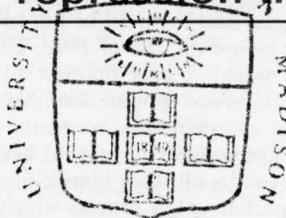




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State violence still an issue

The second round of talks between the ANC and the South African government aimed at removing the obstacles to negotiations concluded on 6 August with various commitments from each side. They agreed that against the background of those commitments the way is now open to proceed towards negotiating a new constitution. Nevertheless the extent of what the government still needs to do to bring about a climate in which negotiations could actually begin, was highlighted by differences expressed at a press conference after the talks over the role of the police.

In June a United Nations team visited South Africa. The visit arose out of the adoption by the UN General Assembly in December 1989 of a declaration, similar to the Organisation of African Unity's Harare Declaration, setting out guidelines for negotiations in South Africa. The UN declaration required the Secretary General to report in July to the General Assembly on progress towards 'fundamental and irreversible change' in South Africa. The report compiled by the team, while acknowledging the significance of the changes introduced by President De Klerk, maintained that 'the political process towards the dismantlement of the apartheid system is still at an early stage'.

The Pretoria Minute agreed by the ANC and the government on 6 August took the process a step further by dealing to varying degrees with the obstacles to negotiations which remained after the first discussions between the two in May. These included the key question of the definition of a political offence, a prerequisite for the granting of amnesty to political prisoners and exiles which had been referred to a working party; changes in security legislation, which the Government undertook to review; and the State of Emergency in Natal which was re-imposed when it lapsed in the other three provinces on 8 June, and which the Government undertook on 6 August to 'consider lifting as early as possible'. (*Focus 89 p.8, See also BANTUSTANS*)

The Minute also announced the suspension of armed actions by the ANC and the development of local, regional and national mechanisms of communication between the two sides to 'enable public grievances to be addressed peacefully and in good time, avoiding conflict'.

Repressive structures strengthened

In advance of the meeting, while insisting that the ANC end the armed struggle the regime had committed extra resources to enhance the repressive role of its own forces. In the President's address to Parliament on 7 June he said that R814 million would be drawn from emergency reserve funds to strengthen the police, prisons services and intelligence agencies in order to 'control the situation in Natal and to fill any vacuum that may have been left by not renewing the State of Emergency in the rest of the country.'

The South African Police (SAP), currently about 60,000 strong, would be increased by 12,000 men and women; salary increases of up to 80 per cent would be implemented on 1 July; police reservists would be called up; SAP 'logistical capabilities' would be strengthened and Neighbourhood Watch schemes used more extensively. The Minister of Law and Order told the UN group that the police force would be increased by '10,000 men within 12 months'. (*Focus 86 p.11; BBC 9.6.90; UN Report, para.93*)

De Klerk also announced a more prominent role for the South African Defence Force (SADF) in supporting the police and carrying out internal 'security' tasks, a role contrary to the demands of the Harare Declaration. This would be achieved 'by using routine patrols, road blocks . . . etc., as well as by allocating more SADF forces in Natal'. Police units patrolling the borders would be replaced by SADF units and there were indications that more conscripts would perform their compulsory National Service in the police rather than the army. (*BBC 9.6.90*)

The regime presented the measures as part of a crackdown on ordinary crime, rather than political protest. The next

day the Minister of Justice announced the allocation of an extra R33m to his department to help it cope with the expected increase in the load on legal services which would follow the partial lifting of the emergency. 'Sharper police action and more court hearings' were expected to follow the increase in the armed forces. (*BBC 11.6.90*)

An earlier example of the regime's move in this direction was Operation Watchdog, a supposed anti-crime drive which was widely criticised for targeting anti-apartheid activists (*see POLICE*). (*Focus 89 p.2; UN Report para.92*) The Minister of Law and Order told the UN Group that arrests for 'violent activities' had increased from 1,371 in February to 2,136 in March. The Prisons Service was granted an additional R88m in terms of the 7 June pronouncements, partly to increase warders' wages following widespread industrial action. (*Focus 89 p.3*)

The release of political prisoners

The meeting in Pretoria on 6 August accepted the report of the joint working group which had been set up by the Groote Schuur Minute in order to make proposals on the definition of a political offence.

In the three months before the talks the government released few political prisoners and granted temporary indemnity to only a handful of exiles who had specific roles to play on behalf of the ANC. Under the terms of the Indemnity Act introduced on 17 May some 40 leading ANC members were granted temporary immunity from civil and criminal proceedings and detention with-

(continued on p.2)

Contents

Government opposes constituent assembly	2
Bantustans	3
Political prisoners	4
Detentions	5
Political trials	6-7
Police	8

Government opposes constituent assembly

In various statements during the first half of the year, President De Klerk, the Minister of Constitutional Development, Gerrit Viljoen, and others set out the government's perspectives on negotiating procedures and a future constitution. They rejected the ANC's call for a constituent assembly and only accepted the principle of universal franchise provided it incorporated 'protection for minorities'.

The government's envisaged framework for negotiations was sketched out by Viljoen on several occasions. These were expected to start in 1991 and would include all parties in South Africa with a 'proven, acknowledged constituency', including representatives of parties in the non-'independent' bantustans and the segregated parliament, as well as groups such as the ANC and the United Democratic Front. It was unclear if the government itself would be represented at the negotiating table or whether the ruling National Party would represent the views of those currently in power.

Both Viljoen and De Klerk repeatedly rejected the ANC's call for an elected constituent assembly, which De Klerk

argued would cause a 'constitutional vacuum', and undermine 'good government' during the negotiating process. The implication was that the government intended to retain sovereignty during negotiations. (*Star* 29.1.90; *GN* 22.6.90; *UN General Assembly Document A/44/960*)

Once the new constitution had been agreed, Viljoen said it would be put to a referendum before the end of 1992. The referendum would be held amongst all the apartheid-defined 'population groups' although the votes could be counted separately. The constitution would have to be approved by all three houses of the segregated parliament, a process which both Viljoen and De Klerk hoped could be completed by September 1994 when the government's term of office is due to expire. (*Star* 15.6.90; *GN* 18/22.6.90)

This scenario differs from that put forward by the ANC which has called for an interim government and elections to a constituent assembly. Thabo Mbeki, the ANC's director of international affairs, said in May that elections would indicate clearly what support the various parties had, and that an interim government would be needed until a new constitution was adopted. (*BBC* 5.5.90)

Government constitutional proposals also differ in key respects from those advanced by the ANC, which stresses a democratic, non-racial, unitary system. De Klerk has expressed the view that un-

iversal franchise should be qualified by 'minority protection'. Government statements generally suggest a two-chamber system in which the second chamber would have built-in minority representation. (*SA Report* 20.4.90; *Ind* 11.5.90; *Star* 29.6.90; *T* 9.7.90)

There is little clarity on the definition of 'minorities'. Government representatives claim that the concept of a 'minority' is not a euphemism for the perpetuation of apartheid-defined 'groups'. Minority groups will be 'open' and defined 'on the basis of free association' and not 'in racial terms', according to Viljoen. He has proposed instead that they be defined in terms of language, culture, 'ethnicity' or 'community values'. (*CT* 10.5.90)

The projected role of the bantustans is unclear from government statements. The 'independent' ones were excluded from the government's list of potential negotiating partners earlier in the year and allocated 'observer' roles. De Klerk met with the leaders of the six non-'independent' bantustans in June. Some were reported to have rejected De Klerk's negotiating strategy, and an ANC official said that all 10 bantustan leaders, except for those of Bophuthatswana and Kwazulu, backed the stance of the ANC regarding negotiations. (*Ind* 21.6.90; *NN* 22.6.90; *DD* 25.6.90)

(continued from p.1)

out trial for the period May to 19 August. The protection did not cover them for any current actions but only for past ones. Relying on this, the regime justified the detention of NEC member 'Mac' Maharaj on 25 July by saying that he was involved in illegal activities after returning to South Africa under the indemnity (see *DETENTIONS*).

The Groote Schuur Minute also committed the government to allowing the return of exiles who had merely left without a valid travel document or had committed offences arising purely from the banning of certain organisations. It was reported in June that the government had given the ANC bulk passport application forms for such people. Even so, some exiles seeking to return were turned back or detained at the borders. In July a senior ANC spokesman said that the return of the exiles was proceeding in a 'very slow and unsatisfactory manner'. (*Star* 21.6.90; *WM* 22.6.90; *CT* 11.7.90)

The working party formulated guidelines to be used in considering the granting of pardon or indemnity for political offences. Described as not 'exhaustive' they relied heavily on principles and factors used in the Namibian process. It suggested that the process would be a phased one with 'diverse periods for pardon, indemnity and release' applying to 'diverse persons, categories of persons and categories of offences'. It recommended the establishment of an advisory

body to assist the executive in taking decisions about pardon and indemnity. Prisoners who could be released 'administratively' in terms of current policy, including members of Umkhonto we Sizwe, would be released from 1 September onwards. The entire process should be completed by 30 April 1991.

Armed struggle

In the period between the talks the regime sought to deflect attention away from its own failure to control its armed forces which was inhibiting the creation of a climate for negotiations. It demanded that the ANC abandon the armed struggle. Mandela reiterated the ANC's position that 'as soon as the government removes obstacles to negotiations we are prepared to consider the suspension of hostilities, not ending the armed struggle'. The ANC announced at the Pretoria meeting that 'in the interest of moving as speedily as possible towards a negotiated peaceful political settlement and in the context of the agreements reached', it was suspending armed actions. The Harare Declaration envisages that a final cessation of hostilities would follow the introduction of a new democratic constitution, a position which Mandela reiterated at the beginning of August. (*DD* 19.7.90)

Repressive legislation

The demand for the repeal of all security legislation has yet to be seriously addressed by the regime (see *IDAF Information, Notes and Briefings June 1990*). This issue of *Focus* documents how such

laws not only remain on the statute books but have been used to detain and prosecute, or legitimise the shooting of, apartheid's opponents. In the Groote Schuur Minute the regime undertook to review existing security legislation. The Pretoria Minute reaffirmed previous government statements, both in Parliament and to the UN team, that 'in order to ensure free political activity' the Internal Security Act would be amended during the next parliamentary session in 1991 and its application reviewed. 'Immediate consideration' would be given to repealing provisions which 'refer to communism' and powers to ban the publication of statements or writings of individuals or to require that newspapers pay a deposit in order to be registered.

In spite of government pretence that security powers are necessary for the control of the right wing, the powers are used almost exclusively against opponents of apartheid. Ministers even justified right wing vigilante patrols on the grounds of there being inadequate police to carry out regular law enforcement. Evidence from Welkom and other centres of right wing violence belies this description of their purpose. The ANC has made it clear that for constitutional talks to get underway the regime must address the violence of its own forces, both legal and extra-legal, as well as the right wing. After the 6 August talks one member of the ANC team described President De Klerk's most urgent task as possibly to 'tame and control his police force'. (*Ind* 8.8.90)

BANTUSTANS

Natal: Mass protest against apartheid violence

The retention of the State of Emergency in Natal after it lapsed elsewhere on 8 June provoked an angry reaction from those campaigning to end political violence there (see Focus 89 p.8). With local peace talks stalled, other methods were adopted including public marches and a national stayaway, aimed at pressurising the government into acting decisively to end the violence. Following Inkatha's launch as a national political party on 15 July however, the violence spread to areas outside Natal.

The violence in Natal, which between January and June this year claimed 612 lives, has increased during the period of emergency rule. The State of Emergency gives additional wide-ranging powers to the police against whom there is overwhelming evidence of complicity in fuelling the violence, targeted mainly at opponents of the regime and the bantustan system. The retention of the State of Emergency was regarded by many organisations involved in attempts to stop the violence as a measure which would exacerbate the situation.

Inkatha/police collaboration

Although Gatsha Buthelezi, the president of Inkatha and Chief Minister of the Kwazulu bantustan, portrays the organisation as a proponent of peace and multi-party politics, the bantustan police and Inkatha act in intimidatory and violent ways.

Further evidence of collaboration between Inkatha and the Kwazulu police emerged during June and July. When a Kwazulu bantustan official, the 'Minister of the Interior', Steven Sithebe, visited Mphophomeni to address local residents at a poorly-attended meeting, a large contingent of heavily-armed Inkatha supporters arrived. A member of the Mphophomeni Residents Association, fearing for the safety of the residents, insisted that a police officer disarm them, but instead he himself was threatened with arrest.

Mphophomeni is Kwazulu territory and those who are not loyal to Inkatha can leave.

Steven Sithebe, Kwazulu bantustan official

In July, six families from Kwamakhutha secured court injunctions preventing the Kwazulu Police from assaulting, harassing and intimidating them following weeks of systematic violent attacks on their community by Inkatha and the police. One Kwamakhutha resident, Sipho MKHIZE was shot dead while in the custody of the Kwazulu police — he was shot as police were driving him away from the scene of arrest in a car associated with local hit squads. On 9 July in Enseleni township vigilantes, many thought to be Inkatha members, attacked 11 homes, including

that of Jeffrey VILANE, the regional chair of the Congress of South African Trade Unions (COSATU), shortly after the South African Police had conducted a house-to-house search for weapons.

The *New Nation* newspaper discovered that a statement issued in July by the Inkatha Youth Brigade was distributed from a fax machine owned by the Pietermaritzburg Security Branch. (DN 20.6.90; SS 22.6.90; S 10.7.90; NN 13.7.90; Ind 15.7.90)

New Inkatha party

Only days after Inkatha was launched as a national political party (formerly it was effectively a regional organisation, based on the Kwazulu bantustan), violence spread to other areas, including the Transvaal. At least 19 people were killed on 22 July in Sebokeng township after an Inkatha rally at the local stadium which was attended by about 1,000 people. The police ignored warnings from COSATU of possible violence arising from the rally. Some Inkatha leaders had visited COSATU supporters in their hostel residences, telling them to resign from the union and join Inkatha. On 26 July a group of about 300 armed vigilantes attacked commuters in Soweto as they alighted from trains. Some passengers were forced off moving trains by the same group, resulting in the death of two and injuries to many. Victims held supporters of Inkatha to be responsible for the attacks. On 6 August, 12 people were killed after armed Inkatha supporters raided Kagiso township. (DN 21.7.90; GN/Tel 24.7.90; FT 27.7.90; Ind 7.8.90)

The launch of the 'New Inkatha Party' was generally regarded as part of Buthelezi's attempt to secure a place for himself in negotiations on South Africa's future. Growing ANC support in Natal and nationally, the resignation of Inkatha Secretary-General, Oscar Dhlomo, and waning support from local and international business form the background to this move. (DN 14.6.90; WM 13.7.90; SS 28.7.90)

Mass action against violence

An estimated three million workers stayed away from work on 2 July in response to a call by the ANC, the UDF and COSATU for a week of action in protest against the 'apartheid violence' in Natal.

The action was in support of demands for the abolition of the Kwazulu bantustan police, the lifting of the State of Emergency, the arrest and prosecution of Inkatha 'warlords' and freedom of political activity in the region.

Chief Buthelezi alleged that people would be intimidated, despite an undertaking from the organisers of the stayaway that the boycott would be voluntary and peaceful. In the event, police and soldiers patrolled townships and transport routes to 'protect' those who wished to go to work. According to the police reports, however, an estimated 60 per cent of the workforce in Natal heeded the call, with an estimated 90 per cent response in Pietermaritzburg. The Eastern Cape saw 95-100 per cent support while there was 80-90 per cent response in the Pretoria-Witwatersrand-Vaal industrial complex. The international labour movement also supported the actions. (S 21.6.90, 3.7.90; DN/NN 29.6.90; GN/Ind 3.7.90)

The stayaway was the main element of a month-long campaign to end the Natal violence. It was preceded by rallies across the country mobilising support for a week of action between 2-7 July. Other actions around the country included marches to institutions symbolising apartheid to present petitions containing the above demands. The campaign culminated in a national peace conference on 4 and 5 August.

In response to these pressures business leaders met the Minister of Law and Order to discuss the Natal violence. Although they obtained assurances that the matter was high on the government agenda, his proposed measures, which included a plan to increase the police and troops based there and additional police 'strong points', fell short of or differed from the demands expressed by the community. (NN 22.6.90; BBC 5.7.90)

Attempts to resume peace talks involving Inkatha, the UDF and COSATU in a Joint Working Party continued to prove difficult. Despite public proclamations of its readiness to talk, Inkatha and its president were seen to be frustrating progress. Although Inkatha lifted a moratorium on peace talks in May, no such discussions have taken place. In July a joint working party meeting organised with the assistance of church groups was cancelled at the insistence of Inkatha which maintained that the political climate was not conducive to such a move. (DD 19.6.90, 17.7.90; S 19.7.90; Ind 25.7.90)

POLITICAL PRISONERS

Conditions challenged

While the release of political prisoners remained a focus of ANC-government discussions, the vast majority of political prisoners were still in jail at the end of July and conditions there continued to be challenged.

According to government figures 104 political prisoners had been released between 1 February and 19 June. Independent verification proved difficult. De Klerk announced the release of 48 prisoners on 7 June but the Prisons Department refused to disclose their names to the press. Reports identified 28 prisoners, mostly ANC members, released from Robben Island (see list). (*S Star/CP* 10.6.90; *UN Report* 1.7.90)

In June it was revealed that the release of some prisoners had not been unconditional, as demanded by the Harare Declaration. The Minister of Foreign Affairs told a visiting United Nations delegation that two ex-prisoners must inform the police if they leave their residential districts permanently. Four others, Jeremy VEARY, Wayne MALGAS, Ashraf KARRIEM and David FORTUIN, although released without new conditions, came under stringent conditions imposed by the trial court when part of their sentences was suspended. They must inform the police of their work and home addresses and, amongst other restrictions, report to the police every 14 days for the five-year period of suspension. (*Focus* 81 p.9; *CT* 11.6.90; *UN Report* 1.7.90)

Released prisoners reaffirmed their commitment to the struggle at welcoming receptions and press conferences. However, in Port Elizabeth over 200

people were prevented from welcoming Vukile TSHIWULA when police threatened to arrest them. Ex-prisoners drew attention to those still in jail, focusing on cases like Ndoda Anthony XABA, a life prisoner sentenced in 1977, who underwent surgery in May after suffering a brain haemorrhage. After news of his illness was made public he was released, apparently on health grounds. (*NA* 16.6.90; *NN* 22.6.90)

New evidence of jail conditions was revealed by prisoners freed from Robben Island after lengthy sentences. Andrew MAPHETO, Thibe NGOBENI and Titus MALEKA spent one, four and five years respectively of their jail terms in isolation. Another political prisoner, Richard SEKONYA (26), was diagnosed on his release from Modderbee prison as suffering from tuberculosis. He had been refused medical attention and spent some of his sentence in a cell with 40 others. His conviction in 1986 was not previously reported. (*Star* 19.6.90; *NN* 22.6.90)

Political prisoners still in jail have continued to protest against bad conditions and medical neglect. In some cases, their imprisonment only became known through these protests.

The replacement of the prison doctor was amongst the demands of seven political prisoners who began a hunger strike on 19 July in Pollsmoor prison. Six had recently been transferred from Robben Island. Those on strike were Patrick Vos MAZIBUKO, Oben DIBATE, Xolisile TSHIKILA, Mvuzo DYAMS, and Sandile NDESI and two others whose convictions had not previously been reported in *Focus*, T MASEKO and Zamuxolo NOJOKO. (*CT* 19.7.90)

Political prisoners including a 15-year-old boy participated in a hunger strike at Leeuwkop prison, a special facility for juvenile prisoners. Petros MOKOENA (15), Patrick BODIBEDI (18), Lema MOTAUNG (21), Josias MOTLOUNG and Samuel RASEKGOTHOLOLE suspended a 15-day hunger-strike on 18 June after the authorities said their grievances, which were not reported, would be investigated. The government admitted in March that five children aged between eight and 12 years were held awaiting-trial in Pollsmoor prison. (*CT* 25.4.90; *NN* 15.6.90; *HRC* 20.6.90)

The family of a Robben Island prisoner, Sakhiwo SOKUTU, was not informed of his admission to hospital for orthopaedic surgery to his arm until he had been discharged. The injury, for which he is claiming damages, was caused when he was shot during arrest in February 1986. According to press reports Sokutu and Vuyani MOTAUNG were sentenced to eight years in 1986 on charges of terrorism. Both were activists in the Port Elizabeth Youth Congress and Sokutu was an executive member of the Congress of South African Students. (*Focus* 66 p.7; *NN* 11.5.90)

Bantustans

In the Transkei bantustan, Joe JONGILE remained in prison for four months after the release of other political prisoners there, but was freed in June. The Venda bantustan leader announced in June that all political prisoners in the area would be freed. Peter RAVHAMBELANI and Mashudu MASINDI are the only political prisoners held there whose names are known. They were sentenced to six years' imprisonment in April for undergoing military training and possessing explosives. (*Focus* 79 p.5, 89 p.8; *HRC Update* April 1990; *CT* 16.6.90)

POLITICAL PRISONERS REPORTED RELEASED SINCE 2 FEBRUARY

This updates lists in the last issues of *Focus*. Prisoners are listed by release-date and the prison they were released from.

April 1990 Pollsmoor

Ngemtu, Mary 15 mths. Furthering ANC F82,85

2.4.90 Robben Island

Seathlolo, Jacob 14 yrs. 7.4.78. Poss. of arms F16

8.6.90 Wellington, Transkei

Jongile, Joe 12 yrs. March 1986. Poss. of arms F64

June 1990 Modderbee, Benoni

Sekonya, Richard 1986. From Sekukhuniland. *Star* 19.6.90

9.6.90 Robben Island

Nduli, Joseph 15 yrs. 25.7.77. Armed struggle F12

Nkosi, Temba 16 yrs. 22.11.77. Mil. training F14

Mcongo, Vusumzi 15 yrs. 1978. Sabotage; Assault on warden whilst in prison F24; *Star* 10.6.90

Molefe, Petrus 'Bushy' 15 yrs. 29.3.78. Trained combatant F18

Sexwale, Mosima 18 yrs. 7.4.78. Armed action F16

Sillah, Tyson 15 yrs. Aug. 1978. Harboursing; Arson F19

Khumalo, Mzikazi 16 yrs. 1.3.79. Military training F22

Mapheto, Andrew 15 yrs.)

Maleka, Titus 16 yrs.)

Mthetwa, Mandla 16 yrs.)

Ngobeni, Thibe 16 yrs.)

Choma, Sydney 16 yrs.)

Tshiwula, Vukile 7 yrs. 6.12.84. Armed struggle F57

James, Vincent 7 yrs. 18.2.86. Armed action F69

Curtis, Kevin

Spelman, Simon }

Nomeva, Lungile }

Radebe, Jeffrey

Pearce, Alan Edward

Hoko, Madoda Elvis

Modibedi, Joseph

Ntsoelengoe, Joseph

Khetha, Elias

Mothamaha, Ezekiel }

Fortuin, David }

Veary, Jeremy }

Malgas, Wayne }

Karriem, Ashra }

5.7.90 Robben Island

Xaba, Ndoda

16.7.90 Robben Island

Gqamana, Michael

Mosana

July, Alby

Ketye, Mlandeli

Shoba[Tshoba],

January

Curtis too young to be named in trial

6 yrs. 12.3.86. Recruiting for mil.

training. Furthering ANC and COSAS F66

6 yrs. 30.7.86. Military training F67

3 yrs. 9 mths. 24.4.87. Armed action F71

4 yrs. 2.11.87. Harboursing combatant F74

3 yrs. 5.8.88.

Sedition; Assault involvement in 'people's courts' F79

2 yrs. 14.12.88.

Assisting ANC combatants F81

Life. 25.7.77. O'throwing govt. F12

7 yrs. 13.12.85. PAC members.

Military training,

entering South Africa

7 yrs. illegally F63

7 yrs.

8 yrs.

Source: F — Focus reference of report of trial leading to sentence.

DETENTIONS

ANC members detained

The lifting of the State of Emergency in June everywhere except Natal, was followed by an increase in detentions under Section 29 of the Internal Security Act which allows for indefinite detention in solitary confinement for interrogation. At the same time it was reported that some 100 people were being held under emergency regulations in the Bophuthatswana bantustan.

At the end of July police spokesmen disclosed that over 100 people, alleged to be either members of the ANC, or of its armed wing Umkhonto We Sizwe (MK), had been detained. They alleged that many were involved in an ANC operation to stockpile arms and establish safe houses with a view to overthrowing the state by insurrection if negotiations failed. The ANC denied the allegations and re-emphasised its commitment to a peaceful settlement.

One of the first of the recent detentions to be reported was that of Shirley GUNN, an alleged member of MK, who was detained on 25 June in a raid on a hotel in the Karoo where she was staying. Police claim that Gunn underwent military training in Angola prior to infiltrating the country in 1987 to carry out acts of sabotage. She was previously detained in 1985. (*Focus* 61 p.3; *Star/S Trib* 1.7.90)

A fortnight later the Human Rights Commission (HRC) reported that 22 people (see Box) had been detained during the previous week. They speculated that many of the detentions related to the return of ANC members from exile before being granted indemnity. One of those held was Ephraim MOGALE, a former Robben Island prisoner and first president of the Congress of South African Students (COSAS). (*HRC* 5.7.90; *NN* 6.7.90)

Among those detained during July were: Siphon NYANDA, alleged to be a

Military Commander of MK in the Witwatersrand; Billy NAIR, a member of the Natal Indian Congress, the South African Communist Party (SACP) and the ANC; and Sathyandranath 'Mac' MAHARAJ, a member of the ANC's National Executive and the Central Committee of the SACP. On 23 July police reported the 'continuing arrests of ANC members', saying that 'more arms caches are expected to be found'. (*MS* 23/26.7.90; *T* 23/25.7.90; *GN* 23/24/26.7.90; *Ind* 25/26.7.90; *FT* 26.7.90; *SS* 27.7.90)

Several other people were known to have been detained under Section 29 of the Internal Security Act in June and July for allegedly giving support to guerrillas and participating in armed actions or being in possession of firearms. On 17 June police detained Raymond MAKELANA of Nkowankowa township in the Gazankulu bantustan. He was previously held briefly in April under suspicion of involvement in the bombing of an SADF base in the region.

Three men were detained in the Kwan-debele bantustan on 28 June, after an attack on an Ekangala Town Council employee's home. Tshepo MATLALA and someone named only as 'Sello' were alleged to be members of an underground ANC cell who had been harboured by J B SIBANYONI, a lawyer and treasurer of the National Association of Democratic Lawyers. (*S* 21.6.90, 3.7.90)

Deaths in police custody

There were three deaths in detention or in police custody reported between May and July, including that of Eugene MBULWANA, a 15-year-old boy.

On 14 May, a man known only as 'Andile' was beaten to death by two police constables in the Humansdorp police cells, according to an account by a 16-year-old witness to the incident. A Supreme Court interdict was sought to prevent the constables assaulting the witness, whom they had threatened to kill for naming them as parties to the assault. The witness was reportedly arrested for dancing the 'toy toy'. (*South* 30.5.90; *NN* 1.6.90)

People detained under ISA 29 during the first week of July: Isaac DITSHEGO, Thomas MABEXA, Johannes MAKITLA, William MANTHUBA, Buurman MATHEBE, Margaret MATHEBE, Morgan MATHEBE, Piet MATHEBE, Mathanda MATHEBULA, Calvin MLATO, Ephraim MOGALE, Tshepo MOLOMANO Rufus PILUSA, Edwin RADEBE, Andre RAMALOXANE, Ishmael RISIBA, Edna SETHEMA, Jappie SETSHEDI, Johannes SONE, . . . TURBO

Donald Thabela MADISHA, a teacher and member of the Mahwelereng Youth Congress, was detained under Section 29 of the Internal Security Act in Mahwelereng township, Potgietersrus on 17 January 1990 (see *Focus* 88, p.10). On 1 June police reported that Madisha had died, allegedly by hanging himself. Madisha's lawyer reported that he would instigate an independent post mortem. (*Star/CT* 2.6.90; *EPH* 9.6.90; *NN* 15.6.90)

Eugene Mbulwana aged 15, was detained by police on 10 July in Khutsong. He was held with other youths, who were all on their way to the ANC office in Johannesburg to discuss how to settle youth group rivalries which were being exploited by local vigilantes. On 12 July Mbulwana was taken to Welverdiend police station and, according to a witness who was also held there, he arrived suffering from serious head injuries. Mbulwana was left unconscious on the cell floor for nine hours and was then taken to Leratong Hospital, where he died the next day. A scan revealed Mbulwana had suffered a haemorrhage caused by pressure on the skull. In January another boy, Nixon PHIRI (16) died whilst being interrogated at the same police station (see *Focus* 87 p.5). The ANC has demanded a judicial commission of inquiry into Mbulwana's death and also into police practices in general at Welverdiend. (*NN* 20.7.90; *Star* 21.7.90)

DETAINEES — Additional to previous lists (Internal Security Act)

Date	Place	Name(Age)	Details (where known)
18.4.90	Pretoria	Kekana, Barry	ISA 29. Exec member Soshanguve Residents Assoc.
17.6.90	Bophuthatswana	Unnamed person	Alleged combatant after armed clash
17.6.90	Tzaneen	Makelana, Raymond (28)	ISA 29.
18.6.90	Tembisa	Radebe, Thabiso	ISA 29. Tembisa Youth Congress member
25.6.90	Victoria West	Gunn, Shirley (36)	ISA 29.
28.6.90	Kwandebele	Sibanyoni, J B	ISA 29. Nadel treasurer
28.6.90	Kwandebele	Matlala, Tshepo	ISA 29.
28.6.90	Kwandebele	Sello	ISA 29.
29.6.90	Gazankulu	Seven unnamed people	ISA 29. South African Youth Congress members
10.7.90	Khutsong	Mbulwana, Eugene (15)	Died in detention 13 July
13.7.90	Durban	Gordhan, Pravin	} ISA 29. ANC members held after ANC recruiting drive in Durban
13.7.90	Durban	Patel, Deepak	
13.7.90	Durban	Sunkar, Anesh	
18.7.90	Natal	Sithole, Jabulani	ISA 29. Lecturer. ANC, Lamontville branch
18.7.90	Welkom	Four unnamed people	ISA 29. Miners, St Helena Gold Mine
Rep. 24.7.90	Natal	Nair, Billy	ISA 29. ANC member
Rep. 24.7.90	Johannesburg	Nyanda, Siphon	ISA 29. Alleged MK commander
25.7.90	Johannesburg	Maharaj, Sathyandranath	ISA 29. ANC executive; SACP Central Cttee.

POLITICAL TRAILS

With the ANC and the government engaged in discussions about the definition of a political offence, there had been speculation that political trials would be halted. In fact, political trials continued although in many cases charges were withdrawn and some sentences suspended, the latter being a trend discernible in advance of President De Klerk's February pronouncements. The continuing trials included charges under security legislation as well as the common law but all were related to alleged involvement in armed struggle.

Three alleged ANC members from the northern Transvaal were sentenced by the Middelburg Regional Court in late February. Hendrik MOLOMA, Frans MADIBA and Jerome MAAKE were charged with terrorism and unlawful possession of weaponry. They allegedly underwent military training in Angola and returned to train recruits and establish ANC cells in a number of villages. Moloma and Madiba were convicted on the minor charge of possession of arms and ammunition, receiving sentences of one year and two years, six months, respectively. Maake was sentenced to six years for terrorism and possession of a hand grenade. (*Work in Progress, November 1989; HRC Update, March 1990*)

Two other cases ended in March: Charles KHUMALO was sentenced to two and a half years for terrorism by the Johannesburg Regional Court, as was Phehello S LESEME for sabotage by a magistrate in Welkom. (*HRC Update March 1990*)

A number of prisoners who participated in a hunger strike in February in support of political status have since been sentenced in Johannesburg. Andrew MATHABATHE, George S. MOGAPI and Ronnie NDLOVU were originally charged with terrorism but in March all three received sentences of 12 years for armed robbery. In April Simon MODISE was acquitted of terrorism but sentenced to one year for possession of arms. (*HRC Update March, April 1990*)

Continuing trials

On 17 April two schoolteachers from Vosloorus were convicted on 70 charges, including three of murder, by the Supreme Court sitting in Middelburg. The trial was a sequel to a car bomb explosion outside police headquarters in Witbank in October 1988 just before the segregated local elections were held.

Joseph VILAKAZI and Ramoepi Stephen MABOA, both 26, denied the charges. A statement by Vilakazi was withdrawn by the state after evidence that it was obtained under duress following torture. Vilakazi was detained on 14 November 1988 and deprived of food and water for

three days while he was assaulted and tortured.

The state failed to prove the men were directly involved in the explosion, but the court found that they transported explosives which they knew would be used for such a purpose. In November 1988 police in Vosloorus shot dead an alleged combatant who they claimed was involved in the Witbank explosion. (*Star 8.11.88*)

Two alleged accomplices, Anna MAHLANGU and Thabi NGALA, gave evidence for the state and were indemnified from prosecution. The case was adjourned to 23 July for evidence in mitigation. On 19 July teachers and students seeking to present a petition to Vosloorus police station calling for the men's release were dispersed with teargas. (*Star 2/13.3.90; S/Star 11/18.4.90; S 20.7.90*)

Samuel Tumi PADI (20) and Bhekani Wycliff MYEZA (24) appeared in the Johannesburg Regional Court in June. They faced charges of terrorism, attempted murder and illegal possession of explosives, firearms and ammunition, following armed attacks on councillors' homes in Soweto between December 1986 and February 1987. Padi, who was detained in August 1989, told the court of being tortured in police stations at Komatipoort, close to the Mozambique border, and in Protea, Soweto. (*S/Star 20.6.90; WM 22.6.90*)

Seven students from Duduza were due to appear in the Pretoria Regional Court on 21 May after pleading not guilty to charges of terrorism. Five of the accused Vusi POOLO, Julius DUBAZANE, Ephraim Molefe MKHWANAZI, Tebogo Ben TLATSI and an unnamed 16-year-old youth were granted bail on 20 February on condition they did not attend political meetings but Johannes Veli MAZIBUKO (21) and Hosea LENGOSANE (23) were remanded in custody. The two were previously imprisoned in 1987 in a trial which followed the explosion of booby-trapped hand grenades. (*Focus 68 pp.6-7*)

The current charges cover the period November 1988 to July 1989 and relate to armed attacks in Brakpan and Nigel, many of them against police targets. (*Star 30.8.89; Star/S 2.2.90; CT 21.2.90*)

Madoda Keith DAKI (31), a former emergency detainee who was refused bail after being charged with terrorism was due to appear again in the Cape Town Regional Court on 2 August. He and Robert Mncedisi TWALO (33), who was bailed, were accused of planting a limpet mine at the entrance to Cape Town's Supreme Court. They were arrested on 20 February 1989. (*CT 1.9.89, 19.10.89, 12.6.90*)

Lawyers representing seven alleged members of the Black Consciousness Movement of Azania (BCMA) and the Azanian National Liberation Army (AZANLA) tried to have their case postponed indefinitely in April, pending the release of political prisoners. However, the request to the Attorney-General was rejected. The accused are charged with undergoing military training in Botswana and Libya, between 1986-8, and setting up a cell at Tsheseng in the Qwaqwa bantustan. The accused are Mziwamado-

da Lawrence KONDILE (22), Mtikala MASHIQAWA (28) and Nelson JOYI (28) from Port Elizabeth, Patrick Motsamai NTHAKO (25) and Saxon MOKONENYANE (21) from Thabong, Welkom, and Simon NDLOVU (20) and Doris Kuki THLAKO (18) from Soweto.

Evidence of torture by Bophuthatswana bantustan police and regular police emerged when the defence challenged the admissibility of statements by the accused. Other evidence concerned the role of a police informer, Miriam Modiegi MPHONO, detained with Thlako. Alleged accomplices of the group later testified *in camera*. (*WM 15.9.89, 19.1.90; S/Star Sept. 1989 — March 1990*)

New trials

Raphael MARTIN (23), a student at the University of the Western Cape who was detained in April (*Focus 89 p.5*), appeared in the Wynberg Regional Court in early June on a charge of terrorism. Police alleged he was involved in four limpet mine explosions in Mitchells Plain and was detained in possession of grenades and explosives. (*CT 12.6.90*)

Appeals

A political prisoner released from Death Row in May was assassinated less than a month later, a victim of violence in Natal province. Nkosinathi ZUMA was convicted in April 1989 for his alleged participation in the killing of a student during a boycott (*see Focus 84 p.3*). After being acquitted by the appeal court on 16 May, he returned to Mpholweni where he was active in the youth organisation. On 2 June he was killed by a group of eight men who stabbed and shot him. (*NA 11.6.90*)

Thozamile MOOI from Uitenhage in the Eastern Cape had his murder conviction overturned by the Appeal Court at the end of May and replaced by a one-year sentence for public violence which was suspended for five years. He had spent 26 months on Death Row. One co-accused, Mthetheleli LUCAS, had his appeal turned down and remains on Death Row along with two others, Gilindoda GXEKWA and Vuyani JACOBS, neither of whom have had appeals. Mooi urged support for the campaign to abolish capital punishment and expressed concern for his comrades still enduring the 'mental torture' of Death Row. (*S/Star 5.6.90; NA 11.6.90*)

Nana Robert MALITI: It was wrongly reported in *Focus 87* that Maliti's sentence had been suspended. On appeal the five-year sentence was reduced to two years but Maliti remains in jail. (*Focus 86 p.8; CT 8.5.90*)

Escape

Nine defendants in a trial of 12 alleged ANC members escaped from Modderbee Prison on 18 February, thus avoiding a court appearance in Delmas the following day. In March the state applied for the case to continue in the presence of just three accused. Although press reports differed it seems the three are Godfrey MOKUBE, Peter MALULEKA and Phuti Bernard MAKGONYANA. (*See Focus 87 p.8 for names of remaining defendants; Star 19.2.90, 6.3.90; S 4.4.90*)

Other Trials

Freedom of assembly

In spite of claims by President De Klerk that 'individuals and political parties' can 'organise as they wish' and can 'participate in peaceful demonstrations', freedom of assembly remains severely restricted. In March the ban under the Internal Security Act on all outdoor meetings was extended for a further year.

According to the Minister of Law and Order, seven times as many people were arrested in 1989 for allegedly attending gatherings banned under the Internal Security Act as were arrested following meetings banned under emergency regulations. The partial lifting of the State of Emergency may therefore mean no reduction in the numbers in court for such actions. (CT 13.6.90)

Further legislation affecting the holding of gatherings has also been enacted and more is contemplated. The police have also used ostensibly non-political charges such as loitering, trespassing and obstructing traffic to disrupt political gatherings and arrest activists. (IDAF Information Notes & Briefings No 90/3; S 5.7.90)

In spite of the restrictions, people continued to meet and demonstrate to protest over such issues as separate amenities and poor housing.

In May the residents of Ashton in the Western Cape began protests against separate amenities and township conditions. At least 165 people were arrested including six members of the Ashton Interim Committee who were charged with loitering. In June, 91 people, most of them women, were arrested and 30 injured by birdshot, as they tried to march to the police station to call for a commission of inquiry into police action during previous peaceful protests. Forty-six of those arrested spent over six hours in one police van with no food or water and at one point teargas was fired into it. At the beginning of July the Ashton council announced that they would not wait for the repeal of the Separate Amenities Act to take effect in October, but would open all facilities immediately. However, demonstrations in the town continued in protest against police action. (S 28.5.90; CT 2.7.90; FM 6.7.90)

In June eight officials of the South African Municipal Workers Union (SAMWU) were arrested for allegedly trespassing on civic property. Their arrests followed a Supreme Court order prohibiting striking Cape Town municipal workers from holding meetings or entering the civic centre. The two-week strike, in support of a wage increase and better working conditions, resulted in the arrest of at least another 110 strikers. Fifty were arrested outside the Cape Town Supreme Court where SAMWU was asking for the lifting of the court order, and a

further 60 were arrested on the same day as they gathered on the pavement outside a church. (CT 19.6.90; Star 21.6.90)

A nationwide strike by 7,000 workers in 131 branches of the OK Bazaars retail chain resulted in the arrest of at least 214 strikers by the end of June. The strike, by members of the South African Commercial, Catering and Allied Workers Union, was in support of a wage claim and a demand that 21 March (Sharpeville Day) be made a paid holiday. The bitter seven-week strike ended in July. The arrested strikers faced a variety of charges including loitering, taking part in illegal gatherings and pickets, intimidation and contravention of the Gatherings and Demonstrations Act. (DD 7.6.90; S Star 10.6.90; Star 28.6.90)

Others arrested after taking part in gatherings included 20 people in Trompsburg in the Orange Free State in March. They suffered dizziness after police teargassed a meeting and charges of drunkenness and disorderly conduct were brought against them. In May, 128 people on the East Rand who were taking part in marches during a COSATU 'day of action' against the Labour Relations Amendment Act were arrested for obstructing traffic. A doctor from Port Elizabeth who was among a group of 500 health workers also demonstrating against the Labour Relations Amendment Act, appeared in the Port Elizabeth Magistrates Court in June on charges of public violence after police dispersed the crowd with teargas. In June, 15 members of the South African Youth Congress (SAYCO) were charged with disrupting traffic in Stutterheim and 16 other members were arrested for loitering in King Williams Town on the same day following protests against right-wing violence. (NN 5.4.90, 8.6.90; DD 12.6.90; EPH 15.6.90)

Recent convictions

Arthur Ndoda BANDLA (21) was given an effective eight-year sentence on 12 June after he was convicted of the murder of a suspected police informer in Mlungisi in October 1985. The area was at that time affected by a partial State of Emergency resulting in a heavy police and army presence in the townships. His four co-accused were acquitted. When

sentencing him, the judge said he had taken into account that Bandla was under 18 at the time of the killing, in which he had not played a leading role, and that he had already spent three years in prison awaiting trial. Leave to appeal was denied.

During the trial it emerged that a state witness had committed perjury. When she was recalled she admitted having lied to the Port Alfred Supreme Court in February 1989 and said that she had been given copies of court proceedings to read while she was waiting to testify. She claimed that she had been induced to commit perjury by the prosecution as well as by the police who threatened to incarcerate and assault her. (DD 27.30.6.90, 12/13.7.90)

The trial of five members of the Paper Printing Wood and Allied Workers Union which was reported in Focus 89 ended in February with sentences for all the accused, who were convicted of murder and intimidation. Bongani MAZIBUKO (34) received an 11-year jail term, Michael MACHEPA (25) was sentenced to nine years and Elias PHASA (40) to seven and a half years, whilst Jerry RANTEKO and David MOLEBALA (24) received sentences of five and four years respectively. A sixth man, Syndey DLAMINI, who was to be tried at a separate hearing, was acquitted. (Focus 89 p.7; HRC Update March 1990)

Youths in custody

In June the parents of four juveniles in two trials were denied access to their children and expressed fears for their safety. Kenneth MAILA (12) was arrested with eight others after a rally on 16 June in Jabulani, Soweto. They were alleged to have burnt a train and they later appeared in the Protea Magistrates Court charged with public violence. Luvuyo SISWANA (16), Daniel RADEBE and Bonakele NTOBA (16), all members of the Congress of South African Students, were arrested on 6 June on suspicion of possessing explosives and appeared in court within 48 hours. Although entitled to legal representation and visits from their families the youths were denied both. (Star 21.6.90; WM 22.6.90)

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POLICE

Police attack protests

Despite the lifting of the State of Emergency in three of South Africa's four provinces, police, backed by soldiers, have continued to forcefully break up political meetings and demonstrations using teargas, rubber bullets, shotguns and rifles. This state violence has inhibited free political activity and thus runs contrary to the creation of a climate for negotiations as outlined in the Harare Declaration. The issue was raised forcefully by the ANC delegation at its meeting with the government on 6 August. (*Ind* 8.8.90)

The police were left with wide powers when the emergency was partially lifted on 8 June and President De Klerk simultaneously announced that the government would implement an 'immense plan of action' to 'effect a large-scale expansion of existing security forces'. The police and other repressive structures would be strengthened and the South African Defence Force (SADF) more widely used in supporting the police (*see p.1*). (*BBC* 9.6.90)

Police and army operations

Press reports for the months leading up to July indicate almost daily operations by police using violence to break up demonstrations and rallies. Commonly, police would declare a gathering illegal in terms of the Internal Security Act and then open fire or use teargas after people failed to disperse when told to do so. In many cases this would lead to a spiral of violence. There were also incidents of unprovoked police attacks on peaceful

gatherings or demonstrations without warning.

Targets of police attacks included squatters resisting the demolition of homes; students protesting over educational grievances or staging class boycotts; residents organising consumer boycotts; people demonstrating against local authorities or bantustan structures; and protest marches over several issues, including police violence itself.

In an attack on squatters resisting the demolition of homes in Tokoza, near Albertson, on 11 July, police killed two people and injured about 30 others. An earlier attempt to demolish homes in the same area resulted in six people being injured when police used teargas, shotguns and rubber bullets.

Several rallies to commemorate the 1976 Soweto uprising were disrupted on 16 June by police using violent methods. At least two youths were killed by police in Galeshewe during May, while in Kroonstad, police hiding in the back of a commercial truck shot dead two youths in what appeared to be deliberate police provocation, similar to the 'Trojan Horse' incident in Athlone, Cape Town, during 1985 (*see Focus* 76 p.8) (*WM* 11.5.90, 13.7.90; *Star* 16.5.90, 5.6.90; *GN* 18.6.90, 12.7.90)

Right-wing violence

In some areas tensions were exacerbated by right-wing white vigilantes, patrolling streets and attacking residents. Police did not act against them. Eight people were killed and about 40 injured by police gunfire in Thabong, outside Welkom, during anti-vigilante protests in May. (*T* 23.5.90)

Many of the right-wing vigilante formations are commanded by ex-policemen — the commander of over 100 local 'Commandos' run by the Afrikaner

Weerstandsbeweging is a police colonel who resigned from the force last year. The police have made no effort to disarm the Commandos. Since May, right-wing groups have carried out a series of bombing attacks, some directed at black civilians. (*Star* 2.6.90; *CT* 10.7.90)

SADF soldiers were also involved in suppressing political resistance, usually in large-scale combined operations with the police. Many of these were carried out in Natal (*see BANTUSTANS* p.8) and under the nationwide 'Operation Watchdog', a 'crime-prevention' operation carried out between April and June. (*Focus* 89 p.2; *DD* 18.5.90)

Repressive structures remain

Police and army actions are being co-ordinated through a secret state structure, the National Co-ordinating Mechanism (NCM). Government documents which were leaked to the press in July revealed that this is a slightly modified version of the National Management System, a military-controlled hierarchy of committees which was supposedly disbanded last year. (*S Star* 8.7.90)

The police disclosed in June that the Security Branch was continuing operations as usual and there could be no question of cuts in staff, despite the legalisation of the ANC. (*Star* 16.6.90)

A secret unit of the SADF known as the Civil Co-Operation Bureau (CCB), which was exposed last year as being responsible for the assassination of anti-apartheid activists, was only abolished after strong protest at the end of July. Investigations by the government-appointed Harms Commission into its actions, and similar activities by the Security Branch (*see Focus* 88 p.3), had by July shed light on only a few of the more than 150 projects it was responsible for. (*S Star* 10.6.90; *SS* 29.6.90; *Ind* 2.8.90)

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; *FM* Financial Mail, Johannesburg; *FT* Financial Times, London; *GG* Government Gazette, Pretoria; *GN* Guardian, London; *HRC* Human Rights Commission Johannesburg; *MS* Morning Star, 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; *WM* Weekly Mail, Johannesburg



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