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# FOCUS

on political repression in South Africa and Namibia

## Namibia — the killing continues

### Widespread intimidation by South African forces

*After 1 April, when UN forces moved into Namibia in preparation for independence, South African troops and police intensified a campaign of assault and intimidation against people suspected of supporting SWAPO. Many SWAPO combatants and civilians were summarily executed.*

Instead of being confined to base, as the UN plan specifies, South African forces were allowed by the UN to continue operations against SWAPO (*see Independence process threatened, p.2*). Throughout April and the first half of May, except for a 60-hour period, troops from six South African battalions and police from the notorious Koevoet unit roamed northern Namibia in search of SWAPO fighters, and carried out daily assaults on the civilian population. The dusk-to-dawn curfew, lifted briefly earlier in the year, was reimposed.

South African officials claimed that by the end of April their forces had killed more than 300 SWAPO guerrillas, but local people said that many of the dead were civilians. In one incident, residents of the Omungweleme area positively identified six corpses as those of local villagers, although the police claimed they were dead guerrillas. (*WM 21.4.89*)

Most of the dead were stripped naked and buried in mass graves. Journalists who were able to examine and photograph some of the corpses before burial reported that none had any signs of injury except single bullet holes through the back of the head. Experts in the USA and Britain concluded that the alleged combatants had been executed after capture. 'Whether [they] were kneeling or sitting, evidently they were stationary and they were executed from behind. There are no frontal body wounds below the neck', stated a ballistics expert in the USA. (*GN 25.4.89; WM 28.4.89; Tel 30.4.89*)

In the past, there have been repeated allegations that South African troops and police have summarily executed captured SWAPO combatants. In 1981 the International Committee of the Red Cross expressed its concern that in most clashes the South Africans claimed high 'body-counts' but seldom produced captured or injured combatants. (*Star 18.8.81*)

During April and May legal aid and

church organisations were 'inundated' with reports of soldiers and police assaulting people wearing clothes in the SWAPO colours, attacking school children and destroying homes and crops. Troops were also reported to have forced people to declare support for the Democratic Turnhalle Alliance (DTA), the main South African-backed opposition to SWAPO. Para-military groups have reportedly been set up by parties opposed to SWAPO, including a 200-strong DTA unit, composed of ex-members of 102 Battalion, which has been training at Opuwa in the Kaokoland bantustan. (*SS 10.5.89*)

The Justice and Peace Commission of the Roman Catholic Church called on the South African Administrator-General to explain why 'security force members are beating up people wearing SWAPO colours' and called on him to 'stop the unholy alliance between the security forces and the DTA'. (*NCC 24.4.89*)

The Legal Assistance Centre in Windhoek said on 25 April that there had been more than one hundred complaints of intimidation, and on 6 June the UN Representative disclosed that the UN was investigating 120 complaints. (*TN 26.4.89, 7.6.89*)

- Residents of Okahenge, where the fighting started on 1 April, told churchmen that South African police shot indiscriminately in the village, destroying homes and killing 33 people, only some of whom were SWAPO combatants. (*Star 20.4.89*)

- Laban SHAFYOHAMBA, a 12-year-old boy, was shot in the side by South African troops looking for SWAPO fighters. His father was hit in the face with a rifle butt when he protested, and the boy's three cousins narrowly escaped death when an armoured vehicle crushed their home. (*Star 20.4.89*)

- On 12 April eight teachers at the Elim Mission near Oshikuku were attacked by soldiers when they refused to return DTA salutes to a passing

armoured vehicle. Three students were assaulted the previous day for the same reason. (*NCC 24.4.89*)

- Joseph NENGHAMA, 16, was killed on 14 May by gunfire from an armoured vehicle. (*T 18.5.89*)

In March the Legal Assistance Centre sought an interdict in the Windhoek Supreme Court and obtained an undertaking from the police that intimidation would stop (*see FOCUS 82 p.9*). Early in May three Namibian bishops and more than 20 other applicants brought another urgent application in the Supreme Court seeking to restrain 101 Battalion, the unit responsible for much of the harassment. (*Nam 5.5.89*)

On 16 April church and community leaders, and residents of northern Namibia, met at Ongwediva and drew up a report for submission to the UN. They cited many cases of assault and destruction of homes, and said that an assassination squad was operating in the north. They also stated that soldiers or police were disguising themselves as SWAPO combatants and harassing residents. On 18 May school students in northern Namibia began an indefinite boycott of classes in protest at intimidation. (*S Trib 16.4.89; Nam 28.4.89*)

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# Delays in independence process

## UN timetable slips

*By the end of the sixth week of the Namibian independence process, which was inaugurated on 1 April, none of the major provisions of the UN plan had been implemented according to schedule.*

South African troops had not been confined to base nor reduced to 12,000, the South West Africa Territory Force (SWATF) and the Koevoet police unit had not been demobilised nor their command structures dismantled. Repressive and discriminatory legislation had not been repealed, and the return of refugees and the release of political prisoners and detainees had not begun.

Despite these violations of the timetable, a meeting of the Joint Monitoring Commission (JMC) with Angolan, South African and Cuban representatives, determined on 19 May that the plan should proceed. In the following three weeks, significant steps were taken to implement the UN plan. South African troops were confined to base and many were withdrawn, and on 6 June the first phase of the repeal of discriminatory legislation occurred. (T 20.5.89; TN 7.6.89)

### Ceasefire breaks down

In September last year SWAPO declared a unilateral ceasefire to prepare the way for the independence process, and its combatants inside Namibia ceased attacks. However, South African forces continued their patrolling and widespread intimidation of civilians in northern Namibia was reported. At 4 am on 1 April, with less than a quarter of the 4,650 UNTAG military personnel inside Namibia — and hardly any in the northern war zone — a ceasefire came into force between South Africa and SWAPO. South African and SWAPO forces were meant to be confined to base. (Ind 4.4.89)

At 12 noon, a South African armoured column made contact with a group of combatants from SWAPO's People's Liberation Army of Namibia (PLAN). The PLAN fighters had told local people that they had no hostile intent and were seeking out UNTAG forces in order to be demobilised. According to eyewitnesses, the South Africans opened fire without warning. (NCC 4.4.89)

In Windhoek the South Africans threatened to terminate the independence process and demanded that the UN authorise them to deploy their fighting units in northern Namibia. The UN Representative, Martti Ahtissari, consented, and for the following six weeks South African troops engaged in widespread killing of SWAPO combatants and civilians (see *Namibia — the killing continues p.1*).

The South Africans demanded that

SWAPO forces be withdrawn beyond the 16th parallel, about 160 kilometres into Angola, arguing that this was a provision of the tripartite agreement between Angola, South Africa and Cuba which preceded the implementation of the UN plan for Namibian independence. (FOCUS 81 p.2; Ind 7.4.87)

## CHRONOLOGY

**1 April** South African forces attack SWAPO fighters at Okahenge; UN authorises deployment of six South African battalions

**6 April** South Africa claims 250 SWAPO combatants killed

**8 April** SWAPO orders its combatants to withdraw to Angola

**9 April** Mount Etjo agreement by Joint Monitoring Commission provides for UN assembly points for SWAPO combatants

**11 April** South African Administrator-General demands that SWAPO combatants at assembly points be interrogated

**28 April** Joint Monitoring Commission meeting in Cape Town gives South African forces 14 days to 'verify' SWAPO withdrawal

**1 May** Worker rallies throughout Namibia

**4 May** Kassinga Day rallies

**10 May** UN declares that its full military and police deployment is in place

**15 May** Joint Monitoring Commission meeting at Ruacana agrees that UN Plan should proceed; South African forces confined to base

**18 May** School boycotts begin

**6 June** First phase of repeal of repressive and discriminatory laws

SWAPO stated that the UN plan provided in its original formulation for PLAN forces to be confined to assembly points inside Namibia. Although South Africa later objected, and concrete plans were not drawn up, the original provisions were not superseded by any subsequent provisions, including the tripartite

agreement. However, on 8 April SWAPO ordered its combatants to withdraw to Angola. Over the following month, more than a thousand combatants withdrew across the Angolan border. Although the UN attempted to set up assembly points for repatriation of combatants, South African troops surrounded them and the Administrator-General demanded that his forces be allowed to interrogate the combatants. (SWAPO Press Statements 5/6/ 8.4.89; NCC 12.4.89; SS 19.4.89)

South African authorities claimed that 316 PLAN combatants were killed in the fighting, but the figure was disputed by SWAPO and local residents who said many of the dead were civilians. Captured combatants, held under Proclamation AG 9, were taken to Angola at the end of April. In a spontaneous demonstration of support, up to 5,000 cheering school children marched behind the UN vehicles taking the combatants to the border. (CT 28.4.89; GN 15.5.89)

### Elections

While the deployment of South African troops led to what a UN representative called a 'dismaying' rise in intimidation, and delayed the implementation of the UN independence plan, some steps were taken in April and May to prepare for the elections scheduled for early November. (GN 15.5.89)

In terms of the UN plan, the South African Administrator-General (A-G), Louis Pienaar, is responsible for issuing electoral regulations and administering the process. However, his actions must have the approval of the UN Representative, and the UN will oversee the process and ensure that the election is free and fair.

In interviews during February and March the A-G said that he would be proposing an election on the basis of party lists, with candidates elected to the constituent assembly according to the percentage of votes their party obtained. The election would take place over four or five days during the first week of November following registration of voters starting in September. He estimated that 660 000 Namibians would register to vote, and proposed that the constituent assembly should consist of 72 elected representatives, who would be charged with drawing up a constitution and leading the country to independence. In terms of the UN plan, a two-thirds majority is needed to approve the constitution.

The A-G said that he intended to ban candidates and party officials from the vicinity of polling stations, and that



South African personnel would supervise the voting, although the UN would monitor the procedure. His officials would 'assist' illiterate people to cast their votes, he said. (*TV Series 435 — Interviews with the Administrator-General, February/March 1989*)

In late April a Draft Registration of Voters Proclamation was published by the A-G, setting out proposed procedures for registration. Earlier A-G proposals for a voting age of 21 and a residence qualification of only one year (see *FOCUS 82 p.9*) were dropped in favour of a qualifying age of 18 and residency of four years for people not born in Namibia. However, the draft proclamation was criticised for its failure to provide for adequate records of registration or the publication of the voters roll, and the fact that it did not specify the documentary proof needed for registration.

Experts commissioned in one study declared that the proclamation was 'incompatible with the goal of free and fair elections'. In a previous South African-controlled election in Namibia in 1978, there was widespread electoral fraud through false registrations, which could not be challenged because the electoral roll was not properly constituted. South African officials and military personnel in Namibia, as well as Angolans who are members of UNITA are expected to attempt to register. The commanding officer of one of the largest military units in Namibia, 91 SWA Brigade, called on his troops in April to register and vote, even if they had to travel back from South Africa for the purpose. (*NCC 16.4.89; Official Gazette of SWA 24.4.89; Association*

*tion of West European Parliamentarians for Action Against Apartheid Press Release 16.5.89*)

### Repeal of legislation

Repressive and discriminatory legislation was due to be repealed by mid-May, but this had not been done by then, apparently because of disputes between the A-G and the UN about which legislation needed to go.

A proclamation was published on 9 May repealing sections of Proclamation AG 8 of 1980, which established segregated second-tier authorities and is seen as the bedrock of apartheid in the territory. Although the UN Representative indicated that AG 8 was 'unacceptable and . . . must go' the proclamation only abolished the elected legislative components of the second-tier authorities, leaving segregation intact. (*Official Gazette of SWA 9.5.89; GN 11.5.89*)

After intensive negotiations between UN and South African officials, on 6 June 36 laws and regulations were repealed and ten amended. The most important repressive measures such as the Terrorism Act and Proclamation AG9 of 1979 were scrapped. However, other discriminatory and repressive measures remained — the UN Representative said that he would continue to press for these to be repealed. (*Nam/TN 7.6.89*)

The delay in the repeal of legislation, and the level of intimidation, resulted in the return of refugees and exiles being delayed to 12 June. An estimated 50,000 people, including about 15,000 children, mostly from SWAPO refugee centres in tAngola, are expected to arrive through entry points at airports and along the

Angolan border. The returnees will initially be looked after at five reception centres by the Council of Churches in Namibia (CCN) under the supervision of the UN High Commission for Refugees. (*Nam 28.4.89; TN 8.5.89*)

### SWAPO

Overwhelming popular support for SWAPO was demonstrated at rallies and meetings around Namibia after the arrival of the UNTAG forces. On May Day, pro-SWAPO worker demonstrations were held in most Namibian towns, and rallies were held to commemorate the anniversary of the Kassinga massacre on 4 May. Workers also held a demonstration on 1 April against South African privatisation measures — seen as constraining an independent government — but the march was stopped by police. (*Nam 21.4.89; MS 4.5.89*)

Many South African troops and police attempted to force people to support the main anti-SWAPO group, the Democratic Turnhalle Alliance (DTA), which draws together ten parties based in the segregated second-tier authorities. The DTA, which is lavishly funded, was reported to be handing out food and threatening pensioners that their pensions would be stopped if they did not take out DTA membership. Other small parties formed three alliances — the Namibia National Front, which is dominated by the SWA National Union (SWANU), the United Democratic Front and the Namibia Patriotic Front, which involves some parties previously participating in the South African-installed MPC administration. (*Nam 10.3.89, 19.4.89*)

## Jason Angola — detained for a year

*Jason Angola, SWAPO Secretary for Labour and an official of the Council of Churches in Namibia, was detained for over a year under Proclamation AG9 and the Terrorism Act. He was released after international protests, without any charges being laid. FOCUS asked him about conditions facing detainees.*

My detention dates back to 7 October 1987. I was taken to a place called Osire, north-east of Okahandja. I was kept alone in a cell from the day of my arrest until my release on 5 December 1988. Osire is basically a camp with small cells. The cells are made of corrugated iron, even the ceiling. Corrugated iron is a good conductor of heat and by midday you are sweating terribly. I think that the location of the place itself has been purposely chosen because that part of the country gets severely hot in summer and in winter it gets very, very cold. I had two very small mats and four thin blankets and during the evening those blankets felt like ice on my body. I got so cold that I felt I was going to die.

There were many cells and people kept being brought in at intervals. Sometimes a batch of between six and fourteen

people would be brought in at a time. They stayed sometimes for a month or two or three, and I believe that these were people who had been taken from their homesteads in the north for interrogation. This was an on-going process all the time I was there.

Initially they said that I was detained because I aided a trained guerrilla with food and clothes and money. They seem to have dropped this later and then they came with allegations that I masterminded the bomb blast at the Gustav Voigts Centre during July 1987, that I gave transport to the men who did it, that I went to Angola during 1986 and that on several occasions I received explosives which I hid. But the Attorney-General went back to my files and found that I was in detention on the date that I was supposed to be doing these things.

*Did you hear any evidence of people being physically tortured while you were there?*

Yes, I can recall on several occasions during the evening I heard people screaming and, you know, whack! as if somebody was being beaten up. After my release one such prisoner who was

also there came to me and told me that they beat him up for two weeks. He said that he heard that there were others that were also tortured and he was told that in the cell where he was one man died.

*Osire seems to be the main place where the Security Branch hold people. Presumably when the army interrogates people they hold them at separate army camps?*

Yes, take for example the case of Johannes Nakawa who was detained during 1978. The authorities kept on denying holding him and at some stage they said he crossed the border into Angola. But as from 1984/5 fresh information came that Nakawa was seen in an underground detention cell in Kavango. People are saying that Nakawa is alive today but the authorities reject the story and say they do not have him. There are many, many other places where people can be kept. In each town, each village there are cells where they keep people.

I must also mention that there were people still at Osire. On my release I asked one of the guards who told me that there were still fourteen people there.

## REPRESSION IN THE COURTS

## Namibian sentenced to death

Leonard Natange SHEEHAMA (25) was sentenced to death on 21 April after being convicted of murder in a trial which once again highlighted assault and torture by the armed forces. Sheehama was convicted on the basis of contested statements obtained from him while in custody. The charges arose from three bomb explosions in Walvis Bay and were heard before Justice Tebbutt of the Cape Supreme Court. Since Walvis Bay is administered as part of South Africa's Cape Province the South African regime may refuse to include Sheehama among those prisoners eligible for release under the UN independence plan.

Sheehama, whom the prosecution alleged was a PLAN combatant, first appeared in court on 16 July 1988, just a week after his arrest in northern Namibia. He faced five counts of murder and two charges under the Internal Security Act. The alleged offences occurred during 1986 and 1987: a bomb explosion at the Atlantic Meat Market in August 1986; an explosion at the Walvis Bay Post Office on 12 November 1987; and another later the same day at the administrative offices in the town's segregated black township, Kuisebmond.

Sheehama was arrested on 9 July by members of 101 Battalion patrolling near Okalongo. One of the participating officers, Lieutenant Robert Hillhouse, admitted under cross-examination that Sheehama was tortured on the directions of one Captain Ben Venter. Electric shocks were applied to him to force him

to talk. Under such pressure he claimed to have thrown away a pistol before his arrest but this was not found in spite of an extensive search. Soldiers kept him in the vicinity overnight — tied to a Casspir armoured vehicle.

Admissions elicited during cross-examination of Hillhouse and other members of the occupying force revealed not only systematic abuse of detainees but also the inherent unreliability of information obtained in this way. Another officer concerned with the interrogation of Sheehama, from 12 July onwards, was Lieutenant A J J du Plessis of the Security Branch based in Oshakati. During early 1987 du Plessis was responsible for a number of detainees who said they had been tortured. Sara TEOFILUS was so badly assaulted that she miscarried. In spite of bleeding heavily and being in severe pain she was locked in a cell throughout a weekend and only taken for medical treatment the following Monday. After care at a military sickbay she was returned to custody and further terrorised by police until she provided a statement in which she falsely implicated one Samuel ANDREAS in the Atlantic Meat Market explosion. Andreas, a mini-bus driver, was detained and assaulted and held even after it became clear that Teofilus' evidence was unreliable. At the time of Andreas' detention, eye-witnesses reported that members of Koevoet assaulted him even before taking him away and then returned to burn down his home. The court was told that his ear drums were damaged by his treatment. (*Nam* 6.3.87)

Sheehama's defence challenged du Plessis on the circumstances under which he claimed to have carried out interrogations. They stated that Sheehama was held throughout by Koevoet and that this was being covered up because the reputation of the police unit meant 'it would not have looked good in court'.

This was confirmed in part when du Plessis conceded that he had not taken Sheehama to the Oshivello military checkpoint, as he had earlier claimed, but that Koevoet took him there and he joined in his interrogation.

Other evidence was given by two unnamed state witnesses, one of whom testified that Sheehama, a childhood friend, had confessed to him.

In February 1989 Justice Tebbutt ruled that statements made by Sheehama were admissible as evidence against him. Sheehama's lawyer argued that, in addition to the torture, there were various irregularities in the way the statements were recorded and he questioned the competence of the official who took them down. The judge's decision in this matter was crucial as apart from Sheehama's own statements there was no direct evidence by the state against him.

During evidence in mitigation, Sheehama's lawyer asked the court to take into account the UN independence plan for Namibia with its provisions for an end to hostilities and the release of political prisoners. Actions such as Sheehama was charged with carrying out had only been committed because of the prevailing war. Justice Tebbutt intervened to say: 'If I was to take the changing circumstances and the war situation into consideration then I can just as well acquit the accused.'

However, on 21 April Sheehama received five death sentences for the August 1986 attack and was also convicted of sabotage under the Internal Security Act for the other two explosions. Lawyers were granted leave to appeal and also allowed to lodge a 'special entry' — a procedure by which legal irregularities in the trial may be challenged. Sheehama was moved to Pretoria Central Prison after sentence. (*Nam* 24.2.88, 29.7.88, 2.12.88, 21.4.89; *WO* 15.10.88, 26.11.88; *TN* 24.4.89)

## Released detainee reveals torture

Nathaniel SHILONGO, who was detained in northern Namibia for almost two years, was released in January 1989 and gave details of how he had been tortured while in custody. Shilongo, a PLAN combatant and medical orderly, was abducted from Onandjokwe Lutheran Hospital in March 1987 while being treated for a leg wound which he sustained in a South African ambush while on his way to sabotage the Ondangwa electricity supply. (*FOCUS* 70 p.2 under name SHIKONGO)

Shilongo revealed that he had been assaulted and interrogated in spite of his serious injury, and that the authorities continued to hold him in the hope of forcing him to become a police informer. He was beaten, given electric shocks and made to sleep in a hole covered with wire netting. After a soldier had kicked him so hard that his leg wound re-

opened and bled he was briefly taken for hospital treatment. However, soldiers again removed and tortured him, partially suffocating him with water and a plastic bag.

Three days after his abduction from hospital Shilongo was taken 30 kilometres into Angola by the SADF and told to point out SWAPO bases. However, the soldiers withdrew under fire from Angolan forces. He continued to suffer alternate bouts of interrogation, torture and medical treatment, until he was detained more or less permanently in the police cells at Oshakati. He eventually made a statement before a magistrate in Tsumeb but no charges were laid against him. Instead he faced a variety of inducements to collaborate with the police. On at least two occasions former combatants who had turned informer after being captured were made his cell-mates in order to pump him for information. In January 1989 Shilongo was transferred to Osire detention centre. (*Nam* 17.3.89)

## Detentions

As the time approached for the implementation of those sections of the UN independence plan calling for the release of all political prisoners, the authorities continued to use Proclamation AG 9 to hold their opponents. Although some releases were reported, police denied all knowledge of other suspected detainees and also detained a number of PLAN combatants captured during April.

Alleged SWAPO fighters captured by the regime were detained under Proclamation AG 9 during April. Twenty-eight of them were handed over to Angola while four others were said to have requested amnesty. However, one of these Silas HAIMENE, denied having made any such request and said he was being hounded by security branch personnel trying to turn him into an informer. He was first detained at his family home in Grootfontein on 5 April after being in the country since at least 22 March. (*Nam* 28.4.89)



# Apartheid opponents assassinated

## Anger at rising deaths

*As the inquest into the death of four members of the Cradock Residents' Association (CRADORA) concluded, the deaths of Chris Thandazani NTULI (30) in Natal in April and that of David WEBSTER (44) in Johannesburg in May heightened concern over the vulnerability of opponents of apartheid to assassination.*

According to the Centre for Applied Legal Studies, 11 political activists have been killed in South Africa in the past 10 years. In only one case has a suspect been prosecuted.

Attacks on organisations have included not only assassination of leaders but also kidnappings and attacks on offices and homes of members. (FOCUS 80, p.2; CT 4.5.89; Star 6/7.5.89)

### CRADORA inquest

An inquest into the deaths of Matthew GONIWE, Fort CALATA, Sicelo MHLAWULI and Sparrow MKHONTO, members of the UDF-affiliated CRADORA, concluded that their deaths were brought about by 'a person or a group of persons unknown'.

Their mutilated and charred bodies were found near Bluewater Bay outside Port Elizabeth on 27 June 1985. Post-mortem reports revealed that Goniwe, Calata and Mhlawuli died from multiple stab wounds, while Mkhonto, whose throat was slit, died from a gun shot. The four were returning from a meeting which discussed the safety of community leaders in the light of the disappearance of three leaders of the Port Elizabeth Black Civic Organisation (PEBCO) in May 1985 (see FOCUS 79 p.6). Goniwe had a history of harassment by the police. As well as being detained in 1984 he was threatened with a gun by one Lieutenant Fouche and both he and Calata were threatened at a police roadblock early in 1985. (FOCUS 60 p.8; DD 15.2.89; EPH 16.2.89)

Although the killers of the four activists remained unknown the inquest helped establish that the telephone in Goniwe's home was tapped by police, that he had assured colleagues that he would not stop for anyone except the police, that he had been under police surveillance before his death and confirmed that he had been threatened by police previously. The political activities of the four and their involvement in the UDF was also well known. A lawyer acting for the family said that all these factors put together suggested that their assassination was politically motivated. (DD 22.2.89)

It remained a mystery how the four were stopped and killed. There was no evidence of their car being forced off the road. Although the UDF said there was a police roadblock near Bluewater Bay, a

police officer said there was no record of a roadblock near where the bodies were found. (CT 5.7.85; DD 15.2.89; Star/South 16.2.89)

At the time of their deaths, police tried to blame the Azanian People's Organisation (AZAPO) for the assassinations. However, evidence submitted to the inquest in the form of statements made to the Black Sash cast doubt on this claim. They pointed instead to the involvement of police and the vigilante leader, Mzwandile Maqina, who was expelled from AZAPO when his links with the police were exposed. According to the police the men who made the statements to the Black Sash later denied them and said they were forced into making them, but no evidence was given of coercion by the Black Sash.

Christopher Msondezi Ndyawe (26) said in a statement to the Black Sash that he and others were told by Maqina that the UDF was killing 'our people' and that they had to kill UDF members. Ndyawe was paid 80 rands a week by police. He referred to an incident when police brought three men, thought to be the three missing PEBCO leaders, whom they assaulted in front of them. He also said four men who were identified by police as coming from Cradock were brought before the group, one of whom identified them as UDF members. After the men were assaulted police took them away accompanied by two members of their group, Sipho Mazwi and Vusi Matyi. The latter returned to report that 'they had finished them off and burned them in the forest' and that 'only us and the police knew about this and we must keep quiet about it'. A similar statement was made to Black Sash by Mazwi Lancelot Bingo. (FOCUS 60 p.8; EP 16.2.89; DD 16/17.2.89; EPH 17.2.89)

### Murder of Chris Ntuli

On 14 April, Chris Thandazani Ntuli (30) an organiser for the Natal Youth Congress (NYCO) was stabbed to death on his way from the police station where he had to report twice daily in terms of a restriction order imposed when he was released from a six-month period of detention. Ntuli, who participated in the hunger strike by emergency detainees demanding their freedom, was released and restricted to the magisterial district of Durban on 4 April. His mother said he had been monitored by unknown per-

sons since his release.

On the day of his death Ntuli was on his way from Inanda police station with his brother. At a bus stop they were confronted by four men armed with guns and knives. They ran off and Ntuli took refuge in a nearby house where his assailants killed him. Neither his brother nor the owner of the house could identify the killers. (Star 18.4.89; NN 20.4.89; WM 21.4.89)

A monitoring group said it was informed that a vigilante group, 'Sinyoras', was responsible for Ntuli's death and that the suspected killer was out on bail facing charges on other offences. They gave his name to the police who later arrested four members of the vigilante group and took possession of firearms. (CT 22/24.4.89; NN 27.4.89)

Ntuli's death sparked widespread protest and some former detainees in Natal defied their restriction orders, insisting that such measures left them exposed to assassination. They refused to report to police stations as their orders required. About 20,000 students in the townships around Durban boycotted classes in protest at the killing. Although police placed restrictions on Ntuli's funeral, limiting to 200 the number of people who could attend, over 3,000 people came to it.

Nine people were killed as tensions led to clashes with the police. A number of buses and commercial vehicles were stoned and some were set alight. Bus companies suspended the service to the townships. Some houses of people thought to be collaborators with government were fire-bombed. (SS 26.4.89; NN 27.4.89)

### David Webster killed

On 1 May David Joseph Webster (44), a member of the restricted Detainees Parents Support Committee (DPSC) and a lecturer at the University of the Witwatersrand, was shot dead at close range. He was killed outside his house as he was unloading his car. The killer fired with a shotgun from a car with tinted windows which sped away after the shooting. (CT 2.3.5.89; South 3.5.89)

More than 10,000 people marched through the streets of Johannesburg singing freedom songs and chanting slogans to attend Webster's funeral. Amongst them were some activists who defied emergency restriction orders placed on them and some who had been in hiding throughout the period of the State of Emergency. (S Trib/S Star 7.5.89; WM 12/5.89)

## DEATH SENTENCES

# Activists executed

## ANC combatants condemned

*The South African regime resumed execution of its political opponents in April 1989 by hanging two members of the Addo Youth Congress, Ndumiso Silo SIPHENUKA and Mackezwana MENZE. Another activist, Abraham MNGOMEZULU from Soweto, was executed in May while two others obtained a last-minute stay.*

In the same period at least 19 additional death sentences were passed — five of them on combatants of the ANC and fourteen in one trial arising from a police killing in the Northern Cape town of Upington. At the same time six trade unionists had their death sentences commuted after massive international campaigns on their behalf while three other political prisoners on Death Row were acquitted on appeal and another was granted a retrial.

Siphenuka and Menze were among a group of four men sentenced to death in January 1987 for killing a farmer and his wife. They were granted a last-minute stay of execution in October 1988 to attempt to lead new evidence about the age of Similo Lennox WONCI, the youngest of those condemned. (*FOCUS* 79 p.12) In April it was announced that Wonci and Mziwoxolo Christopher MAKELENI (now aged 23 and 24 years respectively) would have their sentences commuted to prison terms of 25 years each. Siphenuka, aged 28, and Menze, in his forties, were executed on 20 April.

Relatives of the two men said they had urged their 'comrades to unite and carry on with the struggle'. Referring to the common purpose ruling under which they were convicted, Siphenuka's father said: 'It is an unbearable pain to see him being executed for a crime he did not commit. Even the judge who sentenced him said he did not care whether he killed the farmer or not'. Menze's brother Zukile, another member of the Addo Youth Congress, has also been detained. (*DD* 18.4.89; *WM* 21.4.89)

Abraham Mngomezulu (25) was executed on 25 May after the Chief Justice had refused him leave to appeal against sentence and the State President declined to grant him clemency. He had survived an earlier execution date set for July 1988. (*FOCUS* 75 p.2, 78 p.8)

Mngomezulu was amongst a group of five youths convicted of killing a suspected police informer in Naledi in April 1987 during a stayaway in support of the Soweto rent boycott. His co-accused, aged between 16 and 19 years, were sentenced to prison terms. In his petition to the Chief Justice, Mngomezulu's lawyer argued that the court never seriously considered whether there was extenuation in Mngomezulu's case — the judge did not even give a reason for his finding that there was none — and this had led

to a miscarriage of justice. However, in spite of this, Chief Justice Corbett refused to refer the matter to the appeal court and Mngomezulu was executed without a chance to present fuller evidence.

The judge ruled that Mngomezulu had not physically taken part in the killing but played a 'leading role' by telling others what to do. His lawyers argued that the witnesses in the case might well have exaggerated Mngomezulu's role in order to minimise their own, especially as he was the oldest accused. However, he had reached only the second form of secondary school and may well have been no more intellectually or emotionally mature than the others, even though he was biologically older. Furthermore his own moral culpability would have been diminished by the force of group pressure from the young people who carried out the killing. They were all 'outraged by [the] conduct of the deceased which they regarded as heinous and which threatened them.' (*Amnesty International*, May 1989)

Some twenty-four hours or so before Mngomezulu's execution, Sibusiso Senele MASUKU and Oupa Josias MBONANE were granted a last-minute stay of execution after a state witness against Masuku retracted her evidence. Lawyers took this information to court on 23 May but it was rejected by Acting Justice Human, the trial judge, who also refused them leave to appeal against his finding. However, the Minister of Justice granted a stay to allow the Chief Justice to be petitioned on the matter. Justice Human previously presided over the trial of the Sharpeville Six. (*WM* 26.5.89)

Mbonane and Masuku were convicted of killing a policeman in Soshanguve in February 1986 — he was killed during a night vigil attended by some one thousand people for the victim of a police shooting. Masuku protested his innocence throughout. He was already serving a prison term at the time, having been sentenced for actions in furtherance of the ANC's armed struggle. (*FOCUS* 72, p.6, 74 p.6)

### Delmas combatants condemned

Three ANC combatants who refused to recognise the court trying them were sentenced to death on 27 April after being convicted of murder, while a fourth defendant was sentenced to 25 years' im-

prisonment for attempted murder.

Jabu Obed MASINA (36), Frans Ting Ting MASANGO (30), Neo Griffith POTSANE (28) and Joseph Elias MAKHURA (27) faced 49 charges when they appeared in the Delmas Circuit Court on 1 February.

The defendants' rejection of the court was complete. Masina read a statement on behalf of all the accused, explaining why they refused to plead to the charges. They had no legal representation although lawyers were present. The men declined to cross-examine state witnesses or lead evidence in their own defence.

**We are soldiers in a patriotic army . . . We believe that we are prisoners of war and that we should be treated in accordance with international rules governing such status.**

**The state of war which exists in South Africa is a war of national liberation and self-determination . . . We affirm that it is, as Article 1 of Protocol 1 of 1977 recognises, an armed conflict of the type in which peoples are fighting against 'colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination'**

*Jabu Masina — statement to court, April 1989*

The men were convicted on the basis of evidence from state witnesses, including police and two unnamed former ANC members, and their own statements made while in detention. Although they did not formally challenge these in the court proceedings their opening statement proclaimed: ' . . . all of us were held in solitary confinement without access to legal representation for eight months . . . all of us were tortured and brutally assaulted. In the process information has been extracted from us by the security police which will in all certainty be used against us.' The men were assaulted again even during the trial, this time by warders at Modderbee Prison. The prison authorities alleged the men had refused to enter their cells. Boot marks were visible on their shirts and Makhura required emergency hospital treatment.

The most serious charges against the three arose from fatal attacks on two policemen and a bantustan politician. Sergeant Orphan Hlubi Chapi, notorious for his activities against youth in the Soweto Uprising, was killed in June 1978, allegedly by Masina alone. Masina was also convicted of three other murders on the grounds of conspiracy and common purpose with Masango and Potsane. In March 1986 Masango allegedly killed Constable Sinki Vuma, one



of those responsible for the Mamelodi massacre of November 1985. (FOCUS 78 p.6) According to the state, in June 1986 Potsane killed David Lukhele, a Kangwane bantustan official known for his campaign to have the bantustan incorporated into Swaziland. His sister-in-law was also killed in the attack. Masina and Masango were also convicted of these murders — the former was said to have been outside during the attack and the latter to have selected Lukhele as a target.

**Let it be remembered that the onslaught of Nazism ultimately left the people of Europe with no choice but to fight. In the same way, the onslaught of apartheid has ultimately left its victims in South Africa with no choice but to fight.**

*Jabu Masina — statement to court, April 1989*

Other actions for which the men were charged were a limpet mine explosion in Silverton and a landmine attack in Soshanguve, which caused injuries but no deaths. Makhura received his prison term for his involvement in these alone — the others each received 25-year terms in addition to the death sentences.

After conviction, the court divided on the question of extenuation. Justice de Klerk accepted that the men's military training under the ANC had reduced their moral culpability in so far as they believed themselves to be soldiers fighting for liberation. However, the two assessors, a retired magistrate and a retired official in the Department of Justice, found that there was insufficient evidence of the effect on the accused of any mitigating factors. By a majority verdict, therefore, the court found there was no extenuation and mandatory death sentences were passed. (Star 30.1.89; S/Star February 1989, 2/3/10.3.89; WM 3/17/24.2.89, 10.3.89; CP 5/12/26.2.89, 30.4.89; S Trib 12.3.89)

### Bantustan death sentences

In a trial in the Transkei bantustan Supreme Court in May two alleged ANC combatants, Ndibulele NDZAMELA (24) and Pumzile MAYAPI (32), were sentenced to death by Justice Mitchell. They had been convicted on two counts of murder following an explosion at the Wild Coast Casino in Mzamba in April 1986 which killed two people.

The two were among a group of twenty people charged in 1987 whose case was thrown out by a regional magistrate because of delays by the state in formulating charges. Some of the accused escaped from custody at that time but Mayapi and Ndzamela were immediately redetained. A co-accused, Leonard MDINGI, charged with harbouring them, later had charges against him withdrawn.

Mayapi's brother Zonwabele was one of three people shot dead by bantustan police in February 1988. He was in a car, having attended the trial in the morning when it was stopped and its occupants attacked. An inquest into the killings opened in March 1989. (FOCUS 76 p.7; NN 5.4.89)

The bulk of the evidence in the trial, which lasted a year, concerned the admissibility of the defendants' own statements. The two were detained in December 1986. Ndzamela told of being assaulted, forced to eat a live cockroach, threatened with a pistol to his head and kept standing or squatting for lengthy periods. He was interrogated by bantustan police and members of the South African Police from Port Shepstone. One of the latter admitted that Ndzamela was kept standing and deprived of food for seven hours.

The defence called a former prisoner who described how Ndzamela was dumped late at night, groaning and screaming, near the entrance to a communal cell. In the morning he helped to

spoon-feed Ndzamela who was lying on his side, handcuffed and with his feet tied.

Press reports did not mention any evidence linking the men to the explosion except their own statements. However, two unidentified state witnesses, known as Miss X and Miss Y, claimed to have met the two men at ANC camps in Angola. Miss X, who identified Mayapi, admitted being paid by the police and having testified in a number of trials.

A security policeman based at Pietersburg alleged that he interviewed Mayapi in June 1987 as part of a programme by the South African Police to recruit members of banned organisations who were in custody. Mayapi rejected his approaches.

After conviction, evidence in mitigation was given about legitimate grievances of the local community, in general against the migrant labour system and bantustan underdevelopment and in particular against the opulence of the casino in their midst. The defence argued that the state had not proved intent to kill but only to cause damage.

On 12 May the two men were sentenced to death. They have a right of appeal. (DD 1/2/3/4.6.88, 18/19/20.10.88, 1-24.3.89, 3/4/13.5.89)

As FOCUS was going to press news came of the death sentences passed on fourteen Upington residents. This will be covered in the next issue. In addition the following prisoners have had their sentences commuted: Tjeluvuyo MGEDEZI (20 years); William NTOMBELA (25 years); Stanford NGUBO, Johannes BUTHELEZI, Bethwell SABELO and Vusumuzi KHUZWAYO (sentences unknown); Paul SETLABA (20 years). The following have been acquitted on appeal and released: Mxolisi MALGAS, Michael MAMBUKWE and Lulamile MANELI. Joseph CHIDI has been granted a retrial.

## POLITICAL TRIALS

### Completed trials

#### Kantolo and others

A trial in the Umtata Regional Court which began in November 1986 ended in April 1989 with the acquittal of all but one of the accused. There were originally nine defendants, eight men and one woman, but charges against two were withdrawn at an early stage. Two more were acquitted for lack of evidence in the course of proceedings while another four were acquitted at the end of the trial.

Leo Rubusana KANTOLO (53), Salakatyia Villiers SIMUKU (52), Sigqibo MPENDULO (47), Synod MADLEBE (66), Mzimkulu Vivian SWAARTBOOI (49), Nomthandazo LUSIZI (35) and Victor Ntsokolo ZAMELA (34) faced charges in connection with the banned Pan Africanist Congress (PAC), including membership of the organisation, har-

bouring guerrillas and possessing banned literature. One of the original accused, William MAPIPA, whom the state subsequently attempted to use as a state witness, was sentenced to two years' imprisonment in November 1987 when he refused to testify. At the first reported court appearance a ninth accused was named as Ian MGIJIMA.

The trial was characterised by the defiance of a number of state witnesses. Mongameli NGXOKWANA was sentenced to one year's imprisonment in July 1987 for refusing to testify, as was John GWABENI in November of that year. Two others, Mziwamadoda NTULI and Vuyisile (Vuyani) MNYANI, were declared hostile witnesses and arrested after giving evidence. Mnyani was later acquitted of perjury on a technicality. Another state witness, Victor SOGA, told of how he was assaulted by police during detention.

In the event only Zamela, a high school principal, was convicted. He was found guilty of possessing a number of

banned publications, including the PAC constitution, manifesto and disciplinary code, as well as a speech by Oliver Tambo on 8 January 1986. He was sentenced to an effective one month in prison. All the accused had been in custody since their arrest in July 1986 except for Madlebe who suffered a stroke in October 1987 and was subsequently allowed bail. Earlier this year Lusizi participated in a hunger strike in protest at her conditions. (FOCUS 82 p.8; CP 14.12.86, 26.9.87, 29.11.87; DD 23.12.86, 2.7.87, 13.11.87, 9.12.87, 2/4.2.88, 16.8.88, 7/14/16.2/89, 6.5.89; EP 7.7.87)

#### Mamba

A trained ANC combatant, Allen Ndomzi MAMBA (36), was sentenced to an effective 18 years in prison on 11 May after pleading guilty to charges of murder and 'terrorism'. Acting Justice A J van Schalkwyk, sitting in the Cape Town Supreme Court, accepted that there were extenuating circumstances in

*continued on p.8*

continued from p.7

the case of murder. A statement made by Mamba was accepted by the court and no other evidence was led.

The charges arose from two bomb attacks carried out on 16 June 1988 to commemorate the Soweto Uprising. According to Mamba's statement, each was timed to explode at a time when civilians would not be around. However, in both cases the timing mechanism malfunctioned.

A combination limpet mine and hand grenade timed to go off outside a bank at 4 am only exploded much later when a workman, Elliot Mphathi Ketelo, removed it from a litter bin. He was killed.

Mamba was said to have joined Umkhonto we Sizwe in 1984 and to have stored arms and ammunition near his home in Nyanga Bush. He acted with another combatant, Kenneth MOYAKE, who was reported to have died since. (DN/Star 16.6.88; CT 17.6.88, 27.4.89; Star 15.3.89, 27.4.89, 12.5.89)

### Mogashoa

A former organiser of the Northern Transvaal Students Congress was sentenced to eight years' imprisonment by the Pietersburg Regional Court at the beginning of April after being convicted of 'terrorism'. Caleb Kgalapa MOGASHOA (22) was arrested in January 1988, allegedly in possession of hand grenades, limpet mines and detonators as well as banned literature of the South African Communist Party.

Very few details emerged about the charges against Mogashoa. He was alleged to have joined the ANC in June 1987 and undergone military training at two hotels in the Hillbrow area of Johannesburg. He was then said to have operated in the northern Transvaal politicking, recruiting and training others. It was also alleged that he had attempted to murder four policemen. (NN 8.9.88, 16.3.89, 5.4.89)

### Mokubela and others

Five men, including the brother of an executed ANC combatant, were sentenced in the Pretoria Regional Court on 22 March for their part in armed attacks on police in Mamelodi in 1986 and 1987. Samuel MOKUBELA (29), Thekiso Aaron MOGOERANE (31), Conrad LEKHUMBI (28) and Sello KHOTA (34) were alleged to be members of the African National Congress and to have undergone military training. Motshale Edwin MAKWELA (35) was said to have allowed his house in Mamelodi to be used for sheltering recruits, holding meetings and imparting military training. At their first reported court appearance in August 1988, Neo MOERANE (26) and Lucas MABE (26) appeared with them but their trial was later separated.

The men faced charges of 'terrorism', attempted murder and possession of arms and ammunition. It was alleged they used hand grenades and AK47 rifles to attack the homes of Warrant Officer S

Setole and Detective Sergeant J Hlongwane on 17 February 1986 and 19 July 1987 respectively.

Mokubela and Mogoerane were detained in September 1987 (FOCUS 74 p.5) while Lekhumbi was arrested by members of the South African Defence Force in February 1988. He told the court he was held overnight at an army camp, forced to stand in a hole throughout, and then handed over to the Security Branch. He was then assaulted and forced to make a statement admitting having undergone military training. Mogoerane is the elder brother of Thelle Simon Mogoerane, an ANC combatant who was executed by the regime in June 1983.

Four of the men were convicted on two counts of 'terrorism' under the Internal Security Act while Makwela was convicted of only one. Mokubela, Mogoerane and Lekhumbi were each sentenced to an effective 15 years while Khota received 10 years. Lekhumbi was found to have planned, but not physically participated in, the attacks. Makwela will serve five years. (CT 21.7.87; Star 25.8.88, 3/16.11.88, 23.3.89; S 16.9.88, 1/3/7-11.11.88, 21-23.3.89)

## Other Trials

### Community resistance trials

- In a trial in the Grahamstown Supreme Court in March, Gerald Kholisile MDE (18) was sentenced to four years in prison after being found guilty of murder. The state alleged that a man suspected of murder was killed after a meeting at which Mde and 10 others sentenced him to death. Mde was 15 years old at the time of the alleged offence in February 1986. His co-accused were acquitted because of lack of evidence. (NN 16.3.89)

- In March the Appeal Court in Bloemfontein dismissed the appeal of Simon SUNDUZA against his conviction for the attempted murder of three policemen. Sunduza was convicted by a Wynberg magistrate in January 1986 and sentenced to seven years in jail. The incident took place in Guguletu on 6 December 1985, five weeks after the State of Emergency was extended to the Western Cape. (WM 6.12.85; CT 20.3.89)

- Viwe MTSHISELWA (24), Monde BEDE (26) and Honey ROJI (25) of Mlungisi township, Queenstown, were convicted of murder in the East London Supreme Court in March. The three men were found to have killed a policeman in August 1985. The township had been affected by a partial State of Emergency imposed the month before and residents were participating in a consumer boycott, whose aims included the withdrawal of troops and police from the townships. Sentence was due to be passed on 2 May. Eight others were acquitted because of lack of evidence. In January

1986 Mtshiselwa, then 19 years old and said to be a prominent local figure, appeared in court charged with the murder of a policeman in November 1985. No details of the rest of the trial are known. (FOCUS 64 p.7; WM 16.8.85; DD 24.3.89)

- In another trial arising out of an incident in the Eastern Cape in the same period, two men and a youth were convicted of arson in the East London Regional Court in February and were jailed for 18 months. P MADOLLO (30), P PLAATJIE (20) and Z CEKISO (18) were found to have set alight a Molteno township administration building in September 1985. During the trial Madollo said he had been assaulted by the police and forced to make a statement. (DD 11/15.2.89)

- Four members of the Cradock Residents' Association (CRADORA) were acquitted in March of the murder of an alleged police informer in the Port Elizabeth Supreme Court. Nzimeni KOHLAKALA (33), Leonard Vala NOKONYA (20), Byright DASTILE (33) and Leweni ZOTHANI (18) had been accused of the killing of a woman, Thobeka Yokwe, in November 1986. The judge said that the state had not proved that the body was that of Yokwe, nor had it proved that the accused were responsible for the killing. Three of the accused had spent lengthy periods in custody: Kohlakala from December 1986 and Nokonya and Dastile from January 1987. (EPH 8.3.89)

### Ex-detainees on censorship charges

Five people recently released from emergency detention found themselves charged with possession of banned publications shortly after their release.

Joseph NKUNA (24), an executive member of the restricted South African Youth Congress, was sentenced to 18 months' imprisonment in April by a Nelspruit regional magistrate for possessing two ANC documents. He was also sentenced to a further six months or R1,000 for failing to declare money to customs officials on his return from abroad in August 1988. Nkuna was held in detention from 1 September 1988 to 15 February and was on hunger strike for the last 16 days of his detention. (WM 23.3.89; NN 20.4.89)

Mike SEBATI and Daisy MATLOU, both of the Northern Transvaal Students' Congress, were charged in March with possession of banned literature. Matlou gave birth in August 1988 whilst in detention. (FOCUS 77 p.6; South 15.8.88; NN 16.3.89)

Neville VAN DER RHEEDE (34), an executive member of the UDF who was acquitted of 'terrorism' charges in August 1987, appeared in the Wynberg Regional Court in March in connection with possession of a prohibited video. Van der Rheede, who is also restricted under emergency regulations, was detained in September 1988 and released and charged in February. (FOCUS 72 p.6, 77 p.6; CT 15.3.89)



# DETENTIONS

## Detainees victorious

By the end of May a large number of emergency detainees had been released in response to the pressure generated by the hunger-strike which began in January (see *FOCUS* 82 pp.1-2). The Human Rights Commission reported that nine emergency detainees and some held under the Internal Security Act had embarked on hunger strikes towards the end of May.

In mid-May the government said that out of 800 detainees released between February and April, 486 had been served with orders restricting their activities (see *BANS & RESTRICTIONS*). Among those released were some who had been held since 1986. At the end of May the Minister of Law and Order said that there were 49 detainees held under emergency regulations.

The authorities distinguished between people held under emergency regulations and those under the Internal Security Act. The latter were not considered for release and their cases were not discussed in meetings that the Minister of Law and Order held with detainees' representatives. (*Star* 13.4.8)

Relatives and lawyers representing detainees held in terms of the Internal Security Act were denied access to them, even to those on hunger strike. Some of those among them who were hospitalised, like Zolile ZWANE (23) who had been on hunger strike for 29 days, were chained to their hospital beds while

receiving medication. (*S Trib* 9.4.89; *Star* 19.4.89; *WM* 21.4.89)

### More detentions

According to the Minister of Law and Order there were 82 people held in terms of the Internal Security Act in April. The Minister reported that 316 people were detained under this act between February 1988 and February 1989. These numbers excluded those detained in the bantustans under other laws. According to the Transkei Council of Churches 264 people were detained last year in that bantustan alone. (*Star* 22/29.4.89)

### Bantustans

Plans to incorporate and remove certain communities into bantustans has resulted in the detention and torture of residents opposing such moves. On 31 December last year the government announced the incorporation of Braklaagte into the Bophuthatswana bantustan despite opposition by the community of some 9,000 people. Residents filed an application in the Supreme Court to declare the government proclamation null and void but this was rejected on 10 March. (*Star* 12.1.89; *C Press* 19.3.89)

On 28 March Popsy SEBOKGODI (42), one of the community's traditional leaders, and over 40 other residents were detained under the Bophuthatswana Internal Security Act. This followed a violent assault on school children by the bantustan police, in response to which homes of some probantustan residents in the village were

burned. All those detained said to lawyers that they were assaulted by police while in detention. Three doctors visited the cells at the police station to provide treatment for them.

Later lawyers were denied access to their clients and a ban was imposed on visits to Braklaagte by outsiders. On 28 March, 65 residents, among them Sebokodi, appeared in court on a number of charges including arson. (*Star* 29/30.3.89, 3.4.89; *WM/S* 31.3.89)

In the Ciskei bantustan, police failed to stop a meeting on 10 March between the Canadian Ambassador to South Africa and leaders of the Peelton and Potsdam communities who are campaigning against incorporation into the bantustan (see *FOCUS* 82 p.4). At least 10 people were detained just before the meeting and two representatives who met the ambassador were detained soon afterwards (see *List*). The detainees were later released after going on hunger strike to demand their freedom. Two won a court order allowing them to be released on the grounds of age. (*DD* 2/24.3.89; *SS* 12.4.89)

In the Transkei bantustan on 10 April, four officials of the Transkei Post Office Workers' Association (TRAPOWA) were detained for 'threatening the security' of the bantustan (see *List*). The four are all full-time officials of the union. Officials of the union who were held for interrogation earlier this year in Butterworth said bantustan police threatened to destroy the union. (*DD* 15.4.89; *NN* 20.4.89)

These detentions followed earlier actions against trade unionists in the bantustan in August last year (see *FOCUS* 81 p.11).

## DETAINEES—Additional to previous FOCUS lists

Date	Place	Name (Age)	Details (where known)
Sept.'88	Johannesburg	MODISE, Simo	ISA 29. Charged in April after 18 day hunger strike
17.1.89	Zwelitsha	YAKO, Monwabisi	CNSA 26. After withdrawal of charges
14.1.89	Cape Town	FETSHA, Vuyo	ISA 29
7.2.89	Cape Town	TYULU, Christina	ISA 29. Co-operative co-ordinator, Philippi
7.2.89	Cape Town	TOISE, Christopher	ISA 29. Squatter community leader, Philippi
16.2.89	Alice	MBULELO, Ngqono	CNSA 26. Church minister
Rep.16.2.89	Soweto	RAMAKGOPA, Nat	ISA 29. Soweto Civic Association
Rep.9.3.89	Cape Town	DAKI, Madoda	ISA 29
9.3.89	Peelton	MBEMBE, T	CNSA 26. Chairperson, Peelton RA. Released 23.3.89
9.3.89	Peelton	NAMEKA, S	CNSA 26. Vice-Chair, Peelton RA.
9.3.89	Peelton	SOPENI, H	CNSA 26. Organiser, Peelton RA. Released 23.3.89
9.3.89	Peelton	PINDANI, Fikile (79)	{ CNSA 26. Peelton residents. Released 23.3.89
9.3.89	Peelton	PINDANI, Nowinile (75)	
11.3.89	Peelton	HLANGANISO, J	CNSA 26. Nkqonkweni Residents Association
11.3.89	Peelton	JENTE, M	After meeting Canadian Ambassador to South Africa
Rep.21.3.89	Bisho	Three UNNAMED people	CNSA 26. At roadblock, allegedly with arms
23.3.89	Umtata	MATENJWA, M	{TPSA. Two Methodist Church of Transkei
23.3.89	Umtata	NKOMENTABA, A	{ministers
28.3.89	Braklaagte	SEBOKGODI, Popsy	BISA. With 50 other Braklaagte residents. Charged
7.4.89	Durban	ROHAN, Mohamed Rafiq (35)	ISA 29. News editor, <i>Post Natal</i> . After explosion at Durban Police HQ. Charged
Rep.15.4.89	Umtata	DLOKWENI, Nokulunga	{ TPSA 47. Transkei Post Office Workers Association
Rep.15.4.89	Umtata	BEBEZA, Nkosinathi	
Rep.15.4.89	Umtata	DWAYI, Nkululeko	
Rep.15.4.89	Umtata	GQETA, Mpinda	
21.4.89	Port Elizabeth	BEZUIDENHOUT, Ronald (35)	ISA 29. Alleged to have had ANC military training
21.4.89	Port Elizabeth	FERREIRA, Miriam	{Detained with Ronald Bezuidenhout,
21.4.89	Port Elizabeth	FERREIRA, Neville	{their nephew

### ABBREVIATIONS

*LAW*S: ISA 29—Internal Security Act, Section 29; CNSA 26—Ciskei National Security Act; TPSA 47—Transkei Public Safety Act, Section 47; BISA—Bophuthatswana Internal Security Act

*ORGANISATIONS*: RA—Residents Association

## BANS &amp; RESTRICTIONS

## Most released detainees restricted

It became clear in April that most detainees released since the end of March had been placed under restriction orders. This was confirmed by government figures. (*Star* 19.4.89)

The number of restricted people was estimated by the Durban-based Detainees Co-ordinating Committee (DCC) to be over 700, including some children (see *CHILDREN*). The use of restrictions has been widely criticised by South African opposition groups. The DCC said that restrictions on individuals force 'them, their families and the community at large into a situation where they become warders, prosecutors and potential state witnesses'. (*S Trib* 19.3.89, 9.4.89; *T* 23.3.89)

A number of restricted people have defied their orders. In May, several were reported to have broken them in the wake of the murder of Chris Ntuli and in order to attend the funeral of another murdered activist David Webster (see *Activists assassinated*). Earlier, at the end of March six restricted people did not report to the police, as their orders required, and occupied the British embassy in Pretoria for 27 hours. Donsie KHUMALO, Selebogo MABENA, Michael SELOANE, Ignatius JACOBS, Grace DUBE, and Sandy LESEBE issued a statement protesting that the restrictions on them and others denied them the 'right of living' in that they were denied freedom of speech, movement and association as well as a normal family life. They demanded that all restrictions be lifted. On leaving the embassy they said they would continue to defy their orders. (*FOCUS* 9 p.13, 79 p.11; *DD* 30.3.89; *Obs* 7.5.89)

## Enforcement

To enforce restriction orders the police have either charged people with breaking the order or simply detained them. Contravention of restrictions, as with all emergency regulations carries a fine of up to R20,000 or 10 years in prison without the option of a fine.

Although no immediate action was taken against the six embassy protestors. On 1 June, Donsie Khumalo was charged with contravening his restriction order. It was not clear whether the charge arose out of his involvement in the British Embassy Protest. At least three other people have appeared in court charged with breaking their restriction orders. Mzonke 'Whitey' JACOBS who was restricted on July 1988 was arrested in February and charged with breaking his restriction order. Abbey LEKOALISOE, from Soweto, also restricted in July 1988, made his first court appearance in March. In April the chair of the Soweto Consumer Boycott Committee, Jabu NGWENYA, who has been restricted since February 1988, was

charged after allegedly having been absent from his home on various dates in December and January. A fifth man, Joseph MOKOBANE, was re-detained in March for failing to comply with the restriction order placed on him on his release in February after two and a half years in detention. (*FOCUS* 76 p.7; *NN* 9.3.89; *CP* 19.3.89; *Repression Monitoring Group* 2.4.88; *S Trib* 9.4.89; *S* 19.4.89; *MS* 2.6.89)

## Effects of restrictions

Restrictions have a profound impact on all those affected, but for some the effects are particularly harsh. As reported in *FOCUS* 82, a number of people may be restricted to places other than their home towns, effectively banishing them. Thembile BETE, from Port Elizabeth, is restricted to Alexandria, 100 km away. In April, however, two former detainees, Daniel TOM (20) and Simon MNYAKA (22) took legal action which resulted in the overturning of orders barring them from their home town of Upington. (*SS* 8.3.89; *NN* 16.3.89; *WM* 7.4.89)

Others may be placed under virtual house arrest. Octavius MAGUNDA and Sam SEMETSE are confined to their homes from 2 pm to 10 am. They were detained for over two years and only released after more than 20 days on hunger strike. In the four hours they are allowed out of their homes they must report to the police twice. Similar restrictions apply to Leleki MSOKOLI, a

former detainee and to Pillay MDAT-YULWA and Vuyisile MALENGENI who each spent almost three years in detention.

In April another former detainee, Thembinkosi Bhhekizita 'Baba' DLAMINI, brought an action in the Supreme Court challenging the validity of an order confining him to his home for 20 hours a day. The case was due to begin in June. Dlamini, formerly an education officer for the Natal Youth Congress, must report to the police twice daily between 10 am and 2 pm. In his application he said that the conditions make him vulnerable to attack by vigilantes because his movements were widely known. These fears were exacerbated by the killing of another restricted member of the Natal Youth Congress, Chris Ntuli, on his way back from reporting to the police under similar circumstances (see *Activists assassinated*). (*NN* 5/27.4.89; *WM* 28.4.89)

Restrictions often have financial implications. In the words of the Human Rights Commission: 'The restriction orders often have the effect of prohibiting the person from returning to their profession or the conditions of the order are so constraining that they render the person unemployable.' People may also be forced to spend large amounts on travelling to and from police stations. Godfrey MOEKOA, who was served with a restriction order in March on his release after 33 months in detention, has to report twice daily to a police station 150 km from his home. The journey costs him R420 per day. (*S Trib* 9.4.89; *WM* 14.4.89)

## PRISONS

## Mpetha release demanded

Demands for the release of Oscar MPETHA were intensified in March with the launch of a campaign by several trade union and other organisations within South Africa and internationally. A committee involving the Congress of South African Trade Unions, community organisations, lawyers and doctors was convened in April by Mpetha's former union — the Food and Allied Workers Union — to identify what his needs would be when released. The British Trades Union Congress had undertaken to provide finance to cover these needs. (*South* 13/27.4.89; *DD* 25.4.89; *CT* 27.4.89)

The campaign reflects growing concern for Mpetha's health. Mpetha (79), a founder member of the South African Congress of Trade Unions, former president of the ANC in the Cape and now honorary president of the UDF, is serving a five-year prison sentence in Groote Schuur prison hospital. The sentence, under the Terrorism Act, was imposed in June 1983 but he only went to prison in August 1985 after an unsuccessful appeal. He suffers from severe

diabetes which has already resulted in the amputation of a leg, and has recently developed lung and kidney infections. (*FOCUS* 61 p.4; 78 p.7; *South* 9.3.89)

The regime has consistently refused to release Mpetha unconditionally. (*CT* 10.4.89)

## Prisoners' victory

Through sustained protest, prisoners at Wellington Prison in the Transkei bantustan have forced the authorities to address the question of conditions there.

A hunger strike initiated by 15 awaiting-trial prisoners on 22 March followed a six-day protest in February against appalling conditions. The prisoners suspended their action at the end of March after the bantustan leader, General Holomisa, met their lawyers and said that a magistrate was to be appointed to investigate prisoners' complaints. He also said that in future information about protests would not be suppressed, having admitted that news of the initial strike had been denied by officials. In January it was announced that the International Committee of the Red Cross would be permitted to visit prisons in the Transkei bantustan. However, continued demands by prisoners indicated that no visits had taken place. (*DD* 24.1.89, 4.3.89; *NN* 30.3.89)



LEBOWA BANTUSTAN

# Repression, poverty and violence

*Since the death of Lebowa bantustan leader Cedric Phatudi in October 1987, his successor, Nelson Noko Ramodike, has tried to present a less repressive image of the bantustan. However, developments have revealed that repression, poverty and violence continue to mark the lives of the people living in the area*

An announcement in January this year that there would be elections on 12 April for the bantustan legislative assembly was followed by a campaign of intimidation. Civil servants were threatened with loss of their jobs and old age pensioners were told would lose their pensions if they did not vote or support Ramodike. There were reports of violent intimidation against those who did not recognise the election process. Trade unions urged members to question the wisdom of taking part in the elections. (BBC 19.1.89; S 3/10.4.89)

These developments took place after several years in which resistance, in particular by organised labour and students, has met fierce repression.

## State violence

In September last year the bantustan authorities dismissed M J Duba, the official responsible for the police, and dissolved an organisation with which he was closely associated.

The organisation, Thari-ya Sechaba, presented as a cultural movement, was an armed force which, although not constituted as an official structure, worked closely with the authorities. Its main objective was to destroy organisations opposed to the bantustan authority. An activist wrote in a letter to the *New Nation* that the group used rifles, shotguns, knobkerries, axes, sjamboks and pick-handles to coerce people and to impose curfews. Ramodike gave no undertaking to prosecute those involved. (NN 3.3.89; S 19/21.7.88)

The extent of police violence in the area during recent years was partly indicated by the fact that there were over 600 legal suits claiming damages of more than four million rands being blocked by the Lebowa Indemnity Act before it was ruled invalid in June last year by the Bloemfontein Appeal Court. This legislation, adopted in December 1986, gave indemnity to the bantustan authorities and police for actions taken 'in good faith' in the 'prevention or suppression of disorder' between June 1985 and June 1986. After the latter date the national State of Emergency guaranteed indemnity to police and army throughout the country. (Star 17.5.88, 1.6.88; S 20.6.88)

One example of state violence during the period covered by the act was recently recalled during the inquest into the death of Ngoako Frans RAMALEPE, a student leader at a teacher training college. He was beaten to death by police in October 1985 after a protest at the ex-

ecution of Benjamin Malesela Moloise (see FOCUS 64 p.1, 69 p.4). At least 13 policemen repeatedly assaulted him and a colleague. The two were later driven in a police van out of the township and dumped. Ramalepe was picked up by a passerby and taken to hospital where he died. The magistrate presiding over the inquest found members of the Lebowa bantustan police responsible for his death. (S 20.9.88, 13.2.89)

In an earlier inquest 10 policemen were found to have been responsible for the death in detention in April 1986 of Lucky Makompo KUTUMELA. They were subsequently charged, but were acquitted in March 1988. (FOCUS 70 p.11, 72 p.4; CT 15.3.88)

More recent incidents have indicated that violent repression has continued since the change in bantustan leadership.

In September 1988, police shot and killed Martin MONYEKI (19) and injured William NKWE (22). The youths, travelling by bus to a holiday resort with a group of students, were shot, apparently without provocation, when the bus broke down. (S 26/28.9.88)

In March this year three members of the Northern Transvaal Youth Congress (NOTYCO) were kidnapped from their homes in Nebo village by men in balaclavas. They were blindfolded and held in separate places for three days, where they were tortured with electric shocks to their genitals. (Star 11.10.88; NN 9.3.89)

## University of the North

In April several organisations called for the ending of the continuing three-year occupation of the campus of the University of the North by the SADF, South African Police and Lebowa bantustan police. Representatives of the South

African Council of Churches and the National Union of South African Students met and resolved to 'urgently consider joint action' to get the police and army off the campus. (Star 26.4.89; Cit 27.4.89)

The force has patrolled and controlled access to the campus, in order to prevent protest actions and demonstrations against the authorities. In one incident three students were shot and injured when troops and police opened fire on students returning from a football match. Such incidents led to protests and boycotts of classes for most of last year. (WM 13.5.89)

In spite of these actions the students continued to respond to national calls for protest action. In June last year they heeded a call by COSATU for a three-day stay-away in protest at the banning of organisations and against the Labour Relations Bill (see FOCUS 77 p.1).

Also in June students boycotted classes, calling for the troops to leave campus and demanding the right to form a Student Representative Council (SRC) with an assurance that the those who served on it would not be harassed. The university authorities granted the right to an SRC but troops were not withdrawn and SRC members have since been harassed.

In March this year three students were injured by soldiers when a group of them were distributing leaflets announcing a planned class boycott to demand the sacking of a lecturer who was a member of the Conservative Party. The students also boycotted classes in March, demanding the re-admission of over 400 students barred from entry on the grounds that they failed their first year examinations. They repeated their call for the withdrawal of troops. (WM 17.6.88, 23.3.89; S 15/21.6.88, 2.11.88, 17/21.2.89; BBC 18.6.88; NN 16.2.89; Star 17.3.89)

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## CHILDREN

## Children still share burden of repression

Although the number of children in detention in South Africa has fallen they have continued to be subjected to repression of various kinds.

### Restrictions follow detention

For a number of young detainees release has been followed by restrictions under the emergency regulations.

The number of children held under the emergency regulations fell as the total number of emergency detainees decreased. In mid-February the Minister of Law and Order told parliament that 52 emergency detainees were children aged 17 years or under (30 aged 17 and 22 aged 16) and a month later that there were 14 (13 aged 17 and one aged 16). His statements did not cover people held under the Internal Security Act or other laws allowing detention without trial. (*WM* 22.2.89, 17.3.89)

Two 17-year-old Soweto students received restriction orders when they were released from detention on 27 February. The orders required Solomon Solly DOLAMO and Petrus Dumisani XABA to be in their homes between 6 pm and 5 am and to report each day to a police station. They were also prohibited from attending any gathering organised to attack, criticise or protest against the government or any local authority. Dolamo was one of at least four 17-year-old members of the Soweto Students Congress (SOSCO) who took part in the detainees' hunger-strike in February. On the eve of the local authority elections in October last year, SOSCO was prohibited under the emergency regulations from engaging in any activities. (*FOCUS* 80 p.2)

Dolamo had spent 10 months in detention when he was released, while Xaba, who was acquitted in August last year on charges of arson and possessing

explosives, was detained for seven months. (*FT* 11.2.89; *DN* 21.2.89; *CP* 12.3.89; *Star* 18.3.89)

In April four pupils in Upington who had been detained under the emergency regulations in February, were placed under restrictions on their release. The four, the youngest of whom was 17-year-old Patrick WILLIAMS, were confined to their homes at night and required to report to Upington police station every day. They were prohibited from speaking to the press and from taking part in the activities of youth and student organisations in Upington. (*South* 27.4.89)

### Trials and imprisonment

It is not known how many children appeared in political trials during the first half of 1989. Official figures for children in prison given in March gave an incomplete picture, both because they failed to distinguish political cases and because many children on trial are not held in prison, but may be released into the custody of their parents. According to the Minister of Justice there were, at the end of 1988, a total of 645 children (under 18 years of age) in prison awaiting trial, and another 3,183 awaiting-trial prisoners aged between 18 and 21. (*CT* 17.3.89)

Most recent political trials involving children have arisen out of the period of mass protests which began in September 1984. One such trial, the subject of a recent successful appeal, illustrated the nature of political trials in which children appear — often hidden from public knowledge — and highlighted the vulnerability of children in prison.

Lungile BACELA was 16 years old in 1985 when three women, suspected of having caused the death of a young activist, were killed by a crowd of residents in the Eastern Cape town of Stutterheim. Bacela and nine others were convicted of

murder and other offences in September 1987. Bacela was sentenced to 14 years imprisonment for murder, three men were sentenced to death, and the other six received prison sentences of varying lengths. The three sentenced to death were: Mxolisi MALGAS, 42; Michael MAMBUKWE, 32; and Lulamile MANELI, 32. (*FOCUS* 73 p.7)

After a year in prison Bacela Lulamile Maneli wrote to his parents saying that he was depressed and being badly treated. In September 1988 he was found hanged in his cell. In April this year, seven months after his suicide, the Appeal Court ruled that Bacela and the nine others, including the three sentenced to death, had been wrongfully convicted. It ruled that the state's evidence on which the conviction depended was so thoroughly unreliable that the trial court should have rejected it in totality. Neither at the time of his trial and conviction nor during his imprisonment was Bacela's identity publicly known as he was under 18 years of age. News of his death only became public when the outcome of the appeal was reported. (*NN* 5.4.89; *Star* 7.4.89)

The number of children serving prison sentences after conviction in political trials is not known either. The monitoring of press reports of trials gives only a partial picture, but it has made it possible to identify political trials in which juveniles (people under 21) have been given prison sentences. On the basis of such information it appeared that in January this year there were at least 198 people who had been imprisoned as juveniles and who, unless they had been granted an early release which had not been reported in the press, were serving prison sentences because of their participation in protest.

**Sources and abbreviations:** *BBC* British Broadcasting Corporation Summary of World Broadcasts, London; *Cit* The Citizen, Johannesburg; *CP* City Press, Johannesburg; *CT* Cape Times, Cape Town; *DD* Daily Dispatch, East London; *Debates* Parliamentary Debates, Cape Town; *DN* Daily News, Durban; *EP* Evening Post, Port Elizabeth; *EPH* Eastern Province Herald, Port Elizabeth; *GG* Government Gazette, Pretoria; *GN* Guardian, London; *FM* Financial Mail, Johannesburg; *FT* Financial Times, London; *MS* Morning Star, London; *Nam* Namibian, Windhoek; *NCC* Namibia Communications Centre, London; *Obs* Observer, London; *S* Sowetan, Johannesburg; *SS* Southscan, London; *S Star* Sunday Star, Johannesburg; *Star* Star, Johannesburg; *ST* Sunday Times, London; *S Trib* Sunday Tribune, Durban; *Tel* Daily Telegraph, London; *T* Times, London; *TN* Times of Namibia, Windhoek; *WA* Windhoek Advertiser, Windhoek; *WM* Weekly Mail, Johannesburg; *WO* Windhoek Observer, Windhoek.



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