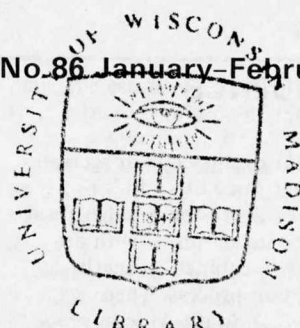




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on political repression in South Africa and Namibia



Namibia: Independence under SWAPO

The SWAPO president, Sam Nujoma, opened the first session of the Namibian Constituent Assembly on 21 November, following SWAPO's election victory earlier in the month. Despite incidents of violence, South Africa's failure to meet the requirements of the UN plan and its last-minute attempts to undermine the process, the elections were certified as free and fair by the UN. SWAPO was confident of leading the country to early independence.

SWAPO declared itself pleased with the election results, despite the inherent bias against it as a result of South African activities. President Nujoma stated that there were 'no losers' as the Namibian people had delivered a decisive vote against the South African occupation of their country. (*Press Statement by Sam Nujoma 15.11.89*)

The determination of the Namibian people to decide their own future was underlined by the disciplined conduct of voters and the 96 per cent turnout of the registered electorate on the five polling days between 7 and 11 November. Overall, SWAPO gained 384,567 of the 670,830 valid votes cast (57 per cent). The Democratic Turnhalle Alliance (DTA), an alliance of parties which mainly arose from South African bantustan structures, took 28 per cent, while none of the other parties or alliances gained more than six per cent.

The two alliances based around separate wings of the South-West Africa National Union (SWANU) — the Namibia National Front and the Namibia Patriotic Front — fared badly, each picking up just over 1.5 per cent of the vote, as did the right-wing Federal Convention of Namibia. The United Democratic Front (UDF), based on the Damaraland bantustan administration, polled well in Damaraland and took five per cent of the overall vote, while the exclusively white Action Christian National, an election front for the National Party of South-West Africa, gained three per cent. (*UN Security Council Document S/20967, 14.11.89*)

The parties were allocated seats in the 72-member Constituent Assembly on the basis of their share of the vote — giving SWAPO 41 seats, the DTA 21 and the other parties 10 between them (*see table overleaf*). The Assembly will draw up a constitution and set a date for

independence. As a two-thirds majority is required to adopt the constitution, SWAPO needs support from other parties, but its leaders were confident of achieving this (*see Constituent Assembly convened*).

SWAPO gained 93 per cent of the vote in the former Ovambo bantustan, the main theatre of war and home to over a third of the electorate. But over 40 per cent of the SWAPO vote was drawn from other areas of the country. SWAPO support was especially strong in the Kavango area, Windhoek and the coastal towns, and was weakest in areas dominated by white-owned farms, where the movement had had difficulty getting access to farmworkers. (*Ind 17.11.89; GN 20.11.89*)

Pre-election crisis

The powers of the Constituent Assembly were established only a few days before the election (*see Constituent Assembly convened*) as a result of South Africa's refusal to meet UN demands. Other requirements of the plan — notably the disbanding of military and para-military forces — also remained unfulfilled or were implemented months behind schedule (*see South African military threat*).

The Commonwealth Observer Group noted in a report published on 10 October that 'the obstructive tactics, and belated, grudging concessions of [South Africa's] Administrator-General have placed innumerable and needless obstacles in the path of the [UN] Special Representative in particular, and the political process in general'. (*Report of the Commonwealth Observer Group 10.10.89*)

On 18 October the African Group at the UN tabled a detailed statement following a comprehensive report drawn up

by the UN Secretary General. They noted that:

- Electoral arrangements were left too late for proper implementation
- South African police and military units remained active.
- Some restrictive and discriminatory laws and proclamations had not been repealed (*see Focus 84 p.10*).
- Voter registration had been imbalanced and many white South Africans had registered (*see below*). (*Statement by the African Group, 18.10.89*)

On 31 October the UN Security Council addressed these concerns in Resolution 643, which demanded 'immediate, full and strict compliance' with the UN plan 'by all parties concerned, in particular South Africa'. The Security Council also demanded the immediate disbanding of South African military and para-military forces in Namibia. (*UN Security Council Resolution 643*)

The day after this resolution was adopted, the South African Minister of Foreign Affairs, Pik Botha, made a dramatic announcement that he had placed military forces in Namibia on full alert and might abandon the independence process altogether because SWAPO forces were preparing to invade Namibia from Angola. He cited alleged transcripts of UNTAG military communications,

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which UNTAG dismissed as forgeries. Botha was later forced to admit that there was no evidence for his allegations, but his precipitate action — with approval of the full cabinet — nearly derailed the election process. There was speculation in the South African press that the forgeries had been planted by South African military officers intent on stopping Namibian independence. (WM/SS 3.11.89; DD 6.11.89; FM/SS 10.11.89)

Propaganda

Throughout the electoral process, SWAPO was the object of a concerted disinformation campaign. Media bias, especially by the South West Africa Broadcasting Corporation (SWABC), was a constant problem. Four days before the election the UN Secretary General noted that 'arduous negotiations' with the SWABC had not resolved 'the problem of editorial impartiality', although this was a provision of the UN plan. (UN Security Council Document S/20943, 3.11.89)

The South African disinformation campaign was exposed in October by an ANC agent working undercover with the Bureau for Information in Namibia. Susan Dobson, who had been secretly working for the ANC for nine years, disclosed that she had been sent to Namibia as part of a South African 'communications unit' consisting of intelligence agents, government journalists and SADF personnel. Working with the knowledge of the Administrator-General and drawing on military intelligence reports, they were instructed to feed anti-SWAPO disinformation to the media. Amongst other things, they were told to allege that there were splits in the SWAPO leadership which had led to the assassination of SWAPO leader Anton Lubowski, to smear UN officials and SWAPO leaders and to exploit allegations of torture in SWAPO refugee camps. (GN/Star 20.10.89; S Star 22.10.89)

Electoral arrangements

As a result of South Africa's delaying tactics the regulations governing the elections were only agreed on 13 October. Draft electoral regulations proposed by the South African Administrator-General (AG) at the end of July were rejected by the UN and met with widespread disapproval. The complex system proposed by the AG involved centralised counting of ballot papers which would have been placed in sealed envelopes and been checked against registration cards. It also allowed South African officials to fill in the ballot papers for illiterate voters and banned party officials from polling stations. (Focus 85 p.9)

These provisions were overturned in the final Electoral Proclamation, AG 49, which provided for ballots to be counted in the 23 electoral districts, allowed re-

presentatives of political parties to be present and established procedures for close UN scrutiny of South African electoral officials. The system of centralised checking and counting was however incorporated in a provision for 'tendered ballots' in cases where voters' identities could not be verified or where they voted outside the electoral district in which they had registered. (NCC 13.10.89)

The location of polling booths and other details of the procedure were spelt out just days before voting began. On the first day of voting thousands queued for hours and over 20 polling stations in the north had to close because of shortages of ballot papers. Other flaws cited by observers included the use of magistrates' offices as polling stations, the admission of police into the stations and a shortage of interpreters for UNTAG personnel. Some observers expressed concern that more polling stations were established in the south than the more densely-populated north, where SWAPO draws most of its support, and that in some areas, such as Windhoek, stations were concentrated in white areas. However, SWAPO bussed black voters to these stations, ensuring a more even distribution. (NCC 9/10.11.89)

While voters generally showed restraint, in some areas DTA supporters violated regulations by campaigning within 500 metres of polling stations, and at least one SWAPO supporter was killed and another injured after being attacked near polling stations by DTA members. Forged SWAPO leaflets and other materials with disinformation about the election arrangements were widely distributed. (NCC 9.11.89)

Before the election, SWAPO expressed concern at imbalances in the registration process — areas near the South African border in particular had registered up to 150 per cent of the estimated electorate, while in the Ovambo bantustan registration fell short of the estimated target (see Focus 85 p.9). Some of this imbalance was caused by the registration of over 10,000 white South Africans, and an unknown number of Angolans in the Kavango region, who qualified in terms of the regulations.

Thousands of white South Africans came in buses organised by the DTA or ACN to vote at the Ariamsvlei border post, and others flew into Windhoek air-

port on chartered aircraft. In the Kavanago region, many of the voters were Angolans ferried across the Okavango river border by the DTA and UNITA, which controls that part of southern Angola. DTA organisers wielding whips, many of whom were identified as demobilised members of local army units, supervised the Angolan voters. (Tel 9.11.89; SS 10.11.89)

There were reports from many parts of Namibia of ex-soldiers and police playing a prominent role in the DTA campaign and intimidating voters. In Gobabis, members of the police force were reported to have urged people to vote DTA. (NN 10.11.89)

On white farms, there was evidence of farmowners attempting to force their employees to vote for the DTA, while the National Union of Namibian Workers said that some workers had been dismissed by companies for taking time off work to vote. (BBC 11.11.89)

Violence

When SWAPO's victory became known, its supporters took to the streets in jubilation, while SWAPO leaders called for restraint, dignified celebration and national reconciliation. But violence spread as DTA groups, composed mostly of demobilised police and army members, attacked SWAPO supporters. One person was killed and at least 28 people were treated for injuries at hospitals in Oshakati and Ondangwa on 15 November as a result of attacks by DTA groups wielding hand grenades, rifles and other weapons. Two elected SWAPO members of the constituent assembly, Maxuilili NATHANIEL (also known as Nathaniel Maxuilili) and Hadino HISHONGUA, were arrested by police who attacked a meeting at the home of a prominent businessman. (NCC 16/17.11.89)

Following this there were reports of violent incidents from all parts of the north. A SWAPO press statement noted that 'despite the public pronouncements by the DTA leadership, accepting the election results, their followers, particularly in the north, appear to be bent on a campaign of vengeance and retribution'. SWAPO called on the AG and the UN Special Representative to act decisively to stop the violence — a call echoed by church leaders. (SWAPO press statement 23.11.89)

Election results

	Votes (1000s)	%	Seats
SWAPO	384.6	57.3	41
Democratic Turnhalle Alliance (DTA)	191.5	28.5	21
United Democratic Front (UDF)	37.8	5.6	4
Action Christian National (ACN)	23.7	3.5	3
Namibia Patriotic Front (NPF)	10.6	1.6	1
Federal Convention of Namibia (FCN)	10.4	1.5	1
Namibia National Front (NNF)	5.3	0.8	1
SWAPO-D	3.1	0.5	0
Christian Democratic Action (CDA)	2.5	0.3	0
Namibia National Democratic Party (NNDP)	1	0.1	0

South African military threat

The transition to independence in Namibia is taking place in the shadow of a South African military threat. Pretoria is in a position to resume the war in Namibia at any stage in the independence process — indeed, a week before the election the authorities were preparing to unleash fighting units.

Koevoet

South Africa's principal counter-insurgency unit in Namibia, Koevoet, remained a major component of the police for most of the election process, and was only demobilised on 9 October. Even then, ex-members of the unit remained in the South West Africa Police (SWAPOL), which, in terms of the UN plan, was responsible for maintaining law and order during the election process, under the supervision of the UN police, CIVPOL.

Koevoet was supposed to be disbanded in December 1988, but the unit became part of SWAPOL and killed hundreds of SWAPO combatants and civilians after the breakdown of the ceasefire on 1 April 1989. In May the authorities again claimed that Koevoet had been disbanded, but two-thirds of its 3,000 members were absorbed into SWAPOL. Koevoet police continued to patrol northern Namibia in armoured vehicles on which heavy machine guns were mounted, in violation of the UN plan. (*Focus* 83 p.1, 84 p.11, 85 p.11)

After considerable pressure from the UN, on 28 September the South African Administrator-General announced that 1,200 members of the unit would be demobilised — he did not account for the remaining 800 members in SWAPOL service, or another 1,000 who had ostensibly been stood down earlier. The following day 930 men were hastily assembled at Oshakati in northern Namibia and demobilised. The UN stated that it was not satisfied with the process, and another formal demobilisation, at which 1,000 Koevoet were present, took place on 9 October. (*UN Security Council Document S/20883*, 6.10.89; *WM* 13.10.89)

The demobilised Koevoet — who continued to be paid by SWAPOL — staged demonstrations in Rundu in the Kavanago region, harassing SWAPO members and openly parading with weapons. They were also responsible for violent incidents in Oshakati and Ongwediva, directed at both SWAPO and UNTAG. (*WM* 13.10.89)

At the end of October, the South African authorities announced that 2,000 new members would be recruited into SWAPOL, which claims a strength of 6,000. An invitation was explicitly extended to ex-Koevoet members to join. Despite objections from the UN Special Representative, Martti Ahtisaari, who said that he had not been consulted, the recruit-

ment drive went ahead. (*Star* 31.10.89, 2.11.89)

Guns

The South African authorities have refused to disclose the number of weapons in 'private' hands in Namibia — but press reports indicate that 120,000 gun licences have been issued, each of which can cover up to ten firearms. This implies that one out of every ten Namibians is armed — most of the arms are believed to be owned by whites or by demobilised members of the South West Africa Territory Force (SWATF). In addition, many are believed to hold weapons illegally. SWAPOL commander General Dreyer admitted, for example, that in the first weeks of April he had 'opened the armoury . . . anyone could take guns, there was no counting'. (*Nam* 10.10.89; *GN* 3.11.89)

There's an awful lot of guns, rockets, flares and grenades going off. The Koevoet people are extremely angry. And they are turning their hostility against their traditional enemy, SWAPO, and now against UNTAG.

Senior UNTAG official quoted in Weekly Mail 13.10.89

On 1 April, according to figures provided by the South African authorities and the UN, over 6,000 mainly white members of part-time local Commandos or Area Force Units, 5,000 Citizen Force members (also mostly white part-timers) and 9,000 full-time black SWATF troops were stood down. The full-time forces continued to receive full pay until 1 November. (*UN Security Council Document S/20883*, 6.10.89)

The UN plan called for the units to hand in their weapons to UNTAG for safe-keeping at drill halls, but the six full-time battalions handed over only 1,349 small arms. It was claimed that the other weapons were the property of the South African Defence Force and had been taken back to South Africa. However, UNTAG monitors said that most of the 9,000 men had been granted gun licences just before demobilisation and had been allowed to purchase SADF weapons at a nominal price. A secretive organisation run by ex-SADF officials, the Ombili Foundation, was reportedly involved in co-ordinating the activities of ex-soldiers. (*Nam* 6.10.89)

In October police handed out automatic weapons to whites in rural areas on the grounds that they are police reservists. Whites in Tsumeb and other northern towns were also called to meetings organised by the paramilitary Civil Defence authorities, who issued detailed instructions for 'dealing with violence'. (*Nam* 31.10.89, 1.11.89)

Military structures

The UN plan called for the withdrawal to South Africa of all but 1,500 SADF troops, who would be allowed to remain at bases at Grootfontein and Oshivello. As Walvis Bay was not covered by the

plan, the estimated 3,000 South African troops there would be unaffected. An extensive signals monitoring facility was initially retained, but this was dismantled at the end of August at the insistence of the UN. (*DN* 1.8.89; *Nam* 24.8.89; *CT* 2.11.89)

South African troops were not entirely withdrawn. In a report to the Security Council on 6 October, the UN Secretary-General disclosed that 159 SADF personnel were staffing a newly-established Department of Defence Administration which was responsible for paying demobilised troops. Approximately 500 other personnel were running airfields in the north, over 200 were providing medical services and 72 were working in other posts. Furthermore, over 1,300 soldiers of 203 and 207 Battalions in the Kavanago region had not been demobilised, on the grounds that they would have no other means of livelihood if sent away from their bases. Together with their families, these soldiers, derogatively classified by the South Africans as 'Bushmen', made up a community of 8,000. Members of the units were reported to be involved with UNITA operations in southern Angola. (*NCC* 3.10.89; *UN Security Council Document S/20883*, 6.10.89; *SS* 20.10.89)

In October and November, most of the remaining SADF personnel were withdrawn to South Africa. However, many were relocated to Walvis Bay, where there is also a naval facility and an air base. In July the SADF announced that it was spending R37 million on upgrading facilities there, including building a new permanent military base which will accommodate 1,500 personnel at Rooikop on the perimeter of the South African-claimed area. (*WA* 10.7.89)

Destabilisation

Pretoria has waged a widespread war of destabilisation against its neighbours, making use of forces recruited from within those countries. South African control of Walvis Bay gives it a stranglehold over Namibia and a launching pad for military operations in the heart of Namibia. Apart from the tens of thousands of armed ex-soldiers and police from which an internal force could be created, the SADF has longstanding links with UNITA, SWATF officers have been integrated into the SADF, and control of SWAPOL will continue to be effectively exercised from Pretoria until Namibia becomes independent.

The SADF has kept intact its top fighting unit in Namibia, 32 Battalion, and relocated it in the north-western Cape where it has easy access to the Namibian border. A new military town with 5,000 inhabitants has been established at a disused mine at Pomfret to house battalion members and their families. Ten trains and four aircraft were involved in shifting the 15,000 tons of military equipment belonging to the battalion, which was continuously involved in operations in Angola and northern Namibia after 1975, many of them of a covert nature. (*Nam* 10.11.89)

Constituent Assembly convened

The opening session of Namibia's Constituent Assembly, meeting in the Tintenpalast in Windhoek on 21 November, was characterised by a spirit of reconciliation. The assembly, with 72 delegates, elected SWAPO's former Director of Elections, Hage Geingob, as chairman and established a multi-party committee to draw up procedural rules.

With its 41 seats, SWAPO is seven votes short of the two-thirds majority needed to adopt the constitution which the Assembly is charged with drawing up. However, the movement was confident that it would win the support

of the Democratic Turnhalle Alliance (DTA) or smaller parties.

The assembly faces many potential obstacles in bringing Namibia to independence, and the South African Administrator-General (AG) will retain administrative control during the transition period.

South Africa's capacity to delay Namibian independence and weaken the Assembly were made clear in the proposed legislation governing the Assembly which was published by the AG in July. While the purpose of the UN plan is stated as 'the transfer of power to the people of Namibia' under a constitution agreed by the Constituent Assembly, the AG's proposals downgraded the Assembly to the status of an advisory committee. It would merely 'submit to the AG requests, recommendations or proposals . . . with a view to the attainment of independence' and the AG would not be obliged to give effect to any of its proposals. (*Focus 85 p.9; Action on Namibia, October 1989*)

The UN rejected the AG's proposals, including a clause stating that all decisions had to be taken by 48 of the 72 members. The AG had also incorporated, in distorted form, constitutional guidelines agreed by parties involved in independence negotiations in 1982.

In Resolution 643 of 31 October the UN Security Council specifically reaffirmed 'the continuing legal responsibility of the UN over Namibia until the full attainment by the Namibian people of national independence'. It also mandated the UN Secretary General to 'assist the Constituent Assembly in the discharge of

The South African authorities resisted UN attempts to change the AG's proposals for the Assembly, but finally conceded just days before the election began on 7 November.

The Constituent Assembly Proclamation, as finally agreed, specified that the Assembly would draw up a constitution which would have to be adopted by a two-thirds majority. It would set a date for independence and establish a government. It would, however, have to 'seek the views' of the AG regarding the independence date. The AG would finance the Assembly. (*Constituent Assembly Proclamation 3.11.89*)

National reconciliation

The 1982 constitutional principles, accepted as part of the UN plan, were not incorporated in the proclamation, but the UN Special Representative transmitted them to the members of the Assembly. The principles include:

- Separate legislative and executive branches of the government to be 'constituted by periodic and genuine elections'

- An independent judiciary
- A declaration of fundamental human rights and civil liberties which includes protection from deprivation of private property without compensation
- A prohibition on retrospective punitive legislation
- Equal access by all to recruitment to the public service. (*Action on Namibia, October 1989*)

At the opening session of the Assembly, SWAPO proposed that these principles should be a guide — the movement has accepted them as a constitutional framework since 1982. All the other parties in the Assembly indicated that they supported them. (*Nam 22.11.89*)

SWAPO president Sam Nujoma stressed the movement's commitment to national reconciliation. He indicated earlier that he hoped a constitution could be adopted before the end of 1989. (*TN 21-23.11.89*)

Much will depend on the attitude of the South African regime. Although Pretoria recognised the election results as free and fair and has indicated that it will not stand in the way of Namibian independence, there are points of potential conflict with the new Namibian state.

Many South African police personnel, and some military personnel, remain in Namibia. The SWA Police is responsible for 'law and order' during the transition period — but most of the post-election violence came from demobilised police and army members who have joined the DTA, and the police did little to intervene (see *Namibia: Independence under SWAPO*).

Walvis Bay is another potential flash-point. Most of the parties in the Constituent Assembly, including SWAPO, are committed to reintegrating it as part of Namibia, but Pretoria has consistently opposed this. Walvis Bay was excluded from the provisions of the independence plan, but Security Council Resolution 432 of 1978 explicitly declares that 'the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay within its territory'. During the election South African officials prevented SWAPO from campaigning in the enclave, and residents were forced to vote in nearby Swakopmund. (*Action on Namibia Oct 1989; Nam 9/18.11.89*)

Pretoria is in a strong position to exert economic pressure on Namibia as virtually all Namibia's trade is through South Africa. To finance its occupation and administration of the territory, the South African regime has run up debts of between 750 million and 1,000 million rands. However, SWAPO has declared that it does not regard these as the responsibility of an independent Namibia. It is also committed to reducing its dependence on South Africa, and intends joining the Southern African Development Co-Ordination Conference (SADCC). (*SWAPO Information and Comment 23.8.89; S Star 15.10.89; Nam 21.11.89*)

Students sentenced

While elections for the Constituent Assembly took place elsewhere in Namibia, a magistrate in Walvis Bay imprisoned five members of the Namibia National Students Organisation (NANSO) on 8 November for actions arising out of the 1988 school boycott which called for the withdrawal of South African military bases. Fifteen students had originally been charged with public violence. (*Focus 82 p.11*)

The students were alleged to have interfered with the writing of exams at Kuisebmond Primary School and later to have thrown stones at the school, causing 2,000 rands damage. The defence argued that police action in dispersing students participating in the exam boycott led to the stone-throwing.

Johanna KAMBANDA was sentenced to two years' imprisonment, Dina NAKWAFILA and Rosalina SHIPIKI to 18 months each and Paulus SHIMWANDA and Mengeli ERASTUS to one year. An application for bail pending an appeal was refused. Their lawyers were applying to the UN Special Representative to have the students declared political prisoners and thus eligible for release under UN Resolution 435. (*Nam 10.11.89*)

Political prisoner released

Eino MUULE, a PLAN combatant who was sentenced to nine years' imprisonment by the Windhoek Supreme Court on 25 August, was released on 16 November in terms of the provisions of UN Resolution 435. His co-accused in the trial, Haidula ANDREAS, had been acquitted. (*Focus 85 p.10; Nam 17.11.89*)

DETENTIONS

Many detained in bantustans

Many people have been detained in the bantustans of Ciskei and Venda, reflecting resistance to incorporation and to the bantustan authorities.

In the main urban areas, following widespread detentions aimed at suppressing the defiance campaign, the total number of people in emergency detention at any one time had dropped by November. Nevertheless emergency powers continued to be used to detain people for periods of several days. (SS 29.9.89; Star 31.10.89, 6.11.89; WM 17.11.89)

Emergency detentions

Emergency detentions between September and November focused mainly on trade unionists and youth and student activists. In late September, the Press Officer of the National Union of Mineworkers (NUM), Jerry MAJATLADA, was detained for a week in Johannesburg. The NUM General Secretary reported the detention of ten other NUM office-bearers, including the Northern Transvaal and Orange Free State regional secretaries, M HLEKO and Ikaneng MATLATA respectively. (Star 20.9.89; South 21.9.89; NN 22.9.89)

A member of the Vaal Branch Executive of the Building Construction and Allied Workers' Union (BCAWU), Alfred MOOLMAN, was detained for two weeks in October, and David MARUMO, an organiser for the National Council of Trade Unions (NACTU) in the Vaal area, was detained for six weeks and released on 20 October. These detentions occurred during intensive union mobilisation against the Labour Relations Amendment Act. (S 24/25.10.89; BBC 29.10.89)

Another trade unionist from the Vaal Triangle, Vavi ZWELINZIMA, of the Orange-Vaal General Workers Union, was released on 23 October after going on hunger strike. He and several members of the Vaal Students Congress were detained after a service to commemorate the 1984 Vaal uprising. (Focus 85 p.3; Star 21.9.89, 27.10.89; S 29.9.89; Amnesty International (AI) 7.11.89)

Also released after a hunger strike was a Rhodes university student, Chule Edgar PAPIYANE, detained after allegedly disrupting a meeting organised by a right-wing student organisation. He was released on 10 November after 75 days in detention. (NN 15.9.89, 10.11.89)

Cheryl CAROLUS was detained on 5 November whilst on her way to canvass for the UDF in Elsie's River, Cape Town. She was released ten days later. Carolus was a member of a UDF-COSATU delegation which met the ANC in Harare during October to discuss preconditions for negotiations with the government. (CT 23.8.89, 9.11.89; Star 7.11.89; SS 10.11.89)

Internal Security Act

Human rights groups have continued to express concern over the conditions under which people detained under Section 29 of the Internal Security Act are held. Section 29 allows the police to hold a detainee in solitary confinement indefinitely, for the purpose of interrogation, without access to lawyers, family or friends. Former detainees have frequently described torture and assault by police during their confinement. (Focus 77 p.6; AI 18.10.89)

Aaron MAZIBUKO (26), from Soweto, was detained under Section 29 in Nelspruit on 24 August. Twenty four hours later he was admitted unconscious to hospital in Newlands, Johannesburg. He remained unconscious until 27 August. The following day heavily armed police searched his room at the family home in Soweto. During September he remained in hospital under police guard, suffering from blurred vision, persistent vomiting and 'psychiatric alienation'. He was released from detention on 6 October but was expected to remain in hospital for the immediate future. (HRC 9/16.10.89)

Dr Rajen PILLAY was detained under the Internal Security Act on 19 September in Durban. On 22 September police claimed that they had destroyed an alleged ANC and South African Communist Party cell in Chatsworth, Durban, and that explosive devices, a printing press and documents from the two organisations had been found in a house in the suburb. The Commissioner of Police, General Hendrik de Witt, who reported the discovery to the press, said he had found documents which contained orders that South Africa 'should be made ungovernable'. (Focus 83 p.9, 85 p.3; BBC/DD 23.9.89; S 28.9.89; South 19.10.89)

Venda

During the period July to September as many as 1000 people were detained under the Venda bantustan's Maintenance of Law and Order Act. The deten-

tions were a response to resistance in the area, including protests at celebrations marking 10 years of 'independence' and at murders in which it was believed some bantustan officials were implicated. (Focus 85 p.4; WM 8.9.89)

Of the 200 longer-term detainees, 53 were school students who faced charges of public violence in Thoho ya Ndou Magistrates' Court after their period in detention. At least another hundred detainees declared themselves on hunger strike when it became clear they were not going to be released, even after the 'independence' celebrations against which they were protesting had been held. They were released during the first week of

CISKEI BANTUSTAN

Detained between end of September and beginning of November, mainly in connection with resistance to incorporation:

Pupils

Gqokoma, Patrick
Matiki, Mfundisi
Rulumente, Lavuyo
Vakala, Mvuyisi

Residents

Feketsane, Dumani
Hlanganisa, Mongezi
Hlanganiso, Gwebile
Jente, Mfuketa
Kutshu, Boyisi
Macanda, Gadavu
Mbembe, Tyeute
Nameka, Sigwagwa
Sopeni, Howard
Unknown, 80-100 people
Zono, Douglas

Trade unionists

Cala, Malibongwe CLOWU
Lili, Yumane CLOWU
Nogwebu, Theophilus CCAWUSA
Oldborn, Thandi CLOWU
Zuka, Zanele CCAWUSA

October after 15 days on hunger-strike. Many continued to suffer ill-health after their release. Those detained included the Reverends NETSHIDAVHINI, RANNZWA and PHOSIWA of the Lutheran Church. (WM 8.9.89, 6.10.89; S 28.9.89, 2.10.89; Star 29.9.89, 5.10.89; AI 2.11.89)

Forms of coercion other than detention have also been used. It was reported in August that Zwo NEVHUTALA, a Lutheran pastor who was detained for a day

continued on p.11

DETENTIONS - Additional to previous Focus lists

Date	Place	Name (Age)	Details (where known)
19.9.89	Durban	Pillay, Dr Rajen	ISA 29. Doctor, R K Khan Hospital. NAMDA member
20.11.89	Bophuthapswana	Ngwenya, Siphwe	BISA 25. Employee of Pretoria Council of Churches. Released by 2 December

ABBREVIATIONS

LAW: BISA 25 — Bophuthapswana Internal Security Act, Section 25 **ORGANIZATIONS:** CLOWU — Clothing Workers Union; CCAWUSA — Commercial, Catering & Allied Workers Union of SA; NAMDA — National Medical & Dental Association

Leaders released from prison

Defiance campaign continues

The release of Walter Sisulu and seven other political prisoners on 15 October, and the regime's announcement in November of its intention to repeal the Separate Amenities Act, were major victories for the Mass Democratic Movement (MDM) which had demanded both as part of the defiance campaign. After the releases, large marches continued throughout the country, with protestors demanding the release of all political prisoners, the unbanning of the ANC and all proscribed organisations, the lifting of the State of Emergency and the withdrawal of troops from townships as conditions necessary for political negotiations with the regime.

Defiance campaign

The ANC leaders, Walter Sisulu, Raymond MHLABA, Ahmed KATHRADA, Elias MOTSOLEDI, Andrew MLANGENI, Wilton MKWAYI and Oscar MPETHA, were released, along with Jafta MASEMOLA, a member of the PAC, into a defiance campaign which had begun in August. (See *Focus* 85, p.1)

In the last two weeks of September alone, an estimated 200,000 people took part in protest marches. These actions spread to small rural towns like Acornhoek, where about 30,000 people marched to the local police station, and Galeshewe township in Kimberley where 7,500 people demanded lower rents and the disbanding of the local council. A protest march organised by Women Against Repression on 22 September was forcibly dispersed by police who used whips and teargas to attack the thousands of marching women. Other marches were also broken up by police (see *POLICE*). On 6 October, a month after the police had opened fire on a march by priests in Stutterheim, over 10,000 residents marched for peace in the town. This was followed by death threats against priests and church wardens. (*Focus* 85 p.3; *NN* 29.9.89; *DD* 6/7.10.89)

In a joint action, the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU) declared on 14 October that they planned 29 protest marches against the restrictive Labour Relations Amendment Act. In the Western Cape a two-week selective consumer boycott was launched on 7 October, targeting businesses of 'collaborators' in the tri-cameral system, and urging people to withdraw their accounts from banks sponsoring a rebel rugby tour. In Worcester, on 7 October, about 10,000 people led by Allan Boesak, President of the World Alliance of Reformed Churches, marched to demand the release of all political prisoners and an end to the State of Emergency.

On 11 October an estimated 60 — 80,000 people marched through Uitenhage. Police reinforcements were brought in from other parts of the country, but were not used. In Secunda, residents went ahead with a march on 14 October

despite being denied permission for it by the local magistrate. In Witbank marchers were escorted by police in Casspir armoured vehicles as they marched through the town on 14 October. (*NN/WM* 6.10.89; *S Star* 8.10.89; *Star* 11/16/17.10.89)

ANC leaders released

News broke of the government's decision to release the eight prisoners after consultations between Nelson Mandela and representatives of the MDM on 11 October. In making the announcement, President de Klerk emphasised that the government had fully consulted with Mandela on the matter, underlining its acceptance of the centrality of the ANC to the resolution of the political conflict in South Africa. The freed leaders pledged their commitment to a negotiated settlement, but pointed out that there was 'no clear indication that the government is serious about negotiations. All their utterances are vague'. (*CT* 12.10.89; *S.Star* 22.10.89; *DN* 30.10.89)

The MDM established a National Reception Committee (NRC) to co-ordinate celebrations of the releases. The leaders were met by jubilant crowds who were controlled by the NRC, supported by stewards clad in the uniform of the ANC's military wing Umkhonto we Sizwe. ANC flags were raised at the gates of the former prisoners' homes and large crowds sang freedom songs and shouted ANC slogans. Students in Soweto reportedly abandoned their classrooms to pay visits to them. As a Soweto Students Congress (SOSCO) representative explained: 'These senior comrades have shown the way to the new society and it is only right for us to pay tribute to them'. The leaders were also visited by church leaders such as Archbishop Desmond Tutu and Frank Chikane, General Secretary of the South African Council of Churches. (*Star* 16/21/23.10.89; *NN* 20.10.89; *CT* 22.10.89)

Mass reception

The seven ANC former prisoners issued a statement on their release and addressed a press conference in the name of the ANC, thus expressing their defiance of the regime's restrictions and be-

coming part of the defiance campaign. A mass rally at Soccer City in Johannesburg on 29 October attended by over 80,000 people was presented as an ANC function, although it was organised by the NRC, who informed the chief magistrate for Johannesburg about the event. Under pressure to ban the rally, the Minister of Law and Order stated that the event was intended to welcome the released ANC political leaders but was not an ANC event. However, he threatened to act against anyone promoting the objectives of the ANC. The Johannesburg Chief Magistrate also complained about the advertising of the rally, which he maintained was seen to be promoting the ANC, although he did not ban it. There were also threats from right wing groups which threatened to violently disrupt the rally. (*S* 23/26.10.89; *Star* 25.10.89; *S Star* 29.10.89)

The rally left observers with no doubt that it was the highest point of the defiance campaign so far and marked the virtual unbanning of the ANC. The NRC organised 300 buses to transport people from different parts of the country, although some, including those from Bophuthatswana, were stopped. Stalls sold ANC T-shirts and flags, and huge banners of the ANC and South African Communist Party (SACP) were displayed in the stadium. Posters proclaiming 'ANC lives, ANC leads' filled the rally. The seven ANC leaders were joined by leading members of the MDM and their colleague Govan MBEKI, who was granted special permission to attend the event. Shortly afterwards the restrictions on Mbeki were lifted.

At least 76 international and local organisations, governments and the United Nations, sent messages of support. Messages from ANC President Oliver Tambo, SACP General Secretary Joe Slovo and the South African Congress of Trade Unions (SACTU) were read. In a keynote speech, Sisulu said that the ANC was ready to negotiate a peaceful end to apartheid when the government created conditions conducive to doing so. He emphasised the need for increased pressure on all fronts, including sanctions and the armed struggle, until the government was forced to abandon apartheid. All the leaders stated that they remained loyal and accountable to the ANC as the leading force in the struggle for liberation. (*CT/Star* 30.10.89)

In November the deputy leader of the Conservative Party laid charges against the NRC and the speakers, alleging that the rally was in breach of the Internal Security Act. However the MDM continued its defiance campaign, and was planning a march to Victor Verster Prison where Mandela is held. (*BBC* 1/3.11.89; *Star* 2.11.89; *S* 3/10.11.89)

PRISONS

Profiles of freed leaders

After 25 years of mounting pressure for their release, both internationally and within South Africa, five leaders of the ANC sentenced to life imprisonment with Nelson Mandela were released on 15 October. Ahmed KATHRADA (60), Raymond MLABA (69), Andrew MLANGENI (63), Elias MOTSOLEDI (65), and Walter SISULU (77) began life sentences on 12 June 1964 after the eight month 'Rivonia Trial'. Two other life prisoners, Wilton MKWAYI, an ANC leader, and Jafta MASEMOLA of the PAC, were also freed as was the veteran trade unionist Oscar MPETHA, who was serving a five year term. Their release was unconditional.

The five Rivonia Trialists were convicted on charges arising from the sabotage campaign carried out by the ANC's armed wing, Umkhonto we Sizwe, as members of the High Command. Following the release of Dennis Goldberg in 1985 and Govan Mbeki in 1987, only Mandela remains in gaol. However, there are still at least 15 political prisoners serving life sentences, four of whom were sentenced as recently as 1987.

Wilton Mkwai (65) was active within the ANC during the same period as the other five and after they were arrested in July 1963, he played a key role in the underground activities they had begun. He was captured in August 1964 and sentenced to life imprisonment on 18 December 1964 on charges of sabotage. (Focus 54 p.11)

As part of the ANC leadership from the early 1940s to the time of their arrest, the six were consistently in the forefront of ANC campaigns. They rose to national prominence through work at regional level: Mhlaba and Mkwai at first in Port Elizabeth, Motsoledi originally in Sekhukhuneland and Mlangeni in Johannesburg. Sisulu helped found the Youth League and became the ANC's first Secretary General in 1949. Kathrada was active in the South African Communist Party (SACP) and was also Secretary General of the Transvaal Indian Congress. Both Motsoledi and Mkwai were prominent in the South African Congress of Trade Unions (SACTU). (WM 5.12.86; DN 3.10.89)

All were initially held on Robben Island but Sisulu, Kathrada, Mhlaba and Mlangeni were moved to Pollsmoor in April 1982, as was Mkwai in April 1989. Motsoledi remained on Robben Island throughout. Their conditions improved as a result of protest but even

at the end the authorities denied them basic rights. For instance, Mhlaba was repeatedly refused permission to marry until March 1986 and until October 1988 so was Mkwai, who was also prevented from attending his wife's funeral just months later in December 1988. Two weeks before his release Mlangeni was not allowed to attend his sister's funeral. (Focus 41 p.9; CT 28.3.86; WM 14.4.89; S 12.10.89)

Jafta Masebola (60) was sentenced to life imprisonment in June 1963 on a charge of conspiring to commit sabotage. He was transferred to Johannesburg Prison in 1986, after 23 years on Robben Island. Masebola maintained that he had been unjustly convicted and, like the others, had consistently refused the regime's offers of release on condition that he renounce the armed struggle. Masebola was active in the ANC Youth League in the early 1950s before becoming a PAC leader. (Focus 69 p.8; DD 16.10.89; WM 20.10.89)

Oscar Mpetha (80) was freed ten months before completion of a five-year sentence imposed under the Terrorism Act. He spent most of his sentence in hospital suffering from severe diabetes. He was prominent in the ANC and SACTU, and an official of the African Food and Canning Workers Union. In the 1970s he initiated the Nyanga Residents Association. (Focus 83 p.10; South 18.10.89)

Bantustan political prisoners

Developments in response to widespread resistance in the Transkei bantustan have included the release of some political prisoners. After more than a year of protests by prisoners against bad conditions and in support of their demand for political status, 12 prisoners in the bantustan were identified as political prisoners by the authorities there. On 6 October they announced the release of six and placed the other cases under review. According to Focus records, there were at least seven political prisoners still in prison at that time. In July some one thousand non-political prisoners, reportedly one-fifth of the bantustan's prison population, were released. (Focus 82 p.8; WM 28.7.89; DD 7.10.89)

Five of those released were convicted on charges arising from ANC activities. Marelane KOPMAN (39) served three years of a 20-year sentence for possessing arms and undergoing military training. Mfanelo MATSHAYA (23) and Pumlani KUBUKELI (21), sentenced to seven years for undergoing military training, were freed after only four months. Zakade BUKA (58) served two years and ten months of a seven-year term for harbouring and assisting guerrillas. Ernest SONTSU was also released, but the length of his sentence, after a trial during 1988 on charges of 'terrorism', was unknown. Noble Kamobelo NTUNYA was freed

after two years and one month of an eight year and six month sentence for the alleged possession of explosives. (Focus 68 p.6, 69 p.6, 74 p.7, 82 p.8, 84 p.4)

Releases

● Ntozelizwe Thomas TALAKUMENI (30), was freed on 17 July, having completed a three-year sentence for harbouring ANC combatants. (Focus 66 p.4; Repression Monitoring Group 10.7.89)

Two other prisoners have been released in recent months, apparently before completion of sentence. They may have had their sentences reduced on appeal.

● On 29 June, Simon LEHOLO was released after serving two years and four months of a four-year sentence for public violence. (Focus 80 p.8; RMG 10.7.89)

● The release of Patrick Bobby SEBOTS was reported in September 1989 when his home was petrol-bombed. He lives in Bloemfontein and is reportedly active in the organisation, Volunteers for Detainee Care. Sebotsa, who was freed in 1988, was sentenced to seven years in May 1985 for undergoing military training. (Focus 60 p.4; NN 29.9.89)

Successful Appeals

● In June, Simon MSIBI (35) and Zachheus MTHEMBU (24) had their prison terms reduced to one year on appeal. The reduced sentences expired on 5 August 1989. (Focus 79 p.9; DN 16.6.89)

● A 12-year sentence imposed on Fikile Owen GWADANA (30) for participation in the ANC's armed struggle, and a three-year term imposed on his co-accused Errol DABULA (26) for harbouring an alleged ANC combatant, Luvuyo LERUMA, were overturned on appeal in September, 13 months after their conviction. (Focus 79 p.8; DD 18.9.89)

Foreign Funding

The Disclosure of Foreign Funding Act, which was passed in March, came into operation on 18 August. Under its terms, a Registrar of Reporting Organisations and Persons, appointed by the Minister of Justice, may declare any organisation or individual thought to be in receipt of funds from abroad, a 'reporting' organisation or person. This requires the disclosure of all sources of external funding and the submission of their books for auditing. Failure to comply may result in a fine of R40,000 and/or 10 years imprisonment. There are similar penalties if money from abroad is used for a purpose other than that declared.

The Kagiso Trust was informed in August that, unless it can provide reasons otherwise, it is to be declared a 'reporting organisation'. The trust's executive director said they were consulting lawyers and that the trust would 'not allow the information at its disposal to be used as intelligence by the state's security services in order to act against organisations engaged in peaceful and legitimate activity'. (Focus 81 p.5; DD 19.8.89; WM 25.8.89)

POLITICAL TRIALS

*Completed Trials***Dibate**

Oben DIBATE (28), from Bloemfontein, was sentenced to 30 months imprisonment by the Welkom Regional Court in early October in spite of medical evidence about the adverse effect of a prison term on his life span. He suffers from the HIV virus and because of his condition was kept in isolation while awaiting trial. Defence counsel had asked for a wholly suspended sentence for Dibate who admitted undergoing military training for the ANC after joining the organisation in 1982. However, only half of the five year sentence was suspended. His lawyers said they would request that he be allowed to serve the term in a hospital. (CP 10.9.89, 8.10.89)

Dyams and Ndesi

A trial in the Humansdorp Regional Court ended in August with sentences of seven years each for the two accused. Mvuzo Given DYAMS (22) and Christopher Sandile NDESI (23), respectively from Zwide and Soweto townships in Port Elizabeth, both admitted undergoing military training for the ANC and infiltrating the country. They pleaded guilty to charges of terrorism.

Both men were formerly members of the Congress of South African Students (COSAS) and Ndesi told the court he was forced to leave the country by the presence of soldiers in the townships, who entered school premises, assaulting and shooting students. (CT/NN 18.8.89; HRC Update Sept 1989)

Maliti

A young man who was left severely brain-damaged by an injury sustained after his arrest was sentenced to a prison term of five years for terrorism on 13 October. Nana Robert MALITI (22) was arrested in Crossroads in October 1988, while allegedly in possession of a limpet mine near to where the Minister of Law and Order was opening a new police station. He subsequently underwent brain surgery and is now mentally retarded. In December 1988 police said they were investigating Maliti's statements that he had been assaulted while in custody. (CT 29.12.88; Focus 80 p.7, 81 pp.6-7 under *Mahliti*)

Maliti was first charged under the Explosives Act but this charge was withdrawn in December after he had been transferred to detention under the Internal Security Act. In April he was granted bail and in July he pleaded not guilty to a main charge of terrorism under the Internal Security Act and alternative charges of possessing a limpet mine and a banned publication — a copy of *Umsebenzi*, an SACP journal, allegedly found under his bed. (CT 13/27.4.89; South/CT 27.7.89; Star/CT 13.10.89; DD 13/14.10.89)

Mandoyi

Vusumuzi Wellington MANDOYI (29) was sentenced to ten years imprisonment on

2 October after conviction for terrorism and belonging to an unlawful organisation, the Pan Africanist Congress of Azania (PAC).

Mandoyi allegedly left South Africa in 1978 and returned a decade later, after undergoing military training, to establish cells in Natalspruit. He was said to have carried out a hand grenade attack in August 1988 which injured a police constable. Three unnamed state witnesses who were described as former PAC members testified against Mandoyi, as did Sidney Nhlapho, an alleged accomplice. The Johannesburg magistrate hearing the case ordered the release from detention of one of the three and Nhlapho, and said they would be granted immunity from prosecution. The principal evidence against Mandoyi came from the statement he made during detention which was contested by the defence but ruled admissible. (S 22/27/29.9.89, 3.10.89)

Mhlongo and others

Two ANC combatants, Welcome Vukane MHLONGO (28) of Chesterville and Nkosinathi Lancelot MAZIBUKO (22) of KwaMashu, refused legal representation in the Durban Regional Court in August and claimed prisoner-of-war status in terms of the Geneva Conventions. A third accused, Ntombentle Charity MAZIBUKO (26), pleaded not guilty to contravening the Internal Security Act by acting as an ANC courier.

The two men were alleged to have undergone military training in 1987 and to have returned with the aim of killing Inkatha and Kwazulu bantustan officials. Evidence for this was given by two unidentified state witnesses who claimed to have trained with them.

Mhlongo and Mazibuko were arrested after a limpet mine placed in Pietermaritzburg in August 1988 failed to explode. They were accused of smuggling arms and ammunition into the country along with leaflets about the rent boycott.

Ntombentle Mazibuko's lawyer called for her acquittal, saying that the State had not proved that she reported to the ANC during four trips she made to Swaziland. However, she was sentenced to two years imprisonment. Mhlongo, said to be the head of the anti-Inkatha unit, was sentenced to 10 years' imprisonment while Nkosinathi Mazibuko received seven years. (Star 9.8.89; South 10.8.89; DN 15/17/22.8.89; BBC 21.8.89; CT/DD 22.8.89)

Mokati

On 22 September the Rand Supreme Court sentenced Edward Theise MOKATI (22) to 14 years imprisonment after convicting him of treason. Mokati was arrested in September 1988 after being identified by a police informant.

Mokati, from Thabong, Welkom, allegedly left South Africa in 1986 and underwent military training for the ANC in Angola. After his return in August 1987 he was active for a year and carried out two armed actions — on an electricity sub-station in Naledi and at a bus sta-

tion in Johannesburg. Nineteen people were injured in the bus station blast, three of whom were admitted to hospital.

Mokati seems to have been convicted mainly on the basis of a statement he made after arrest. Explosives were found at the house in Moletsane, Soweto, where he was staying and he was videoed while demonstrating the use of weapons.

A police officer admitted in his evidence that Mokati had a black eye when he was handed over to him shortly after his arrest. However, he omitted to note the injury in his report as he 'was not concerned with the private life of the accused.' (S Star 4.8.89; Star 8.8.89; S/DD 5.9.89; NN 8.9.89; DD 23.9.89)

Pityana and others

Eleven Eastern Cape residents were sentenced in the Kenton-on-Sea Regional Court in September after a trial lasting 18 months. The defendants included Lizo Grant PITYANA (42), former vice-president of the Port Elizabeth Black Civic Organisation (PEBCO), and two prominent activists, Lauretta Pinky MENGEZELELI (35) from New Brighton and Vuyo KWINANA (52) from Uitenhage.

They first appeared in court in March 1988 after some months in detention under the Internal Security Act (see Focus 74 p.5, 75 p.5). Five others were then released when charges were dropped: Mlungisi KWINANA, Michael Mpumelelo GCINANI, Zamide Lolo MAQ-ANDA, Tamsanqa Gordon MKONGI and Eunice Nomangesi MATROSE.

The accused faced five charges of terrorism plus alternative ones of attempted murder, conspiracy to murder and harbouring guerrillas. The main charge alleged they had endangered the security of the state between May and June 1987. Specific incidents mentioned included armed attacks on municipal police at Kwazakhele in June 1987 and on members of the SAP at Zwide in July. Other charges involved importing and possessing weaponry and ammunition.

The lengthy trial, which was delayed partly by the resignation and replacement of the defence legal team, concluded on 8 September. All were convicted on the main charge of 'terrorism' and acquitted of attempted murder and malicious damage to property. Pityana, Mengezeleli and Mzoli Goodman DYASI (36) received effective terms of two years for helping known members of the ANC; Kwinana and Mawonga Anthony WILLEM (30) got three years for aiding and abetting the same. The most severe sentences were passed on the six defendants, who as alleged members of the ANC, participated in a number of armed actions between April and December 1987. Linda Layton FIBI (33), Gunyazile Godfrey MARUBUNGWANA (25) and Zuko Headman ADAM (30) each received 16 years while Sabelo Lennox MATOMANE (30) and Solomzi James LIWENDE (24) received 15 years each and Toto Bongani MASIZA (30) was sentenced to thirteen and a half years. On 22 November Pityana was released on bail pending an appeal. Applications for

the other accused were still pending. (EPH 9/31.3.88; 4/21/30.6.88, 21.9.88, 9.9.89, 23.11.89; South 16.3.89; NN 30.3.89, 14.7.89)

Sehlapelo

Martin SEHLEPELO (23), a former science undergraduate at the University of the Witwatersrand, was sentenced to five years imprisonment by the Pietersburg Regional Court on 25 August after pleading guilty to a charge of terrorism. Sehlapelo, from Seshego, left South Africa illegally in 1986 after a friend was badly assaulted by police. In Botswana he made contact with the ANC and later received military training in Angola. He returned to politicise people. No further details of the date of his detention or his actions in South Africa were reported. (BBC 28.8.89)

Yengeni and others: Jonas

Abednego Bogani JONAS (30) was sentenced to three years imprisonment on 3 November for refusing to testify for the state against Tony Sithembiso YENGENI and 13 other accused who are facing terrorism charges. Jonas, from Guguletu, gave just one day's evidence, as 'Mr X', in April 1989, before demanding legal representation.

He admitted being a trained ANC combatant and told of how he was shot on arrest in September 1987. Police then withheld medical attention and stood on his shattered thigh until he had provided information. Similar treatment was meted out to one of the accused, Mthetheleli TITANA, who was shot four times. Witnesses were cross-examined extensively about assault and torture of the accused by police, including WO Jeff Benzien, already implicated in the killing of Ashley KRIEL. (Focus 72 pp. 4,8)

Three defendants are on bail — Colleen LOMBARD, Soraya ABASS and Gertrude FESTER. Lumka NYAMZA was excused from court in October after being admitted to hospital suffering from Post-Traumatic Stress Disorder. The other accused are Jennifer SCHREINER, Michael Mzimkhulu LUMBAMBO, Mbutu Richmond NDUKU, Wellington Mongameli NKWANDLA, Gary KRUSER, Christopher GIFFARD, Sitlabocha Charles MOHALE and Alpheus NDUDE. (DD 27.4.89, 6.11.89; CT 5.9.89, 15.10.89; Star 19.9.89)

Other convictions

Information about the following cases is drawn principally from the bulletin of the Human Rights Commission:

- **William S MOALOLI** was convicted of terrorism in Bloemfontein in February 1989 and sentenced to 10 years.
- **M P MOLEMA** was sentenced to two years imprisonment in Bloemfontein in March 1989 for harbouring guerrillas.
- **Vuyisile MSWELI** and **Bongani NTULI** were convicted of terrorism in Welkom in August 1989. Msweli received five years and Ntuli two years.
- **Vusumuzi Vivian NENE** was sentenced to seven years imprisonment by the Pretoria Regional Court in January but this was reduced to five years on appeal

in April. (See Focus 81 p.8)

● **Phanuel PULE** was sentenced to eight years imprisonment by a court in Rustenberg for harbouring and failing to report guerrillas. On appeal in February 1989 this was reduced to four years. (See Focus 77 p.7 for detention)

● **Paul RAMAKHOEDI** was sentenced to ten years for terrorism by a Bloemfontein court sometime between October 1988 and February 1989.

Noah Silas SEBOGE (30) has appealed against an eight-year prison term imposed by the Pretoria Regional Court in October 1988 for the illegal possession of arms and ammunition. Seboge, from Rockville, Soweto, was detained on a train on 12 August 1987. He was returning from a business trip to Botswana to sell perfumes and shirts when a police search of his carriage found bags containing weapons and ammunition under the seat opposite. He denied they were his or had ever been in his possession. However, he was questioned, searched and then assaulted. (Cit/Star 21.7.88; HRC Update May 1989)

● **Peter Mxolisi SOKOPO** (25) was convicted of terrorism, membership of a banned organisation and possession of banned literature in October 1988 and subsequently sentenced to eight years imprisonment by the King Williams Town Regional Court. Witnesses against Sokopo included Mzikhulu NDIKI, who was being held under Section 31 of the Internal Security Act. Ndiki said he was assaulted, held in solitary confinement and was threatened that he would be shot if he failed to make a statement.

Another witness was an unnamed former ANC member who had previously testified in trials in Natal. Sokopo's lawyers said his evidence contradicted the testimony he gave in earlier trials and he had changed dates around to fit the facts. (DD 19.11.87, 4/10/11.3.88, 5/6.10.88)

Soldiers fighting colonialism and racism must be treated as soldiers and not terrorists.

W V Mhlongo — sentenced to 10 years

Other trials

Western Cape protests

In the period from August to October an estimated 400 youths from the Western Cape appeared in courts on public violence charges. (South 26.10.89)

The trials followed months of protests in schools and colleges in the area. They first focussed on issues like the presence of police and army in schools, but students and pupils later took part in the mass defiance campaign and in protests against the segregated parliamentary election and the detention of students. (Focus 84 pp.6-7)

Amongst those facing charges was an 11-year-old boy due to appear in the Vredenburg Magistrates' Court on 28 November. The appearance of 10 youths in the Ceres Magistrates' Court in October led to a demonstration of 600 local pupils at which 14 arrests were made.

This led to further protest involving a march to the police station by 2,500 people, including parents, teachers and a church leader, successfully demanding the release of the pupils arrested during the first demonstration. (Star 4.10.89)

In November, the trial of a 17-year-old mentally handicapped youth, which was reported in Focus 84 p.5, ended. The youth, alleged to be a member of the 'Bonteheuvel Military Wing', was found guilty of public violence, malicious damage to property and arson. Although the court had found he was unduly influenced to make a statement whilst in custody, he was sentenced to six years imprisonment. (Focus 84 p.5; NN 3.11.89)

The Human Rights Commission (HRC) reported in October that T V MATSEPE was given a five-year sentence for public violence by a Bloemfontein court in August. No details of the case are known. (HRC Update Sept 1989)

Eastern Cape: capital charges

A number of trials involving murder charges ended in the last half of 1989 with heavy sentences. In three cases convictions apparently relied on the evidence of a single key witness. The trials arose out of incidents in 1985 and 1986 in the Eastern Cape where mass popular resistance was met by the occupation of townships by troops.

The trial of 16 Middelburg men, reported in Focus 81, ended in August with the conviction of five of the accused, all members of the Middelburg Youth Congress (MYCO). The trial arose from the killing of a councillor and a child, and an attempt on the life of another councillor in April 1986 — this followed the petrol bombing of a house in which the president of MYCO was seriously burnt. Abednego WATERMEYER (21), William NDAMANA (21) and a youth (17), who was named by the HRC as Samuel QATANA, were convicted of murder, public violence and attempted murder in the Grahamstown Supreme Court. They received sentences of 16 years, 14 years and 12 years respectively. Simpiwe BLACKIE (22) was found guilty on one count of murder and of public violence and was sentenced to 12 years. A youth named by the HRC as Amos MNYAKA (17) was sentenced to 10 years for murder, attempted murder and public violence.

According to the defence, the state's case hinged on the evidence of a single witness whose testimony in court conflicted with an earlier affidavit. (DD 15-17.6.89; HRC Update Sept 1989)

Candry MZUKIZE, a 19-year-old youth, was given a 15-year sentence in the East London Supreme Court in September, after being found guilty of the murder of a suspected informer in the black township of Hofmeyr in June 1986. Only one witness, the deceased's aunt, gave evidence on the events. Her testimony contradicted her earlier statements. (DD 16/18/19.8.89, 2.9.89)

Two New Brighton men were found guilty of murder in the Port Elizabeth Supreme Court in May. Ndooyisile Mor-

continued overleaf

DEATH SENTENCES

Political execution

Just one week after assuming the presidency of South Africa, FW de Klerk authorised the execution of a political opponent. Mangena Jeffrey BOESMAN (37), from Sterkstroom in the Eastern Cape, was hanged on 29 September for his alleged part in the killing of a suspected police informer in October 1985. (*Focus* 82 p.7)

Boesman was sentenced to death less than a year earlier on 21 October 1988, along with Msokoli Alfred WILLIE (20) and Mhlawuli William DESEMELE (21). The sentences on Willie and Desemele were commuted to 25-year prison terms on 22 September 1989, while Boesman was given notice of execution. (*DN* 26.9.89)

The incident which gave rise to Boesman's trial came after months of protest by the Sterkstroom community against their living conditions. Attempts to discuss their grievances with the township authorities were frustrated when a proposed meeting was banned and police activity led to the death of at least one resident. Nevertheless school and consumer boycotts continued.

The situation was exacerbated in October by the activities of a group of vigilantes. Their threatening presence in the township led to confrontations and eventually a mass decision to rid the township of informers. In this heightened atmosphere Melina Fass, a teacher who had assisted pupils to break the school boycott, was attacked and killed by a large crowd. The presiding judge rejected evidence of diminished responsibility on account of the size and nature of the crowd, as did the State President in rejecting Boesman's petition for clemency.

Protests against the execution came from national and international organisations including the World Council of Churches and the United Nations. Many drew attention to the contradiction between the regime's posture of reform and the brutality of Boesman's execution. (*DD* 28.9.89; *Star* 2.10.89; *NN* 6.10.89)

OTHER TRIALS

cont. from p.9

ris SEPTEMBER (22) and Toto Headman CILANA (21) each received sentences of 18 years for the alleged killing of a shebeen owner. The circumstances were unclear but the HRC listed the case as a political trial. Leave to appeal was granted, the basis of which was identification by a single witness. (*DD* 23.5.89; *HRC Update* Sept 1989)

In September, Nosi NKONA (22) was convicted in the Port Elizabeth Supreme Court on two counts of murder and attempted murder. He was alleged to have presided over a 'people's court' following the killing of a young girl in May

Appeals

South Africa's legal system does not provide an automatic right of appeal in capital cases — this is at the discretion of the trial judge and ultimately the Chief Justice. Boesman was amongst the large number of Death Row prisoners who have been refused leave to appeal. Many legal organisations in South Africa feel that while the death penalty remains, all condemned persons should have the benefit of an appeal hearing.

Xolani Moses STUURMAN had his conviction and sentence overturned in May 1989. Stuurman, from Uitenhage in the Eastern Cape, was alleged to have killed a suspected informer in December 1985. His co-accused, Vuyani Petrus JACOBS and Gilindoda Norman GXEKWA, remain on Death Row. (*Focus* 76 p.4; *WM* 26.5.89)

Menzi THAFENI, also from the Eastern Cape, was released from prison on 3 November after a successful appeal. Thafeni, who was a 19-year-old school student at the time of his arrest, was convicted in September 1986 with Nico Ledube MNYAMANA. Mnyamana was also acquitted but remains in custody serving a seven-year prison term arising out of a different case. (*Focus* 73 p.7; *Ind* 6.11.89; *NN/WM* 10.11.89)

Failed appeals

At least three political prisoners sentenced to death have had their appeals turned down and are now relying only on a petition for clemency to the State President and international campaigning to save their lives. They are Abraham ZEYO from Kirkwood (*Focus* 82 p.7) and Rodney MOLOI and Stanford LEBEPE from Tembisa.

Moloi and Lebepe were convicted in March 1988 of killing a railway policeman (*not a suspected informer as reported in Focus* 77 p.3). Their conviction was on the basis of common purpose. The court did not find that they carried out the killing, although they were alleged to have assaulted the deceased who was killed by a crowd of assailants. The policeman concerned was believed to have shot Stanford Lebepe and killed his brother, Jacob, the previous evening. The presiding judge recognised the killing of his brother as an extenuating cir-

cumstance in Lebepe's case but then used his discretion to sentence him to death notwithstanding.

Moloi has maintained his innocence of the killing throughout the trial, appeal and petition, which was submitted in September. He was out on bail for almost two years before his conviction and made no attempt to abscond, trusting he could convince the court of his innocence. On the day of the killing he attended a birthday party. (*SATIS* (Southern Africa the Imprisoned Society Briefing) Nov '89)

Reprieves

Three other political prisoners have been reprieved by the State President: Vuyisile GONI will serve 10 years and Johannes MOSEKI and George SKOSANA will each serve 20 years. (*Focus* 74 p.6, 79 p.12)

Bantustan death sentences

While Pretoria's Death Row is the main focus of public campaigning against the death penalty in South Africa, there are also gallows in the bantustans of Bophuthatswana, Ciskei, Transkei and Venda. In October, following a mass demonstration in support of two ANC combatants facing execution in the Transkei, and representations by religious and legal groups, the authorities there announced a moratorium on all executions. A committee, to be appointed by the bantustan's 'Justice Minister', would canvass views on the death penalty for the executive council of the military administration to review.

Meanwhile, in the Bophuthatswana bantustan, it was reported in August that 35 people were awaiting execution at the maximum security prison near Mafikeng, one of whom was subsequently executed in November. The exact number of political prisoners amongst the surviving 34 is not known, but at least six of them have been identified in a petition circulated by the Save the Patriots Campaign Committee. They include Daisy MODISE and her two co-accused, previously reported as Thomas Chauke and Johannes Tshabalala, but now named as Thomas MAKHUBELA and Johannes CHAUKE. Also named were Edarial MAKHUBELA, Johannes MOABELO and Stout KHOZA, all from Danhouse village in Hammanskraal. No further details are known. (*Focus* 74 p.6; *S* 25.8.89)

1986. The evidence of a psychologist, who said that Nkona was 'slightly retarded', was accepted in extenuation and he was imprisoned for 15 years. A second accused, Michael Teyi NDAMASE (26), convicted of assault, was fined and given a suspended sentence. (*NN* 29.9.89)

Defiance Campaign

A total of 2,317 people were arrested between 1 August and 6 September 1989 as a result of anti-apartheid protest, according to the HRC. Of these, 2,088 were said to have been arrested following election protests and participation in the

mass defiance campaign. (*S* 1.11.89)

However, charges against more than 1,000 protestors in the Western Cape were withdrawn in October. This covered all those who allegedly took part in illegal gatherings on or between 24 August and 5 September and who were to appear in the Cape Town Magistrates' Court. No reasons were given for the withdrawal. Amongst those affected were 170 women charged under the Gatherings and Demonstrations Act and 97 academics who had staged a placard protest. (*CT* 17.10.89; *Focus* 85 p.8)

POLICE

Police forces expand

The police have had the main responsibility for suppressing resistance under the successive States of Emergency since 1985, despite the use of tens of thousands of soldiers. Police activity has become increasingly irregular and uncohesive, and morale has declined. Mutinies and public protests by black police, coupled with revelations about police assassination squads, and conflicting government approaches to the enforcement of emergency restrictions have created further tensions.

Police forces

The regular South African Police (SAP) currently has a strength of about 64,000, and can call on a further 57,000 reservists. There are also auxiliary forces, notably Municipal Police, Special Constables and bantustan forces. Despite high turnover, some 20,000 new police have been recruited since 1985 — mainly into auxiliary units. All SAP members are trained in Counter-Insurgency and Riot Control and during the States of Emergency have been equipped with armoured vehicles and automatic weapons, and the police and army have functioned as integrated units. (*Indicator SA, Spring 1989; FM 22.9.89*)

In October 1989 plans were disclosed for further massive increases in the police force, with the aim of almost doubling SAP strength to 110,000 in the next ten years. Ten thousand new police will need to be recruited every year, and numbers will also be increased by the transfer of National Service conscripts, 4,000 of whom will be transferred to the police in 1990. The 19 police divisions will be reorganised into 11 regions — presumably the same as the 11 SA Defence Force regional commands. (*BBC 11.10.89; CT 19.10.89*)

The SAP is also expanding its auxiliary forces. Special Constables known as kitskonstabels ('instant police'), armed

with shotguns after a mere six weeks training, have been posted in black townships since recruitment began in 1986. A 9,000-strong force of Municipal Police has been established since 1984 under the nominal control of Black Local Authorities. The municipal force was transferred to SAP command on 1 October 1989. Police authorities indicated that they would be retrained and integrated into the SAP.

Tensions within the ranks

Municipal Police units in Soweto, Kagiso, Vosloosrus and Katlehong have gone on strike over the past four years, and in December 1987 the SAP forcefully put down a mutiny by Lekoa Municipal Police. There have also been mutinies amongst the Special Constables, who like the Municipal Police are paid far less than the regular police and are subjected to racist abuse by white police. (*S Trib 16.7.89; BBC 2.10.89*)

The SAP's problems amongst black police — who make up half the regular SAP — were underlined by the defiance of Lt. Gregory ROCKMAN, who publicly labelled the SAP Riot Squad 'mad dogs' following election night killings in the Western Cape on 5 September (*see Focus 85 pp. 5-6*). Rockman and 40 other black police officers and warrant officers met with the Minister of Law and Order

shortly afterwards to present their grievances.

In November Rockman set up the Police and Prisons Civil Rights Union, 'to protect the basic human rights of its members . . . and all the people they come into contact with'. At its first public demonstration, on 13 November, Rockman and 20 others were arrested and charged under the Internal Security Act. He was also suspended from the police and charged under disciplinary procedures. (*S Star 17.9.89; GN 8.11.89; BBC 15.11.89*)

Police violence

Despite the stated commitment of the government to allow peaceful protest, police continued to actively suppress peaceful resistance in October and November. Although the police did not, for example, intervene in the marches in some urban centres or in the rally marking the release of Walter Sisulu and other long-term political prisoners, police attacks on gatherings were reported from many parts of the country.

Heavily-armed police sealed off and forcibly stopped a mass women's protest in Pretoria at the end of September, beating, whipping and attacking demonstrators as well as passers-by. At Richmond in Natal, police violently broke up a peaceful demonstration by 800 schoolchildren, firing teargas and shooting dead a 16-year-old schoolgirl, Ntokozo NGCOBO. Armed police also fired on striking railway workers on at least three occasions during November, killing two strikers. Police violence was also reported in the Transkei and Ciskei bantustans (*see DETENTIONS, BANTUSTANS*). (*Star 18.11.89; MS 20.11.89; WM 17/24.11.89*)

DETENTIONS

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and interrogated, was receiving death threats from an organisation named Tshitangu Tsha Philamiseve. The organisation was established to combat resistance in the bantustan, and teachers and students were being pressurised by the authorities into joining it. (*WM 8.9.89; Africa Watch 9.10.89; AI 2.11.89*)

Resistance to incorporation

On 19 October a 'State of Emergency' was declared in the Ciskei bantustan, in the areas of Peelton and Belasi where about 5,000 people live. Approximately 100 people had reportedly been detained or injured by the bantustan police in the days before the emergency, when violence against residents escalated (*see BANTUSTANS*). (*WM 20.10.89; Tel 27.10.89; DD 27/31.10.89*)

Children were among those detained. One of the demands of the residents was that all students detained during school exams be released and allowed to write

missed papers (*see box for names*). One 12-year-old described being stripped and beaten by bantustan police while in detention in Zwelitsha, before he was released without charge. (*DD 7/13/14; 27.10.89*)

The detention of two members of the

Commercial Catering & Allied Workers Union (CCAWUSA) in Bisho, in the bantustan, during the first weekend of November, was believed by their union to be in response to trade union support for the Peelton community. (*DD 7/11.11.89*)

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BANTUSTANS

Mass protests against incorporation

As over 50,000 residents of Botshabelo marched on the local magistrates office to present a petition on 1 October in protest at the incorporation of their township into the Qwaqwa bantustan, eight other affected communities circulated petitions to mobilise against similar government plans.

Plans for incorporation have sparked fierce resistance in rural areas which has been met with repression. In an attempt to limit legal challenges, the regime introduced the Alteration of Boundaries of Self-Governing Territories Bill in April. The bill states that 'no court of law shall be competent to enquire into or pronounce upon the validity of any proclamation issued by the State President'. It would retroactively validate previous proclamations, thereby reversing court decisions such as that which nullified a government plan to incorporate the Moutse area into the Lebowa bantustan. (*Star* 7.4.89; *DN* 28.4.89; *SS* 6.10.89)

Botshabelo

The bill is likely to affect Botshabelo as soon as it becomes law. Botshabelo was incorporated into Qwaqwa bantustan on 2 December 1987, but the decision was reversed by a Supreme Court Order in August 1988. Despite this, residents say that the bantustan officials continue to exercise authority in the area. The government is appealing against the Supreme Court decision. The march by 50,000 residents was to demand the withdrawal of their township from the bantustan administration and the provision of transport, educational and health services. (*FM* 14.4.89; *CT* 2.10.89; *S* 3.10.89)

Peelton

In October over 800 residents of Nkqonkweni in East Peelton sought refuge in a church hall after their houses were demolished by Ciskei bantustan authorities who then moved some of the homeless residents to various villages elsewhere in the bantustan. This forced removal of residents was seen as a move to undermine their organised opposition to incorporation. (*DD* 21.10.89)

In November the Deputy Minister of Foreign Affairs visited Peelton after meeting a delegation led by Frank Chikane, General Secretary of the South African Council of Churches. They demanded a guarantee for the safe return of refugees to Peelton; a review of the decision to incorporate their villages; the unconditional release of detainees; compensation for damage and losses sustained during evictions and the return of their property and livestock.

Peelton was incorporated into the Ciskei bantustan in August 1988 without the consent of local residents. Since then there have been repeated incidents of police and vigilante violence. (*Focus* 82 p.4; *DD* 17/25.7.89; *WM* 28.7.89; *SS* 4.8.89)

Journalists were prohibited from visiting Peelton without prior permission from the authorities and were told they would be refused permission to visit areas considered 'unsafe'. Where permission was given, journalists would be accompanied by police. In September, after police prevented the Bishop of Grahamstown from entering Peelton, they fired teargas and rubber bullets into the church where he was due to conduct a service, injuring 15 people, including a child.

In October the bantustan authorities declared a 'State of Emergency', banning all gatherings of more than four people

and imposing a curfew from 10.30 pm to 4 am. The village was sealed off by the bantustan army and police who went on the rampage. Over 50 people were injured and at least 96 went missing — some of whom may have been among the unknown number detained (see *DETENTIONS*). (*DD* 22.8.89, 28.9.89, 17.10.89; *South* 19.10.89)

In October, 30 organisations of the Mass Democratic Movement in the Border region met to consider actions in support of the villagers and later launched a consumer boycott of all businesses owned by Ciskei bantustan politicians. In November, two senior bantustan police officers revealed that there was discontent within the bantustan army and police forces. Among the reasons for this, they listed the fact that police were forced to assault residents of Peelton and demolish their houses. (*Star* 26.10.89, 1.11.89; *DD* 31.10.89, 4.11.89; *SS* 3.11.89; *BBC* 10.11.89)

Leeuwfontein and Braklaagte

In October the Bophuthatswana bantustan authorities granted indemnity to police and government officials for actions against local residents. This was made retrospective to April 1989 and nullified civil claims instituted against members of the bantustan police by residents of Braklaagte and Leeuwfontein. The two communities were incorporated into the bantustan on 31 December 1988 against their will. Since then there have been reports of police violence and intimidation. (*Focus* 84, p.7).

About 11,000 pensioners from the two villages have refused to accept pension grants from the bantustan administration in protest at incorporation. (*SS* 5.7.89; *Star* 6.7.89, 19.10.89; *EDICESA News* Sept 1989; *NN* 20.10.89; *S Star* 29.10.89)

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; *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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