

township of Kutlwanong, Mutsi was arrested at a bus stop in the town on 4 May 1985. He was taken into custody at the Odendaalsrus police station, in terms of the Criminal Procedure Act of 1977 "for questioning in connection with charges of public violence". His mother, Ms Pulane Irene Mutsi, told the Commission that her son was dead on arrival at the Pelonomi hospital in Bloemfontein on 5 May 1985.

A police spokesperson said that Mutsi had experienced convulsions while his personal particulars were being recorded and had fallen over backwards from the chair in which he had been sitting. His mother had confirmed that Mutsi had a history of epilepsy. A post mortem on 9 May 1985, attended by an independent physician representing the Mutsi family, found the cause of death to be severe brain haemorrhage.

At an inquest held in the Welkom Magistrate's Court in December 1985, Warrant Officer Maxwell Sithole and Detective Constable Magwesa Moya, who had interrogated Siphon Mutsi at the Odendaalsrus police station, stated that Mutsi had sat handcuffed on a chair in front of an iron table during the interrogation. They confirmed the official police version that he had suffered an epileptic attack and had fallen backwards, striking his head on the cement floor. The police officers conceded that when Mutsi had been brought to the police station there had been nothing wrong with him and that any injuries he had at the time of his death must have been sustained during the interrogation. Moya could not say how Mutsi had incurred injuries all over his arms, legs, and body, allegedly consistent with sjambok marks.

A further hearing took place in the Welkom Magistrate's Court in April 1988. Counsel for the family of the deceased said that it was unlikely that he had suffered epileptic attacks as alleged by police. Rather, his death had been caused by the brutal assault on his person by Warrant Officer Sithole and Constables Mashabe, Makhube and Moya. During the inquest, a former detainee, Mr Sello Dithebe, said that he had seen a police officer kick Mutsi in the face and Warrant Officer Sithole had placed a wet canvas bag over his head [KZN/ZJ/115/BL].

IN REVIEWING EVIDENCE OF GROSS HUMAN RIGHTS VIOLATIONS BY THE STATE AND ALLIED GROUPS IN THE ORANGE FREE STATE DURING THIS PERIOD (1983-89), THE COMMISSION FINDS THAT THE SAP MADE WIDESPREAD AND ROUTINE USE OF ASSAULT, TORTURE AND EMOTIONAL AND PSYCHOLOGICAL ABUSE, AS PART OF A SYSTEMATIC PATTERN OF BEHAVIOUR.

THE PERIOD WAS ALSO CHARACTERISED BY AN INCREASE IN THE NUMBER OF DEATHS IN POLICE CUSTODY. THE COMMISSION FINDS THAT SUCH DEATHS WERE GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE SAP IS HELD ACCOUNTABLE.