left Mandela's cell, I realized that there was something very special about this man: he radiated an exceptional moral authority.

⁵⁶ See note 7, Mandela, p. 497.

Many have written about Nelson Mandela's moral authority. But I would like to quote here what his comrade in arms and co-prisoner Ahmed Kathrada wrote on the subject for it reflects on our, ICRC, perception of Mandela at the time: *"But leader he was, and not by virtue only of the positions to which he had been elected in the ANC and the Youth League before he was banned. From childhood, when he was brought up as a chief, Mandela was groomed to be a leader. Added to that were his political experience, foresight, courage and dynamism. Throughout the period that he operated underground, and during the Rivonia Trial, he displayed the undeniable qualities of leadership, culminating with his address from the dock. Our lawyers, the media, the outside world and all the accused, including Govan, accepted him as the leader, and from the moment we set foot on Robben Island, every prison officer, from the rookies to the generals, treated him as such. So did the International Red Cross and visiting judges, parliamentarians and foreign dignitaries. It was not as though we ever held a meeting and elected him our leader, it was just that the mantle of leadership fell naturally upon his shoulders."*⁵⁷

I then went on to talk, individually, with the other leaders in the single cell section.

At the end of my visit, on May 10, I saw Mandela again, to brief him on what we had seen and done during that visit and to tell him which points we would take up with the Prison Commander. I remember that we went through the ICRC "check-list" of points mentioned on page 19, but I cannot remember whether he took notes or not. I do not believe so.

* * *

I remember clearly three other people from that first visit to the single cell section: Walter Sisulu (who, I later discovered, was Mandela's mentor); Ahmed Kathrada, a distinguished Indian scholar who was the prison librarian (and later became President Mandela's Chef de Cabinet); and Govan Mbeki (whose son Thabo later succeeded Mandela as President of South Africa), a forceful figure who played the guitar, on which I strummed a few chords while talking to him in his cell.

In fact, Mbeki's guitar – which had been obtained for him after much insistence with the authorities by Philip Zuger – was the centrepiece of a somewhat unusual incident during that first visit of mine to Robben Island. On 10 May, the fourth and final day of our visit, I returned to the single cell section, to report back to Mandela on the situation in the General and D sections and to bid farewell to each of the leaders individually. It must have been around 4 p.m. and – this being autumn in the southern hemisphere – it was getting dark; the sky was covered with a low, grey, sad ceiling of clouds and the air was very humid. As I entered the yard, Mbeki was at the far end, his back to the only door, sitting on a bench with his guitar, facing the high wall. I came up quietly behind him; he sensed my presence and turned his head, smiling as he saw me. He stood up courteously and without a word handed me the guitar and invited me to join him on the bench. I took the guitar and did something which was possibly not very "ICRC-like" (if it was not, I hope that there are statutes of limitation): I started humming (softly, for the guard was inside the yard by the door some 40 m away) the tune of a Negro spiritual called "Oh Freedom!". I now know that Govan Mbeki was a declared atheist,⁵⁸ but he certainly knew that tune and he started humming along in a beautiful baritone voice. Soon, half a dozen inmates were standing behind us, softly joining in with their superb, low voices. We hummed the song three times and stopped. There was a long silence; everyone stood motionless. I got up, gave Mbeki his guitar back and shook everyone's hand without a word but exchanging a long look with each. There was no embrace; from the door where the guard stood, it must have looked like a very cold, formal, "ICRC-like" goodbye!

("Did they know the words, or just the tune?" I asked myself as I left the prisoners. I got my answer 31 years later when Sisulu, Mbeki and I sang that spiritual again ... in Sisulu's cell!) But I will save that story for later in Chapter eight.)

⁵⁷ Ahmed Kathrada, *Memoirs*, Zebra Press, Cape Town, 2004.

⁵⁸ Charles Villa-Vicencio, *The Spirit of Freedom: South African Leaders on Religion and Politics*, University of California Press, Berkeley, 1996.

Needless to say, this musical interlude was never mentioned to anyone, nor did it ever “taint” my neutral and impartial attitude towards the South African authorities. I trust also that the level of our voices never reached the ears of either the guard or the BOSS, however sharp they may have been. But the inmates certainly perceived it as a new way of implementing the principle of humanity, even if it was “borderline” by ICRC standards.

3 As the prisoners saw it

Our visit lasted from the morning of 7 May to the evening of 10 May. During that period, for a capacity of 650, there were 368 inmates, of whom 38 were from South West Africa (Namibia). In terms of accommodation, 289 were in General Section, 50 in D Section and 29 in the single cells or B Section. Of the 368 inmates, 70 had been convicted under the Suppression of Communism Act and 64 under the Terrorism Act and the rest were common law prisoners. In all, 33 prisoners were serving life sentences.

I shall later describe in greater detail both the process of – and the follow-up to – that 1973 visit to Robben Island, but there is no doubt that, however useful preceding ICRC visits had already been, in the eyes of the inmates this one marked a turning point. For instance, in his book *Never Follow the Wolf*, Helao Shityuwete writes:

Before the restoration of our privileges we had another visit from the International Committee of the Red Cross. They sent a powerful delegation of four men this time. They were not prepared to compromise with the prison authorities. They had come not only to see the Namibians but also the rest of the prison population and they wanted to listen to personal as well as joint complaints and requests. Discussions would be private and confidential, although some of it had to be known to the prison authorities in order to solve the problems facing us in prison. The delegation was headed by a Dr Moreillon and he proved himself capable. Everyone in the delegation had a specified task to perform. Their visit was crucial and brought a number of really good changes on Robben Island.

Before they left, Dr Moreillon promised us Namibians some financial support because we had no regular contacts with our families and no financial support. He also said he would leave some money for our sport. The prison authorities did not object and for the first time we were able to buy a few things for ourselves. After the ICRC left and we had served our six months of deprivation, things started improving. A number of restrictions were removed. Many people were allowed to study. The discriminatory diet was replaced with a non-discriminatory one. We were allowed to go out to work again and sport activities resumed. ...

The charges against our four colleagues accused of incitement were dropped, partly as a result of the ICRC's visit but mainly due to the publicity in the press.⁵⁹

As for Mandela, he follows his somewhat critical comment on Senn's visit, by saying: “*In later years, the International Red Cross sent more liberal men who wholeheartedly fought for improvements.*”⁶⁰

⁵⁹ Helao Shityuwete, *Never Follow the Wolf, The autobiography of a Namibian freedom fighter*, Kliptown Books, London, 1995, pp. 225-226.

⁶⁰ See note 7, Mandela, p. 489.

Chapter three: 1973, 1974, 1975 visits to Robben Island and changes in conditions of detention

1 Introduction

In order to help the reader understand the sequence of events, I shall concentrate in this chapter on the conditions of detention on Robben Island during my three visits there (1973, 1974 and 1975), describing in separate chapters the conversations I had with Mandela during my second and third visits.

As stated earlier and as the bibliography shows, many books have been written about Robben Island, most of them by former inmates and some by researchers who interviewed them, more or less systematically. To my knowledge the most complete sets of interviews were conducted by Anthony Sampson (today unfortunately deceased) and by Fran Buntman.⁶¹

However, for the period considered in this chapter (1973–1975) the best source of information is a text that has stayed confidential for almost 20 years: Neville Alexander's *Robben Island Dossier, 1964–1974*.⁶² This (for a prisoner) quite objective description of the conditions of detention over a period of ten years on Robben Island constitutes, in my view, a unique contribution to history. Based on notes taken secretly and smuggled out of the prison, it was written within four months of Alexander's release from prison in 1974, while he was being kept under house arrest. This was of course done not only in violation of the Prisons Act No. 8 of 1959, but also in transgression of the author's house arrest orders, under which he was prohibited from publishing anything, and explicitly anything on his time in prison.

In writing his *Dossier*, Alexander had very precise recipients and readers in mind: definitely *not* the general public or the media, for this would have been too dangerous for him, but those individuals and entities likely to put effective pressure on the South African authorities to improve the conditions of political prisoners in South Africa: the United Nations Special Committee on Apartheid, the International Commission of Jurists, the International Defence and Aid Fund and – although in a different but vital category – the ICRC.

The *Dossier* was communicated to me confidentially by an intermediary in December 1974, with a covering letter from Neville Alexander dated 27 November 1974, indicating it was “*for the internal use of the ICRC exclusively*”. Alexander concluded his letter to me with these words:

My friends who are still on Robben Island and I myself always think with the greatest respect of the International Red Cross and we all hope that your organisation will be able to continue to fulfil a function which has become almost institutionalised in this country's penal structure.

Please convey my kindest regards to Mr Santschy and Dr Leuthold, as well as to Mr Senn and Mr Zuger, all of whom are remembered with kindness. To you yourself I wish a peaceful and productive life.

That *Dossier* was to be extremely useful for my last visit to the island in 1975 and for my successors' visits; but *it stayed in the safe of the ICRC archives, and its existence was only known to the head archivist and to those ICRC delegates who were visiting the prison and never mentioned to others until 1994*. At that date, Neville Alexander published the *Dossier*, with an introduction by Helen Suzman, through the University of Cape Town (UCT) Press. In my opinion, no story of Robben Island *during that period* can be validly written without referring to this publication for – although it is the work of a prisoner and therefore inevitably one-sided – it represents a very noteworthy effort at almost “academic” objectivity. One particular study which I would recommend to scholars would be a systematic comparison between the ICRC's visit reports from 1964 to 1974 and Alexander's *Dossier*. This would be technically easy because the structure of his booklet corresponds largely to that of

⁶¹ For a rapid but good overview of Robben Island and its history, including as a prison, with a brief text going to essentials and interesting photographs and good plans, see note 47, Hutton.

⁶² See note 10, Alexander.

ICRC prison reports, particularly in the main part of the *Dossier*, entitled “Treatment”, which covers the following headings, in which the ICRC is often mentioned:

- General
- Physical Violence
- Warders' Demeanour
- Work
- Food
- Clothing
- Medical Attention
- Education
- Disciplinary Code and the Administration of Justice
- Classification and the Prison Board
- Contact with Family and Friends
- Recreation and Sports
- Public Scrutiny
- Visits by COP [Commissioner of Prisons]
- Visits by Members of the Legislature
- Visits by Members of the Judiciary
- Visits by the IRC [International Red Cross]
- Visits by Other Foreigners

2 Summary of ICRC 1973, 1974 and 1975 visits

2.1 1973 visits

After my first series of visits in 1973, the ICRC reiterated at all levels, both orally and in writing (including in an official letter signed by ICRC President Marcel Naville on 28 June 1973 and addressed to the then Minister of Foreign Affairs of South Africa, Dr Hilgard Muller), that none of the problems I and my team had encountered were new: in fact, all of them had already been the object of repeated remarks by my predecessors and their colleagues, especially by Philip Zuger. In short, *the prisoners' work was generally uninteresting and futile, they received scant encouragement to study and, in the absence of news, their isolation from the outside world was almost complete.* The ICRC stressed that it was at a loss to find any valid justification for the additional moral ordeal thus inflicted upon the prisoners. In his letter, the President of the ICRC declared that it was disappointing for all concerned that, ten years after the first ICRC visits to prisons in South Africa, notwithstanding some improvements that had been observed, the most serious shortcomings in detention conditions for political prisoners were the same. This was all the more regrettable since, throughout these years, the ICRC had been repeatedly told that an answer would be found to these problems and that, in its opinion, it was not at all impossible to work out an appropriate solution. For instance, as pointed out in the delegates' report, it seemed that a systematic policy of encouragement to do creative work – as opposed to the monotonous breaking of stones carried out by the majority of the prisoners on the island – would promote a less tense atmosphere in the prison. The ICRC President pointed out that it would be in the interest not only of the prisoners themselves but also of those in charge of them, that it would take the inmates' minds off their daily routine and would defuse the unavoidable tensions and exasperations of life in jail. The same applied to the pursuit of studies or to contact with the outside world by allowing prisoners access to daily news: by deflecting their thoughts to other horizons, away from the cell walls enclosing them, such diversions would likely ease up the atmosphere and improve the warden–prisoner relationship.

The ICRC therefore requested that the Ministry of Justice and Prisons thoroughly review its policy on the triple aspects of *work, study and news* for prisoners, *with a view to harmonizing it with the existing practice of the Prisons Department towards other prisoners entrusted to its care.* It suggested that the Minister of Foreign Affairs should personally follow upon the matter and thus make a major contribution to finding an *early* solution to these problems in a way compatible with both humanity and security.

This letter reflected the contents of my interview of 11 May 1973 with Mr James Kruger, Minister of Justice and Prisons, and his Commissioner of Prisons, during which I had clearly and formally requested that the whole policy on *work, news and study* for “political prisoners” be reconsidered *with a view to harmonizing it with the existing policy of the Prisons Department towards other prisoners*. I had made the point that the introduction of radio and newspapers in the prisoners’ daily lives, their systematic occupation in a gratifying and creative variety of jobs, the vigorous encouragement of study – from illiterates to postgraduates – could and would completely change the atmosphere of such places of detention as Pretoria Local and Robben Island prisons. Of course, I had added, such fundamental changes would not be brought about without difficulty: both the prisoners and some warders would have to change their attitudes and even their reflexes; security aspects would have to be studied and measures taken in that realm; practical day-to-day technicalities would need to be modified. I conceded that, initially, implementation of such new policies might create certain difficulties. But the benefit of humanizing prison conditions and warder–prisoner relationships would be so tremendous that, in my opinion, it was not only the sole truly humanitarian course, but also the most intelligent. In short the ICRC was clearly putting the matter at *policy* level.

The last point which I had brought to the Minister’s attention related to those Robben Island prisoners who came from South West Africa. These men were detained very far away from their families and, although authorized to receive visits, hardly received any because of the distance to be travelled and lack of funds. From the humanitarian point of view, this was a very grave situation, and I had earnestly recommended that their transfer to a prison in South West Africa be seriously considered.

2.2 1974 visits

After my second series of visits of 1974, I used a similar general approach to that of my predecessor Philip Zuger of *comparison between common law prisoners and “political prisoners”* (the latter qualification not formally recognized by the authorities but tacitly accepted in our discussions and even correspondence). In an interview on 5 June 1974, I drew a chart on the desk of Minister Kruger (who, as I remember, was a bit astonished by the procedure, but did watch the process with apparent interest) showing the differences of treatment, in various areas, between these two categories. The chart looked like this:

	Common law prisoners	Political prisoners
<i>News</i>	Normal access	Almost none
<i>Studies</i>	Encouraged	Tolerated
<i>Work and learning of trade</i>	Encouraged	Scant, in general uninteresting
<i>Upgrading (in categories)</i>	Encouraged	Slow
<i>Visits</i>	According to categories	(For Robben Island) difficult in view of distance: persons other than “direct family” discouraged
<i>Contact visits for A category</i>	Allowed	Not allowed
<i>Remission</i>	Encouraged	Never

My argument was simple: as long as the government did not wish to give a special status to political prisoners, these should be treated *at least as ordinary prisoners*, unless imperative prison (as opposed to political) security reasons made it impossible. Actually, I insisted, it was a simple question of equity: these people had been tried and convicted. Unless justified by valid *prison* security motives (as opposed to *political* considerations), any hardening in their conditions of detention constituted a *punishment additional to the one already laid down by law and in the sentence of the judge*.

2.3 1975 visits

The above approach had mixed results which, after the 1975 visit, could be summarized by progress in the following areas, as indicated in our reports to the authorities:

- the biggest progress was in the field of **studies**: we could officially state that there were no more major problems and that the system was working smoothly;
- in terms of **upgrading of categories**, we were able to state that there had been a marked change for the better and that the criteria for upgrading security prisoners had obviously come closer to those applied for common criminals;
- as for **work** in the quarry, it had been considerably reduced (though not yet stopped) and a number of other possibilities for work had been established;
- the **water system** on the island was being changed and would soon be improved, including the provision of hot water (which until then had been non-existent in the prison);
- there had been significant improvements with regard to **food** and in the **kitchen**.

The biggest problems were still:

- the absence of any access to news;
- the prisoner–warder relationship, although somewhat improved;
- outside visits to prisoners, especially from friends rather than just family.

3 A process of repetition and insistence

What is interesting about the results obtained (or the absence of such results) is *how vital was the repetition of our visits*, as was the dogged persistence with which we insisted, visit after visit, in pressing for those results.

This is an approach worth developing – indeed, demonstrating – theme by theme in the following pages.

3.1 Access to news

On my **first visit** in 1973 (as was the case for all preceding ICRC visits to Robben Island), no prisoner sentenced for offences against the security of the State was allowed to read *any* newspaper or to listen to the radio. Moreover, the few magazines that prisoners were allowed to receive (in the style of *House and Garden*), including government publications, were heavily censored. In fact, we noted that, with the heavy censorship of magazines as practised, advertisements were practically all the inmates got to read ... which was ironic, for it would have been easier to pass a secret message via an advertisement than in an article!

In my exchanges with the authorities, I stated that we were at a loss to find, on this as on other matters, an explanation which would be consistent with the Prisons Department's general approach to the treatment of the prisoners that came under its responsibility. In particular, I made the following points:

- Security arguments did not stand up to an objective analysis: even if prisoners could possibly receive coded messages through apparently innocuous advertisements, that would not be a reason for forbidding them, for instance, to listen to news on Radio South Africa.
- The prison authorities had been telling us that one of the objectives of detention was to produce a "change of heart" in the prisoners. We said that, although we had no desire to enter into an argument about such a policy in itself, we felt we should nonetheless observe that this kind of change was less likely to take place in prisoners who got no news of the outside world than in those who did.
- In the absence of any valid explanation for the present situation, we pointed out its many drawbacks. Apart from being extremely hard on prisoners, it seemed to be highly counter-productive. With access to very little information about the outside world, the prisoner would have no choice but to concentrate on his limited world, the walls around him, the daily timetable of his boring life, his physical health, the attitude of the warders, etc. This could lend disproportionate importance to many small things in the normal prison routine, and be more likely to create tension

and irritability than if the winds bearing outside news could sweep his thoughts off to other horizons.

I developed these arguments before the Commissioner of Prisons (General J.C. Steyn), as well as before Minister Kruger in an interview on 11 May 1973 and later confirmed them in our official reports from Geneva.

After my **second visit** in 1974, I argued in the same fashion, but even more insistently, with the same interlocutors in an interview that took place on 6 June 1974, giving precise and technical guidelines on access to radio and newspapers. Specifically, I proposed (first orally and later in writing) that political prisoners should be permitted to listen to the news on Radio South Africa via loudspeakers monitored from the office of the Commanding Officer.

I proposed that they be allowed access to any news media previously accepted by government censorship, in other words, to all news media available on a town newsstand.

Naturally, such news, whether conveyed by radio or in print, could be censored; but I suggested that censorship should be limited to:

- any news that dealt with prison riots, escapes or any such news from anywhere in the world that could endanger *prison* security;
- possibly any news that dealt with the prisoners themselves, such as campaigns for their release or controversies over their legal status, whether in South Africa or abroad;
- possibly all advertisements, as these might be used to convey coded escape messages.

After my **third visit** in 1975, seeing that my representations had produced no results, I really stepped up the pressure and argued our case even more earnestly, still with the same two interlocutors, Minister Kruger and his Commissioner of Prisons, in a meeting on 1 May 1975 and later in a detailed written report.

I began by emphasizing that the ICRC, as an institution, considered that the denial of access to news for security prisoners was a *very major humanitarian problem* on which no progress had been made for more than ten years.

I compared the existing total blackout on news of any importance for security prisoners in South Africa with the policies of *other governments* towards similar categories of prisoners in about two dozen countries. I referred to publicly known conditions of detention concerning access to news for political prisoners in Ireland, Spain, Chile, Israel, Singapore, Greece and Rhodesia and gave specific examples of these. I explained that, in these countries, persons imprisoned for having either used violence or advocated its use in order to achieve political aims were, to varying degrees, given access to news about the world around them and that this had caused no problems either inside or outside the prisons, as I had personally been able to see for myself in these countries.

I noted that, in South Africa, this question could be considered either from the angle of the prisoners, or of principles, or of opportunity. From whatever angle you looked at it, the present situation could not be defended. As the Minister was aware, in the eyes of the security prisoners, the present policy was a deliberate attempt to “deep-freeze” them intellectually and to demoralize them systematically. For my part, without necessarily jumping to such a conclusion, I was simply saying that I could not otherwise understand the continuing policy, which objectively appeared unjustified. Indeed, there was no doubt that being cut off from the outside world constituted a severe hardship for anyone and particularly for people whose presence in prison testified to their interest in public affairs. In fact, such a policy hit politically motivated people where it hurt them the most. Was this the objective? I stressed again that this policy could also be considered as a special punishment *added* to the one already decided upon by law and the courts. And this was certainly *not in conformity with general practice within the South African Prisons Department*.

In the lengthy discussion which followed my argumentation, the Minister said that he had no wish to “deep-freeze” anyone intellectually or to demoralize the prisoners. He also insisted that he did not try to make them change their political views or to “brainwash” them in any way. His objective was to establish a harmonious atmosphere within each prison and to provide a normal relationship between warders and security prisoners. If politically motivated people ended up in prison it was because of their urge to change the existing social system. While in prison they would regard prison officials as part of the system that they wanted to change; if news from the outside world should reawaken their “anti-social” attitude, this might become an “anti-warder” attitude. This was unfair to the warders because, if the prisoners had a grudge, it should be against the government and not against the individual warders or the Prisons Department. According to Mr Kruger, the possibility of an erroneous identification of the prison officials with government policies forced him to prevent security prisoners from having access to any news that might inflame their minds or activate their urge to change the social system, since this could immediately reflect negatively on the warder–prisoner relationship and prevent them from settling down and accepting the fact that they were prisoners.

Nevertheless, he was aware of a normal and legitimate desire in prisoners to have access to news and he would study this whole question very thoroughly in order to establish the amount and the type of news which could be given to the prisoners without worsening the warder–prisoner relationship. At present, he was contemplating the possibility of recording news over Radio South Africa one day and transmitting a censored version of it to the prisoners on the next day.

I said that I agreed that any political arguments should only be between the prisoners and the government and not between the prisoners and the warders; I also understood that harmonious relations between the prisoners and prison officials was the ultimate desire of everyone concerned. However, I reiterated that my own experience in many other similar situations had shown that such harmony was more easily achieved through a liberal policy of access to news rather than through the banning of all important news. One had only to think of the amount of time and effort spent by the prison officials on Robben Island in preventing prisoners from getting any news and – one would suppose – by the prisoners themselves in trying to get it. This struggle was nerve-racking and time-consuming for both parties and certainly did much to create whatever tension there was on the island.

The Minister ended the discussion by confirming that he would go into the matter fully.

I know that my successor, Frank Schmidt – who was also a pretty stubborn and persistent fellow – picked this argument up and carried it on year after year with the same Mr Kruger. Which brings me to what Nelson Mandela wrote on the subject:

In 1978, after we had spent almost fifteen years agitating for the right to receive news, the authorities offered us a compromise. Instead of permitting us to receive newspapers or listen to radio, they started their own radio news service, which consisted of a daily canned summary of the news read over the prison’s intercom system.⁶³

This perfectly illustrates the point I made in the introduction to this book: on the one hand, improvements in the conditions of detention resulted from a combination of efforts by the prisoners themselves and of the ICRC’s insistence, on the other hand, it was difficult for the inmates to realize that progress obtained was not just “their” victory but, indeed, the direct result of repeated pressure by the ICRC, year after year since 1964 and, especially since 1973. It is also a good example of how much time and effort were needed to obtain *any* result in that situation.

3.2 Food

On my first visit to Robben Island in 1973, I knew from previous reports that the problem of food had been a perennial one, that came up at every ICRC visit. Some improvements had been made over the years but, strictly from a medical and dietary point of view, there was still a lot of room for improvement, aside from what the prisoners considered to be their “normal diet”. (The fact that the food given to the inmates on Robben Island was the “normal” diet for black people was firmly

⁶³ See note 7, Mandela, p. 595.

maintained by the authorities, admitted by some prisoners and strongly contested by others mainly because it was a form of racial discrimination, at least in these prisoners' perception.) Whereas the question of access to news was a political one that needed to be dealt with at the Minister's level, matters concerning food had management and budgetary implications and therefore had to be addressed first with the Director of Robben Island prison, Colonel Willemse, and with his immediate boss, General Steyn, the Commissioner of Prisons.

The problem was many-faceted and concerned both the quality and the quantity of food and the way in which it was prepared – that is, very badly, according to the political detainees to whom I spoke during my 1973 visit. In fact, they accused the cooks (who – at that time – were common criminals) of at best making a hash of the cooking and at worst stealing the food that happened to be any good. They requested tighter supervision of the cooks, and even suggested that they be the ones to appoint the cooks. I expressed strong support for the idea, and the Director answered that it would be studied. In any case, an effort would be made to improve the meals.

I also noted that there was no table in the mess hall. The prisoners sat on benches and reduced to using their knees as a table. They were asking for tables. The Director replied that outside the prison, most of the prisoners would generally have eaten in this way or even sitting on the ground. Nevertheless, our suggestion would be studied.

We asked if it would be possible to have a vegetable garden to improve the nutritional quality of the food. The reply was: out of the question, even for the personnel living on the island, owing to the shortage of water.

We also asked if the prisoners could eat later in the day in order to shorten the time between the last meal of the day and breakfast, which was 15 hours. Again, we were told this was impossible, owing to the timetable, which could not be altered because of a shortage of staff. The only solution would be to permit prisoners to take their food into the cells to eat later. That would set off a series of other problems (such as washing the dishes), which required study before a decision was reached. I insisted on the need to look into that option.

By 1974, the food situation had improved in that there were no longer complaints about the way it was prepared nor that the quantities issued did not correspond to the quantities prescribed in the diet. It is interesting to note the comments of Neville Alexander on that particular point, which show that what matters is not only *what* people eat but *how* their food is prepared:

It is claimed by the prison authorities that the prisoners' diet is prescribed after testing by trained dieticians and medical specialists. There is no reason to dispute this. After all, men do no less for their pigs, poultry, and other slaughter stock in our day. What is not to be disputed also is the fact that for many years the authorities seemed to confuse prisoners and pigs, in that the fodder that was prepared for the men would normally be thrown to the pigs. Quite possibly, the calorie prescriptions were met but there is no prescribed manner of preparation. Besides the normal hazards of large institutional feeding, the factor of contempt and indifference to the comfort of their charges gave rise to meals that would have been inedible if it were not true that hunger is the best cook. As long as the provisions of the Regulations pertaining to diet appeared to be met, the authorities were satisfied. Lunch and supper, especially the supper of African prisoners, were sometimes so full of sand and miscellaneous kinds of dirt and insects that even the strong stomachs of the most hard-bitten would somersault, and it was an ineffable tragedy to see how hungry people would sometimes leave food uneaten.

Perennial representations were made for the better preparation of food, suggestions were given, but all this made little difference until in 1973/74 some political prisoners, chosen by the inmates themselves, went to work in the kitchen. *Since then the preparation of food is incomparably better and under the circumstances probably the best possible.*⁶⁴ (Our emphasis).

⁶⁴ See note 10, Alexander, p. 36.

This was evidently a direct consequence of our May 1973 visit and of my request that political prisoners be assigned as cooks.

However, there was still a very general complaint about the *quantity* of food prescribed and available. In fact, the inmates' attitude on this point was unanimous and seemed genuine enough, to the point of being one of the main complaints on the island. As the prison diet applied throughout the country, it was doubtful that it could be changed just for Robben Island. Nevertheless, I suggested that a possible solution might consist in giving foodstuffs in addition to the normal diet in the form of fruit or meat from prison farms, or in providing milk donated by the ICRC. This milk could be offered to the whole island population, to avoid implying, if the idea was accepted, that the normal diet was not sufficient.

Colonel Willemse answered that the normal diet was certainly quite sufficient, as regards both quantity and nutritional value. One had only to see how much of the food prepared on Robben Island was not eaten and had to be thrown away each day. (See what Alexander says on this issue. Why was it thrown away? Because it was inedible!) As for extra meat, prison farms did not produce sufficient amounts for all the jails in the country. Meat had to be bought on the market. Fruit was not part of the diet but, in season, it was distributed to prisons other than those with farms producing the fruit. A study would be made on how Robben Island may benefit from the fruit production of nearby prison farms, one of the main problems involved being the question of transport. Our offer to provide milk would be studied.

On fruit, Neville Alexander writes:

One of the most unjust aspects of the diet is the lack of fruit. For a place which is situated so near to some of the largest orchards in the country, RIP [Robben Island prison] is suspiciously free of fruit. *The only occasions on which fruit has been seen were those on which the IRC [International Red Cross] representatives were allowed to give money to the prison command for a few issues of fruit, i.e. oranges.* (Our emphasis.)⁶⁵

We did go into detail on such matters as food. For instance, I remember that the inmates of the single cell and D sections were under the impression that the food they received (and in particular the vegetables) did not correspond to the quantity to which their diet scales entitled them. This was emphatically denied by the prisoners working in the kitchen, who said that they weighed incoming rations to the gram. They explained that, if all portions of vegetables handed out did not always seem to amount to the prescribed weight, it was because some of these vegetables were mixed with other foodstuffs. We suggested (and this was accepted by the Prison Director) that kitchen workers be allowed in some way to explain to single cell and D Section prisoners that the prescribed rations were indeed being received by prisoners.

We had noticed that the salt contained a certain amount of impurities. The cooks wondered if purer salt could be provided, to avoid having to wash and clean it. The Director replied that this matter would be gone into. And it was.

It appeared that the quality of mealie-meal varied greatly from one delivery to another. In May 1974, the last one received had been the best in a long time. Would it not be possible to stick to that level of quality? The reply: this was out of the hands of the Prisons Department, as the government put out tenders for all products. Suppliers changed and so did the quality of supplies.

The cooks said that there was too much work for the 16 of them plus three boiler attendants. They wished to be more numerous. The reply: the number of cooks was quite sufficient; enough to allow them to work at a leisurely rate.

The cooks said that their timetable did not give them sufficient time to study, especially when those on the morning shift also had to work in the afternoon. The reply: this was very doubtful, but the matter would be checked before an answer could be given, particularly with respect to the allegations that cooks on the morning shift sometimes had to work during the afternoon.

⁶⁵ See note 10, Alexander, p. 37.

Could the cooks be provided with irons to press their uniforms? The reply: they will get them.

There were other specific messages from the prisoners in 1974 or 1975:

- They expressed their appreciation at being allowed to take their food into their cells at suppertime. This had constituted an important improvement for them as it had enabled them to break down the 15-hour lapse between supper and breakfast. (*The link with our 1973 visit was clearly established in the minds of all inmates ... and later well remembered.*)
- They also appreciated the fact that fish was now coated with flour. (It should be noted that flour was not included in the prescribed diet but personally provided by the officer in charge of the kitchen.)
- *Finally in 1975, they stressed that food no longer gave rise to acute complaints as in the past and the prisoners themselves did not contest that the nutritional value of their diet was adequate.* Nevertheless, many of them maintained that they did not feel “full” enough and wished to have beans reintroduced into the menu. At that stage, the only answer they were given was that the diet scale was under constant review but that no predictions could be made.

On 1 May 1975, I mentioned some of these matters to the Commissioner of Prisons, General Steyn. I started by saying that the prisoners had expressed their appreciation for a number of improvements, such as the new boiler in the single cell section, news of the future water-softening plant and workshops, the extra socks and shirts received and permission to take food into their cells at suppertime. Nevertheless, the prisoners wished to know if it would not be possible to restore beans to the diet, in order to provide more filling meals. The answer was that beans had not been permanently taken off the diet scale. They had simply been replaced by *somos* (a soya product) and other items because of a general shortage of beans in the country. This was temporary, and beans would be put back on the prison menu when they reappeared on the market at reasonable prices and in sufficient quantity.

Both the cooks and the prisoners had stressed the varying quality of the mealie-meal delivered to the prison and expressed the wish to always receive the better variety of mealie-meal. Here again the answer of the Commissioner of Prisons was that this, as with the beans, was out of the Department’s hands, since suppliers changed, and therefore also the quality. Nevertheless, certain standards of quality had been set and all foodstuffs had to meet these standards.

Thus, in 1975 neither I nor the prisoners questioned any longer the nutritional value of the food and I made this point with the Commissioner of Prisons. However, I did wonder if, be it only for the sake of change and to relieve the monotony of prison food, it would not be possible to give fruit and/or milk to all the prisoners from time to time. This did not need to be introduced on the regular menu, but it seemed that fruit especially could be bought from nearby prison farms a few times a year. I was told that the suggestion would be considered.

With this detailed background in mind, it is worth recalling that Mandela remembered the change of cooks from common to political prisoners as taking place in 1979, after the arrival of the so-called “Soweto uprising prisoners” in 1976. But, with all due respect, it was much earlier and, in my analysis at least, progress was not related to the fact that, in 1976, Robben Island was turned into a prison exclusively for political detainees. In fact, according to Neville Alexander, who left Robben Island in 1974, *improvements in food started when political prisoners were put to work as cooks in the kitchen as of 1973-74, long before all the common criminals left the island, and as a result of that 1973 ICRC visit.*

3.3 Studies

When I first visited Robben Island in 1973, I was able to see with my own eyes what I had read in previous reports, namely that, whereas the few leaders in the single cell section had reasonably good opportunities for study, this was not the case for all the inmates in the General and D sections. In fact, Neville Alexander recounts in the chapter on “Education” in his *Dossier* that, after a first period during

which studies were close to impossible, between 1966 and 1969 “*there were no systematic attempts to curtail the study privilege.*”⁶⁶ However, he adds:

This situation changed dramatically as from about 1969. From that time onwards there was a distinct attitude of suspicious parsimony towards prisoners' studies on the part of the authorities.

Certain measures tending to curtail and restrict the study privilege (e.g., financial measures) have already been referred to. Choice of subjects also came under fire. Political Science and History were forbidden in 1969 though they were partly reinstated later, and are at present [1974] very vulnerable subjects.

All post-graduate studies, including Law, were forbidden at the end of 1969, Minister Pelsler stating in Parliament in answer to one of Mrs Suzman's questions that it was not the policy of the Department to “produce specialists”. But in private Brigadier Aucamp told some prisoners that “the Whites” in Pretoria had “abused” post-graduate studies for purposes of continuing to study guerrilla warfare. Probably he told the Whites the same thing about the Blacks. One can speculate about the actual reasons for this irrational, small-minded ban, but one factor is certainly the fact that it is much more difficult for the authorities to restrict and control the books used by post-graduate students, most of whom have to roam freely in the relevant literature, than it is to do the same as regards undergraduates. In the case of at least one prisoner this ban meant that he had to abandon his LLB studies in his final year when he still had another four years to serve.

Of course, this ban was not difficult to conceive since hardly any White criminals would be affected by it, and no Blacks either. The only prisoners who could suffer were in fact political prisoners. As from 1971 no law subjects whatsoever could be studied. Even Nelson Mandela, who was given special permission to complete his LLB with London University (with which he was registered almost from the time he entered prison in 1962), was eventually given the deadline of June 1974, after which he would no longer be allowed to study either Law or any other post-graduate courses and, of course, he would have to register with UNISA.

The latest subject to be brought into jeopardy is “Native Administration”. As will become evident in the next section, the main reason for the banning of these subjects appears to be the fact that certain categories of books can enter the prison legally to form the basis of studying these subjects. At one stage all foreign languages were banned, i.e., only languages spoken in South Africa could be studied, but after a few years this ban became inoperative (incidentally because of changes of administration – regularly prohibitions and injunctions of previous years became null and void after such a change of staff). Again the main reason seems to have been access to books frowned upon by the authorities, but through the grapevine it was learned that the study of a language such as Portuguese was forbidden to prevent contact between Frelimo and other anti-Portuguese Imperialist organisations, and prisoners on Robben Island.

Since 1970 approximately, all students, including university students, have to apply annually for permission to study in the year concerned. Whereas previously a prisoner wishing to study for the BA degree would be given permission for the whole period required to complete the degree, he is now given permission only for the year in which he applies. This enables the authorities to deprive a prisoner of his studies much more easily and, more important, this method increases the prisoner's feeling of insecurity. In fact, this measure is in line with the general tendency of the Department to use studies as a lever with which to impose their kind of discipline on the political prisoners, the idea being that most prisoners will go to almost any lengths in order to retain their study privileges. This tendency became marked and in fact fully entrenched in the bad period 1971/72 under the regime of Badenhorst. We have already referred to the arbitrary demotion of prisoners on 4 January 1971.

The method of summary demotion was consciously adopted as a strategy by the authorities in order to bypass the provision in the Regulations regarding the prisoners' right to legal

⁶⁶ See note 10, Alexander, p. 50.

representation on their being charged. This point will be discussed in due course. But the first wave of prisoners to be demoted were actually ambushed by the authorities. Only after they were demoted (and it must be remembered that whatever the legal status of the demotions, the prisoners were *not* demoted for alleged abuse of study privileges but for quite different alleged offences) were the prisoners told that a special Ministerial decree had been authorised after the Minister himself had visited the Island (not, of course, to speak to any of the prisoners) whereby any prisoner demoted from a higher classification group to the D-group (i.e., the lowest group a prisoner can be in) was automatically deprived of his study privileges, until such time as by "good behaviour" he once more merits promotion to the C-group. At that stage the prisoner may reapply for permission, which permission may or may not be granted to him.

This malicious and inconceivably petty measure by men who have never even considered what it is to live under prison conditions had catastrophic results in a catastrophic situation. The worst warders came into the spotlight, haunting and hunting the most disciplined prisoners precisely because of their independence and their lack of concern with their "custodians", in order to show them who really wielded power. Prisoners had to consider seriously whether there was any point to "nursing their studies" (as it was dubbed), when the conditions of treatment deteriorated consistently. It was the easiest thing on earth for a vindictive, inferior-minded warder to provoke a prisoner so that he could march off the latter to the office and thus have him demoted on his say so.

It is learnt that in the single-cells section alone, out of a group of prisoners of about thirty only eight prisoners managed in this period to retain the study privilege. The rest lost it through demotion to the D-group and with one or two exceptions none of them could in any sense be said to have abused his study privilege. This method of using studies for disciplinary purposes has since been used frequently if not so blatantly as in the first months of 1971.

The now well-known Hassiem-Venkatrathnam cases against the Robben Island prison authorities had a sequel in regard to studies which is very instructive and revealing indeed. The Diemont Judgment ordered, *inter alia*, that Hassiem be registered for the B Compt for which he had originally been given permission. In actual fact this instruction was carried out dilatorily after a lapse of months but it was clear that the authorities were extremely dissatisfied, especially as the learned judge in his *obiter dicta* had spoken scathingly of the Prison Department's curiously negative attitude towards legal studies by prisoners. Since it was clear that neither the Legislature nor the judiciary could afford to tamper with the existing phraseology and interpretation of the Prisons Act without adverse consequences in the political and diplomatic spheres, an administrative subterfuge had to be found in order to hit back at the prisoners and to hit them in their most delicate spot.

Hence in 1974 the Prison Regulations were amended in such a way as to subvert the spirit of the Act. Now, the granting of permission is purely within the discretion of the OC, and unless lack of education was actually the cause of the prisoner's commission of the offence, he need not be allowed to study. Months before the amendment was formulated and made known to the prisoners various officials indicated that there were radical changes in the offing in this regard. When asked to interpret the amendment after it was read to the prisoners, the Head of the Prison said that the Department understood the amendment to mean that no post-matriculation studies would be permitted in the future. Those who were already registered would, however, be allowed to complete their degrees with UNISA. Thus, in effect, though it is wrong to assert that political prisoners are no longer allowed to study, it is very clear that should a policy decision be taken to do so, the Department can stop all studies for political prisoners without in any way affecting other prisoners. Viewed thus, this measure is clearly in violation of the spirit of the Act, and there is good reason to believe that the regulation is *ultra vires*.

A clear pattern emerges. From an original position of boorish indifference and almost unbelieving unwillingness to consider it proper for *any* prisoner to study, the authorities progressed to a relatively liberal attitude, only to fall back into total opposition to studies for political prisoners. Apart

from a political *trauma* which they acquired in this connection, there is no doubt that the authorities also have motives of vindictiveness. Knowing the importance of the privilege to prisoners, they have now decided to use it as a political weapon not only against the prisoners themselves but also against all those forces who plead their case and who support them to a degree. Just as assaults and physical pressures were used in the early days, the more experienced and more sophisticated administration has now resorted to pressures of a less tangible but none the less harmful kind.

It is not certain whether or how long political prisoners will be allowed to study. But if they are allowed, the central question in all matters relating to prison education, viz, access to books, will require very serious study and systematic effort to bring about change. This has been a burning problem from the very beginning but, except for a brief period earlier on and occasional periods of relaxation, the situation has deteriorated to such an extent that the authorities need not ban a subject formally; they need only tell the prisoner that such and such a key work will not be permitted for him to decide that it would be a waste of money to pursue that particular course.⁶⁷

In 1973, I did not fully understand the intricacies of the situation, and I just made – though with emphasis – the general observation to the Minister and his Commissioner of Prisons (again on 11 May 1973 and later in writing) that *the only point that could be made against studies in the case of people sentenced for offences of a political nature was that they might leave jail better prepared for their struggle than when they entered it*. However, apart from the fact that this was a very debatable argument indeed, it was not one that could be discussed by the ICRC nor, in my opinion, by any Prisons Department.

I said that, along with work and news, study occupied the minds of inmates with matters other than themselves and their immediate surroundings. Thus, study made them not only more balanced individuals, but less tense and troublesome for all concerned. I noted that it had been alleged by a number of prisoners that certain prison officials had commented on the small amount of news, study and interesting work as being designed to “*prevent a boost to their morale.*” It seemed to me that *such a concept was foreign to the general ideas of the Prisons Department as known to ICRC delegates*. Again it would amount to a *gratuitous punishment added to the one already decided upon by a judge*, and I preferred to think that such an idea was alien to those directly responsible for the prisoners.

This intervention did have very positive effects, as I could see in my next visit in 1974, but not in my opinion sufficiently because, by then, I had understood *how the authorities could take away with one hand what they granted with the other*, in particular because any legal studies had been excluded. So, on 5 June 1974, I insisted again to Minister Kruger that, just as it was up to the government to decide that so many inmates stayed so long on Robben Island, it was also up to the government to decide whether or not it wanted to encourage political prisoners to study. I again argued that discouraging them would create a *double standard* within the Prison Service for it would be the negation of the general policy of that service towards *other* inmates. Therefore I stressed that political prisoners should have *at least the same access to studies as common criminals*. This might exclude the study of certain subjects such as law, but it should not exclude law courses included in other subjects such as business or administration. I said that I was aware that the authorities justified the exclusion of the study of law on the principle that this subject could be misused; I nevertheless believed that consideration might be given to including law in the list of permitted subjects. I added that in any case there was no *prison security motive* to forbid the study of political science, for instance.

For some reason, which is still a mystery to me (but which I hope that researchers will establish), the Minister responded positively to *all my remaining requests* regarding studies and, in my report on the next visit in 1975 (for which reading Neville Alexander's confidential *Dossier* had, by then, prepared me well), all I could say and write was that – apart from some individual cases that could usually be solved – ***in general the situation in the field of studies now seemed to be satisfactory.***

⁶⁷ See note 10, Alexander, pp. 54-58.

One can stop and ponder the weight of these few words and what they meant for the future of South Africa itself, considering how many of its post-apartheid leaders were former Robben Island inmates who had studied and graduated in what also became known as the “Mandela university.”

3.4 Work

During his 1967 visit, it appears that Geoffrey Senn had been the victim of a trick played on him by the prison authorities, just as Hoffmann had been the victim of a similar trick played upon him in 1964 in the hospital. Neville Alexander describes that occurrence in detail in the chapter on “Work” of his *Robben Island Dossier*. The episode sheds light on the whole issue of work on the island, and as such is worth reproducing here:

All political prisoners are sentenced to “hard labour”, a very vague term, which is interpreted most whimsically, depending on policy, temperament, and atmosphere at the various levels of the prison bureaucracy.

Unlike common-law prisoners who, at least theoretically, have the possibility of receiving training in some skill or other, the political prisoners on Robben Island have none. In all the years only a tiny minority has received some semblance of training in trades such as stone-dressing, plumbing, tailoring and shoemaking. Not only are they denied access to skills normally accessible to any prisoner who “behaves” himself, but they are also deprived of the tiny gratuity which the prison authorities pay their skilled wards.

Not only have the authorities refused hitherto to adopt a general policy of training political prisoners in skilled work but they have also refused as a general rule to encourage those few prisoners who have acquired skills in crafts such as weaving, metalwork, cardboard-work, etc. by refusing to buy for them the materials that would enable them to practise their crafts. Since the creative urge will manifest itself no matter what the odds against it, such gifted people have often produced miraculous artefacts virtually from nothing, from odd bits of wood or stone, from the flotsam and jetsam which wash the shores of Robben Island so abundantly.

It is one of the most bitter comments on the *Herrenvolk* mentality of many warders to say that, far from standing in awe before such creativity, dexterity, and patience, they have taken a sadistic delight in either destroying or confiscating or frustrating the artefacts so produced. Some of the Namibians and others used to make beautiful woven belts from pieces of nylon thread washed up by the sea. These were regularly confiscated and burnt by some warders and as regularly replenished by the prisoners. The desire for colour and pattern, the artistic urge to create something meaningful, cannot be killed by the morony and barbarism of the custodians! The favourite legal “cover” for this vandalism was the argument derived from the Regulations (which are observed more usually in the breach) that such articles were “not authorised”. Yet it would be the easiest thing to legalise them!

The behaviour sketched above stems from the deliberate policy of making the political prisoners do the most menial, most soul-destroying labour year after year with a view to crushing their morale and dulling their thinking powers. The vast majority of the prisoners have for all the years done one or other of the following jobs:

- a) quarrying stones in the stone quarry;
- b) quarrying lime in the lime quarry;
- c) chopping wood;
- d) crushing (knapping) stones in the yards or at the quarries;
- e) making or repairing roads with pick and shovel;
- f) dragging seaweed from the beaches and from the sea;
- g) general cleaning in the yards and cells;
- h) “staff jobs” in the hospital, offices, kitchens.

It should be remembered that they have done so despite all attempts to get the authorities to change the quality of the work. The valid argument was often put to the authorities that not even

the most hardened criminals are expected to work at this kind of labour for more than a couple of years, and it was thus doubly onerous to let political prisoners spend their entire term of imprisonment sweating in out in the quarries and elsewhere.

It was in this connection, incidentally, that Brigadier Aucamp told Nelson Mandela that prison policy regarding political prisoners is decided on in conjunction with the police, i.e. the Security Branch. It should also be recorded that in 1965 (February), soon after the single-cells' prisoners had started working in the lime quarry (after a stint of the soul-destroying knap-line) the COP himself assured them that if they worked well they would soon be transferred to work of a more satisfying kind. Lest the mischievous inference be drawn that the proposition contained in the antecedent of this statement was not realised in practice, it should be stated that some of the most experienced warders – who had no special liking for the prisoners – admitted directly and indirectly that considering the age-composition and the prevalence of physical ailments in this group, their work in the first few years left little to be desired.

In this connection, also, the most blatant breach of faith has to be recorded. In 1968 the representatives of the International Red Cross (IRC) were told by the highest authorities that the prisoners were no longer working in the lime quarry. Care was taken to ascertain that there had been no misunderstanding about this. Yet even while the authorities were telling this to Mr Senn and his colleagues the prisoners were continuing in the lime quarry. While the Red Cross representatives were on Robben Island in that year, and for a few days thereafter, the prisoners in the single-cells section were taken to work elsewhere but soon they were back in the quarry. This farce went on year after year until any temporary removal from the lime quarry could be infallibly interpreted as a sign that some important (usually foreign) visitor was expected. Red Cross representatives have been shocked, dismayed, and even disgusted every time they were informed that these prisoners were still at the same kind of work. The matter would be a cause for mere sadness if it did not have a nasty sequel to which reference will be made in a different context. This kind of blatant contempt for the prisoners – of which more examples will be quoted in due course – is perhaps the most important cause of the almost complete lack of confidence in the authorities on the part of most prisoners.⁶⁸

I assume that Zuger, in his ensuing visits and interviews without witness, was told of the above “trick” played on Senn, and I know that he insisted on a change of policy, as I did. But, as I have already said in my Introduction, it took until 1978 (and a change of Prison Director) to bring an end to the “work” in the quarry.

In fact, during my first visit to the island in 1973, I could see that – compared with what earlier reports had said about his predecessor, Piet Badenhorst⁶⁹ – the new Prison Director, W.H. Willemse, seemed more open to diversifying the work proposed to the inmates. His problem was mainly financial: more workshops meant more guards, and both required more money.

Evidently, the thing to do was to talk to the Minister and his Director of Prisons, which I did – as by now should be known to the reader – on 11 May 1973, confirming our comments later in writing. I told Mr Kruger that, on Robben Island, in spite of an effort by the new Commanding Officer to introduce more stimulating activities within the limits of his authority, *the majority of the inmates still knapped stones, chopped wood or did similarly non-creative and uninteresting work. Again, this situation did not seem consistent with the policy followed by the Prisons Department towards other prisoners throughout the country, in whose favour a constant effort was made to provide creative, interesting, constructive and useful activities.* As with other conditions of detention, I could not find any justification for this discrimination which was not compatible with the Department's general penitentiary philosophy. I acknowledged that some prison security aspects were involved (the use of certain tools for instance), but these problems were under control in other penal institutions and there was no reason why it should not be so on Robben Island.

⁶⁸ See note 10, Alexander, pp. 29-31.

⁶⁹ Nelson Mandela tells in Chapter 73 of *Long Walk to Freedom* how he managed to get rid of Badenhorst as Director of Robben Island prison.

We stressed that the work which these prisoners had to do was not only *monotonous* and *useless* but that, in our view, it was also *counter-productive from the penitentiary point of view*. Since the inmate could do it almost automatically, it allowed him to concentrate on himself and his own problems, and consequently made him more difficult for the warders and for his companions to deal with. In contrast, an interesting and creative occupation that would demand the prisoner's attention and concentration would certainly diminish his "nuisance value" to everyone concerned, and be conducive to the more harmonious development of his personality (the same argument as used for news and studies).

Unfortunately, during our 1974 visit, we saw that – despite Colonel Willemse's announced goodwill – there was little progress in the area of work. In my final interview with him, I recognized that he was doing what he could with the means available to him, but I insisted that what was needed on the island was to embark on a *firm, global project of systematic, varied and interesting jobs*, as in other prisons. Of course, productivity might be a problem, and we could imagine that it would be easier to turn Robben Island into a training school rather than into a production line. Marketing and transport might also be a problem for geographical reasons. However, work on Robben Island should not be considered from the angle of "cost-effectiveness", but rather as a means to improve the psychological climate.

Colonel Willemse answered that investing in workshops on Robben Island was indeed a financial risk but that the Prison Service was seriously considering the matter; in fact, it had already been decided to install workshops for carpentry.

We told the Director that the inmates of the General Section were looking forward to the new possibilities of work with which they had been provided in carpentry, sewing and mat-making and that D Section inmates appreciated the possibility which some of them had been given of getting out of their section and working in the bamboo factory. We also stated that in the single cell section, the tools which one of the prisoners had been given for small general repairs were greatly appreciated.

Pushing our point, we asked if there would be any further possibilities for D Section inmates to work outside the prison and were told that, if the present scheme gave positive results, an attempt would be made to enlarge the programme, while constantly bearing the question of security in mind.

Lastly, we noted that there was a problem of dust in the bamboo factory about which inmates in the General Section felt strongly. They feared that, in spite of the use of masks, work there might endanger their health. (Inmates of D Section who were also working in the factory had not said anything on this point.)

The Director answered that a scientific study was under way to establish whether that particular bamboo dust presented a health hazard. Any decision as to continuing or stopping work in the bamboo factory would be reached on the basis of the results of that study.

As for Minister Kruger, I told him on 5 June 1974 (and later confirmed in writing) that *I saw no reason why doing interesting and creative work should be considered the ideal therapy for common criminals and not for political detainees*. It was obvious that a man who turned out an elaborate piece of furniture, or who earned some money by sewing a pair of shoes, or who learned a useful trade such as plumbing, was much less likely to make trouble than one who knapped stones or made bricks all day, even at a leisurely rhythm. The same efforts that were being made throughout the Republic in this respect should, in our opinion, also be made on Robben Island, as was already the case in Pretoria Local prison where the white political prisoners were kept.

As a result, during our 1975 visit we noted real improvements in the work available for the prisoners but it still took some time for the situation to be satisfactory and it is, as we have seen, only in 1978 that all work in the quarry stopped.

3.5 Grading

To understand the matter of "grading" of inmates, there is no better analysis than the one presented by Alexander in his chapter on "Classification and the Prison Board":

The Prison Board and the system of classification (grading) of prisoners are jointly in respect of political prisoners the most insulting institution in the structure of the Department of Prisons, since they are based on the assumption that all prisoners are anti-social criminal elements who can be “rehabilitated” by means of a carrot-and-stick policy. From this point of view the lack of differentiation among prisoners in respect of the cause of their respective offences is an indictment on the primitive criminological and penological theories of the Department.

As is well known, there are four categories in which prisoners are placed according to their behaviour in prison, as interpreted by the prison officials. The most recalcitrant, hardened criminals are supposed to be placed in the D-group, to which only the bare minimum of privilege is attached; the most co-operative and well-behaved prisoners (always from the point of view of the *Herrenvolk* ethos that prevails in South African prisons) are promoted to the A-group. These prisoners, apart from being restricted in their freedom of movement and association, are virtually free people. In so-called A-group stations (such as Witbank Prison) they could lead a fairly normal existence. In between are the two transitional groups of “C” and “B”.

Before the influx of political prisoners, the reasonable practice prevailed of placing almost all first offenders serving more than two years in the B-group on admission to prison. From this elevated position the prisoner could then either ascend to the pinnacle of the A-group or fall down to the lower groups. This happy solution was, however, not applied after 1963, at least in respect of political prisoners at Robben Island. All such prisoners were automatically placed in the D-group, i.e., in the least privileged group. There was no attempt to disguise this blatant political discrimination. Instead, whenever a political prisoner asked about it – something which most organisations discouraged, as will be noted – he was told that the Government took a very serious view of political offences even though the particular official realised that the particular prisoner was a “well-behaved” individual.

It is relevant to remark that – excepting mere vindictiveness, which is very common in South African gaols – the criteria which the Prison Board is expected to apply are basically such categories as obedience, neatness and cleanliness, diligence, civility, and general demeanour. Now, it goes without saying that the overwhelming majority of political prisoners automatically pass any test based on these criteria. It is a fact that, though opposed to the South African social system and the South African Government, political prisoners are among the best placed to appreciate the need for institutional discipline, and in fact the majority of prisoners at Robben Island do understand this. Hence their basic approach has always been to obey and to carry out any reasonable and lawful command without protest or complaint. Trouble has always arisen because of unreasonable and unlawful commands. The relevance of all this is that the authorities soon realised themselves that they were dealing here with a prisoner “of a different type”, as they themselves formulate it.

They realised that according to their own criteria, all these prisoners ought to have been in the A-group, but a number of considerations – inspired by the police no doubt – made them unwilling to promote the political prisoners *en masse*.

i) If prison were seen to be a “holiday”, imprisonment would have no deterrent effect on “terrorists”, “saboteurs”, etc.

ii) Contrary to professed prison policy, it was desirable to permit political prisoners as little contact as possible with the outside world, because, firstly, such contact would help to boost their morale, and this was not the purpose of imprisoning political prisoners, and, secondly, instructions to and messages from subversive organisations would be facilitated.

iii) Political and racial prejudice, as well as a very ordinary inferiority complex. These reasons are by no means speculative. They have been stated at one time or another to various prisoners by different prison officials, more especially by Brigadier Aucamp. For these reasons, amongst others, a rule-of-thumb criterion, always strenuously denied by responsible officials but clumsily exposed by Board members, was adopted, according to which a prisoner (i.e., a political prisoner at Robben

Island) could only be promoted to the next group once he had completed a quarter of his sentence, regardless of his behaviour. This criterion was *in fact* applied to the majority of prisoners. Moreover, once a prisoner had reached the B-group it was the easiest thing in the world to overlook him or not to call him up to the Board to the sitting where he would normally have been promoted to the A-group. Often a prisoner would be informed a year later that he had in fact been promoted to the next A-group and ought thus to have been enjoying the privileges of that group. In such petty ways privileges are withheld "legally". Consequently, only a very few political prisoners have enjoyed A-group privileges for more than a few months before their release and many, after reaching the A-group relatively soon, have been demoted on transparent pretexts, especially during 1971–1972.

From the above it should be evident that privileges are the pivot of the legal power of prison officials. Most officials instinctively and traditionally use this power of alleviating the miseries of prison life in order to mass-produce servile, cunning, and dishonest prisoners. The latter, for their part, hate the warders intensely but dare not show this lest they are further ill-treated.

It is only the "hardened" criminal, who is often in fact a principled, if relatively unsophisticated, revolutionary, and is always a social rebel, who breaks out of this vice clamp. It is the application of this policy to political prisoners which is so degrading and which causes so much discontent and contempt for the Department of Prisons much as it is realised that this policy is a logical extension into the prison sphere of the colour bar society.

Ironically, in spite of their many years of experience and their rustic psychological insight, no Board member has ever realised that far from inducing servility and fear into a political prisoner by means of such policies, they call forth contempt and ridicule. Indeed, on a number of occasions political prisoners have had to spell out in no uncertain terms and at great physical cost to themselves to the Board in session their attitude to the whole institution. This attitude is easily understood by people who do not suffer from the ideological blind spot that hampers the vision of Board members.

For a short while in the early years the prisoners treated the Board as a serious institution but it soon exposed itself for what it is and they adopted thereafter their present attitude. This is to ignore the Board and to reply only to questions of a technical nature, which they do so as to avoid confrontation, since any serious discussion with the Board members in session must end up in a shambles, followed by petty but vicious retaliation from the side of the authorities.

Most of the political prisoners have been hard-working people outside prison and consequently fully realise the need for discipline in the institution. Despite their alleged unmotivated recourse to violence as a method of bringing about social change none of them believes in violence and confrontation as a method of solving problems in the personal and in the institutional spheres. Many of them have themselves had to discipline hundreds and even thousands of people as teachers, managers, doctors, speakers, organisers, etc. Consequently most prisoners consider it to be an insult to them as responsible adults to be told how to conduct themselves. They discipline themselves voluntarily and maintain that any problems which arise should be settled by discussion, and by analysis of the causes, not by the strong-arm methods which are the normal solution of prison officials. Because of disillusionment and frustration, the majority have come to realise that it is better to assume that they must expect the worst, and they no longer attach any importance to privileges *per se*. This is one of the reasons why the life-saving permission to study should be given the status of a right rather than that of a privilege. The extra food, which A-group prisoners may buy, will not be missed by men accustomed to the iron rations of prison. Newspapers will always be smuggled until they are given freely, as happened in the case of tobacco. This attitude, quite naturally, has rendered the Prison Board, if not physically, at least psychologically, harmless to the prisoners. In fact, Board sittings at RIP [Robben Island Prison] are looked upon as a nuisance and an unnecessary evil, and one does not find any of the excitement and apprehension

which prevail on such occasions in other prisons where the crumbs handed out to selected prisoners loom large in their pitiful lives.⁷⁰

Theoretically the grading system was the same throughout South African prisons and was meant to encourage prolonged “good behaviour” of a prisoner by giving him gradually more privileges with the passing of time and the confirmation of such good behaviour. My (and the prisoners’) contention was that *it took at least twice as long for a political prisoner as for a common criminal to be upgraded* from D to C, from C to B and from B to A. To make my point, I suggested that a statistical study be made to compare the average times needed by all common criminals and those needed by all political prisoners to be upgraded by a step. If my estimate (of systematically slower upgrading for political prisoners) was confirmed, we should then ask ourselves if such a discrepancy was really every political prisoners’ fault or if the existing criteria for the upgrading of political prisoners should not, in all fairness, be reviewed.

In answer to all this, the position of the authorities, at every level, was that:

- Each case was judged on its own merits, and the fact that a man still had ten years to spend in prison would not be a reason for not promoting him to a higher grade.
- Demotion as well as promotion had to be approved by Headquarters and could only become effective after such approval.
- The inmates were not supposed to be told of the Board’s recommendations to Headquarters before they were confirmed by Headquarters.
- The time between a final decision by Headquarters on a classification and its implementation should not exceed two weeks.

But no answer was given to my very objective proposal to make a statistical comparison between the two categories of prisoners ... in my opinion, for the evident reason that such a study would certainly have proven that I was correct. I regret to say that this was an area in the conditions of detention of political prisoners that did not improve globally during my three years on the job. I could only draw the attention of the authorities to some individual cases but did not manage to have them give general and positive instructions on the subject. I know that my successor kept hammering away at it. But it would – here again – require an opening of the archives to researchers in order to know what really happened in the area of South Africa’s policy on the upgrading of political detainees after 1975.

3.6 Medical assistance

This is one of the areas of our oral and written representations where there would be most to say, for the presence of an ICRC doctor within our delegation was very important to the prisoners. During the four or five days we were on the island on the occasion of our yearly visits, our doctor would privately see *all* inmates who were in the infirmary and *any* prisoner who asked to see him. A written diagnosis and recommendations on medication were established for dozens of individual patients and, most often, discussed – on a case-by-case basis – with the prison medical officer. Lastly, general comments were made, both orally and in the reports, on hygiene and medical care in the prison. *The prisoners perceived all this to be very important, for it is in the nature of a detainee’s situation to have too much time to worry about his health, and the very knowledge that, at least once a year, the ICRC doctor could check on the treatment they were receiving from the prison doctor was literally vital to them.*

3.6.1 *The 1973 visit*

With all due respect to previous ICRC medical visits, one can say that the 1973 medical visit of Dr Edoardo Leuthold was of major importance for the detainees. After that visit to the island, Dr Leuthold, apart from reaching a specific diagnosis and making suggestions for the treatment of

⁷⁰ See note 10, Alexander, pp. 76-80.

many individual patients whom he had examined during his week in the prison, made a number of *very precise (and often severe) remarks and proposals* in his report, which was integrated into mine.

Under "General comments", he started by noting that the medical services provided could not be considered adequate and suggested that the main points requiring improvements were as follows:

- One weekly **medical visit** to a prisoner population of 368 was manifestly not enough. The previous schedule of twice weekly visits to the prison should be resumed.
- The lack of any **laboratory facilities** in an otherwise well-equipped dispensary was difficult to understand. It left the consulting doctor without any way of reaching an objective diagnosis besides what was revealed by the interview with the patient and the physical examination. Having to have the most elementary laboratory analyses done on the mainland resulted in their being done rarely. Having basic facilities at hand would make the proper treatment of cases which were in doubt much easier and faster and consequently help to diminish the workload of the visiting doctor. The basic laboratory facilities should be provided for carrying out at least a blood sedimentation rate, a haemoglobin test, a white blood-count and a urinalysis. Consequently, one of the five medical staff members ought to have the necessary training, which they at present lacked.
- A serious problem was the **lapse of time** between a prisoner feeling seriously ill and when he was seen by the doctor and his ailment was recognized; this was not just one of the multitude of trivial complaints for such delay was often very long, and could have grave consequences. (Dr Leuthold gave the examples of a prisoner who eventually died of acute leukaemia and another who was found to have extensive cavitary tuberculosis). A second lapse of time was usually the time it took until laboratory tests and their results came back from the mainland. Thus, it could take weeks or even months before a serious condition got proper treatment. The possibility on the island of elementary lab-tests for screening would have, in most instances, enabled the serious cases to be sorted out from the minor ones. At the same time, it would have saved a lot of the consulting doctor's time and shortened considerably the time until proper diagnosis was made.
- The incidence of active **tuberculosis** was strikingly high. Twenty cases were at the time (1973) under treatment. Some had apparently been extensive and advanced at the time of diagnosis, although the inmates had been imprisoned for years prior to diagnosis. Although most of them were probably cases of reactivated tuberculosis, it should have been possible to detect the reactivation at an earlier stage as they were in prison and thus under constant surveillance. The only means of curbing this situation seemed to be regular X-ray with examination of the suspected cases of active tuberculosis. Regular mass X-ray once a year and a chest X-ray of every new detainee entering the prison was therefore desirable.
- A number of elderly prisoners were found to suffer from **chronic ailments**, for which there was no cure. Clemency and release on medical grounds was suggested in these cases, which were nominally listed in his report.
- Another small group concerned those diagnosed with **mental illness**. Schizophrenics did not belong in a normal prison population and they could not be properly handled by the normal prison warders. Proof was that at least one schizophrenic had been punished with six months of solitary confinement for his asocial behaviour in 1972 and it was only later that his condition had been diagnosed! The mentally ill should therefore be referred to an appropriate institution.
- The same held true for the two **epileptics** who were subject to attacks in spite of anticonvulsive treatment. One of them had also been sent out for punishment and been put in a single cell. (Their names were also given in the report.)
- Several prisoners were found to have very **poor vision** or to be suffering from a chronic eye-disease such as glaucoma, pterygium or an advanced stage of trachoma. In most cases, correct diagnosis and therapy were useless because prisoners had no money to pay for treatment or glasses.

- The same was true for **dental care**: no dentures were provided, even years after extraction of all teeth. As long as extraction remained the only dental care administered to the prisoners who had no money of their own, at least the ensuing consequences of this radical treatment should be taken care of. Being toothless had to be considered a medical condition, for it usually resulted in disorders of the digestive system. The very restrictive policy governing the issue of glasses and dentures should be reviewed and both items be dispensed upon medical prescription.
- In more than one instance, where proper diagnosis of a medical condition had been made by a specialist, *the suggestions for treatment had not been carried out or only after an extremely long delay.*

Dr Leuthold pointed out that it was clear that all the above undermined the confidence of the patient in the medical service and was detrimental to any medical care. He said *it was of paramount importance that medical care be independent of the penitentiary system and its administration. In particular suggestions of a purely medical nature and on purely medical grounds should not be subject to revision by non-medical authorities* as long as they did not interfere with security and that such recommendations ought to be carried out promptly.

Apart from these general comments, Dr Leuthold's report contained a four-page description of the "medical services", with detailed statistical data, and a list of names proposed for release on medical grounds.

I dare say that this visit and that report really made a difference on Robben Island, as we were to witness on our 1974 visit.

3.6.2 The 1974 visit

For the 1974 visit, Dr Andreas Vischer replaced Dr Leuthold. During long days of work, he examined:

- all 23 patients in the infirmary
- 14 inmates in the single cell section
- 19 inmates in the D section
- 30 inmates in the general section

... which gave him a pretty thorough vision of the health situation on the island, considering that there were 325 inmates at the time of our visit.

This time he was able to say that, *in contrast to the previous visit, many positive points could be noted:*

- The medical services were now organized so that regular medical visits took place every Monday and Thursday. On the other days, visits were made by the chief medical orderly. The drugs ordered by the doctor were issued every day by the medical orderlies. For the stronger drugs, they made sure that the prisoners took the medication as instructed.
- A dispensary now provided laboratory facilities for blood sedimentation and haemoglobin tests and urine examinations, as Dr Leuthold had recommended. Lumbar punctures could also be performed. However, a microscope was still not available and red or white blood cell counts could not be performed. All other laboratory tests were still carried out in Cape Town, which caused some delays. However, in serious cases, test results were transmitted by telephone.
- On the day of the visit, five cases of non-active tuberculosis, all of two years' standing, were being treated in a satisfactory manner. No new case of tuberculosis had been found since the previous visit.
- Mass X-ray examinations of all prisoners had been made and would continue every June by a mobile X-ray unit coming to the prison from the mainland for two or more days.
- Three cases of schizophrenia were in the ward of the prison dispensary and not in isolation cells. Two were under psychiatric treatment and did not disturb the other inmates. The third one was very agitated and had hallucinations, but he would be transferred to the open medical ward of another prison in two weeks.

- The three epileptics were under treatment and had only few and moderate attacks; they could be held in the prison without danger to themselves and the other prisoners.
- Three deaths had occurred since the last visit, one from primary carcinoma of the liver, one from cancer of the left lung and one from a brain haemorrhage. Dr Vischer had studied the medical records of all three cases, along with the chief district surgeon, and he concluded that the three cases had been treated correctly. All three prisoners had died at the ward of the prison dispensary.
- Many prisoners needed glasses. However, as a rule, glasses were paid for by the prison only if the prisoner studied or was young. To old and illiterate persons, glasses were not given but sold. However, all cases of eye complaints and of diminished eyesight had been examined by an eye specialist in Cape Town or by an ophthalmologist who came to the prison from time to time to see the inmates.

The chief district surgeon was present on 29 and 30 May. Dr Vischer discussed with him all pending medical problems and made his remarks and recommendations regarding prisoners whom he had examined. The ICRC doctor-delegate was able to see all medical records, all reports of specialists and all X-ray examinations.

Dr Vischer concluded that, in general, the care given by the doctors and their subordinates was adequate from a strictly medical point of view, *which was quite a progress since – and no doubt a result of – Dr Leuthold's visit.*

However, he recommended three releases on medical grounds. He also established – on the basis of figures provided at his request by the prison authorities – that, over a three-month period, out of 100 political prisoners, an average of 46 asked daily for attendance, against 11 out of a 100 for common criminals. He did not, however, draw any conclusions from these statistics!

3.6.3 The 1975 visit

During our 1975 visit, we were accompanied by Dr Stefan Müller. He examined 69 inmates (16 hospitalized, 27 in the General Section, 17 in D Section and 9 in the single cell section).

He also noted *improvements in the medical treatment of the inmates, which he qualified as "satisfactory"*. In particular, he noted that:

- Instead of two doctors as in the previous year, there were now four doctors, one of them a specialist in neurosurgery. Instead of two orderlies, there were now three.
- Prisoners could now see their own personal doctor at four-weekly intervals. However, since many prisoners had been asking for free access to the doctors, and since the doctors had been overloaded with patients other than their own, the following system was agreed upon: each prisoner could see his own doctor every four weeks, on Mondays for new problems and on Thursdays for follow-up. Minor medical problems could be handled by the orderly himself. Prisoners who wanted to see a doctor other than their own would have access to him only in an emergency.
- There had been some complaints about the orderly not distributing the medicines as prescribed. However, as the prisoners had no means of knowing what medicines had been prescribed to them, there was no way of proving their allegations.
- A microscope was needed on the island for emergency laboratory tests such as white blood cell counts, urine analyses, etc. But the prison doctor considered that, since there was no laboratory technician on the island, a microscope would not be used in any case, and that results of laboratory tests could be obtained from Cape Town quickly enough (on the same day).
- The installation of an X-ray machine on the island was being discussed by the competent authorities.

Dr Müller then produced a new and interesting approach to the general problem of health amongst political prisoners. He analysed, from a medical point of view, the statistics on medical attendance from Dr Vischer's earlier report (1974). His contention was that the *striking difference in medical attendance between convicted security prisoners (46%) and common law prisoners (11%)* did not necessarily mean that 35% of convicted security prisoners were malingerers. In the final interview with the prison commanding officer, the prison chief medical officer and a Colonel Steytler from Prison Headquarters he said (and I later wrote in my report) that any patient population consisted basically of three groups:

1. the organically ill;
2. the psychosomatically ill;
3. the malingerers.

The patients with psychosomatic problems, who would normally account for approximately 50% of the cases in any physician's practice, were sick in the sense that they really felt pain, even though it was not caused by any organic disorder. They would therefore be in real need of medical care. Among security prisoners, the number of psychosomatic patients would be much higher than among common law prisoners, since they were more intelligent, more sensitive and therefore potentially more neurotic.

On his visit that year, the percentages of the three groups (organically ill, psychosomatically ill, malingerers) had been approximately 50:40:12. It was acknowledged that the 69 patients whom he had examined represented a different selection from the 120-odd who would, on an ordinary day, ask for medical attendance in the sick bay.

(At this point, I indicated that I had made it clear to the prisoners that, in the future, they should make their own daily selection of patients seeking medical attendance, so that they could themselves "weed out" the chronic malingerers and thus help restore confidence in the patient-doctor relationship.)

Dr Müller then reported the complaint made by some prisoners, who had asked for a special diet, that they had been sent from the doctor to the Commanding Officer and back to the doctor with their request. He suggested that, in the future, *the prescription of a diet should be the sole responsibility of the doctor in charge of the patient*. This was accepted by both the prison doctor and the Commanding Officer.

Dr Müller then raised the subject of release on medical grounds. He had been informed by the prison doctor that a prisoner would be considered for release on medical grounds only if he fulfilled all of the three following criteria:

1. His life or health would be endangered by continued stay in prison.
2. He should be able to look after himself or have people to take care of him after his release.
3. He should not be able to commit the same crime after his release.

On that basis, Dr Müller felt that, at the present time, no prisoner fulfilled all those conditions.

He then asked whether a prisoner with a severe mental disorder could be transferred to a mental hospital.

The prison doctor said that such a case would be transferred ad interim to the Pollsmoor prison hospital in Cape Town for psychiatric treatment. Colonel Steytler added that a permanently disabled mental patient could be transferred to a mental hospital in Pretoria, which had a special security wing. But the prison doctor pointed out that this could be done only on the recommendation of the prison psychiatrist.

Then came a delicate point: the prison doctor had asked for a prison warder to be present at all doctor's examinations, since he had been verbally attacked and threatened during some of his visits.

I suggested that a warder should only be called in when necessary, since a successful patient-doctor relationship could develop only where there was mutual confidence and as much intimacy as possible. The medical orderly could, however, be present at all times, without being used to enforce disciplinary measures, since his position between the doctors and the prisoners was already a difficult one.

My suggestion was accepted by the prison doctor and confirmed by Colonel Steytler.

Lastly, Dr Müller suggested that a trained female nurse should work full time in the prison, for the following reasons:

- A nurse was generally better educated than an orderly.
- A woman would be a good counterweight to the all-male medical staff, for the psychological benefit of the prisoners.
- The experience with a particular sister as a part-time worker had been good.

The prison doctor expressed his concern for the security of a woman within the prison, and Colonel Steytler said that the question would be studied. He suggested that a male medical orderly would have to be present at all times to guarantee the safety of the nurse.

That discussion marked the end of my medical experience of Robben Island. But there is no denying that, in those two years (1973–1975) and three visits, *great progress had been made on the medical front* in Robben Island.

3.7 Warder-prisoner relationship

This was an extremely important area (it *always* is in prisons), and it depended essentially on the Commanding Officer. A prison is like a ship: it is cut off from the rest of the world, and the prison director is like the ship's captain. More: the ship is like its captain!

As a number of authors and witnesses have pointed out, the replacement of Colonel C.J. Badenhorst by Colonel W.H. Willemse constituted a positive turning point in the history of Robben Island and coincided very favourably with the renewed vigour of the ICRC approach to political detention in South Africa. Colonel Willemse was a rather strict man, who did not want to be "taken for a ride" and with whom one had to be very precise in one's allegations, which had to be both measured and substantiated. But, as I said before, he would listen and – when convinced that a request was well founded, reasonable and realistic – he would generally follow up on it. It is noteworthy that more than a third of each of my reports on Robben Island would be devoted to detailed, notary-like, minutes of our "Final interview with the Commanding Officer", in which I noted each of my points and each of his answers. (For instance the 1973 report on Robben Island was 50 pages, of which 36 describe all aspects of detention and the rest are devoted to that "Final interview".)

In 1973, on the issue of the warder-prisoner relationship, I started by dealing with matters that I had specifically labelled "discipline". I noted that, since the ICRC's last visit (Zuger in November 1971, with Colonel C.J. Badenhorst still in charge), a number of prisoners had been punished: the punishment consisted of solitary confinement for up to more than six months without trial, contrary to prison rules and regulations. A court case on the matter had been won by one of the prisoners concerned.

I noted that, from 5 April 1973 (one month before our visit), a clear distinction had been made between *segregation* (which was not supposed to be a punishment) and *solitary confinement*. Prisoners under segregation had been allowed, from that date, to be outside their cells on weekdays and could work according to the normal timetable.

This was an improvement, but I considered that the situation could be better still:

- When a prisoner was transferred from another place of detention, he was placed under observation in the segregation section. Since this regime was in fact the same as segregation, in my view a prisoner under such a period of observation should be allowed to study and to leave his cell on Saturdays and Sundays at the same times as the prisoners in the General Section.

Colonel Willemse answered that such was, in principle, the case. If it was not, it would be remedied.

- I pointed out that, theoretically, segregation was not meant to be punitive. In principle, its purpose was to prevent a prisoner from influencing his companions. Consequently, an inmate under segregation should not be automatically deprived of privileges; he should be allowed to study and

to leave his cell at weekends during the normal outdoor hours. If it was considered necessary or even justified to inflict punishment in addition to segregation, such punishment should be the subject of a specific decision; the decision could be the withdrawal of study facilities or of permission to leave the cells at weekends, or both. *But adding any element of punishment to segregation, which was hard enough in itself, was against the very concept of segregation.*

Colonel Willemse answered that my proposal "deserved study". It would be referred to a higher authority.

I then brought up four cases of alleged ill-treatment of prisoners by warders since the previous ICRC visit. Colonel Willemse answered that the four cases had been brought to him and that they were the subject of investigations.

I then went into the more general subject of the warder-prisoner relationship. I informed the Commanding Officer of a number of cases in which certain warders (up to the level of chief warder) were alleged to have had improper attitudes towards the prisoners. I said that I did not have the possibility of verifying such accusations. However, it seemed likely that three warders, by their attitude, created more problems in warder-prisoner relationships than the rest of the staff put together, about whom there was little or no complaint. I gave their names to Colonel Willemse, who answered that he would look into the matter closely, particularly as some of these warders had already been the subject of complaints from prisoners.

(The substance and tone of this response indicated a radical change of policy and attitude from the Badenhorst period, particularly since it was made in the presence of some of the Colonel's direct subordinates.)

Encouraged by that attitude, I went on to say that many prisoners had claimed that, after the ICRC's last visit and even during the present one, some officials (mostly the three above mentioned) had threatened them for "*talking too much to the Red Cross*". Here again, I said that I was not in a position to assess the value of these allegations, but I stressed that, if they were true, it was an *extremely serious matter*. However, I did emphasize that these same prisoners had themselves expressed their personal confidence and trust that the Commanding Officer and the Head of Prison (Lieutenant R. Terblanche) would see to it that no such threats – if actually made – could be put into effect.

Colonel Willemse gave me all assurances in this respect. Not only would he personally see into this particular matter, but he would stress to all his staff *the constructive spirit in which ICRC visits were made and the value he saw in them for all parties concerned, warders included.*

Needless to say, this was music to my ears! Also, from that moment on, I was better able to identify which points I should bring to Willemse's attention and those, such as access to news, which should be taken higher.

At the end of our 1974 visit, I was able to tell Colonel Willemse that *the warder-prisoner relationship had improved* in the intervening year and that there was less tension. However there were still problems with two particular warders, whom I named.

On the occasion of our 1975 visit, a new Commanding Officer, Lieutenant-Colonel H.J. Roelofse, had been in place since 1 December 1974, but Lieutenant R. Terblanche was still in charge of the security prisoners. I noted to Roelofse that it seemed that there had been a limited deterioration in the warder-prisoner relationship, but I was unable to establish whether it was due to a provocative attitude on the part of one or of the other. As in most human relationships, this state of affairs could presumably be attributed to both. However, I confirmed my confidence in the Commanding Officer's determination to see to it that the slight tension which we had witnessed in certain sections would be dispelled. I did realize that the officers alone could not bring about such a change and that the prisoners too had to make an effort in their relationship with their warders. We had encouraged the prisoners to do so, pointing out that constant respect and courtesy did not imply submission or humiliation and did not warrant aggressiveness.

We also discussed an alleged case of assault and some cases of contested punishment.

In later years, there were ups and downs in the warder-prisoner relationship, particularly when a new, younger, generation of prisoners arrived following the June 1976 Soweto revolt against the imposition of Afrikaans as a mandatory subject in all (including black) schools.⁷¹ That evaluation has been studied by Fran Buntman and others and should be further studied on the basis of ICRC archives if and when they become available to researchers.

3.8 Equipment and hygiene

3.8.1 *The 1973 visit*

Bedding and lighting

In our final interview with the Commanding Officer, we pointed out that the ground was damp and that the sisal mats and the felt mats gave inadequate protection; they were uncomfortable and often conducive to rheumatism. (An observation which, as we have seen, had already been made by Hoffmann 1964 ... and repeated every year since Senn's visit in 1967!) We suggested that the prisoners be given an extra sisal mat from existing stocks. (I am afraid that, on that first visit of mine, I did not propose beds for all!) We were told that our suggestion would be taken up as an immediate solution. A longer-term solution to provide insulation from the floors would be studied.

Many blankets were worn and in bad condition. The reply was that the rules provided for regular replacement of worn blankets. Those which were worn would be replaced. Prisoners could have as many blankets as they wished ... which was definitely a new policy if one remembers the answer given to Neville Alexander when he had asked for an extra blanket: "where did you get blankets, when you were in the bush?"!

The 60 watt bulbs in the single cells were considered inadequate by the prisoners, who wished to receive more powerful bulbs (e.g. 100 watts). Answer: If possible, it would be done. (It was done.)

Hygiene

The drinking water was briny. The detainees had to wash and launder with sea water. The hot-water system was not working. The Commanding Officer hoped that these three problems would be settled before the end of 1973, when the water-softening system should be in operation. (It took much longer, in fact!)

Some toilet rooms were constantly damp owing to water leaks. This was very unhealthy. Answer: There were plans to completely overhaul the island's sanitation in successive stages. Leaking pipes in the toilet rooms would be repaired immediately.

In the General Section, the large mess hall should be separated from the toilet rooms. Answer: That would be done.

In the General Section, working prisoners said that they had to urinate in a hole, which was not hygienic; they said they were not permitted to return to the building where the toilets were. We were answered that this was not true and that they were permitted to use the toilets in C Section. This would be confirmed and the "hole" in question would be filled in.

In D Section, there was only one toilet for working prisoners; it was a latrine, which again was not hygienic. Answer: This would be studied and remedied as far as possible.

In the kitchen, the same cloth was used for cleaning the floor, the tables and the pans! Answer: There were as many cloths as were wanted. Instructions would be given for them to be changed regularly.

In the segregation section, the buckets for urinating in at night were not hygienic; after emptying them in the morning, the prisoners filled them with water in which to wash. Answer: A solution would be sought.

⁷¹ See note 2, Sampson, pp. 271-278, in particular footnote 36, which – interestingly – quotes from my successor Frank Schmidt's "Report on visit to Robben Island, March 29-April 2, 1977".

I allow myself to give all the above, indeed, very "concrete" details here to help the reader understand a few basic points about prison life and ICRC visits, namely:

- in prison, "the devil is in the detail". Long speeches are of little help: specific, precise proposals are of the essence;
- consequently, an ICRC delegate is "credible" (and therefore "effective") if he (she) can address *very concretely*, with precise examples, the concerns of the prisoners' everyday life.

This is a hard world of facts (including attitudes, which are also "facts") and these have to be addressed as such. It is the only way to "make a difference" for the prisoners.

3.8.2 *The 1974 visit*

On the occasion of our next visit, little progress had been made on any of the above-mentioned points. So we repeated all our request (especially on hot water) but went one step further and *asked that the policy on beds be changed*. We were told by the Commanding Officer that there were beds only in hospitals, but that the Commissioner of Prisons may decide to give a bed (or more) from case to case, according to the classification system. For example, A-group prisoners might be provided with beds. However, added Colonel Willemse (and this did give us a glimmer of hope), beds were being introduced in other prisons.

We also asked for new improvements in terms of ventilation, swinging doors for toilets, and desks for all sections, especially for those inmates who were studying. On all of these points we were promised a favourable follow-up, which did take place, though some of them not till quite a lot later.

3.8.3 *The 1975 visit*

During the 1975 visit, we noted with appreciation the planting of trees in all sections. Hot water was promised "within three months". Swing doors for toilets had not been made because the carpentry shop was not yet in operation. As to beds, this depended on a general policy of the prison services.

On the matter of beds for all Robben Island inmates, my successor Frank Schmidt picked up where I had left off when he made his first visit to the island at the end of April 1976. At that time, in the whole Maximum Security Prison, only nine prisoners, all in the single cell section, had beds, issued on medical grounds and borrowed from the prison hospital. The delegates therefore took up again the matter of beds for all prisoners in his final interview with the Commanding Officer. They did so, asking whether beds could be furnished at least for A-group prisoners, as this possibility had been mentioned during the final interview in 1975. The answer was that the matter should be taken up with the Commissioner of Prisons, which Frank Schmidt did.

In 1977, he raised the subject again, and finally, on his January 1978 visit, he was able to note that since the last ICRC visit, *two-tier bunks with mattresses had been installed in all the sections*. In B Section, only about half of these bunks had mattresses, but he was told that the remainder would be provided with mattresses in the very near future. The sisal mats which had previously served as "beds" had been left in the cells and were being used as carpets on the cold stone floors between the bunks and underneath the study tables.

On his next visit, in September 1978, all Robben Island inmates had beds or bunks. It had taken almost 10 years (and as many ICRC visits) since Senn had first remarked on the subject!

3.9 Leisure and sports

My predecessor had obtained for the prisoners the possibility of playing sports or otherwise doing some "exercise" on weekends and, at given times, of playing chess, draughts and cards. On our 1973 visit, the showing of films every fortnight had just been introduced. This was very important to most prisoners ... and also a way for the authorities to maintain discipline, for sports could be taken away (sometimes for a whole section) as a form of punishment.

The ICRC was authorized to buy sports and leisure equipment for the inmates, which was always much appreciated.

In my time, this was an area without too many problems ... except when it was suspended for disciplinary reasons.

Chapter four: Second meetings with Madiba: 29 May and 1st June 1974

On my second visit to Robben Island, from 29 May to 1 June 1974, I was again accompanied by a team of experienced delegates: Dominique Dufour, who had just completed several series of visits to Palestinian prisoners in Israeli hands, notably with me when I was head of the ICRC delegation in Israel, and who was familiar with the world of prisons and political detainees; Nicolas de Rougemont, also very experienced, who was later to become the “world expert on Robben Island”, which he ended up visiting nine times between that 1974 visit and 1983; and Dr Andreas Vischer, with whom I had visited political detainees in what was at the time Rhodesia (Southern Rhodesia) following Ian Smith’s Unilateral Declaration of Independence (UDI), including such inmates as Robert Mugabe and Joshua Nkomo. Never before had the ICRC sent such a large and well-prepared team to the island for, after my visit of 1973, I was absolutely determined to “make a difference” in areas where there had been too few improvements over so many years of ICRC visits, notably availing myself of the fact that Colonel W.H. Willemse was still the Commanding Officer of the prison.

In my meeting with Mandela, on 29 May 1974, on the first day of our visit, I could not resist telling him the anecdote about the hotel porter in Cape Town that had followed my last visit to the island. At first, when I saw his reaction, I was sorry that I had done so: my distinguished “host” evidently felt so awkward that he actually apologized for the behaviour of the good hotel porter! “*I am so sorry for you!*” he said. “*It must have been so embarrassing! But you have to understand these people: they need individuals to whom they can look up, who can make them proud of themselves, who give them hope for the future. And to them, most of us are only known from mouth to ear. They don’t even know what we look like. I am actually astonished that he knew me under the name of ‘Madiba’. So that, for your porter, meeting someone – especially someone considered as ‘trustable’ – who has met one of us is something of a wonder!*” The reader will note that this already great man avoided saying “I” in such circumstances, but always presented himself as “*one amongst other leaders.*” There was such patent, genuine modesty in his tone. He displayed not an ounce of pride in a story in which he was portrayed and perceived as *the* absolute hero, just embarrassment that his “guest” had been put in an awkward position and the desire to make him understand why it had happened that way.

I laughed the matter off and simply said that, when I said goodbye to him four days later, I would *shake his left hand*, saving it for whatever friend of his I met outside and leaving the right one for official contacts, such as with Minister Kruger! He laughed too, and we “shook on it” (with our left hands!) and agreed to call each other Nelson and Jacques, at least in the privacy of his cell. (We will see in a later chapter that there was a curious follow-up to this “left handshake” episode after I became Secretary General of World Scouting.)

On that second visit, I had another exchange with Mandela the prisoner that left a lasting impression on me. Before telling this anecdote here, I have to make two cautionary remarks:

- the first is that both Mandela the prisoner and Mandela the President (and especially the latter) is known to have sometimes *showed himself forgiving to the point of forgetfulness*. And this anecdote is about a man whom Madiba later considered to be a friend. This white man is now dead (*de mortibus nisi bonum*), and today Nelson Mandela – unlike some other former Robben Island inmates – seems to preserve only the best memories of him. In fact, those prisoners in B Section who are still alive will recognize who I am talking about and I have checked with some of them that their recollection is the same as mine. And they may agree that, on this one, they know better even than their great friend! But they will keep it to themselves for they are also of the school of thought that one should forgive ... though not forget!
- the second remark is that the unnamed officer of whom I speak here was, in his job as *mail censor*, under the close scrutiny not so much of the prison director but of his real boss, who belonged to the security services: a certain Brigadier Aucamp, whom Mandela mentions twice in

his *Long Walk to Freedom*.⁷² As to Buntman, she also mentions a number of times the role of Brigadier Aucamp; in particular, she writes that "*In formal institutional terms, the Prisons Service was concerned with and responsible for political prisoners. The Prisons Service at times fell under the ambit of its own ministry of prisons, and at times it was under various other ministers, including justice and prisons. Within the Prisons Service, a Security Section linked to the Security Police was established in the early or mid 1960s by Brigadier Aucamp. In practice, the Security Section had the final say on aspects of the incarceration of political prisoners, such as their right to study. Copies of political prisoners' correspondence, or notes or recordings from prisoner meetings with visitors, were sent to this section*"⁷³. For this particular anecdote, the main point is that the warder who had to censor Mandela's mail was certainly more under Aucamp's authority than he would have wished.

With these two cautionary notes, the reader should be advised that the problem of **mail censorship** is always a delicate one in any prison. Security requirements make censorship legitimate, but *it can also become a tool for mental torture*. And, in those days, when the prisoners' mail could not be photocopied *before* being censored, it was impossible to say if the censorship was legitimate or exaggerated, for the very nature of a censored word, line or paragraph is that one cannot tell *what* was censored unless one can compare it with a copy of the original. Today, it is easy to photocopy a letter to or from a prisoner, compare the censored version with the original and evaluate the work of the censor. In these years, it was not the case: what was deleted was deleted for ever and the censor's ruling was final.

As I said, cunning and vicious censorship can constitute a form of mental torture: it can transform a love letter to a prisoner into an allusion to a possible lover outside. Deleting a sentence that contains a negation can totally change the meaning of a paragraph. And the prisoner, who has a lot of time to think about these things, broods over them, turns them over in his mind; they become an obsession, a constant strain, and can constitute a nagging, lasting heartbreak ... often for no reason. It is easy to make a mountain out of a molehill when there is too much time to worry about a problem and no way to act upon it.

Some censors are very "good" at this terrible game, and Mandela's censor (or the person instructing that censor) was – at that time – one of the "best". As Madiba spoke to me of this problem, he showed me examples of such censorship in his own mail, in which I could immediately spot the ambiguities and double-meanings thus created on sensitive personal issues.

However, as Mandela was putting his case to me, he was so calm, almost detached, that I could not resist making a personal (possibly rather "non-Red Cross") remark but, here again, I hope that statutes of limitation apply!: "*I must confess, Nelson, that I am quite amazed at your reaction!*" I said. "*Here is a man who is evidently persecuting you, trying to harm you where it hurts most ... and you don't seem to hate him!*" The great man gave this amazing answer, in his distinguished accent and calm voice, sounding like a member of the London Reform Club sitting in his armchair: "*Oh no! You know, Jacques, I rather feel sorry for him: he is one of the last specimens of an extinguishing species ... and he doesn't know it!*"

Never did the superiority of the captive over the captor strike me so strongly! Here was this man, a brilliant lawyer, sitting next to me on his prison sisal mat (he still had not received the bed for which I had asked), in his prison garb, in the limited physical space of an inmate's environment, his mind

⁷² See note 7, Mandela, pp. 495 and 530.

⁷³ See note 3, Buntman, pp. 27, 195-196, 211 and 235 for more details on the "Security Section" created in the mid-1960s within the Prison Service under Brigadier Aucamp, but directly linked to the Security Service and with no *real* reference even to the Minister of Justice himself, as well as on Brigadier Aucamp's role with regard to political prisoners. We at the ICRC suspected the importance of that role, but it was not made easily apparent to us. I, for one, have only measured that importance from recent readings. In a personal comment to a private reading of draft V of this study, a former white political prisoner wrote to me. "Re.: Aucamp and the role of the Security Police in determining how we were treated. Aucamp first emerges from Zuger's reports but the references almost dismiss him as a role-player, e.g. in the endless hassle about news. But we all know this was not the case: Aucamp was central to the way we and the Islanders were treated, from the start. To leave him and his masters and servants out is to blur the picture and distort the reality." This former prisoner is no doubt correct. But historical truth forces me to admit that during "my" years (1972-75) in dealing with South Africa, I had not been sufficiently aware of Brigadier Aucamp's central part in the whole process.

soaring freely in distance and time, foreseeing already the days when those who kept him in custody would be “extinct”, not as human beings but in their way of thinking and of relating to the world around them, as a “species”.

And then Mandela went on to add something which not only shows a very important specificity of his personality but also explains the true greatness of the man, as well as one of his greatest strengths, as revolutionary, as prisoner, as political leader and as Head of State: “*Anyway,*” he said “*hating serves no purpose. It is a self-defeating feeling, for it only hurts the one who hates and not the one who is hated.*”

There is no doubt that this remarkable capacity of Mandela’s not to hate, even in the tough conditions of his detention, coupled with the conviction that his cause was so just that those who thought otherwise were doomed to extinction (in the mental sense of the word), *gave him a unique, incomparable, moral strength which, as a free man, he was able to communicate to his people and which saved South Africa from terrible internal troubles.* In a sense, the Truth and Reconciliation Commission chaired by Reverend Desmond Tutu was a tangible way of trying to put into action Mandela’s mental attitude, already evident when he was imprisoned, at the time when it was most difficult (for him and for any one else) *not to hate.* Thus, *as a “non-hating role model”, Nelson Mandela projected in freedom the same wisdom and elevation of the mind which he practiced in detention,* which I was privileged to witness on that occasion.

May I add that this anecdote has a moral ending: I spoke of the problem with Colonel Willemse, in a private and informal interview outside his office, as I thought that such an approach may be more efficient, for my request basically implied him checking on his own subordinate, the censor on whom I knew that Willemse had, in fact, limited authority. I never knew what direct follow-up the Prison Director actually gave to my intervention, but what I do know is that, over the years, Mandela himself managed to produce a complete “change of heart” in that censor, who thus ceased to be “*one of the last specimens of an extinguishing species*” to become a respectable representative member of a multicoloured “rainbow” country.

* * *

Interestingly, throughout all my conversations with Mandela the prisoner, he never asked any questions about the fate of white political detainees whom we visited in Pretoria Local prison or of non-white women prisoners in Barbeton prison. Nor did it come to my own mind that I could (should?) brief him in an objective fashion on their treatment. I realize today that my ICRC reflex of total discretion made me exclude that option to the point of not even considering it. However – perhaps strangely and with some contradiction – I felt free to tell him some anecdotes of visits I had paid to “VIP” prisoners in *other countries.*

Thus it was that, during that second visit in May 1974, I had just completed two weeks in Southern Rhodesia, where we had visited half a dozen places of detention and met such prisoners as Robert Mugabe in Salisbury Remand Jail and Joshua Nkomo in Gonaguzingwa/Sengwe prison. As we were speaking about the limits of ICRC prison visits, I told him of an incident which had just occurred in Rhodesia ... and this anecdote must have had a very special interest for him at the time! Why? Today we know from Mandela’s autobiography and many other books that, as of his 57th birthday on 18 July 1975, he started secretly writing (in the space of four months) his prison memoirs, hiding them in his “garden”, where they were later found when a wall was built to separate the leaders in B Section from the opposite punishment cells and segregation section, the purpose of the wall being to prevent communication with inmates in segregation and, more generally, with prisoners from other sections. (This discovery cost Mandela, Sisulu and Kathrada a penalty of suspension of their “study privileges” for four years.) We also now know that copies of those same pages had been hidden by Mac Maharaj in his personal photo album and smuggled out of Robben Island when he was released in 1976.⁷⁴

⁷⁴ See note 7, Mandela, Chapter 78.

Indeed, Mandela may have had his own writings in mind, when, in that month of May 1974, our discussions turned on the role of the ICRC delegates and their relationships with detaining authorities and of the trust which the latter placed in us, our credibility being our most effective tool in obtaining results. To make my point, I told him that I had recently visited Zimbabwe African National Union (ZANU) and Zimbabwe African People's Union (ZAPU) leaders in Southern Rhodesia and that one of them (I gave no name ... and I still cannot!) had asked me to smuggle out a book which he had written in prison. The leader had become quite angry when I explained to him that I could not do that, for it would constitute a betrayal of the government's trust. "*Did you calm him down?*" Mandela asked. He was quite amused when I told him what I had answered to that imprisoned political leader: "*Imagine that, today, I smuggle your book out. Imagine that one day you are President of this country and that you, in turn, have political detainees. Would you let my ICRC successor visit them if I smuggle your book out today?*" And the leader did calm down and said: "*You've got a point!*" Mandela asked: "*Did you press your advantage?*" "*Of course,*" I replied. "*I asked that leader whether, in case he did become President and he did have political detainees ... would he let the ICRC visit them, especially without witness as I was visiting him, and with no personal search of the delegates' papers?*" He had answered that he would "*think it over*". Evidently this particular leader was so certain, from the depths of his cell, not only that he would become President, but also that he would have political detainees, that he was not about to make an empty pledge! As one could see: different leaders ... different visions!

I could feel that Madiba was shocked, for he stopped smiling, did not ask me for any further details and we passed on to another subject.

Although it is not directly related to either Nelson Mandela, nor even to Robben Island, I cannot resist telling here another anecdote linked to attempts at using ICRC delegates to smuggle things in or out of prison.

As we have seen, after improvements in food, work and especially studies had been obtained, the single most important problem for *all* political prisoners in South Africa was still the total absence of news of the outside world. The only way for prisoners to be updated on what was happening beyond the prison walls was the arrival of new prisoners ... or the smuggling-in of news. The ICRC never contributed to such smuggling for, however strongly we felt (and officially said and wrote) that detainees should have access to news, we would not betray the confidence of the detaining authority, something which the prisoners themselves fully understood, for they never asked us about events taking place outside, particularly in South Africa: anyway they had other ways of endeavouring to know what was happening outside and devoted much time and energy to trying to keep themselves informed, as explained in Mandela's *Long Walk to Freedom* and other memoirs on life on Robben Island.

This "starvation for news" was felt most strongly by the dozen white prisoners detained in Pretoria Local prison, mainly because, owing to their small number and the absence of "newcomers" (i.e. newly convicted prisoners), there was really no easy way for them to get fresh news of the world. This was made worse by the fact that these particular prisoners were all intellectuals who had been accustomed to being regularly fed with information while free.

Before my second visit to Pretoria Local prison, I met *outside South Africa* a former white political prisoner who asked me to smuggle to his friends in that jail a very small radio in the form of a pen. I confess that this was a great temptation, for I was fully aware that, short of freedom I could not have brought a more valued, more valuable (and, in fact, more justified and justifiable) gift to these prisoners, who, after all, should have been fully entitled to have news of the world and for whom the ICRC was officially and openly fighting to obtain such entitlement.

Of course, I resisted the temptation, and regretfully refused, arguing: "*It is not only a matter of principle but also of efficiency. Firstly, in my arguments with the South African authorities, I derive my strength and my capacity to obtain results from the moral ground on which I base myself: any authority I have, any changes I obtain derive from that moral strength. If I feel that (even for a just cause) I am, so to say, "cheating on them", I shall feel that moral ground as shaky, I shall be less sure of myself, I shall*

... speak with less authority, for that 'pen' will burn not only my pocket but, indeed, my conscience! Secondly, one day there will be a thorough search in the cells and this 'pen' will be discovered. What will be the punishment and for which prisoner? Thirdly, soon the battery will run out. How will it be replaced? And will the prisoners not be like drug addicts who have been given their dose for a while ... and then deprived? And fourthly, one day South Africa will be a country with 'one man one vote'; there will be – hopefully – no political detainees any more and the former ones will write their memoirs. It is impossible to guarantee that the story of this 'radio/pen', smuggled in by an ICRC delegate, will not be told by one of these former inmates. What will then be the reaction of those governments who, at that time in the future, will still have their political detainees and will either have ICRC delegates visiting them or will be considering opening their prisons to the ICRC?"

The former inmate did not insist but, today, I choose to tell the story *myself*, precisely in order to reassure those countries that allow the ICRC to visit their political detainees that the delegates will not "cheat on them" ... even if the leaders of these countries are unlikely to read this book. (Someone in their security services, however, might!)

* * *

During that May 1974 visit, I had a conversation with Mandela on a subject that interested him immensely: the Conference on the Reaffirmation and Development of International Humanitarian Law (CDDH), which had just opened in Geneva. For him to better understand the subject, I introduced him to a few basic notions about the rules of war, or "international humanitarian law" (IHL). "*In fact,*" I told him, "*the first law of war is the 'right to kill', in the sense that a soldier killing a fighting enemy soldier in an international armed conflict between two States is not committing a crime, whereas the same person committing the same act in peacetime would be charged with murder. IHL tries to limit this 'shooting licence' by promoting a basic rule for the military: 'Thou shalt not kill whomever cannot (or can no longer) kill you.'* This means that the wounded soldier or the shipwrecked sailor, the surrendering or captured military prisoner, the civilian (whether interned or in occupied territory) are all protected – at least in theory – by IHL, as are those who tend to them, such as medical staff, the Red Cross or priests." I added: "*IHL is always one war late. It is like the generals who 'prepare for the last war': it mends the wounds which it could not prevent in the previous war! The Geneva Convention of 1864 (which protects the wounded and the sick on the battlefield and which created the Red Cross both as a protective emblem and as a neutral aid organisation to assist these fallen soldiers) was conceived to protect the 40,000 dying (and in the end dead) soldiers that Henry Dunant was not able to save on the battlefield of Solferino in 1859. Similarly, a third Geneva Convention of 1929 was adopted to protect the prisoners of war who had no real legal protection in the First World War. And the Fourth Geneva Convention of 1949 was meant to protect the civilians (whether interned or in occupied territory) who could not be protected during the Second World War.*"

Mandela interrupted: "*Does it protect the civilian population from air bombings, as in Vietnam?*" ... which gave me to think that he knew more than he was supposed to about the outside world, a point which I kept to myself!

"*Precisely not!*" I answered. "*Because, as I said, IHL is always one war late. And, in 1949, right after the mass aerial bombings of the Second World War, it was unthinkable for the victors to prohibit practices which, they felt, had been legitimately used against the Nazis only a few years before. But now the time may be ripe to catch up with this.*"

The prisoner interrupted again: "*But these are all international wars. What about civil wars and wars of liberation?*"

"*That is exactly where we are right now,*" I answered. "*Whereas, as a result of the Spanish Civil War, non-international armed conflicts are mentioned in common article 3 to the four Geneva Conventions of 1949, which has been declared applicable in the recent civil war in Nigeria, such is not the case for wars of liberation ... at least not yet.*"

His eyes were glittering: "*Do you mean to say that, one day and if we were to stay here longer, we could get POW status?*"

"In theory, yes," I replied. "But only in theory. For you to achieve that status would imply, under the new IHL, firstly that wars of liberation be recognized as 'international armed conflicts', secondly that freedom fighters – who mostly fight without uniforms, even when carrying arms openly – would qualify as 'combatants' and thirdly, most importantly and possibly least likely, that South Africa would adhere to that new law. But the first two points are being discussed in an international conference right now in Geneva." And I told him that, on 19 February of that same year ("the very day our first son, Arnaud, was born" I added!), the CDDH had opened in Geneva and that these points were amongst the key issues being discussed.

He commented: "Well, I guess that South Africa will need to become a democracy before signing that type of agreement ... and, by that time, we shall be free and shall no longer need it!" And he laughed heartily!

Mandela then became serious again and said: "What about South Africa recognizing us formally, if not as POWs, at least as 'political prisoners', with the same facilities – in particular access to news and contact visits with our family – that political prisoners (such as Robert Sobukwe) normally enjoy."

I told him that, at that stage, it seemed highly unlikely that the authorities would grant the "poquos" (as political prisoners were colloquially called by the authorities) such a status. I added that the ICRC, for its part, could not and would not ask for them to be given this status, as this would immediately be perceived as a political stand and would jeopardize not only our standing as a purely humanitarian organization but also our chances of obtaining improvements in their conditions of detention. I reminded him that our main line of argument was that he and his comrades should be treated *at least as well as common criminals*. It was for similar reasons, I told him, that – unlike Amnesty International – we would not ask for the *release* even of prisoners who had renounced the use of violence.

"I understand this perfectly," he responded, a bit curtly. "I was only asking for your personal opinion and not for any action by the ICRC! As for the use of violence, how can any of us renounce it, when the State itself uses it as a permanent tool to oppress a majority by a minority?" Then, softening his tone and with a whimsical smile, he added: "The ICRC cannot ask, I know, for either our release or for us to be granted official status of political prisoners. But we can! In fact, I did! I have asked for both, some time ago already! But, of course, without much hope of a positive result!"

I refrained from asking for more detail, and it was only much later that I learnt that, in a letter from Robben Island and addressed to the Minister of Justice, dated 22 April 1969 (and only published by the ANC in 1978), he had argued and asked for the release of all political prisoners and, pending such release, that they be "treated as political prisoners". This meant, he had specified, that they "should be provided with good diet, proper clothing outfit, bed and mattress, newspapers, radios, bioscope" (meaning cinema) and "better contact with our families here and abroad"⁷⁵ ... all things which the ICRC was also requesting on their behalf (except, of course, the *status* of political prisoners) but which took years to obtain.

Our discussion went on about the law of war, and Mandela was interested to learn that, during the Algerian war, General Raoul Salan, Commander of the French forces, had made a difference in the treatment of Algerian "rebels" who were captured while fighting with their weapons in hand and those who did not carry arms openly. "And in Vietnam?" he asked. I told him that, while a young delegate there in 1966, I had proposed to the Americans that they follow Salan's example, which they did, but went even further by stating that those "Viet Cong" and other North Vietnamese captured while fighting with weapons in hand should be treated as POWs. (Little did I know then that this would become article 44 – on irregular combatants – of the 1977 Protocol I additional to the Geneva Conventions of 1949! But that is another story.)

I also mentioned to him my participation, as ICRC Delegate-General for Africa, in a seminar organized in Dar es Salaam by the Organization of African Unity's (OAU) "Coordinating Committee for the Liberation of Africa", prior to the start of the CDDH, from 21 to 25 January 1974. That meeting, to

⁷⁵ See note 52, Mandela, *The struggle is my life*, p. 187.

which the Swiss government (as host country of the CDDH) and the ICRC (as the main drafter of the Additional Protocols) had been invited, had *two objectives*: *firstly*, to discuss the status of liberation movements at the CDDH and, *secondly*, to review the substance of those parts of the draft texts which concerned them.⁷⁶ Ten out of the thirteen liberation movements recognized by the OAU had attended, amongst them, of course, his own African National Congress of South Africa (ANC) (Mr R. Mazimba and Mr S. Matifi) and the Pan-Africanist Congress (PAC) (Mr E.L. Ntloedibe and Mr K.M. Nkula),⁷⁷ as well as 11 OAU Member States, with the Swiss and Norwegian governments and the ICRC as observers. For me, it had been a fascinating event, not only because of the matters that were discussed there, but also because it was my first meeting with all the *free* representatives of those movements whose members I was visiting in prisons, such as Frente de Libertação de Moçambique (FRELIMO) in Mozambique (Joaquim A. Chissano was leading their delegation), ZANU and ZAPU in Rhodesia/Zimbabwe, the Movimento Popular de Libertação de Angola (MPLA) and Frente Nacional de Libertação de Angola (FNLA) in Angola.

We must have talked for about three hours, and I can confess today that we briefly embraced as we parted ... behaviour which, I am afraid, was again not very "ICRC like". (But, do not worry: it was not visible to anyone else, especially not the warders!)

* * *

As I had done the previous year, at the end of our visit, on June 1st 1974, I went back to Mandela to brief him on what we had seen and what we would do. This was our fourth meeting and I remember it as particularly relaxed and cordial.

⁷⁶ See "Compte-rendu du Séminaire de l'OUA sur le droit humanitaire" ("Report of the OAU Seminar on International Humanitarian Law"), held in Dar es Salaam, 21-22 January 1974. (OAU Archives and ICRC Archives).

⁷⁷ See Michel Veuthey, "Guérilla et droit humanitaire" ("Guerrillas and humanitarian law"), ICRC, Geneva, 1983 (First edition, 1976). Michel Veuthey accompanied me to that meeting.

Chapter five: ICRC efforts to gain access to non-convicted prisoners

In Chapter one, I mentioned the ICRC's unsuccessful efforts to gain access to *non-convicted* political detainees, particularly to those under interrogation, whom the ICRC was fully aware were in much greater need of protection than any of the *convicted* political detainees, for *after* conviction, the detainees were free to tell us how they had been treated under interrogation and had no particular reason to invent stories at that stage; we were thus quite aware of how badly they had been treated *before* being convicted.

However, as my predecessors had received a repeated and firm "no" to this request, I was at a loss to see how I could reopen this subject with the authorities. But Mr James Kruger, Minister of Justice, Police and Prisons indirectly offered me an opportunity to do so by proposing, in our May 1974 meeting, that we visit "*all convicted prisoners in South West Africa*" (as it was then called by the South African government, "Namibia" as it was called by the United Nations). I perceived this to be a trap for, from what I knew, all political prisoners from SWAPO (the South West African liberation movement and freedom fighters), once convicted, ended up on Robben Island ... where they were called "Ovambos" (the name of a tribe to which they did not all belong) and, needless to say, not "Namibians".

However, I saw this as an indirect way of reopening the question of non-convicted detainees, and, in a letter dated 17 June 1974, Mr Roger Gallopin, ICRC Director of Operations, thanked Mr Kruger for his offer, indicating however that the ICRC could not avail itself of this proposal since it appeared that this authorization could not be extended to non-convicted detainees and that, from what we knew, no "security prisoners" were amongst the convicted ones incarcerated in South West Africa itself. At my instigation, Mr Gallopin went on to remind Mr Kruger that prisoners constituting a threat to the security of the State – whether convicted, under trial or detained – were the main preoccupation of the ICRC; therefore it would be easily understood that, for our delegates to visit, in the same places of detention, convicted *common* criminals while having to bypass inmates of "traditional" concern to the ICRC, would be abnormal, both in practice and in principle.

Of course, as had been the case with the visits of Mr Hoffmann and Mr Senn, it was a fact that the ICRC did visit common law criminals, but *only when they were mixed with security offenders*, mainly in order to facilitate a government's acceptance of our offer of services; however, *to visit only the former and to ignore the latter would create a situation which one would certainly see as paradoxical*.

Then, in that same letter, came the unplanned request: Mr Gallopin added that, in more general terms, the problem of ICRC visits to *non-convicted security prisoners in South and South West Africa* should be the subject of further discussions between the Minister and the ICRC. However, before any proposals were made in this context, the ICRC Executive Board wished to study them carefully, as it considered that our dialogue on this point should be dissociated from discussions on present standard procedures of visits to convicted security prisoners. Therefore the ICRC would permit itself to present its suggestions to Mr Kruger during the second half of 1974, independently of the report on our last visit to *convicted* prisoners.

The message was clear: it was a fair "advance warning" of an ICRC request to visit non-convicted political detainees, with the unexpressed idea that this would give the South African authorities enough time to put some order into their affairs before the ICRC visits, in case they contemplated giving us a positive answer. But it was equally clear that we would not want a possibly negative answer on access to non-convicted prisoners to influence the ongoing arrangements for visiting convicted ones.

Our plea for access to non-convicted political detainees was launched by two letters to Mr Kruger, both dated 4 December 1974, one signed by Mr Gallopin and the other by me.

Mr Gallopin started by reminding Mr Kruger of his letter of 17 June 1974, in which he had announced that the question of *visits to non-convicted security prisoners in South and South West Africa* should be the object of further discussions between his Ministry and the ICRC.

Mr Gallopin's letter stressed that, basically, the ICRC did not take into account the legal situation of the security prisoners it visited, this being a realm in which governments had sovereign power. The categories of prisoners whom ICRC delegates visited could vary from country to country: in Rhodesia or Northern Ireland, for instance, we could see only non-convicted detainees; in South Africa, it was the contrary; in Chile, we could see any prisoner, but only some weeks after he had been arrested; in several countries, authorization had been granted to visit all persons imprisoned or detained, including ordinary criminals, but only once a year, and so forth.

Mr Gallopin went on to say that, after 60 years of visits to security prisoners (not to speak of over a hundred years of activities carried out in behalf of victims of warfare), the ICRC was convinced that *the period during which humanity was least compatible with security was precisely the one occurring before conviction and during administrative detention*. After conviction, the safer the prison, the more humane one could afford to be within its walls. But, in the period preceding conviction or during interrogation, the extent of the threat which an individual could pose to the security of the State had to be assessed by the latter, and the ICRC had found that *this was the time when standing instructions on the humane treatment of detainees were most often violated*.

Time and again, experience had shown that such violations seldom came all by themselves to the notice of the persons who were in charge at governmental level. Only the intervention of a third party, with total objectivity and independence of mind, could guarantee that the responsible Minister was presented with a full view of what was being done in his name and could give him the means to ensure that his instructions were observed. Of all the 70 countries in which the ICRC had visited a total of over 200,000 political prisoners since the end of the Second World War, there was not, to our knowledge, a single one where our intervention did not serve its purpose in this process of information, nor did we know of a single case where our presence was considered to have created a security risk for the government.

Bearing in mind all these elements and the past experience of the ICRC, Mr Gallopin was offering the services of the ICRC to make *regular visits to non-convicted security prisoners or detainees in South Africa*. Realizing that such a decision might not depend exclusively on the Ministry of Justice, Police and Prisons, he had asked the ICRC Delegate-General for Africa, Mr Moreillon, and its Regional Delegate for Southern Africa, Mr de Rougemont, to be ready to go to South Africa to discuss the matter further with Mr Kruger or with any other authority the Minister felt would be appropriate for them to meet.

My own letter, also of 4 December 1974, was intended to complement Mr Gallopin's and essentially introduced three enclosures to the Minister.

- The first enclosure was a reminder of preceding ICRC visits in South Africa, starting with Mr Hoffmann's to Robert Sobukwe in 1963 and showing that Hoffmann's 1964 visits had been mainly to non-convicted prisoners, that Senn's visits of 1967 had covered all prisons but that, since 1969, the ICRC was visiting exclusively "*convicted security prisoners*".
- The second enclosure listed the 70 countries in which, since the Second World War, the ICRC had visited a total of some 200,000 "security prisoners" (excluding prisoners of war or civilian internees as protected by the Geneva Conventions and also visited by the ICRC): 24 countries in Africa, 16 in Asia, 9 in Europe and 21 in the Americas.⁷⁸
- The third was the text of the Agreement signed between the ICRC and the Greek government in 1969, which had been given wide publicity at the time.⁷⁹

⁷⁸ This list, which was lifted directly from my thesis on *Le Comité international de la Croix-Rouge et la protection des détenus politiques* (see note 41), was also meant – in my mind – to be something of an *internal "eye-opener"* for the ICRC, which – as indicated in Chapter one – was itself not fully aware of how many precedents could be invoked in such a situation.

⁷⁹ Roland Siegrist, *The ICRC in Greece, 1967-1971, The Protection of Political Detainees*, Corbaz, Montreux, 1985.

By letter of 27 March 1975, Mr Kruger agreed to the dialogue requested by the ICRC, stressing, however, that accepting to discuss the matter should not be interpreted as implying that ICRC visits to all non-convicted security prisoners would in future be permitted.

The discussion took place on Monday 21 April 1975 at the Verwoerd Building in Cape Town and lasted 1 hour and 40 minutes. Jimmy Kruger was accompanied by the Commissioner of Prisons, General Steyn, and by two Colonels, one from “Public Relations” and the other from “Security”.

With me were Nicolas de Rougemont, Dominique Dufour (who took the minutes on the ICRC side) and Dr Müller, ICRC medical delegate.

I wanted the meeting to be quite formal for I was fully aware that our chances of success were limited and I wanted there to be an element of “judgement of history” in the atmosphere. For that reason – and for the first time – *I read out* an opening statement, which was not remitted to the Minister on the spot but mailed to him later. I shall quote it here in its entirety, not only (precisely) for the sake of history, but also because these were arguments that were – and still are – *used for all governments* and not just for the South Africa of apartheid days. In fact, these arguments were exhaustively listed in – and, to a certain extent, picked from – my PhD thesis on “The International Committee of the Red Cross and the protection of political detainees” and there is nothing confidential about them. The interesting point here is their use in that very specific situation.⁸⁰

As Your Excellency will remember, the President of our Executive Board first informed you of the ICRC’s wish to discuss with you the question of non-convicted security detainees in a letter dated 17 June 1974.

In that letter our President indicated that the Committee

- in the first place, wanted to study the matter in depth before making a formal offer;
- secondly, wished to dissociate such an offer from our present yearly visits to convicted security prisoners in South Africa.

I think it might interest Your Excellency to know the reasons that prompted the International Committee to study the question of non-convicted security detainees in South Africa. There were essentially four reasons:

1. The realisation that, among the 70-odd countries which had allowed the ICRC to visit security prisoners, South Africa was the only one where our visits were limited to convicted persons;
2. The knowledge, acquired over a hundred years of experience, that throughout the world the period during which humanity was least compatible with security was the interrogation period;
3. The fact that, unlike the situation in other non-communist countries, individuals who might represent a threat to the security of the state may be held “incommunicado” virtually indefinitely, with a correlative lack of control by the judiciary over the executive during that period;
4. Repeated allegations over the years – most of them before your time as Minister – about the maltreatment of detainees under interrogation.

Of course, we realise that allegations of maltreatment can be part and parcel of political “intoxication”. In some countries you might almost say that there is something wrong with a politically motivated prisoner who does *not* complain of maltreatment, regardless of how he was really treated. But we also know from experience that in that particular realm of subversion and counter-subversion, there is seldom smoke without some fire, as far as manhandling is concerned. The fire-smoke nexus is of course accentuated when there is no *outside* control over the interrogation; which brings us back to our second point, security versus humanity.

⁸⁰ See note 41, Moreillon, in particular pp. 189-198.

Once interrogation is over and particularly after conviction, humanity and security are compatible. It can even be said that the more secure a prison is against escape and outside aggression, the more humane one can afford to be within its walls.

During interrogation the story is altogether different: the state detains an individual because it believes that he can endanger the maintenance of law and order. As long as all necessary information is not obtained from that individual, the state may feel that such a person and those linked to him could constitute a threat to security. To obtain the necessary information by humane methods is, as you and we know from experience, an extremely difficult and delicate task, even in a civilized country. And of course the temptation to use shortcut brutal methods is especially great where there is no outside control.

Of course there is usually an inside control, within the security forces themselves, and there are permanent instructions from the responsible Minister not to use brutality during interrogation. Nevertheless, out of necessity, security forces in all countries are not only a very closed world but also a very tight one, with an "esprit de corps" which makes even inside investigations difficult. I have known situations where a sergeant would misbehave; his lieutenant would be vaguely aware of this but neither encourage nor discourage him in his untoward practices; and the captain or major – and naturally their superiors – would be genuinely unaware of what was happening.

To put this question of humanity versus security into a nutshell, it can be said that civilization requires the interrogator to fight with one hand tied behind his back, for he must obtain results and yet there are limits to the methods he may use in order to obtain them.

The man at the top often has no means of knowing for certain that such limits are respected, that the results are obtained by methods that, in fact, follow his instructions.

Experience has shown that one way of ensuring respect for such instructions is for the ICRC to give to the man at the top the means of his own humanitarian policy.

By seeing in private and in confidence people who are under interrogation, and by reporting confidentially to the responsible minister, we give him information necessary and sufficient for him to intervene on a case-by-case basis and thereby see to it that his instructions are observed.

The need for and the effectiveness of this process has been proven time and again, and it is at present being applied in numerous countries such as Chile, Ireland, Israel, to name but a few.

Now this brings us back to the first point that the Committee took into account, which is the comparison between our work in South Africa and other countries.

First of all, it must be said that there are a number of countries that have refused us access to prisoners of any kind. We are only making a comparison between countries that have accepted our offers of services, and, as I have already said, South Africa is the only one that does give us access to convicted, but not to non-convicted security prisoners.

This does not mean that in other countries we have unlimited access to non-convicted security detainees. No: there is usually a limit, which varies from country to country. Sometimes we may see everyone but only three weeks after arrest; in other countries, places of detention are open to us at all times, except one or two that are specifically mentioned. Elsewhere detainees are held "incommunicado" for as long as they are in the custody of the Ministry of Defence, but we may see them thereafter; there have also been cases where we could see everybody without exception but only once a year. Sometimes also – as was the case in Greece – we did have access to everyone, everywhere and at any time, but such a situation is the exception rather than the rule.

However, all these situations have had one thing in common: a determined and common effort on the part of the authorities and the ICRC to try and make humanity and security as compatible as is realistically possible.

It is such a determined and common effort that the ICRC is proposing to Your Excellency in the field of visits to non-convicted security detainees.

To the offer of services made by our President on 4 December 1974, I should today like to add a point of information and a final comment.

- Firstly, the only information we publish about such visits is contained in our press releases where we mention merely that the visit took place, the category of prisoners visited and the fact that they were seen without witness. We indicate usually the total number of individuals seen and the places of detention in which they have been seen, but, if absolutely necessary, this may be omitted at the government's request. In no case do we make any comments on conditions of detention. Such press releases are usually included in our official publication *The ICRC in Action* which normally comes out about once a month; but if the authorities so desire, or if the visit is of particular importance (as for instance our first visit to imprisoned Emperor Haile Selassie), we *may issue a special communiqué*.

We do not publish joint communiqués with the governments concerned, but we may discuss with them beforehand the wording and the date of issue of the press release.

Of course the government concerned may publish whatever communiqué it wishes, under its own responsibility.

- My second and last point is a comment on the nature of our relationship with your Ministry and your Government, should you accept our offer of services.

If this type of work is to be worthwhile, it must be based on mutual respect and confidence. We, the ICRC, would work on two assumptions:

- (1) that humanitarian will at the top exists and that on such a basic point our aims are similar;
- (2) that we are entirely in your hands as to which detainees we actually see, since we have no means of knowing which ones we do not see.

On your side, we assume that you would work on two assumptions, i.e.:

- (1) that we do this work in an objective and constructive spirit;
- (2) that you may entirely rely on our discretion as is the case for convicted prisoners in this country and for other detainees in dozens of other countries.

Mr Kruger listened carefully, taking notes himself, thanked me and opened the discussion.

He started by saying that the ICRC seemed to think that in most countries the judiciary had a very weak control over the executive in terms of administrative detention. This was not the case in South Africa and he was well placed to know this, for he was amongst the drafters of the main law on the security of the State: *the Terrorism Act*. Under that law, all detainees must be visited by a judge at least every two weeks if circumstances allow, i.e. if the detainee was not detained in the "Caprivi strip". Another regulation required a medical visit at the same frequency. How could the ICRC pretend to better control the interrogation process and its potential excesses if it were to visit the Republic at a much slower rhythm? How could the ICRC do better than – indeed, only as well as – an independent judge coming twice a month? In fact, wondered Mr Kruger, how could he himself tell his judges that he intended to have them "by-passed" by an ICRC control presumed to be as efficient as theirs, but only episodic?

My answer was that the confidence which a South African detainee (I did not say "black") could feel towards a South African judge (I did not say "white") was likely to be limited, even if the ICRC itself did not put the independence of these officials in doubt. In the present system, potential complaints from detainees would not always be presented to the judge without hesitation.

Mr Kruger then said that a detainee under interrogation is not supposed to see *anyone*.

I answered that I understood this, but that South Africa could do as other countries did by prohibiting ICRC access to the detainees under interrogation during an initial period of, say, three weeks after the day of arrest. (This was a period which, in 1969-70 as ICRC head of delegation in Israel, I had

negotiated with the Israeli authorities for access to Palestinian detainees under interrogation; but I did not mention that particular example to Mr Kruger. Perhaps I should have.)

Mr Kruger went on to say that, whereas a convicted prisoner who complained to the ICRC was unlikely to do so without a good reason, a detainee who was about to be judged would say anything to draw the attention of the public or the media to his fate. He would therefore say anything he wanted to the ICRC delegates, who were unlikely to hear the other side of the story from the police and who would be unable to separate truth from lies. Even if ICRC reports were confidential, the most fanciful allegations would be written somewhere and one never knew...

I responded that all prisoners of all categories in all countries tried to influence our delegates. If they did not succeed (as evidenced by our reports on South African prisons), it was because the ICRC was represented by experienced professionals. Only complaints that were visibly well founded were passed on to higher levels of a given country.

Mr Kruger then said that South African police did not use the “third degree”: the number one interrogator in the country had sworn to him on that! Therefore our assistance was not necessary. He added that the task of the South African interrogators was hard enough as it was and that he did not want to “perturb” them any more by subjecting them to the embarrassing control of the ICRC (at which point I allowed myself to interrupt him to ask if I should conclude that the much more frequent controls of South African judges did not “perturb” them more, to which he gave no answer). In fact, one could feel and see, as the discussion advanced, that he had made up his mind before the meeting, as I had thought he would.

Indeed, Mr Kruger went on to say that “in conclusion and frankly”, he only saw *one* advantage to ICRC visits to non-convicted detainees: the fact that it would be publicly known that the ICRC was visiting detainees under interrogation. This would be “welcome publicity” for him. But he had to weigh this advantage against the inconvenience caused to the interrogators by the “perturbation” of their work.

In my reply, I reiterated even more strongly the point to which he had not reacted: if the judges were actually doing their job well, interrogators should not be more “perturbed” by a visit of the ICRC once or twice a year than by a visit of a judge twice a month. Thus, by the Minister's own analysis, the potential negative impact of ICRC visits was inexistent. As to the “positive side of publicity” this was only for the South African government to see; however – since the Minister had mentioned it – it seemed obvious that such an advantage would amply compensate for the possible disadvantages of ICRC visits, since such visits could be no more disruptive than those of the judges.

The Minister concluded the discussion by declaring that it was important for him to have arguments to present to those of his colleagues concerned by this question, that he would have to weigh the “pros” and “cons” and that he would send us his answer in writing. (Which seemed to indicate – contrary to what I should have thought – that this would not be a cabinet-level decision, but a ministerial one. This is an important point to which only access to the South African archives can provide the answer.)

* * *

To my knowledge – although this may need to be further checked – Mr Kruger never wrote the promised letter. However, after I left my position as ICRC Delegate-General for Africa and following the June 1976 Soweto revolt, killings and arrests, the ICRC reiterated its offer of services “*made on several occasions in the past to Mr Kruger*” to visit *all* persons placed in detention for security reasons. The matter was picked up again with Mr Kruger by my successor, Frank Schmidt, on 2 December 1976. On that occasion, Mr Kruger offered spontaneously to the ICRC to visit 123 persons detained under section 10 of the Internal Security Amendment Act (that Act permitted “preventive detention” of political opponents and permitted very “soft” conditions of detention: no interrogation, regular visits, access to news, etc.) Moreover, the Minister simultaneously announced that he wanted to free these people before Christmas, i.e. within three weeks. After consulting Geneva, Frank Schmidt accepted. However when he asked Mr Kruger to visit *non-convicted* detainees under *other* security laws, such as the *Terrorism Act* (amongst whom, he pointed out “suicides” of detainees under interrogation had become more and more frequent), Mr Kruger answered, somewhat irritably, that *this was at least the*

fourth time that the ICRC was making this request, that nothing had changed, that these people were under interrogation and therefore incommunicado and that he saw absolutely no possibility for the ICRC to visit them. He added that he had personally had four police officers charged with the death of detainee Mduli and that the court had found them to be innocent.

* * *

The preceding account in Chapter three shows that my visits in 1973-1975 had ushered in a new era during which the ICRC was able gradually to do more and more for the convicted prisoners, who had therefore less need for our visits, but that we could still do nothing for detainees under interrogation, whose need for our presence was increasingly greater than was becoming the case for their convicted comrades. This was a paradoxical situation which came to a head in 1987, when *the ICRC stopped its visits to some 300 convicted prisoners on Robben Island and in other places of detention*, where hardly any further improvement in their conditions of detention could be requested, *preferring not to continue them while being prevented from seeing 4,000-6,000 people held in administrative detention or arrested for security reasons.* How we came to this point will be explained in Chapter seven.

Chapter six: Third meetings with Madiba: 21 and 25 April 1975

I paid my third visit to Robben Island from 21 to 25 April 1975, again with Dominique Dufour and Nicolas de Rougemont and, this time, with Dr Müller as ICRC doctor. A new Commanding Officer had been in charge since 1 December 1974, a Lieutenant Colonel H.J. Roelofse; but the representative of the Director of Prisons, Colonel G.L. Steytler, was our main interlocutor during that visit.

At the time, I knew that it could well be my last visit to South African prisons, for I was about to take over from Jean Pictet as Director of Principles and Law at the ICRC, a position which the Committee entrusted to me on 21 May 1975. In fact, it was because this nomination was, so to speak, “in the pipeline” that I brought my visit to South Africa forward by one month. The knowledge gave an even more personal turn to my, by then, “regular” interview without witness with Mandela, as it was likely to be the last one ... at least while he was in prison.

When I told Mandela that it may be my last visit to him, he inquired about my possible successor, kindly adding: *“You and your team are making such a difference, Jacques. We would be worried that your successor may not do as much.”* I told him that Dufour and de Rougemont would ensure continuity, that I hoped to be able to influence the choice of my successor and that I would brief him in detail. I felt confident that he would follow the same line as I had.

He then asked me how I personally felt about this possible change of position. I confessed to him honestly that I was rather looking forward to not spending so much time visiting detainees, adding that – since our first son was born in February 1974 – I tended to identify too much with the pain of prisoners who were separated from their children, particularly in South Africa where prisoners were not allowed to even see these children before they were 16. I felt this to be so unbearable for the detainees that it had become hard for *me* to bear. I felt like a medical doctor who, when going home, could not stop thinking about his patients and I feared that it would affect my efficiency as a delegate, by making me appear too much as “the advocate of the enemy” to the authorities. I was pushing so hard on certain issues that I felt some authorities had started to perceive me as the advocate of the prisoners' *cause*, not just of their sufferings. That personal trend had started with the birth of my son, from whom I was separated almost six months of the year, and I admitted to looking forward to being more in Geneva and, in principle, no longer visiting jails in my new position.

When I think of this exchange today, I feel a mixture of shame and wonder. “Wonder” because we had swapped roles: it was as if *he* was visiting *me* in prison! His general attitude was such that *he* had become the Red Cross delegate with whom one shares one's problems! But he showed such genuine interest, and his question on how I felt about this professional change had been put in such a natural – yet discreet, unimposing – way that I did feel like “confessing” my true feelings to him, probably also because I felt guilty about such feelings, for they were putting my comfort ahead of the prisoners', and I possibly had a need to receive some kind of “absolution” from him (a noteworthy instinct for a protestant!). Hence today's feeling of shame.

Mandela no doubt felt this and said: *“I understand this so well. You should feel no guilt about it. It is a credit to your conscience that you should identify so much with us and others like us.”* He paused and added, smiling: *“I guess that we here are well placed to understand you!”*, but made no allusion to the pain *he* had felt when his son Thembi had died in a car crash in 1969, something he had never mentioned to me and which I did not know at the time, although I should have.

He just pursued the conversation and asked me about my wife, noting how hard it must be on *her* that I should be absent almost half of the year. I truly no longer remember the detail of that conversation, but I have to tell *here* an anecdote about my most recent meeting with Madiba, on 23 April 2004, on which I will give other details later. As I was entering his office in the Nelson Mandela Foundation, in Houghton, on that day, accompanied by other people including my wife, and as I introduced her to him, Madiba said: *“So you are the one who did not say ‘yes’ to Jacques' first proposal!”* My wife, Marie-Claude, was quite astonished and when we came out, she asked: *“When on earth – and why – did you tell him that you proposed twice to me before I accepted?”* I told her the truth: I did not have

the slightest idea! But today, as I collect my memory to write these lines, I realize that *the only possible explanation* is that I must have told this to Mandela the prisoner, in his cell, in May 1975, and this incredible man, who has been able to forget the harm caused him by his censor, was able to remember this piece of information 29 years later, at the age of almost 86! However, there is an explanation for this, which I shall relate later when describing our meeting in Oslo in August 1990. It has to do with what Mandela told me then about how prisoners mentally “film” the visits of ICRC delegates.

During that visit, I also told him that, on 11 December 1974, I had visited fallen Emperor Haile Selassie, detained by the Ethiopian revolutionary "Dergue" in the house where he used to live as a Crown Prince. It had been quite a strange visit because it had been difficult for me to determine how much the Emperor was aware of his situation, given his advanced age. But I have to wait a few years before I can tell *that* story!

* * *

On the more “professional” side of that last “prison dialogue” in 1975 with Mandela, I have to relate another important moment, both for the ICRC and for me. As usual, we went through, item by item, the various aspects of the prisoners' conditions of detention. We noted that progress had been made on *food, work* and, especially, *studies*; but we also noted that things were slow to improve on *grading, hot water* and, especially, *access to news*. On these, and various other points, he was particularly appreciative that, in the single cell section, a 270-litre electric boiler had just been installed (the month of our visit ... "*as a gift to the International Red Cross, no doubt!*" he commented with a smile). But he was concerned that *other* sections did not yet benefit from hot water. I told him that, according to information I had received (for this was a point on which I had strongly insisted, as had Zuger and Senn before me), the Prison Department had purchased, at high cost, a water-softening system which was to be delivered to the island in May or June 1975. After the two or three months needed for installation and trial runs, the device should soften the island water and permit its introduction into the existing pipes linking the two oil-fired boilers in the kitchen and the various sections of the maximum security prison. Security prisoners on the island should therefore shortly be able to wash themselves and do their laundering with hot water, for the first time in 14 years. He was delighted with this news.

He also expressed his appreciation of other improvements in the single cell section, namely:

- The windows of the recreation hall had been equipped with hinges and could be opened so as to improve ventilation.
- A garden measuring 20 x 1.20 m had been set up in the courtyard. A 1-metre-high fence protected flowers from being damaged by balls used in the nearby playground. Some "ganglies" had also been planted.
- The small tennis court in the courtyard was being enlarged to allow volleyball to be played.
- A new type of lampshade, which cast troublesome shadows at night, had been replaced by the older and more satisfactory type.

He was also glad that, owing to his back troubles, we had (finally!) obtained a bed for him, but he was evidently embarrassed by the fact that he and a few others in the single cell section should be the only ones to have beds ("borrowed" from the hospital and issued on medical grounds) in the entire prison. "*This should be a standard for all prisoners,*" he insisted. I told him that I had been pushing for this and that I (or my successor if necessary) would continue to do so.

Clothes being, as he said, "*a matter of personal dignity*", he noted with satisfaction that all inmates had been issued with an extra pair of socks, another safari shirt, a second pair of shoes and extra gumboots for those who worked outside.

One of his main concerns and cause of dissatisfaction – apart from the major and constant problem of the absence of news – was the question of **visits**. The prisoners had calculated that, over all, they received an average of one visit per prisoner per year on the island. (We were able to confirm this

later: in 1973 there had been 438 visits for an average of 370 political detainees; in 1974 there had been 364 for some 340; and between 1 January and 20 April 1975, there had been 92 visits for 291 prisoners at the time of our visit.) He stressed that the prisoners clearly resented the difficulty they had in securing visits by friends or relatives other than their immediate families.

Firstly, they felt that they were faced with a deliberate policy of isolating them from the outside world on the pretext of security. Secondly, they felt that limiting visits to members of their direct families meant that no account was taken of the customs of the black population of South Africa, for whom the concept of "family" was much broader than for people of European descent. Thirdly, they thought that the present rule was in direct contradiction to the spirit and the letter of Article 110 (Chapter II) of the Prisoners' Act, which laid down that "*special attention shall be given to the preservation of the good relationship between a prisoner and members of his family in the best interests of both parties.*" They contested the argument that Article 82 of the same Act justified the present policy, as put forward by the Commanding Officer over the intercom on 8 March 1974, and as the Head Warder had confirmed to the assembled inmates of the single cell section on 14 March 1974. He also made a strong argument in favour of a "special right" which political prisoners should have to receive visits not just from family members but, indeed, from *friends* for, he said, "for a political detainee his closest family is constituted by those who think as he does." I could not resist telling him that, in claiming this, he was in good company, reminding him the anecdote (in Luc, Chapter 8 ... as I later checked!) in which Jesus – when told that his mother and brothers cannot reach him because of the density of the crowd – had answered that his mother and brothers were those who listen to his word! To which he laughed heartily, hinting that I had little chance of success at convincing the authorities of his views on the subject!

Lastly, what I call "*an important moment, both for the ICRC and for me*" came when we spoke of those areas, such as grading, visits and, more particularly, access to news, in which, despite repeated efforts not only on my part but since the times of Zuger and even Senn, we seemed to be making little or no progress. I said that I was wondering whether the ICRC should not tell the South African authorities that we would suspend our visits until marked improvements had taken place in these three areas. Mandela shot back, very fast and very firmly: "Never do that! They will call your bluff and you will put them in a position to say 'We do not prohibit ICRC visits. It is the ICRC that has stopped visiting.' **Always remember that what matters is not only the good you bring, but also the bad you prevent.**"

Not only did the ICRC follow this excellent piece of advice in South Africa and elsewhere, but I have often remembered – and, indeed quoted – that pertinent remark to ICRC delegates when they felt frustrated in their efforts and feared that, in the absence of any public comments made by the ICRC on some unsatisfactory aspect of detention, the institution could be used by a government as an alibi for a situation which we could not influence as much as we wanted. This is a cross which we have to bear, always remembering that it is the detainees themselves who would "pay the price" for our absence, be it voluntary or not.

* * *

Just as I realized that I had not done my homework when I became aware that Nelson Mandela's name was "Madiba" for his people or that he had lost his son while in prison, similarly I had not sufficiently studied his life to know how close he was to another political detainee, a white man sentenced to "natural life" (meaning, under South African law, that he was to die in prison) and detained in Pretoria Local prison: Bram Fischer.

To quote the back cover of Martin Meredith's *Fischer's Choice*:

Bram Fischer was born into an aristocratic Afrikaner family but became one of South Africa's leading revolutionaries. Regarded in his youth as having a brilliant career ahead of him, he rebelled not only against the apartheid system but also against his own Afrikaner people. "Bram followed the most difficult course any person could choose to follow", said his friend Nelson Mandela. "I fought only against injustice not against my own people."

As a defence lawyer, Fischer managed to save Mandela from the death penalty demanded by state prosecutors for his sabotage activities. But what was equally remarkable was the role Fischer played in the underground movement aimed at overthrowing the government. To the very last, even when all the other conspirators had been arrested or had fled into exile, Fischer held out, attempting a lonely, defiant stand against the government, sought for months on end by the security police.

His single-handed efforts ended inevitably in failure. Sentenced to life imprisonment, he was cast into solitary confinement where vengeful Afrikaner guards tried to break his spirit. The government continued to regard him as a potentially dangerous influence even when he was dying of cancer, unable to walk without assistance, refusing all appeals to release him until the last few weeks of his life.⁸¹

I visited Bram Fischer three times in detention: in Pretoria Local prison on 1 May 1973 and 27 May 1974, and in Bloemfontein on 30 April 1975, in his brother's home, where Fischer died of cancer on 8 May, one week after my visit, technically still a prisoner, which was the reason why I was allowed to pay him an "official" visit in a private home.

The point here was that Fischer was one of the persons closest to Mandela, his comrade in arms and his lawyer at the Rivonia trial.⁸² Again, I should have known all this. For, apart from freedom and access to news (in that order) *nothing* would have been more precious to Mandela than having news of his brother Bram, nor to Fischer than to know how Madiba was faring. But not only was I unaware of their close relationship (once again a professional mistake, as I see it today) but also, or even worse, I was so entrenched in my strict interpretation of ICRC confidentiality that it never occurred to me that I could let inmates of Robben Island know how their comrades at Pretoria Local (or Barbeton in the case of women) were doing, and vice versa. Yet on 1 May 1973, we were in Pretoria and *a week later*, from 7 to 10 May, on Robben Island. In 1974, the same sequence: 27 May in Pretoria and *two days later*, from 29 May to 1 June, on Robben Island. In 1975, it was the reverse: we started with Cape Town (21 to 25 April), were in Pretoria on 28 April and, as I said earlier, I visited Fischer at his brother's home on 30 April in Bloemfontein, a week before he died and five days after I had last spoken to Mandela. On all three occasions, I could have brought at least oral greetings from some to the others. Just greetings! Nothing that would have endangered prison security. But no! Just as we would not relay to the prisoners news from the outside world, which we openly fought for them to receive officially, I never thought of transmitting personal greetings from prison to prison!

When I later realized what treasures I had omitted to share with these prisoners in both places of detention, I felt so bad that I apologized for it three times to Madiba, for it was too late to apologize to Bram.

On 27 February 1995, as Secretary General of the World Organization of the Scout Movement (WOSM), I wrote to Nelson Mandela as President of the Republic of South Africa, asking him, in the name of the Boy Scouts of South Africa, to become their Patron, after having assured myself informally – through Ahmed Kathrada, then his Chef de Cabinet, and former librarian on Robben Island – that the President would accept that invitation. To that official letter, I added two postscripts, one typed, one by hand. The typed one read: *"I have just finished reading Long walk to Freedom. How fascinating and truly educational, in the deepest sense. On Robben Island, there would be so much to say on what we, the Red Cross, tried to do. But I shall deal about that with Ahmed Kathrada."* And I added: *"One immense regret I have: it is only now that I realise how personally close you were to Bram Fischer. Had I been aware of this, I would have given you news of him, as I would see him normally one week before I would visit you. With retrospect, I tell myself that we were too discreet on these matters, that we stuck too closely to the rule. I think that I was the last 'outsider' to see him, in his brother's house, on April 30th 1975. But then, my visit to Robben Island that year had been from April 21st to 25th ... and I should have given him news about you. I am really sorry I didn't."*

⁸¹ Martin Meredith, *Fischer's Choice. A life of Bram Fischer*, Jonathan Ball Publisher, Johannesburg and Cape Town, 2002.

⁸² See note 7, Mandela, pp. 561-562, where Mandela tells how he learnt of the death of Bram Fischer through Winnie, his wife, when she visited him in prison.

The handwritten postscript went as follows: "*It may interest you to know for the sake of memories, that Scouts, when greeting their Scout brothers and sisters, shake the left hand.*" (See above Chapter four.) It is worth noting that, by letter of 19 May 1995, President Mandela informed us (the South African Scout Association and myself as WOSM Secretary General) that he was "honoured to accept the position of Patron of the South African Scout Association."

In London, on 10 July 2003, I was invited to present former President Mandela with a Humanitarian Award in the name of the British Red Cross. (I shall refer again to that event in Chapter seven.) In my short public address to Madiba, I recalled a number of anecdotes, which I mention in these pages, and one of them was on my last visit to Bram Fischer: Bram was brought in a wheelchair into his brother's drawing room where I was waiting. He could not move his legs; his arms also seemed to be paralysed; his face was of stone; his mouth was shut and only his eyes looked alive. I lent over to him and asked: "*Bram! This is Jacques. Do you recognize me?*" He stared at me and I was not sure that I could read an answer in his eyes. So I unpinned my big plastic ICRC badge from the front pocket of my jacket and held it in front of him, the Red Cross 10 inches from his face. Then something very gripping happened: slowly, ever so slowly, Bram Fischer lifted his right arm and his crippled hand, took the badge with three shaky middle fingers (though not the thumb, as that was too paralysed) and, at the cost of an immense effort, slowly, unbearably slowly, brought the badge to his heart, glaring at me in paralysed silence! I still have the shivers as I write these lines.

When I went to see Madiba in Houghton/Johannesburg in April 2004 I thought of what I could give him which would be of any value to a man like him. So I gave him that ICRC badge, which was the last thing that his brother and comrade Bram had held to his dying heart. I shall keep for ever in my own heart the look that Madiba gave me at that moment, his face as close to mine as Bram's had been on 30 April 1975.

* * *

To go back to 1975, at the end of our April visit I briefed Mandela, as I had done the two previous times, on progress made, problems unsolved and points to be taken up with the authorities. As we parted on this, our sixth conversation in two years, we were both keenly aware that it may be a long time before we would meet again. (It was to be 15 years!) But, of course, nothing was said on the subject and we just embraced warmly, as "old friends" would. How could we know that 20 years later, in February 1995, we would be together again in the same cell ... but he as President of the Republic of South Africa and I, for the occasion, with the title of Vice-President of the ICRC!

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