



News Bulletin of the International Defence & Aid Fund



# focus

## ON POLITICAL REPRESSION IN SOUTHERN AFRICA

INTERNATIONAL DEFENSE & AID FUND  
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# CROSSROADS UNDER THREAT

The South African government has reaffirmed its intention of demolishing the squatters' camp at Crossroads, outside Cape Town, by the end of the year. Speaking to the Nationalist Party Conference in the Cape in August both C.P. Mulder, Minister of Plural Relations, and P.W. Botha, later the new NP Prime Minister, stated that Crossroads would be cleared, its 'illegal' residents removed and stricter influx control measures implemented in the Western Cape. (CT 23.8.78)

Crossroads has withstood a long process of harassment from the authorities since its establishment in February-March 1975, when Africans without official accommodation in the area began to move there. During 1975 several residents were taken to court and charged with being in the area illegally. With help from the Advice Office set up by the Black Sash and SAIRR, test cases prevented their removal and in June 1976 Crossroads was declared an emergency camp and water and sanitation services provided, at a cost of R7 per month per household.

This provided temporary security and the community flourished, growing to a population of some 20,000 with its own churches, school, retailers, administrative committees and law enforcement patrols. During 1977 however the government took steps towards its eventual demolition with amendments to the Illegal Squatting Act, removing residents' rights to prevent demolition through court injunctions, and with the destruction of two large unofficial camps at Modderdam and Unibel. (see FOCUS 12)

In 1978 it was announced that Crossroads too would be destroyed, once the winter was over. On 6 September the first major police raid

took place between midnight and dawn when some 400 people were arrested under the pass laws.

A week later, on 14 September, the police staged another massive raid, deploying nearly 300 men drawn from the police, the reserve and the Peninsula Administration Board. Dogs and teargas were used. The initial raid took place at 2 am; but the residents were forewarned. The police official statement said "At 2 am on 14 September 272 members of the SAP visited the squatters' camp at Crossroads with the exclusive aim of mopping up criminals, loafers and people illegally in the area. A hostile crowd awaited the police. The police were attacked with stones, bottles, sticks and so forth. Ten members of the force were injured and two police vehicles damaged. In self-defence the police used tear smoke and a baton charge was carried out" (RDM 16.9.78).

Shots were also fired and one resident, Sindele Ndlela (33) was killed. Another man, Fanelo Manyisana (32) was also thought to be dead but police later claimed he was in custody in Pollsmoor prison. Having been repulsed, the police attacked again at 7 am, when some 300 residents were arrested, together with a number of local sympathisers, some of whom were later charged under the Riotous Assemblies Act. The residents were again prosecuted under the pass laws. Among those arrested was Johnson Ngxobongwana, spokesman for the Crossroads Committee and four members of the camp's Women's Committee (RDM 15/16.9.78).

The Committee issued a statement on the police action, saying "the police say they came on a crime prevention operation. If they came to us to ask for criminals we could help them. We also do not want criminals here. The 300 people who were arrested, were they criminals? Is our chairman, Mr. Ngxobongwana, who was beaten up, a criminal?"

"The man who was killed by them had no weapon. The woman whom they do not acknowledge was wounded, fell to the ground after she had heard a shot and felt a sharp pain in her arm while being chased by police. The other man who was shot was dragged into a police van. He is supposed to be in Pollsmoor

but no one was allowed to see him. We still do not know whether he is dead or alive . . .

"Brig. Rossouw (Divisional Commissioner for the Western Cape) says the police used some 'necessary' force to restore order. The police never restored order. There was perfect order before they came. After they came there was no more peace" (CT 18.9.78).

During October it was revealed that the South African authorities were preparing a resettlement area to which the Crossroads people could be removed, in an area of the Eastern Cape destined to become part of the Transkei and where Chief Matanzima and his brother had already acquired free farms. Matanzima opposed this proposal and it was reported that a new site near Whittlesea in the Ciskei had been chosen (DN 2.10.78; CT 6/10.10.78; Voice 21.10.78).

### In this issue:

#### SOUTH AFRICA

- Political Trials pp.2-4
- Political Prisoners p.5
- Detentions pp.6-7
- Deaths in Detention p.7
- Banishment and Banning p.16

#### ZIMBABWE

- Martial Law pp.8-9
- Detentions p.9
- Refugees p.10
- Chemical warfare p.10
- Protected villages p.11
- Political Trials pp.12-13

#### NAMIBIA

- Elections p.14
- Political Trials p.15

## south africa

# POLITICAL TRIALS: WARNINGS BY KRUGER

According to the Minister of Justice, those on trial under security laws abuse the legal rights they are allowed. Speaking in the House of Assembly, Mr. Kruger said that political trials were deliberately prolonged by the defence, obstructing the course of justice:

"The longer a trial lasts, the longer it can be used as a subject of propaganda. Every application for a remand, every objection to procedure and every allegation of improper conduct by the police, offers an opportunity for political demonstrations and for news coverage. The longer the trial lasts, the longer there is the opportunity for demonstrations in and around the court. In that way, a considerable number of police officers and court officials are kept so busy during such a trial that it makes it impossible for those policemen to do other counter-subversive work in the meantime. While a court, with its local staff, is kept busy with one particular case, the next trial cannot take place." (*Debates 12.5.78*)

In fact, as is clear from press reports, the state uses the considerable powers at its disposal to ensure that political trials take place speedily and with little publicity. Swift convictions are aided by several factors, particularly the new procedures introduced in 1977 (see *FOCUS 12 p.15 and 17 p.16*)

Firstly, the law now allows a pre-trial hearing at which an accused, especially if unrepresented, may be induced to

plead guilty without knowing the nature of evidence against him. Secondly, some political trials may now be heard in lower courts rather than, as previously, going to the Supreme Court, with the greater publicity that attends a higher court. Without information, the family and friends of an accused person cannot arrange satisfactory legal representation; in such cases *pro deo* counsel, supplied by the court, is arranged.

Thirdly the new Criminal Procedure Act states that confessions (by accused or witnesses) are presumed to have been made voluntarily and it is up to the accused's lawyers to prove otherwise — a virtually impossible task since the only firsthand witnesses of a confession are usually the security police. Once a confession is produced in court, a conviction tends to follow despite the fact that it has been obtained by threat or torture. It is common practice for the police to prepare confessions for detainees to sign, and the use of torture is widespread.

According to F.D. Conradie, MP for Algoa, the Criminal Procedure Act "works outstandingly" in "the more rapid disposing of cases" especially in the lower courts. In Cape Town Regional Court, "bench hours have dropped by 12%" since the Act came into operation

on 22.7.77; in Benoni average bench hours per month dropped from 128 to 86; and at Bethlehem average time for disposing of a case dropped to 12 minutes. (*Debates 12.5.78*) These courts of course hear non-political cases in the main, but the number of security trials in them is increasing.

Justice Minister Kruger also complained of "vast amounts of money which are made available for the defence of accused persons in security cases". At first glance, he continued, this appeared commendable, but

"the major portion of the vast amounts of money which are provided for legal representation in security cases... comes from political organisations which donate money with a political purpose. A man can be persuaded much more easily to undergo training as a terrorist or saboteur if he is assured that if he gets caught his legal representation will be paid for and that if he has to serve a term of imprisonment, his studies will be paid for and his wife and children will be cared for... I want to emphasise that we have no objection to money being made available for the defence of accused persons. On the contrary. We welcome that. But it is an entirely different matter if such money is used in a clandestine way to undermine the country."

Concluding, Kruger warned certain members of the legal profession against "contributing to the subversion of the system" they served. (*Debates 12.5.78*)

## CONVICTIONS

### MATLALA and THARASIMBI

David THARASIMBI of Atteridgeville, sentenced to 12 years' imprisonment under the Terrorism Act (see *FOCUS 18, p.9*) said in evidence that he had recruited people for military training as a member of the PAC. He had joined the organisation after the Black People's Convention to which he had belonged since 1969 was banned in October 1977. He had believed in peaceful negotiation but after the mass bannings last year he resorted to violence as he had no other alternative. The judge in the Pretoria Supreme Court accepted that Tharasimbi believed his cause was right, that he had no previous convictions and was married with one child; however he had recruited 27 persons for military training abroad.

Tharasimbi's co-accused, William MATLALA (given as Matsala in *FOCUS 18*) was acquitted. (*Post 16/17.8.78; CT 19.8.78*)

### SILLAH

A 20 year old youth from Kwa Thema, Tyson SILLAH, was convicted and sentenced to 20 years and 6 months' imprisonment in August in Springs Regional Court. The effective sentence will be 15 years.

Sillah was charged and sentenced on four counts: sabotage (seven years) harbouring a terrorist (six years) conspiring to go for military training (six years) and escaping from prison (19 months). He pleaded guilty to the last charge only.

The sabotage charge related to the burning of a school in Kwa Thema in October 1976, when Sillah received burn scars to his face and head. It was alleged that he had harboured Petrus Bushy Molefe, described as a trained terrorist in hiding from the police since June 1976. Molefe was sentenced to 15 years' imprisonment at an unreported trial sometime in March (see *FOCUS 18 p.10*, where the date of his detention was given as 19 February 1978). Sillah was arrested on 3 March in Soweto and held at Dacel prison near Bethal, from which he escaped on 29 March. On 4 April he was re-arrested at Emdeni. It was alleged that he had asked his girlfriend to accompany him to Botswana in March and April (i.e. conspired to leave the country for military training). (*Post 18/28.8.78*)

### GERALD and PIET THEBE

Cousins Gerald THEBE (20) from Atteridgeville and Piet THEBE (23) from Soweto, charged in Pretoria Regional

Court under the Terrorism act (see *FOCUS 17, p.4, 18 p.11*) were convicted and sentenced on 25 August to five years' imprisonment each.

Charged on five counts relating to 'terrorist activities' in October 1977, the Thebes were convicted on one count only, that of attempting to go for military training. According to evidence they were arrested near Mafeking in October close to the Botswana border. According to the Thebes, they had left the Reef for Vryburg but on hearing that the security police were pursuing them decided to go to Botswana instead. During the trial the judge refused a defence request for evidence to be obtained from witnesses in Botswana who were members of the Soweto Students Representative Council and South African Students Movement (*Post 18/20/22.8.78; RDM 26.8.78*)

### MORAKE and GAMBU

David Sonny MORAKE was convicted in Johannesburg Magistrates Court in July under the Terrorism Act and sentenced to seven and a half years' imprisonment. Charged with possession of arms, ammunition and explosives, Morake was freed on R200 bail pending an appeal; sentences on two of the three charges (not specified in the press report) were suspended for five years.

Co-accused Wright GAMBU, who faced the same charges, was acquitted on all counts. (Post 7.7.78)

### MDINGI FREED

Soweto taxi-owner Mbube MDINGI had his conviction and sentence (see *FOCUS 14 p.6*), set aside by Bloemfontein Appeal Court on 29 September in a successful appeal. Mdingi was convicted in November 1977 under the Terrorism Act of taking recruits to the Swaziland border. Allowing the appeal, the court said the state's evidence was not sufficient or reliable beyond reasonable doubt, although Mdingi's own evidence had been unsatisfactory. (RDM 30.9.78)

### JEFFREY KLAAS

A former policeman Jeffrey KLAAS (22) was convicted in Grahamstown Supreme Court on 27 October of being a member of and participating in the activities of the banned African National Congress.

When the trial opened on 24 October Klaas pleaded not guilty to this and two other charges — one under the Terrorism Act and one of obstructing the course of justice. He changed his plea to guilty of membership of the ANC under the Unlawful Organisations Act, and his not guilty plea to the other two charges was accepted by the court. He was sentenced to six years' imprisonment (3 years suspended).

Klaas was alleged to have become a member of the ANC in 1976 and to have joined the police in East London in September of that year, with the aims of recruiting black policemen, obtaining arms and warning other members of possible arrest. Former colleagues Const. E. Mgidlana and Const. E. Zavla gave evidence against him. (RDM 25/26/28.10.78)

### TAKANE and 12 OTHERS

Thirteen persons from Queenstown appeared in Grahamstown Supreme Court in August charged under the Terrorism Act (alternatively sabotage, alternatively public violence). The charges related to violent unrest in Queenstown in September-October 1977, after which the accused were arrested. All pleaded not guilty.

The accused were Aubridge TAKANE (43) Jameson MBENGO (63) Mrs Ebenzress MBENGO (55) Sipho SONDLO (50) Glen THOMAS (23) Bubele MFENYANA (22) Audile KOTI (18) Vusimuzi MJILA (18) Phanbili NTLOKO (18) Zandisile WINDVOEL (20) Esdras NTLOKO (23) Mcendi MBILINI (21) and an unnamed 17-year-old.

The initial weeks of the trial, from 24 August to 20 September were occupied with disputes relating to statements allegedly made by three of the accused, (P. Ntloko, M. Mbilini and Z. Windvoel), handed in by the state, and to allegations that accused and witnesses had been assaulted by the police.

Four state witnesses said they and others had been beaten and trampled on by police and that their statements had been obtained by force and were false. Four security policemen and one CID officer gave evidence regarding the detention of the accused and Magistrate A.C. van Heerden testified that Windvoel had shown him weals on his back when brought to make a statement on 16 November.

The charges concern attacks on the homes of two black policemen on 30 September and 1 October in Queenstown. (RDM 25.8.78, 7/13/15/19-21.9.78)

On 24 October, six of the 13 accused were found not guilty and discharged. They were

Takane, Mbengo, Mrs Mbengo, Sondlo, Thomas and Mfenyana.

At the beginning of the eighth week of the trial the defence applied for the discharge of all accused but the judge ruled that there was a case against the remaining seven, who were convicted on 26 October.

These were jailed for the minimum of five years — KOTI, MJILA, E. NTLOKO, WINDVOEL, MBILINI, P. NTLOKO and the unnamed 17-year-old. The court took into account the fact that they had already spent a year in detention. (RDM 25/27.10.78)

## CONTINUING TRIALS

### MOTHOPENG and 17 others

The state concluded its case against the 18 alleged members of the Pan-Africanist Congress being heard in camera in the Circuit Court, Bethal on 6 September. A total of 60 state witnesses had testified (see *FOCUS 15-18* under *POLITICAL TRIALS*). The hearing was adjourned to 16 October to enable the defence to prepare its case.

In the closing stages of the prosecution case, a witness identified as "Mr M" gave evidence against Zeph MOTHOPENG, Mark SHINNERS, Hamilton KEKE and John GANYA. Mr. M. spoke of lectures given by Mothopeng on Robben Island, and of being sent to Swaziland for military training by Ganya. Another witness said he had taken more than 50 recruits to Swaziland, including Goodwill MONI.

Witness "Mr S" alleged that Ganya recruited several youths, some of whom were accompanied out of the country by Naboth Ntshuntsha (who died in detention, see *FOCUS 9 p.8*). Others, who were accompanied by a man suspected of working for the police, were arrested en route. Other evidence was given by "Mr P", allegedly recruited by Ganya; "Miss A", who claimed to have sheltered four recruits; "Mr K", a former Robben Island prisoner who said he refused to help Ganya in recruiting. "Mr J", a taxi driver who took 15 youths to Johannesburg station accompanied by Ganya; and "Miss B" who gave evidence against Mothopeng and Michael and Dan MATSOBANE relating to literacy classes and the Young African Christian Movement, whose aim was to "get children off the streets and away from the shebeens" (Post 9/10/22/25.8.78; RDM 23/30.8.78, 7.9.78).

In connection with this trial two women, Clementine B. Nelson and Motsabe Betty Ramaphora (21) of Krugersdorp were given suspended sentences of two years' each for attempting to set fire to the Kagiso home of a state witness in the trial. Evidence was given by an unidentified state witness who said the women had asked him how to make inflammable chemicals at a Young Christian Workers gathering held at Brits in March (Post 9.8.78).

### SASM 11

The trial of the eleven alleged members of the South African Students Movement (SASM) and Soweto Students' Representative Council (SSRC) opened on 25 September when the accused appeared in Kempton Park Circuit Court, after a brief previous appearance on 18 September.

The accused are Wilson Welile Chief TWALA (18); Daniel Sechaba Sediane MONTSITSI (23); Seth Sandile MAZIBUKO (19); Mafison MOROBE (22); Jefferson Khotso Wansi LENGANE (21); Susan Sibongile MTHEMBU (22); Ernest Edwin Thabo NDABENI (21); Kennedy Kgosietsile MOGAMI (19); Reginald Tebuho MNGOMEZULU (21); Michael Sello

KHIBA (20) and George Nkosinate Yami TWALA (23) all of Soweto.

The 56-page indictment alleges conspiracy to commit sedition and terrorism between May 1976 and October 1977 (see *FOCUS 18 p.10*), listing 29 meetings at which were planned demonstrations against Afrikaans, Soweto stay-at-homes, protests against Kissinger's visit to South Africa, a march calling for the release of detainees and commemorations of the anniversary of 16 June. Prosecuting Mr. K. van Lieres said that it might not be possible to attribute any particular act to any particular accused but all were responsible for the activities planned at the meetings. Among other things, the SSRC members are said to have urged the burning of policemen's houses, attacks on the Dept. of Bantu Education, the resignation of Urban Bantu Council members, and the making of petrol bombs. The defence applied for more details of the charges, saying the information provided was "a parody of requirements" and the accused could not prepare their defence until they knew more about the charges. (RDM 19/26.9.78; T 26.9.78).

Early in October the court began hearing evidence relating to the start of the 1976 uprising, when the Soweto students defied armed police. Evidence was given by police witnesses and other whites who were in Soweto on 16 and 17 June. Col. Kleingeld said the police had been justified in opening fire on the demonstrators because their lives were in danger; a student named as Hastings Ndlovu was among the first killed by police on 16 June. Const. Thusi said the students' demonstration had been jovial at first, and that the black police had been armed with batons and the white police with guns. According to Maj. Viljoen, then commander at Jabulani police station, there was "total chaos" in Soweto on 17 June and police reinforcements had to be drafted from Pretoria. (Cit 4.10.78; RDM 5.10.78)

A pest control officer with Johannesburg City Health Dept., working in Soweto on 16 June, told the court of being prevented from leaving the area by groups of students and of hiding overnight in the home of an elderly woman (RDM 5.10.78). A white reporter on *Die Beeld* told the Court that, disguised as a black woman, she had covered the June protests at Orlando West High School, where a crowd of up to 500 students held placards with slogans rejecting the use of Afrikaans and Bantu Education in general. She identified Sechaba Montsitsi as having made a speech earlier in June. (Post 6.10.78)

The judge ordered the police to produce certain documents relating to the events of 16 June, and acceded to a prosecution request that three black policemen give evidence in camera. Later, detained students who had participated in the protests began to give evidence. One, Ms. Sarah Makape refused to do so in camera and spectators were invited to enter the court. Ms. Makape spoke of peaceful protest marches on 16 June. The judge ordered that she be released from detention after testifying. (RDM 20/21/25.10.78)

### NXUMALO and OTHERS

The trial of seven men and one woman charged under the Terrorism Act (see *FOCUS 18 p.11*) resumed in Pietermaritzburg Supreme Court in September.

Timothy NXUMALO (21) Sithembiso NGOBESE (26) Themba NXUMALO (26) and Eric MLABA (22) are charged with attempting to go for military training.

Together with Victor NGIDI (25) Elijah MLABA (26) Penuel MADUNA (26) and Ms Sibongile KHUBEKA (27 and a banned person, see *FOCUS 7 p.7*.) they are also charged with assisting 13 others to go for military training. Timothy NXUMALO is separately charged in

**Political Trials (continued)**

addition with undergoing military training, returning to South Africa with arms and shooting at a former policeman in Chesterville, Durban, in April 1978. A further charge against the first four accused, relating to the boycotting and burning of schools and buses, was withdrawn.

Some 40 witnesses and accomplices were named in the indictment, the main charge against Timothy Nxumalo being dealt with first. According to Sgt. M.B. Ntombela of Durban Security Police, Nxumalo was arrested on 11 April in possession of a pistol and ammunition; he denied that Nxumalo had been continuously interrogated under torture from 11-13 April. Former policeman Albert Mteku (62) testified to having been shot at and wounded on 9 April. A surprise witness, Nxumalo's father, gave evidence against his son saying Timothy had told him of training in Tanzania and trips to Angola and the Soviet Union. However he did not identify the arms produced in court as those shown to him by Timothy. Mr Nxumalo, a Baptist minister, denied that he was giving evidence because of police intimidation.

The trial was adjourned to 30 October. (RDM 6/12-16.9.78, 6.10.78; NW 28.9.78)

**MTSHWENI**

In a previously unreported trial, Isaac Sikhumbuzo MTSHWENI (28) was accused in Middelburg Regional Court in October on five charges under the Terrorism Act. Mtshweni was described as a former teacher and court interpreter, of Mhluzi township, Middelburg. No further details of the case were reported. (RDM 6.10.78)

**SAUL TFOTESI**

A student from Sebokeng, Saul Andrew TFOTESI (21) appeared in Vanderbijlpark Magistrates Court charged with four counts under the Terrorism Act on 22 August.

It was alleged that he conspired with two others during February and March 1978 to recruit people to go for military training. Tfotesi pleaded not guilty and the case was remanded. (Post 27.7.78; RDM 23.8.78)

**NGELEZA and MAGCAI****FOLEY, KALAKO and TINI**

Five persons were charged in July under the Terrorism Act in what was described as "the first major political trial in Port Elizabeth involving the African National Congress for a long time". (Post 27.7.78)

When they appeared in Port Elizabeth Regional Court in August two of the accused, named as Eric NGELEZA (41) and Weaver MAGCAI (30) both of Soweto, were remanded until 25 September separately from the others, Ms Kholeka FOLEY (25) Mziwamadoda KALAKO (22) and Greeves TINI (22) all of KwaZakhele township Port Elizabeth. No details of the charges were available. (Post 16.8.78)

**MOGALE and MABASO**

Two young men from the Soweto Students League appeared in Johannesburg Magistrates Court on 12 September charged with murder, arson, malicious damage, terrorism and alternatively sabotage. Linda Mario MOGALE (18) and Elias Jimmy MABASO (22) pleaded not guilty.

The charges relate to an incident in Soweto on 19 February when a school principal's house was attacked with petrol bombs; his wife and two daughters died from burns. The accused are also alleged to have firebombed another principal's house on 21 March, and set another on fire by mistake. It was claimed that Mogale and Mabaso joined the Soweto Students League after the Soweto SRC was banned in October 1977, and that earlier this year the SSL "accepted the aims of the South African Revol-

utionary Council which had the object of overthrowing the government and endangering law and order". The two appeared in court in leg irons and were remanded to 28 September. (RDM 13.9.78)

**MANQUPU and 3 OTHERS**

Four Soweto youths appeared in Johannesburg Regional Court on 26 September charged with possessing arms and ammunition. Ezard MANQUPU (21) pleaded guilty to possessing a machine pistol, two hand grenades, ammunition and TNT.

Bheki TSHABALALA (18) and Philip MOSETLHE (26) pleaded guilty to possessing the pistol and ammunition but not the grenades and explosive. Levine MOREBUDI (21) pleaded not guilty to all charges. The cases were separated.

In a statement which he repeated in court, Manqupu said he had been shown the arms by Morebudi, who claimed to have found them in the veld, and together they took them back and buried them in the veld again. Their neighbours, Tshabalala and Mosethle, had been told of the find.

MANQUPU was convicted; sentence was due on 4 October. The case against the others was postponed to 1 November. (RDM 27.9.78)

**MLAHLEKI**

A youth from Port Elizabeth appeared in Grahamstown Supreme Court on 2 October charged with sabotage, attempted murder and robbery. Timothy MLAHLEKI (19) pleaded not guilty on all counts, including alternative charges of arson, malicious damage and possessing a firearm.

The offences are alleged to have been committed in the Port Elizabeth area in March and April 1978. (RDM 3.10.78)

**MOKGOSI and OTHERS**

Four youths appeared in Krugersdorp Regional Court on 15 and 22 August charged with sabotage. Three of them, Stanley MALUSI (MOALUSI) aged 18, Hendrik MOLEFE (19) and David MOKGOSI (20) were those named in FOCUS 18 p.11, but the fourth accused given in the earlier press reports (George MOTSEI) had apparently been replaced by an unnamed 15-year-old from Soweto.

All were charged with petrol bombing four houses in Kagiso in February, including that of the Tswana School Board chairman. Four confessions admitting participation were laid before the court. Those allegedly by Malusi, Molefe and the 15-year-old were accepted by the magistrate in regard of alternative charges of arson and malicious damage. This suggests that they were acquitted of sabotage. Mokgosi's alleged statement was not accepted, and the case was said to be continuing, but no further press reports were received. (Post 16/24.8.78)

**KHUMALO**

On 16 October a man described as a terrorist trained in Zambia and Mozambique, Mzilikazi KHUMALO (28) appeared in Durban Magistrates Court charged on various counts under the Terrorism and Riotous Assemblies Act.

It was alleged that he had conspired to kill policemen and commit sabotage. No plea was entered and the case was remanded to 6 November. (RDM 17.10.78)

**OTHER TRIALS****ST AUGUSTINE STUDENTS**

Nine students from St Augustines School at Nqutu in Natal appeared in court on 14 August charged with murder following the death of a teacher at the school on 23 April 1978. They included Louis MANATHA and two unnamed juveniles (see FOCUS 17 p.3) together with Cedric MAVUNDLA (18) Caswell THABETHE (18) Milton MABASO (20) Sydney KHOZA

**SINGING IN COURT**

The eight young people from Durban on trial under the Terrorism Act (see NXUMALO and OTHERS) have been singing freedom songs at the start and finish of each day's proceedings. After one such incident led to a scuffle with police, the judge ordered that the accused enter the court after him and leave before him. The songs are now heard coming from outside the courtroom, provoking protests from the prosecution.

Earlier this year Justice Minister Kruger complained: "this phenomenon has increased to a perturbing extent. Supporters of the accused or supporters of their particular line of action are brought together and driven to the courtroom. They take up their seats in good time and normally occupy all the available space. The accused then enter the hall singing and with clenched fists, take their places in the dock and, standing, turn to the audience, whereupon all of them - accused and audience - then sing inflammatory songs. Brief speeches are also made. Only when the tumult has subsided can the court session commence. When the hearing is adjourned, the accused and the audience all leave the courtroom singing and the entire procedure is repeated with every adjournment and resumption of the trial. The supporters frequently continue their activities outside the court building and in the adjoining streets. To accompany the singing and the clenched-fists salutes, there is dancing, slogans are shouted and posters are displayed". (Debates 12.5.78)

(19) Oddie GAMEDE (19) Veli MKHONZA (19).

All were acquitted of murder on 16 August in Ladysmith Supreme Court on the grounds that they, together with nine others, had already been convicted of public violence in Dundee Regional Court and could not be tried twice for the same offence. The judge ruled that public violence was a competent verdict on a charge of murder. (Post 20.7.78, 14/17.8.78)

**PANTSHWA and OTHERS**

Joseph PANTSHWA and others re-appeared in court on 25 August at Athlone, Cape Town, when Pantshwa (24) Sipho SINGISWA (19) P. PASIYA and Ndikho NKUKWANA (19) were charged with public violence, a non-security charge. (CT 26.8.78)

In April Pantshwa and Singiswa were convicted with Mziwonke Solomon JACK (18) of sabotage following the burning of a school in Nyanga township. These three were freed on bail pending an appeal (see FOCUS 17 p.3) Jack's bail was withdrawn in September after he had been late in reporting to the police. (CT 10.10.78)

It is not known whether the public violence case against Pantshwa and Singiswa is in addition or alternative to the sabotage case, nor why Jack is not re-appearing with the others. The case was remanded to 3 October and bail was granted to Singiswa and Nkukwana but opposed for Pantshwa and Pasiya.

Protesting spectators were ordered from the court and then marched through the streets of Athlone, when 16 of them were arrested by riot police. They were charged with creating a public disturbance and bailed to appear on 3 October. After a demonstration in court on 3 October, bail was withdrawn and the case remanded to be heard at Pollsmoor Prison on 11 October. (CT 26.8.78, 10.10.78; RDM 26.8.78)

# OVER 400 POLITICAL PRISONERS LISTED

A new book from IDAF contains details of over 400 political prisoners currently being held in South Africa. *Prisoners of Apartheid* was published in October in co-operation with the United Nations Centre Against Apartheid, to mark the UN Day of Solidarity with South African Political Prisoners. IDAF President Canon L.J. Collins attended the United Nations' function, where he was presented with an award in honour of his work on behalf of the victims of apartheid.

*Prisoners of Apartheid* contains details of 415 convicted prisoners, together with brief biographical notes and information relating to each trial, conviction and sentence. Of these, 44 are unnamed prisoners, mainly juveniles at the time of conviction. 54 Namibian prisoners be-



The gold medal presented by the UN Special Committee against Apartheid to Canon L. John Collins, President of IDAF, on 11 October 1978 (see above)

lieved to be held in South African jails are also listed. Banned and banished persons are also listed (see p.16).

A comprehensive list of all political prisoners held by the apartheid regime is difficult to compile, as the government issues no details beyond an annual overall figure of those held under the four main security laws (see *FOCUS* 17 p.14). However it is believed that those listed in *Prisoners of Apartheid* represent virtually all those in this category. These are prisoners whose offences are recognised as 'security cases' and who are therefore denied all forms of remission and parole.

There are of course many hundreds more convicted under such 'minor' political legislation as the Riotous Assemblies or Publications Act, together with those who since June 1976 have been imprisoned for acts of public violence in political demonstrations or through the burning of Bantu Education schools. Furthermore, there are also thousands of Africans convicted annually for offences under the pass and curfew laws, which make criminals out of huge numbers of law-abiding citizens. It may be said, indeed, that the entire black population of South Africa are 'prisoners of apartheid' in the broad sense of being deprived of their freedom. Those who are identified as political prisoners on the other hand, are those who have been jailed by the State for action in pursuit of freedom.

Of the prisoners listed as still in prison in October 1978, at least 70 were jailed before or during 1965, and over 230 since the beginning of 1976. The former group represents a gradually diminishing (apart from the life prisoners) core of those convicted during the repression of the early 1960s, and the latter the large increase in political imprisonment following the 1976-7 uprising.

The annual totals of prisoners held under security laws show that from a 'peak' of nearly 1400 in 1966, the numbers declined for a decade, as prisoners served their terms and were released, and are now climbing again:

Date	No. of Political Prisoners
June 1966	1395
September 1966	1310
January 1967	1221
January 1968	1335
January 1969	1019
January 1970	809
January 1971	549
January 1972	463
January 1974	344
January 1975	320
January 1976	253
January 1977	310
April 1977	383
January 1978	440

(NB Figures are normally, but not always, issued for 1 January by the Prisons Dept. or the Minister).

## PRISONERS' APPEAL REJECTED

The eight long-term political prisoners who appealed for privileges relating to newspapers and uncensored letters and visits (see *FOCUS* 17 p.4) lost their case when judgement was delivered at the end of September. The appeal bench ruled that the evidence presented did not warrant the changes asked for by the appellants. The prisoners concerned are Denis Goldberg, David Kitson, John Mathews, Alex Moumbaris, Raymond Suttner, David Rabkin, Jeremy Cronin and Anthony Holiday, who are all serving their sentences in Pretoria. (*RDM* 27.9.78).

## JOHANNES MATSOBANE

Mputle Johannes Matsobane, the student who died on Robben Island two months after being convicted of sabotage (see *FOCUS* 18 p.12) was buried at Sebokeng, Vereeniging on 26 August. A Prisons Department statement said that Matsobane 'probably died an unnatural death' but an independent autopsy commissioned by the family could not be carried out because the body had already been embalmed, and the exact cause(s) of death have not been revealed. Before his conviction Matsobane had played football for his local team, and in his last letter

from the Island had written "I feel at home and in good condition. I am still very well". His family were initially told he had died of a heart attack. (*Post* 16/17/24.8.78; *DD* 16.8.78).

Police fired teargas to disperse the crowd of 7000 mourners after the burial and stated that seven persons had been arrested for illegal gathering. A tent erected for the funeral meal was set on fire. Students from both the Vaal SRC and the Soweto Students League urged mourners to attend the funeral. A speaker said Matsobane's death showed that he was prepared to die for his convictions, and added "our daily lives are governed by laws whose limitations make speaking out against evil impossible without fear of arrest." (*Post* 18/21/25/27/28.8.78; *RDM* 28.8.78)

## PRISON PRIVILEGES

Defending the recent decision to curtail political prisoners' study opportunities (see *FOCUS* 18 p.12) the Minister of Prisons J.T. Kruger told the House of Assembly that such prisoners were 'not susceptible to rehabilitation' and abused study privileges. He said "they use the material to send each other all kinds of messages. They obtain study material and can sit there and work, but they sit and write blatant agitation literature to each other and send it to each other or smuggle it out... We found that in most cases people who were sentenced in terms of the Terrorism Act studied in detention and were later released and later simply went on with their terrorist activities. Some of them are back on the Island... We simply cannot permit this."

Other points made by Mr. Kruger in his speech are as follows: "Any statements made to the effect that the department does not wish to allow legal representatives to see prisoners at Robben Island are contradicted by the statistics. In 1976 we permitted 40 lawyers to see these people concerning legal matters, appeals, disciplinary hearings and so on. In 1977 we allowed 55 lawyers there and to date viz. up to 30 March 1978, 12 lawyers have already been permitted there...."

"We surmise that we shall probably be on Robben Island for another five to seven years... I should like to see the existing buildings being developed into a kind of motel (sic)... and I think we could develop Robben Island into one of the finest sea-bird parks in the world..." (*Debates* 17.5.78)

## PRISONERS OF APARTHEID

A biographical list of political prisoners and banned persons in South Africa

Prepared by IDAF Research Dept.  
Published by IDAF in co-operation with the UN Centre against Apartheid

180pp. price \$6.95.

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P. O. Box 17  
CAMBRIDGE, MASS. 02138

# CLAMPDOWN IN VENDA

Following the defeat of the Venda National Party (VNP) led by the government-appointed Chief Patrick Mphephu in the bantustan election in July, large numbers of the opposition Venda Independence Party (VIP) led by Baldwin Mudau have been arrested (see *FOCUS 18 p.8*). Emergency regulations allowing 90 day detention were proclaimed in 1977 (see *FOCUS 16 p.13*).

By the end of August some 47 persons, including 11 members of the VIP (which won 31 out of the 42 elected seats in the election) were in detention. Some of the others held were magistrates who took affidavits from voters about election malpractices. The purpose of the arrests seemed to be to prevent the VIP from taking power in the homeland and installing Mudau as Chief Minister. To do so the support of at least 12 of the 42 nominated tribal members of the legislative assembly was needed. According to Mudau, "the arrests are designed to intimidate those chiefs who had already promised to vote for the VIP. Our members arrested were those involved in canvassing the chiefs" (*FM 1.9.78*). Mudau himself lives in Johannesburg, out of reach of the emergency powers.

Under Mphephu, Venda is scheduled to become the next 'independent homeland', in 1979. He was re-elected Chief Minister when the legislative assembly session opened in September, boycotted by all but two of the VIP members. (*FT 15.9.78*). Shortly afterwards more persons were arrested (see below).

The imposition of a clearly unrepresentative ruling party was criticised by the *Rapport* newspaper among others, as this is the second time the VNP has been defeated at the polls. In 1973 the VIP won 13 out of 18 elected seats, with the majority of the chiefs being induced to support Mphephu (*FT 15.9.78*). Venda is strategically placed in the north and east of the Transvaal, separated from the Rhodesian border by a strip of land annexed for defence purposes, and from Mozambique by the Kruger Game Park. According to the *Times* there are obvious strategic reasons why the South African government wants its own appointees in control in Sibasa, Venda's allotted capital, and why South African security police have been responsible for carrying out the arrests (*T 5.10.78*). Mphephu is reported to have said that VIP members who continue to boycott the legislative assembly will be deprived of their seats. (*RDM 19.9.78*)

## VENDA DETAINEES

In addition to the 21 persons from the Venda Bantustan listed in *FOCUS 18 p.8*, the following were reported detained in August and September (dates approximate)

19-21 August

J.T. KGABO VIP member of legislative assembly

15 others (names not given)

27 August

S.N. SINYEGWE VIP member of legislative assembly

Lawrence KHOROMBI, teacher and religious leader (see *FOCUS 16 p.13*)

4 others

17 September

M.A. MAZIA

S.N. NETHAVHANI

P. MATSA

VIP Candidates in election

2 Teachers from Thengwe High School

J. NEMUTANDANI, businessman

B. TSHIBUBALUME, 'prominent citizen and

VIP supporter'

Wilson MOIME, businessman.

29 September

Mbavhalelo MULOVEDZI

Emmanuel NEMUFULE

Von Roy THENGA

Nekwevha NGWENANI

Joseph TSHISHONGA

Students at Lwenzhe High School

This brought the total of those arrested under Venda Proclamation R276 to 61. The detentions were carried out by the SA security police on the orders of the Venda 'Minister of Justice'. Attempts by the press to get the names of all those held were thwarted by the authorities. In addition to the detentions, chieftainess Virginia Tshivhase, mother of Prince Tshivhase, about to be installed as chief, was ordered to report daily to the police at Sibasa. (*RDM 29.8.78, 6.9.78*). One of those arrested on 19 August, Mulingwa Sigwavhulimu, was released at the end of August.

## CISKEI

In July several members of opposition groups in the Ciskei Bantustan were detained under Proclamation R252. In addition to three held at East London reported in *FOCUS 18 p.8*, they were:

Monde NQWELO ex-member of Ciskei National Independence Party in Zwelitsha, now with National Labour Party (CNLP).

D. MATAKANE from Alice

Stanford MONTI } from King Williams Town

M. SIBEWU

All those held appear to have been connected with the CNLP, led by L.M. Siyo, following a split within the ruling party led by Lennox Sebe. Several others are reported to be in hiding for fear of detention. They include Siyo himself, Justice Mabandla (former Ciskei Chief Minister) and Chief S.M. Burns-Ncamashe (former Education Minister) and N.L. Mankai of Zwelitsha. Other opponents of Sebe have been banished from the Ciskei (see *p.16*). (*DD 22.7.78; Voice 26.7.78*).

## BIKO ANNIVERSARY

As the first anniversary of Steve Biko's death in detention on 12 September 1977 approached, police took into custody several of Biko's family and friends. The names reported were as follows

Ms Nobandile MVOVO } Biko's sister and

Mxolisi MVOVO } brother in law

Ms Thenjiwe MTINTSO } recently released

Jairus KGOGONG } from ISA detention

Ms Thoko MPUMLWANA } BPC workers

Malusi MPLUMWANA }

Ms. Nohle MOHAPI widow of Mapetla Khaya BIKO brother

Ms Pumla SIMANGA

Ms Kholeka MBILINI } in Eastern Cape

Mzwakhe MBILINI }

- MBILINI

Rev. Mzwandile MAQINA } in Port Elizabeth

Mbuyiselo MADAKA }

Clifford E. BROWN }

## OTHER DETENTIONS

Reported detentions in addition to those given above:

May 1978 Pretoria

Trofomo MOLEPO (17)

Ronald MAMOEPHA (17)

Clifford MOKGALE (16)

Abraham PETA (18)

Abraham MODIBA (18)

Patrick MODIBA (17)

Steven MASILELA (17)

Vincent MALEKA (18)

all students from Atteridgeville released during July

1.6.78 Soweto

Ms. Patricia SELOMELETSO (26) released 4 July

Ntshabele Josias POOE (25) Soweto Action Committee

11.7.78 Krugersdorp

Ms Baile NELSON

Ms Kuki RAMAPHORE

YCW members bringing the total held to 17

15.7.78 Umtata

Moses PINKSTON black Harvard student researching in the Transkei

9.8.78 Mmabatho

Two STUDENTS (names not given) said to be Soweto SRC leaders arrested in possession of PAC documents. Arrested by BophuthaTswana authorities and handed over to SA Security Police (*Post 13.8.78*).

17.8.78 Oshoek

Ms Angeline Lucky ZIKALA (29)

Ms Gloria ZUNGU (25)

One other

all from Soweto arrested at border post

August Soweto

Petrus Lengau LANGA (20)

Martin N. SELEKE (21)

August Benoni

Mandla Nelson MTSELU (22)

One other. Both from Soweto, arrested in Daveyton after police car and helicopter swoop

8.9.78 Soweto

Ms Ethel WAUCHOPE (52) mother of George Wauchope (see *FOCUS 18*)

Ms Joyce KALOATE (48) sister of above

23.9.78 Soweto

Ms Constance MASEMOLA (17)

25.9.78 Cape Town

Ms Jean NAIDOO (39) of Rylands (see *FOCUS 8 p.10*)

2.10.78 Johannesburg

Sammy MAGOSH of Noordgesig, member of AZAPO

## STILL IN CUSTODY

Among those detained last year and still apparently in detention are:

Mrs. Deborah MABALE (Debs MATSHOBA) wife of former SASO OFFICER Gilber Mabale, of Krugersdorp, detained under the Terrorism Act in January 1977 and still held in July 1978, when her husband was released from ISA detention. Ms. Mabale has a son, Sechaba, now aged 3.

Ms. Masobata LOATE (19) Soweto student detained 17 June 1977 and still held in October 1978, under the Terrorism Act, without access to her family.

Simon MLUNYENI of East London, reportedly arrested on 7 October 1977 while on holiday in Alice and not freed by July 1978.

## STOP PRESS

Mrs Sally MOTLANA, vice president of SACC and wife of Dr N. Motlana (see *p.16*) was detained on 25 October. Mrs Motlana was previously detained in 1976 and 1977. (see *FOCUS 9 p.10*)



# TABALAZA—"NO ONE TO BLAME"

The inquest finding into the death of Lungile TABALAZA, aged 20, who fell from the Port Elizabeth security police headquarters on 10 July (see *FOCUS 18* p.6) was that no one was to blame. The magistrate said on 3 October that the police evidence that Tabalaza had not been assaulted or threatened during interrogation had not been refuted; the police had neither killed Tabalaza nor been guilty of criminal negligence in questioning him in a room without window bars.

As the security police are the only people to have access to detainees, their evidence can never be directly refuted nor confirmed. Nor is it possible to ascertain which parts of their evidence are true or partly true, and which false. The sequence of events which led to Tabalaza's death appears to have been as follows, as far as can be assessed from the inquest:

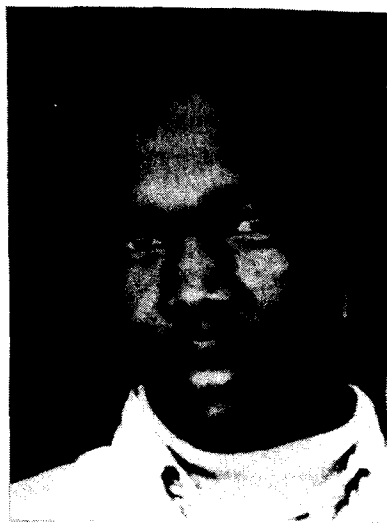
On 10 July news reached the Unrest Investigation Unit of the SAP in Port Elizabeth that an incident concerning an attack on a delivery van had occurred early that morning in New Brighton. The Unrest Unit was headed by Maj. de Jongh with subordinate officers including Lt. Verceuil, Det. Sgt. Nel and Const. Mene, all connected with the Tabalaza case. Although the Unit was said to be unconnected with the Security Police, it fell ultimately under Col. Goosen, head of Port Elizabeth SP (and in charge of the squad which murdered Steve Biko). The Unrest Unit moved to the 5th floor of the Sanlam Building in Port Elizabeth apparently around the beginning of July. Previously its interrogations had been carried out at New Brighton police station. The Unit claimed to

have been responsible for 2000 arrests since June 1976.

After the van incident Tabalaza, a 17 year-old and another man were arrested and taken to New Brighton police station. Nel and another officer arrived to question them. The youth (who gave evidence at the inquest) said Tabalaza was taken off for questioning by policemen holding wire and when he returned had 'tears in his eyes'. The third man was released and Tabalaza and the youth taken to Sanlam Building, the Security Police HQ. Window grilles were in the process of being fixed on the 5th floor. Nel took Tabalaza first for questioning, for some two hours, charging him with other unsolved arson incidents on 8 July as well as the robbery and burning of the delivery van. A statement was prepared admitting involvement in the three incidents; according to Nel this was Tabalaza's confession, but it was never signed by him.

At around 1 pm. Tabalaza was taken for finger-printing and then sent, in the care of Maj. de Jongh and Sgt. Mene, to the Magistrates Court to make a statement. But the magistrate Mr. Lubbe told the inquest that Tabalaza, whom he saw at about 2 pm, had denied wishing to make a confession and instead said he was afraid of going back to face Nel at Sanlam without have done so. Lubbe noted this down and sent him back. Arriving back at Sanlam at about 2.40 pm Tabalaza was taken up to the fifth floor, where de Jongh showed Nel the statement. According to the police witnesses, while this was taking place, Tabalaza apparently opened a window in Nel's office and tried to jump to a roof across the street. He landed in the street 20 m below and died of multiple injuries. A passer-by saw this happen at 3 pm.

According to Dr. W.E. Cooper, for the family, 'something dramatic' clearly happened when Tabalaza returned without the expected confession, and the time not accounted for in the police version (approx. 2.45 to 3 pm) was



Lungile Tabalaza, student at age 19.

significant. It was unlikely that Tabalaza had tried to jump to another building; perhaps he had been in such a desperate state of mind he had simply tried to escape from his interrogators.

From the evidence given by passer-by Mr. Gerber it would appear that Tabalaza crouched on the window sill and leap outward. No other person could be seen at the window from the street below. Whether or not Tabalaza jumped or was pushed, however, it is clear that he would not have died had it not been for his treatment by the police. As Dr. Cooper told the inquest: "a great deal more happened than was said in evidence... his death was a direct result of what occurred between him and Sgt. Nel on that day." (CT 16/18/19/21/22/23/26/27/28.9.78; T. 4.10.78)

## YOUTH CONVICTED

The 17 year old youth arrested with Tabalaza in connection with the delivery van incident, was tried, convicted and sentenced to 18 months' only two days after being arrested. This information emerged during the inquest, when the unnamed youth was a key witness.

When interrogated by Nel, the youth said he had been told to confess to being involved in three arson incidents, and to say that Tabalaza had played a leading role. Nel threatened him with 10 years' detention if he did not 'confess', and a statement to this effect was made. This formed the basis of the prosecution on 12 July when the youth was taken to court and convicted on the strength of his guilty plea and statement, although no other evidence was led. He was sentenced to an effective term of 18 months. There was some confusion on this when it was claimed that the youth had in fact been convicted of sabotage (which carries a mandatory 5 year sentence); he himself did not know what he had been convicted of, and had pleaded guilty to four counts until questioned by the court on one, which he had denied.

In the inquest court the youth denied that he or Tabalaza had been involved in any arson or robbery incidents, saying they had been marginally implicated in handling some stolen

cash from the van. He also said that on 11 July he had signed a second statement prepared by the police saying that he had not seen Tabalaza being assaulted. (CT 16/18/19/21/22/23/26/27/28.9.78; T. 4.10.78)

It would appear that for this youth, as no doubt for many others, the prospect of confessing to crimes not committed, and the likelihood of imprisonment, are preferable to defying police interrogation with the likelihood of assault and the possibility of death. His brief trial does not appear to have been reported in the press and if, as seems probable, he was convicted of robbery and malicious damage (charges apparently preferred posthumously against Tabalaza) he will not be classified as a political prisoner. Nor will his name be revealed.

### POLICE MURDERS

On 2 November three SA policemen were convicted of the manslaughter of Paulos Cane, from the Hlulwane district of Natal, who had been arrested with another man on a theft charge. Constables D.H. Godwin (20) D.C. Atherstone (20) and M.C. Mthethwa (36) assaulted the two men by suspending them from a garage roof in handcuffs and beating them with whips and a stick, and caused multiple injuries to Cane by suspending him from a tree by his neck, repeatedly jerking him off his feet and trampling on him when he was on the

### ARREST AT JAN SMUTS

The Very Rev. Michael MOLALE, Dean of Gaborone and a Botswana citizen, was arrested in the international area of Jan Smuts airport on 26 July while en route to the Transkei. He was held by the SA Security Police for a week before being freed.

The international area at Jan Smuts is supposed to confer immunity from arrest for travellers not visiting South Africa but having to pass through the airport to reach Lesotho, Swaziland etc. This incident indicates that neither this arrangement nor the possession of foreign citizenship offer protection from arrest should the SA police decide otherwise.

ground. He died of renal failure. (CT 19.8.78; T 3.11.78). The three policemen were each sentenced to 12 years imprisonment plus cuts for the two younger ones.

In the Orange Free State six policemen and two civilians were accused of murdering and assaulting J.M. Matobako, who was arrested with five others on a farm. The prisoners were suspended naked by their wrists and hit with whips, and were also given electric shocks. Matobako died in hospital of renal failure. (RDM 30.9.78)

# rhodesia ZIMBABWE

## MARTIAL LAW

With the introduction by the Smith regime of harsh new security measures, virtually all the limited reforms introduced under the "internal settlement" agreement of 3 March 1978 have been reversed. The relevance of the steps that have been taken by the transitional government to lessen racial discrimination by opening white schools, hospitals and other facilities to Africans in the higher income brackets, in particular, must be assessed in the light of this continuing climate of political and military repression.

Approximately one half of Zimbabwe has been declared by the Smith regime to be under martial law following the announcement by Mr. Smith of measures "to facilitate the prosecution of our war effort, while at the same time leaving intact those civil authorities which are required to continue to play their part." Speaking in a nationwide TV and radio broadcast on 10 September, Mr. Smith said that martial law would be "introduced in particular areas as and when required. It will lead to tougher, stronger measures against our enemies." He warned neighbouring Zambia and Mozambique that they could expect further crossborder attacks and that they must "bear the consequences". The next step in the regime's offensive against the liberation movement, following the shooting down of a Viscount airliner by guerillas of ZAPU (Patriotic Front), would be to "liquidate the internal working of those organizations associated with terrorism" — a reference to the subsequent banning and mass arrests of officials and members of ZAPU and the People's Movement (ZANU). (T/FT/MS 11.9.78)

Martial law was formally declared on 22 September in seven areas (*shown in black on the map*) and extended to a further four areas on 3 October (*shown shaded*). The areas include white farmland within 20 km of Salisbury, as well as a large number of Tribal Trust Lands and African Purchase Areas. (*Rhodesia Proclamations Nos. 19 and 20 of 1978, issued by Lt. Col. H.B. Everard in his capacity as Acting President and Acting-Commander-in-Chief of the Armed Forces in Rhodesia; printed in Rhodesia Government Notices Nos. 733A and 760B of 1978, 23.9.78 and 4.10.78.*) A third Proclamation on 31 October extended

martial law to a further 30 areas, including almost the entire south-western province of Matabeleland. Up to 3 million of Zimbabwe's 7 million people are now estimated to live in areas where the military has total power over the population. (FT/GN 1.11.78)

Under the terms of the Proclamations, "the executive officers of the Government, the military forces and other security forces of the Government and its other Servants employed to assist the Government are . . . vested with full and complete powers and authority to do all things in their judgement proper and necessary for or towards the object of suppressing and dealing with . . . hostile actions and for restoring and maintaining good order and public safety" in martial law areas. While the Proclamation notes that the "existing provisions of the law in force in Rhodesia have proved inadequate", it is in many respects an attempt to legalise a situation already in existence on the ground i.e. one in which the regime's civil administration has broken down irretrievably in many parts of the country and where if any kind of central authority continues to operate, it is of a military kind.

The specific regulations are a further milepost in the Smith regime's disregard of the rule of law. In this, the Rhodesian Front has been joined by the three black members of the transitional government, Bishop Muzorewa, Rev. Sithole and Chief Chirau, who according to Mr. Smith were "willing partners" in the whole exercise. (BBC 16.9.78, reporting press conference given by Mr. Smith on 14 September in Salisbury). In particular, the regulations provide for the setting up of special courts martial consisting of "suitably qualified persons", with sweeping powers, (including the death sentence), to try offences connected with the armed struggle, and confer powers of indefinite detention without trial (previously the prerogative of the Minister of Justice, Law and Order) upon the security forces in martial law areas. (*see below*)

While the martial law regulations do indicate an even more ruthless and desperate phase in the regime's fight to preserve white minority rule, their precise strategic significance is somewhat obscure. In some areas, a declaration of martial law may conceal a decision by the Rhodesian military authorities to withdraw security force units from more outlying parts of the country where administrative control over the civilian population has deteriorated to such a point that they are no longer felt to be worth defending, in favour of concentrating troops around more economically important or strategically significant centres. If this is so, martial law is a tacit recognition of defeat on the part of the regime and that all other

methods of flushing out guerillas and their supporters have failed.

### COURTS MARTIAL

The regulations governing the workings of special courts martial were published in the Government Gazette on 23 September. (*Martial Law (Establishment of Special Courts Martial Notice, 1978 and Emergency Powers (Special Courts Martial: Martial Law) Regulations 1978*).

(a) The courts will consist of "suitably qualified persons", unspecified, but presumably comprising nominees or representatives of the local military authorities. There is no proviso that the members must have legal qualifications or experience.

(b) They will have jurisdiction to try any offence connected with the armed liberation struggle and the "maintenance or restoration of law and order" and committed within an area subject to martial law.

(c) They may impose any sentence "which the court considers appropriate", up to the maximum which could have been imposed by the General Division of the High Court (i.e. the death penalty).

(d) The death penalty, and certain other sentences (unspecified), will be subject to review by a Review Authority (whose composition is unspecified). A warrant signed by three or more members of a Review Authority shall confirm a death sentence and this will be carried out by hanging in any prison recognised as such in any part of the country (rather than exclusively in Salisbury Central Prison as in the past). In the case of other sentences, a warrant signed by the President of the court martial or any member of the Review Authority will be sufficient authority for implementation. Hangings will be carried out in secret in the usual way.

(e) No appeal will be allowed to the civil courts against decisions or other proceedings of the special courts martial or the Review Authority.

(f) Both the special courts martial and the Review Authority will be able to conduct their proceedings anywhere in Rhodesia (i.e. not necessarily inside a martial law area) and, if they wish, *in camera*. In other respects too, e.g. requiring a witness to appear before the court, the jurisdiction of the courts martial will extend outside the martial law areas. A warrant signed by the court President or any member of the Review Authority is sufficient authority to arrest and detain a person anywhere in the country in order to bring him or her to trial before the court martial.

(g) "Legal representation of persons charged before special courts martial will be possible". No further details are given on this point.

These regulations, though considerably harsher, in many respects represent an extension of those governing the Special Courts set up by the regime in May 1976 (*see FOCUS 5 p.3*). The possibilities for adequate legal defence have been even further reduced and the powers of the military vis-a-vis the civilian judiciary drastically increased. It is known that the original concept of the Special Courts — to clear Law and Order (Maintenance) cases quickly and with a minimum of publicity —



continued from p.8

tended to break down towards the end of 1977. Defendants were able to obtain legal counsel in many instances and were tending to plead not guilty. Trials were continuing for a week or longer as a result and the Special Courts as a whole were becoming increasingly unpopular with the judiciary. While it is too early yet to assess their operations in practice, the special courts martial are undoubtedly intended to correct these deficiencies.

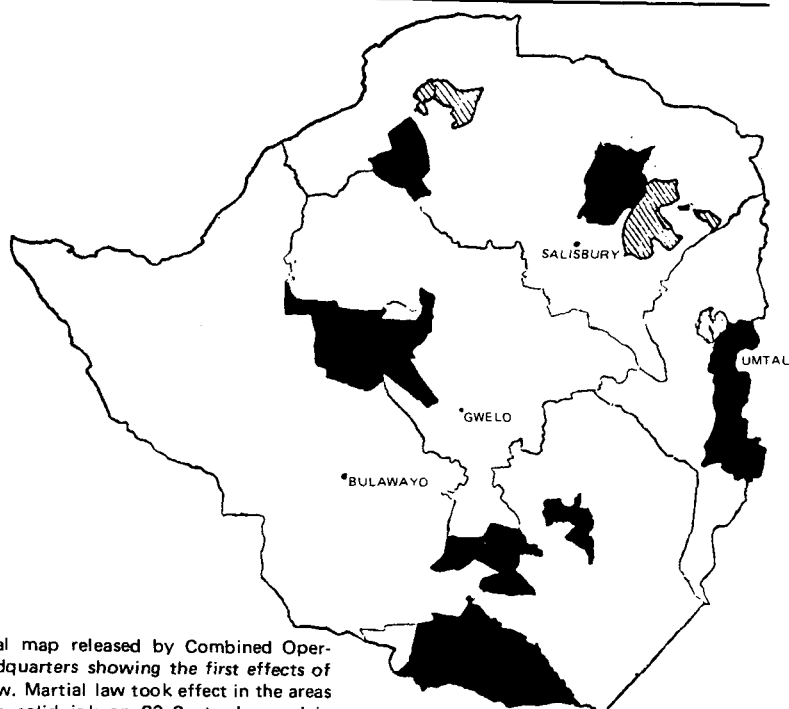
The martial law regulations also confer new powers to arrest and detain upon any member

of the security forces in martial law areas — defined to include the police, army, air force, employees of the Ministry of Internal Affairs and any person "assisting" any of the above, a proviso presumably designed to cover the so-called "auxiliary" forces claimed by the regime to have been set up under its "safe return" programme for guerillas prepared to support the internal settlement. (In reality these "guerillas" are widely believed to have been recruited by Bishop Muzorewa and Rev. Sithole from among the unemployed or their own followers, and to include many lawless and criminal elements — see *PRIVATE ARMIES*). Under an amendment to the Emergency Powers

Regulations, any member of the security forces may cause any person arrested in a martial law area to be "detained in a prison or other place outside a martial law area as if he had been detained pursuant to an order issued by the Minister" (of Justice, Law and Order) ie. indefinitely. Such detention orders cannot be challenged by any court of law, and they shall remain in force even if the state of martial law in the relevant area is terminated, subject to being reviewed within 30 days by the Minister (*Emergency Powers (Maintenance of Law and Order) (Amendment) Regulations, 1978, No. 10; printed in Rhodesia Government Notice No. 733D of 1978, 23.9.78*).

#### Extracts from a letter received by IDAF, dated 19 October 1978:—

"Things are pretty bad this end, especially to members of our organisation. A few people have been released but they still arrest here and there. My husband tells me during his arrest of two days he was put into a horrible cell — smelly and full of lice. After his release he... was told that the Red Cross people are not allowed to get to the cells. Treatment was more than bad. Every time they were told they will be shot. My step-daughter went to look for my husband to take him some food — and on getting there was harassed and promised a bullet. During the night of arrest, if they didn't (Special Branch) get whoever they were looking for, they arrested kids, detained them until the individual gave himself up... All the furniture in our offices was confiscated. People are being shot here and there..."



An official map released by Combined Operation headquarters showing the first effects of martial law. Martial law took effect in the areas marked in solid ink on 23 September and in the shaded areas on 4 October. (*RH 6.10.78*) Further large areas have since been declared in the south-west.

## DETENTIONS — OVER 600 ARRESTS

Over 600 officials and supporters of the Patriotic Front — possibly many more — have been arrested by the Rhodesian police since the announcement of martial law, and detained under the Emergency Powers regulations. The regime admitted on 8 October that 218 people were being held in custody. 19 ZAPU officials, picked up in dawn raids, were already in custody by the time Smith began his broadcast to announce martial law on 10 September. Over the next two days, a further 300 people, including 10 members of ZAPU's 60-strong national executive council and a number of top officials of ZANU (People's Movement) were arrested, the offices of both organizations closed and party property confiscated. On 15 September both ZAPU and the People's Movement (ZANU) were once again banned under Section 3 of the Unlawful Organizations Act. (*Rhodesia Proclamation No. 18 of 1978, Rhodesia Government Notice No. 715A of 1978*

18.9.78). (The 15-year-old bans on both organizations were temporarily lifted in May 1978 as part of the 'reforms' introduced under the "internal settlement"). At a joint session, the Executive Council and Ministerial Council agreed that the mass detentions of Patriotic Front supporters had been undertaken "in order to give the March 3 agreement a fair chance". (*T/FT/Tel 14.9.78; SM 17.9.78; GN 5.10.78; BBC 10.10.78*).

Large-scale arrests, detention in police and security force camps for interrogation purposes, and unexplained "disappearances" have become a hall-mark of the regime's "internal settlement". Speaking in Lusaka on 24 September Mr. Joshua Nkomo, President of ZAPU (Patriotic Front), alleged that more than 350 Patriotic Front members had been "liquidated by hanging and torture" since the declaration of martial law, while "thousands" had been arrested. (*ZPV 30.9.78*)

Those arrested on and after 10 September were initially held under Section 23 of the Emergency Powers (Maintenance of Law and Order) Regulations 1977. Detention orders

were expected to be issued under Section 19 of the same. On 8 October the regime's co-Minister of Justice, Law and Order, Mr. Francis Zindoga, said that those in custody were being held for suspected conspiracy or incitement to murder, conspiracy to overthrow the government or the state and encouraging guerillas to step up the war. Some of them would be released, some would be put on trial and others "would remain in detention because there was reasonable cause to assume that they would commit unlawful acts." (*BBC 10.10.78*)

Those arrested include:

(From ZAPU): **Cephas Msipa**, Secretary for Education (he had recently joined the staff of the *Zimbabwe Times* as an assistant editor); **Christopher Kadenhe**, Financial Secretary (both of these are being held in Chikurubi Prison, outside Salisbury); **Suman Mehta**, Treasurer; **Mark Nziramasanga**, deputy Publicity Secretary; **William Kona**, Chairman; **Clement Muchachi**; **Jean Ntuta**; **Enos Mdlongwa**; **Mr. Dauramanzi**; **Potence Takundwa**; **Willie Dlamini**; **Geoffrey Padzakashamba**; **Anthony Masawi**; **Stanislaus Marembo**; (From ZANU (People's Movement): **Edward Pswarayi**, Chairman; **Grafton Ziyenge**, National Organiser; **Eric Gwanzura**, Treasurer; **Joe Taderera**, national official.

# REFUGEES IN ZAMBIA

A few weeks before the massive Rhodesian air attacks into Zambia began on 19 October, a representative of International Defence and Aid Fund had visited a number of Zimbabwean refugee camps outside Lusaka. At Chikumbi camp alone, 20 km north of the capital, 226 non-combatant refugees were killed in a Rhodesian bombing raid and 629 wounded, six of whom died in hospital, according to ZAPU (Patriotic Front). (FT 21.10.78). Further attacks against ZAPU installations close to the capital took place on 2 November. The two main camps for Zimbabwean refugee children in Zambia, J.Z. Moyo (boys) and Victory (girls) are both situated in this area, and were visited by the IDAF representative.

The first camp visited, however, was a transit camp for 11½ thousand young men from 16 years upwards, about 9 km outside Lusaka. "We drove in a jeep over appalling roads, full of potholes and eventually turned off the main road into the bush where there was virtually no road at all. As we went further into the camp, I noticed hundreds upon hundreds of tiny huts made of reeds. These were the temporary shelters of the inhabitants which they had erected themselves.

"The food, maize meal, was being cooked in the open over a log fire in two huge cooking

pots. It took from 3 am until the evening to serve each man one meal per day.

"I was then shown the camp clinic. It seemed absurdly small and the supplies so inadequate for the numbers to be serviced. They were short of everything. Despite the deprivation here, there were no signs of discontent — there was a feeling of belonging and of comradeship.

"Next, I was taken to the Jason Moyo school for 8,000 boys. The conditions here were somewhat better. The boys were sleeping under canvas tents but overcrowded. Tents for 8-10 were inhabited by 12-14 boys, whose ages ranged from 6-16 years.

"Classes were in session when we arrived. These were 12 year olds and were having a lesson in simple biology. I was surprised at the neatness of the work and the level of the education. All the teachers are Zimbabweans and the classes took between 45 and 50 children. Subjects taught were African languages, history, geography, maths, science, politics, biology. The principal indicated that they were very short of readers — at the moment had sufficient exercise books, but were also in need of pens."

At the Victory camp and school, housing 6½ thousand girls in the same age range as the boys, conditions were similar but some permanent dormitories and classrooms had already been constructed. A thriving sewing machine factory was already in existence, with plans in hand to set up a typing school.

"I spoke to 3 young women at random and

asked them why they had left Zimbabwe. The first said that she was at home one day with her brother who was doing nothing more dangerous than combing his hair when the police arrived and beat him to death in front of her eyes. The reason was that he was wearing jeans which they say is the garb of terrorists.

"The second said she had gone to a multi-racial school in Salisbury and had passed her A levels well. All the white girls got employment but the black girls were unable to do so. After a long time she obtained work at 7 dollars a month, but as she could not exist on this, she decided to leave and join ZAPU.

"The third girl lived in a village near Plumtree. One day the guerillas came and asked for food. She said they were very polite, they did not threaten, and the people could see they were hungry and gave them food. Then they left. Shortly afterwards the police arrived, rounded up all the parents and interrogated them. But no one knew where the guerillas had come from nor where they had gone. They beat the parents unconscious; when they came to they burnt them with cigarettes, then beat them again. Finally they were all rounded up and taken to jail, where she understands they still are. They told the youngsters and children to remain there and each day came to harass and question them, till finally she and others decided to flee.

"I was informed that many of the teachers here had walked out of Zimbabwe with their entire classrooms of children." (Report to IDAF, October 1978)

## REGIME RESORTS TO CHEMICAL WARFARE

The Smith regime's military authorities have refused to comment on reports that napalm has been used by Rhodesian troops during attacks into Zambia. (GN 21.10.78). There is nevertheless a mounting body of evidence that not only napalm but other methods of chemical warfare are regularly used by the Smith regime as an established part of its counter-insurgency tactics.

Published references indicate that the Rhodesian military apparatus has been fully cognizant with the use of napalm for at least a decade. Rolf Steiner, a former member of the French Foreign Legion who fought on the Biafran side during the Nigerian civil war, refers in his autobiography to a Salisbury armoured who had deserted the Rhodesian security forces and joined Colonel Ojukwu's secessionists as a mercenary: "One of his specialties was napalm, which he cooked up to his own recipe. The method was simple: into an old oil drum he put ordinary household soap and heated it gently until it was liquid, when the soap was melted he topped the drum with petrol and added gunpowder, in proportions he obviously knew by heart." (R. Steiner: "The Last Adventurer — From Biafra to the Sudan", Weidenfeld and Nicolson 1978 p.114).

Tom McCarthy, a British mercenary who joined the Rhodesian army with the assistance of the South African Embassy in London, told the British Anti-Apartheid Movement in March 1976 that a version of napalm — which he compared to airfix glue — was regularly used by the Rhodesian air force to flush guerillas from cover. (Interview in London 11.3.76).

Accusations by the Mozambique government that napalm bombs had been used by the Smith regime in attacks against Zimbabwean refugee camps were frequently made from the end of that year. Rhodesian napalm, trade name "Frantam" is manufactured inside Zimbabwe

using local materials. The effects have been described by Dr. Herbert Ushewokunze, Minister of Health for ZANU (Patriotic Front) while on a tour to the USA in May 1978. He showed pictures of the havoc wrought by 'napalm porridge': "Imagine somebody dipping his arm in a jar of sulphuric acid — the pain, the agony, the disintegration of tissue, the death. If that porridge lands on you and you try to wipe it away you're in trouble — your hand falls off, gets eaten away." (Africa News (U.S.) 26.6.78)

Dr. Ushewokunze also revealed that he and his colleagues were regularly faced with cases of poisoning and germ warfare. Wells and other water supplies inside Zimbabwe were polluted with cholera and typhoid germs by the regime, he said, while crops grown by Zimbabwean refugees in an effort to be self-sufficient while in Mozambique had been poisoned by Rhodesian troops during cross-border raids. (ibid.; Southern Africa June-July 1978).

The use of poison by the Smith regime — either as a deliberate tactic or as a consequence of the defoliation of strategic areas, particularly along the borders — appears to go back at least to 1974, when a number of residents of Mukumbura protected village in the Zambezi valley died from an unknown shaking sickness apparently caused by defoliants washed into the soil and absorbed by plants. (FOCUS 12 p.5). In April 1976, Zambian newspapers reported that the security forces had begun to poison water sources in the south-east of Zimbabwe as a weapon against guerillas. (BBC 28/29.4.78; RH 28.4.76). A total of 115 Africans were reported to have died in November 1977 after drinking poisoned water in the south east and to have been buried in a mass grave (BBC 5.5.78, reporting Maputo in English for Rhodesia).

In December 1977, 11 out of 17 African farm workers on a Shamva farm died after

eating poisoned corned beef from a number of cans which they had found lying in the bush. The manufacturer, Liebig's Rhodesia Ltd., subsequently carried out tests on the meat and published warnings to the public in the Rhodesian press. The cans, the company stated, had been "lying in the Rhodesian bush for an unknown period of time exposed to the elements and the sun." According to ZANU (Patriotic Front), however, the poisoned meat had been "deliberately piled 10 miles out of Shamva by Rhodesian troops" and was aimed at "ZIPA freedom fighters operating in the area." The liberation movement claimed that 73 African civilians and school pupils had died in the preceding three months after eating this and other deliberately poisoned foodstuffs. (RH 2/5.8.12.77; BBC 30.12.77)

South Africa has been implicated in the Smith regime's use of chemical weapons. In September 1978 sources in ZAPU (Patriotic Front) reported that South Africa had donated oxygen masks to the Rhodesian army through Battle Ensign of the Transvaal, a company specialising in making chemicals. The masks, the liberation movement concluded, indicated "feverish" plans for chemical warfare. A chemical weapon plant was also reported to be nearing completion in the Orange Free State, financed by West German sources. (ZPV 30.9.78)

It seems likely that chemical methods may increasingly be used inside South Africa itself. On 1 August this year, for example, contingents of the SADF were reported to have sprayed the Rustenberg area with chemicals, napalm, defoliants and teargas from canisters in an attempt to flush out a detachment of Umkhonto We Sizwe guerillas. (Statement issued by National Executive, ANC (SA), 11.8.78)

## PROTECTED VILLAGES

Considerable publicity has been given in the Rhodesian press to the throwing open of a number of protected villages under the terms of the regime's "ceasefire" programme. By the middle of September, residents in a total of 70 protected villages in the Mukumbura, Mudzi, Mtoko and Mrewa TTLs in the north-east of Zimbabwe were reported to have been told that they were now free to leave the keeps and to return to their original homes. (BBC 13.9.78; Tel. 14.9.78)

Despite previous denials by regime spokesmen that any keeps were due to be dismantled, Mr. Smith told a press conference in Salisbury on 14 September that a number of protected villages "way down in the south-east" had been opened up "a few months ago." He implied, however, that a halt would now be called: "I believe that it isn't going to go any further than what we are doing now. The intention is to see how this goes and whether it works or not". (BBC 16.9.78) In July 1978, according to a spokesman for the Ministry of Internal Affairs, there were about 220 protected villages in existence, accommodating about 450,000 people. (The real number may be considerably higher; ZANU (Patriotic Front), for example, has estimated that there are over 270 protected villages, with a population of more than half a million). (ZT 6.7.78; BBC 16.8.78)

Over the last year or so a number of protected and consolidated villages have been attacked and destroyed by Patriotic Front

guerillas. While the regime's decision to now formally open a number of protected villages has been hailed as evidence of the success of the "internal settlement" and its accompanying ceasefire programme, it may simply amount to tacit recognition of the fact that the system has broken down under pressure from the armed guerilla struggle. A number of protected villages reported to have been dismantled are in martial law areas (the Uzumba and Mangwende TTLs, in particular, which together constitute the bulk of the Mrewa tribal area, were among those declared under martial law on 4 October — see *MARTIAL LAW*).

Another factor may be the rising incidence of crime and desertion among members of the Guard Force and district assistants responsible for the day-to-day administration of protected and consolidated villages. In one such case, in which a deserter from the Guard Force was sentenced to five years imprisonment for robbing a bus, a state witness from the CID told the court that "a large number of armed robberies were being committed by security force personnel as they were the only people who had access to firearms". (ZT 16.8.78) The courts have also been dealing with a significant number of cases of rape by district assistants. The dismantling of protected villages is thus a symptom of the continuing disintegration of civil administration in the rural areas and the consequent reshaping of the regime's defence strategy in favour of consolidating troops in

key areas.

Many, if not the vast majority of those "freed" from protected villages, furthermore, are destined to join the rapidly expanding population of war refugees. The regime has apparently made no arrangements to rehabilitate those concerned, or to compensate them for goods and property destroyed at the time they were removed 'behind the wire' or subsequently. The *Zimbabwe Times*, for example, reporting on a keep opening ceremony presided over by members of the regime's Ministerial Council, commented that "freedom for most of the tribespeople from Mudzonga means rebuilding homes from the home that used to be and no longer is. Most homes are now derelict rondavels with the eaves turned upwards". (ZT 11.9.78)

Conditions in the "plastic towns" that have mushroomed up in Salisbury, Bulawayo and other towns as people have fled from the repressive and highly dangerous conditions prevailing in the war zones, are appalling. The International Red Cross has confirmed that the black population of Bulawayo has doubled from around 250,000 to 500,000, many of whom are living illegally as squatters, without basic sanitary facilities, shelter or means of livelihood. In Salisbury, there are estimated to be 4,000 war refugees squatting in Harare alone. (T. 23.8.78; RDM 11.9.78; see *FOCUS* 15 p.12)

## PRESS CENSORSHIP

The Rhodesian press, already effectively muzzled by years of censorship culminating, in January this year, in a blanket ban on all news and other information relating directly or indirectly to the war and to security measures unless issued or cleared by the military authorities (see *FOCUS* 15 p.13), has been dealt further blows by the regime's transitional government.

• 28 August — reimposition, this time via a 'D' Notice issued by the National Security Committee, of the prohibition on all references to, or publication of statements by, the Patriotic Front and its organizations inside Zimbabwe (ANC (Zimbabwe) (ZAPU) and ZANU (People's Movement)). This ban was originally imposed on the domestic press in January 1978 in terms of the Emergency Powers Regulations but relaxed in mid-May following the signing of the "internal settlement" agreement. (The National Security Committee and 'D' Notice system were established in April 1976, to supplement the system of "voluntary censorship" in operation at that time. 'D' Notices carry penalties of up to 5

years imprisonment and/or Rh\$10 000 fines). (T/RDM 29.8.78)

• 22 September — two ZAPU (Patriotic Front) publications, the *Zimbabwe Review* and the *Zimbabwe People's Voice*, were reported to have been banned following the banning of the organization itself. (BBC 25.9.78)

• 2 October — the *Zimbabwe Times*, owned by the Lonrho group of companies, which had succeeded during its relatively short life in becoming the most widely-read newspaper to be directed at an African audience, was banned by the white co-Minister of Law and Order as a security risk. Its last editorial had criticised the transitional government for wasting time discussing "irrelevant issues". Launched as a weekly in May 1977, it went daily towards the end of that year. Despite the restrictive climate in which it was obliged to operate, its reporting of events had made it unpopular in ruling circles and gained it the reputation, justified or not, of supporting the Patriotic Front. In August 1978 a *Zimbabwe Times* reporter was threatened with "dire consequences" after he had made private inquiries about the current

spate of resignations from Bishop Muzorewa's United African National Council (ZT 22.8.78). Ten days later the paper's editor, Mr. Herbert Munangatire, appeared in court on charges under the Emergency Powers Regulations and the Law and Order (Maintenance) Act of evading military censorship by publishing security information without official permission, and publishing a false statement and another likely to cause "alarm and despondency". He was remanded on bail, but failed to appear in Salisbury magistrate's court on 5 October. A warrant was thereupon issued for his arrest. (T 1.9.78; FT/GN/T 3.10.78; BBC 2.9.78, 9.10.78)

On 19 October the regime confirmed that the ban on the *Zimbabwe Times* extended to all other publications issuing from its parent company or intended as a substitute or continuation of the newspaper. Plans announced by the editorial staff to launch a new black-orientated newspaper, the *World*, were duly scrapped. The first edition of the *World* had been due to go on sale the following day, 20 October. (BBC 4/29/21.10.78).

## PRIVATE ARMIES

Mounting concern, from a variety of quarters, is being expressed inside Zimbabwe at the activities of the "private armies" or "auxiliary forces" spawned by the regime's "ceasefire" programme (see *FOCUS* 18 pp.1-2) Claims that such elements were "intimidating people by demanding money, conducting searches and by threatening people if they did not have a membership card of a particular party" were made at the annual conference in Salisbury of the African Farmers Union, for example. The issue has led to even greater wrangling and mutual recriminations among the parties to the internal settlement agreement. (BBC 2.10.78)

Rev. Sithole, in particular, has stressed his party's support for a policy of setting up militia groups made up of local residents in the TTLs,

to be known as "home guards". He announced at the end of September that the transitional government had "decided that tribesmen should be trained and armed so that they may be in a position to defend their villages". (BBC 2.9.78; ZT 25.9.78) This is in addition to plans announced by the regime to step up conscription into the security forces for Africans.

## CONSCRIPTION

Plans by the regime to conscript additional categories of Africans for national service with effect from 1 January 1979 have been met with widespread hostility and have further alienated the black majority from the "internal settlement". (see *FOCUS* 15 p.14)

According to an announcement on 19 October by the Joint Minister for Manpower Mr. Rowan Cronje, all African men between the

ages of 18 and 25 who have completed two or more years at high school will now also be liable for call-up. The period of national service for all race groups is to be reduced from 18 to 12 months at the same time. (The official announcement some days later, however, that Africans must register by 1 December 1978 for call up next year, referred to Africans who had completed three years of secondary education, plus those who had signed apprenticeship contracts). (GN 20.10.78; T 28.10.78)

According to regime spokesmen, up to 25,000 Africans will be immediately eligible. In practice, it is highly unlikely that the regime will be able to coerce or persuade more than a fraction of the relevant age group to join up. Black University students at the University of Rhodesia, in particular, have staged vigorous protests and declared their defiance of the plan "even under force of death". (T 28.10.78)

# POLITICAL TRIALS

## SECRET HANGINGS TO CONTINUE?

Despite claims by Bishop Muzorewa and his black colleagues on the Executive Council that hangings of political prisoners have ceased under the "internal settlement", the Rhodesian Attorney General's office has confirmed that there is as yet no official policy staying the execution of people convicted of offences connected with the armed struggle.

The Appellate Division of the High Court had approached the regime's Attorney General for clarification after Advocate Enoch Dumbutshena, defence counsel in Piason Ndhlovu's appeal against the death penalty (*see below*), had argued that "as the Executive Council has apparently stopped executing prisoners, to keep condemned men in death cells over long periods of time is an inhuman and degrading punishment". He submitted that a sentence of life imprisonment should be substituted.

In reply a spokesman for the Attorney General stated that "since the Agreement of March 3, no sentences of death passed by the General Division of this Court and confirmed on appeal by this Court have been considered. Since there has been no consideration of any of the death sentences, no policy has, in fact, been as yet formulated by the Executive Council." While pressure of work had been responsible for this hold-up, in future there would be no "undue delay" in processing petitions for mercy, he said. (ZT 19.9.78; T 20.9.78; BBC 21.9.78).

This statement implies that there is no guarantee that hangings will not resume in the near future. It is possible that secret executions have in fact been carried out since March 1978. In reply to fears expressed by the Christian Council of Rhodesia that this might indeed be the case (*see FOCUS 18 p.4*) a spokesman for the regime's Ministry of Justice merely denied that secret hangings of political offenders were continuing "without reason". (RH 26.7.78) It is not clear whether under the rules governing the new special courts martial, furthermore, there is any provision for petitioning the Executive Council for mercy. Executions can be authorised by three or more members of the court martial Review Authority. (*see MARTIAL LAW*).

A further three people are known to have been sentenced to death under the Law and Order (Maintenance) Act. This brings the total number given the death penalty since the "internal settlement", for political offences, to eleven.

PETER CHIKONO was sentenced to death in the High Court on 2 October for his part in a guerilla action against security forces during November 1977.

JOHN M. MASEKO was sentenced to death in the Bulawayo High Court on 6 October for

guerilla activity, armed robbery and arson.

WALTER JELEMANI NCUBE (21) was sentenced to death by the Bulawayo High Court at the beginning of October for his part in a guerilla attack on the Sea Lion Ferry in Chete Gorge on Lake Kariba in December 1976, in which a white South African tourist, Mr. P.J. Collinson, had been killed. Ncube, who had later been involved in a battle with security forces at a roadblock, pleaded not guilty to murder but guilty to possessing arms of war. Mr. Justice Gubbay, presiding, said that Ncube was "dedicated and highly trained and had achieved the rank of logistics adviser to the gang... We would be failing in our duty if we were to impose a sentence of less than death." (WA 6.10.78)

Four appeals against the death penalty have been dismissed, in the cases of:

PIASON NDHLOVU (24), sentenced to death on 28 July for committing an act of terrorism and possessing arms of war. He was alleged to have planted landmines in the Mtoko district before eventually being captured by security forces in November 1977. In reply to a plea by the defence counsel, Mr. Enoch Dumbutshena, that the court should impose a sentence of life imprisonment rather than death as a means of increasing public confidence in the "cease-fire" exercise, the presiding judge replied that it was "not the function of the court" to assist the transitional government's efforts in this respect. Ndhlovu's appeal was dismissed on 18 September. (RH 28/29.7.78, FOCUS 18 p.4).

AUGUSTINE NYERENYERE (26) and his cousin AGGREY (23) had their appeals dismissed on 19 September. The two men, both vegetable sellers who travelled in to the capital from the Mtoko area, were sentenced to death on 4 August on conviction of planting six bombs in post offices and letter boxes in the Salisbury suburbs. (ZT 20.9.78; BBC 21.9.78; *see FOCUS 18 p.4*).

An appeal by REUBEN DONGA, sentenced to death on 23 August after pleading guilty to the murder of 18 villagers in a kraal in the Zwimba TTL and described as a ZIPRA guerilla, was dismissed at the beginning of October. Donga, who was defended at his trial by Advocate Enoch Dumbutshena, a member of and legal adviser to the UANC, stated that he and his comrade (later killed by security forces) had carried out the killing at the instigation of six supporters of Bishop Muzorewa, who told them that there were Sithole "soldiers" in the kraal who went around killing Muzorewa supporters. He also said that he had agreed to be interviewed by the foreign press for propaganda purposes, and had appeared on television, because the police had promised to help him and to treat him well — a practice that was sharply criticised in court by Adv. Dumbutshena. "When a government of a country takes a criminal, a person who has committed a serious offence, and uses him to disseminate international propaganda, it becomes sadistic for that Government to put that person through the machinery of the court with a view that in the end he might meet the ultimate penalty, in this regard, the death penalty," he said. (RH 22/23/24.8.78; ZT 23/24.8.78; BBC 9.10.78; FOCUS 18 p.5).

## OTHER CONVICTIONS

12 June: Bulawayo Magistrates Court

Three unnamed juvenile girls convicted of attempting to leave the country for guerilla

training were each sentenced to 3 years imprisonment (suspended). (RH 13.6.78)

3 July: Bulawayo

DUKE MASUKU was sentenced to 8 years imprisonment, JAMES SHUMBA to 8 years and JIMMY NDLOVU to 4 years for recruiting for guerilla training.

20 July: Bulawayo

ZIMENDE KHUMALO was sentenced to 5 years imprisonment (2 suspended) for failing to report guerillas.

1 August: Salisbury Regional Court

Two brothers from Chinamora TTL, JOHANNES and ROBERT TOZIVEPI, were sentenced to 5½ years (3 suspended) for failing to report guerillas. They had allegedly helped to plant a landmine which was subsequently detonated by a police vehicle in March 1978. (ZT 23.6.78)

9 August: High Court, Salisbury

A 16 year-old-boy, JERRY MUSADZIRUMA, was sentenced to 12 years imprisonment for possessing arms of war. He had been captured with three other guerillas at Chiunze kraal, Wedza TTL, in November 1977. The court was told that these three were now "believed to be actively assisting us with the ceasefire" and were part of the security forces. The accused, however, stated that he and his comrades had been assaulted by African soldiers at Wedza Police camp after their capture. (RH 8/9/10.8.78; *see FOCUS 18 p.5*).

5 September: High Court, Salisbury

MUZI TAWUNDI MUYAMBO, a 70-year-old foreman on Ombersley Farm, Chipinga, was sentenced to 10 years imprisonment for his involvement in the murder of his employer, Mr. J.T. Henry. Muyambo, who is already serving a 7 year sentence imposed in February for failing to report guerillas, was brought from prison to stand trial on this new charge. The judge ordered the two sentences to run concurrently. The accused, who had known Mr. Henry as a child and had been "boss-boy" at the farm for about 20 years, allegedly directed his employer into a guerilla ambush in December 1977. A witness told the court that after Mr. Henry's death, he, the accused and a number of other farm employees had been arrested and taken to Chipinga for interrogation by the police. Meanwhile, the police had returned to the farm and burned down the huts belonging to the African labour force, destroying all their belongings. (RH 29/31.8.78; ZT 29/30/31.8.78, 7.9.78).

6 September: Salisbury Regional Court

Two employees of Wilshaven Farm, Mtoko, BITON ARADON and PHINEAS SUNDAY, were each sentenced to 5 years imprisonment for failing to report guerillas who had planted landmines in roads near the farm in April. (2 years and 3 years respectively were suspended). Mr. D. Courtney, owner of Wilshaven Farm, had been killed in an explosion. (ZT 7.9.78).

13 October

WHISKY TENNIS, BEANS KANIKA, KENNETH ENOS, EDWARD DZAMONDA, SANDARAKI CHESANI and WINGIRORI TAWARA were all sentenced to 12 years imprisonment for failing to report guerillas on a farm in the Shamva area where they were employed. Allegedly as a result of their action, their white employer was killed by guerillas.

## FURTHER CASES

**22 August: High Court, Salisbury**

Three members of Bishop Muzorewa's UANC, TINAYI MUNENGA CHIRIMARARA, RICHARD VERE and DOUGLAS MAROWA, were found not guilty of encouraging seven members of the UANC youth wing (including 2 girls) to go for guerillas training, and were acquitted. The accused maintained that they had sent the seven members to Mrewa to organise for a UANC rally planned to be held in Highfield on 19 March. The youths had been taken off a bus by guerillas and held captive for three days. They were subsequently arrested by security forces and, according to two of the youths, beaten up by security forces and police at Mrewa to force them to admit to having been "recruited". (RH 11/18/19/23.8.78; ZT 16/21/23.8.78; see FOCUS 18 p.5)

**23 August: High Court, Salisbury**

An unnamed 17 year old African labourer from Charmwood Farm, Centenary, was found not guilty of the murder of his employer, Mr. T.F. Koen, and of two alternative charges of assisting guerillas and failing to report them to the police. He was acquitted. The court heard that guerillas had visited the farm and addressed the workforce on several occasions before Mr. Koen's death in February. The workers had all been arrested and taken to Centenary CID and later Bindura for interrogation. (RH 22/23.8.78; ZT 24.8.78).

**24 August: Regional Court Salisbury**

The case of nine youths and one man, MUTZANGWA WHIZA, charged with delivering Whiza's son, a district assistant over to a group of guerillas in the Mrewa area, was further remanded until 1 November to enable defence to be arranged. (ZT 24/25.8.78; see FOCUS 18 p.5).

**13 September: High Court, Salisbury**

An unnamed man pleaded not guilty to possessing arms of war near Nyamuzuwe Mission,

Mtoko, in September 1977. He was injured and captured in a contact with security forces, and told the court that following his trial, he had expected to "be attached to the security forces so that I would help them". (RH 14.9.78)

**Mid-September: Bulawayo Magistrate's Court**

GABULLAH MUZOMBE (20) was acquitted of attempting or conspiring to leave the country for guerilla training (ZT 19.9.78).

(At least 39 other people charged under the Law and Order (Maintenance) Act are known to have been acquitted over the period May-September, or had the charges against them withdrawn).

## APPEALS

MANDINAISE MAKARUTSE (46) and his wife MARIA (38), who were each sentenced to 4 years imprisonment (3 suspended) in April 1978 for failing to report a guerilla, were given wholly suspended 2 year terms on appeal on 20 June. (RH 21.6.78; see FOCUS 17 p.15).

A 5 year sentence imposed on PETER ZISHIRI, the manager of a shoe company in Fort Victoria, for failing to report guerillas, was reduced to 2 years (suspended) in August (ZT 15.8.78).

WAIROSI JAIROSI MWATURURA, a "boss-boy" at the Rhodesia Wattle Company's Nyakuping Estate in Chipinga (a subsidiary of the Lonrho group), had a 9 year prison sentence reduced to 5 years. A white employee, Mr. Williams, had been killed by guerillas while driving around the estate on 16 January. (ZT 15.8.78).

The political trials recorded in FOCUS involve charges under the Law and Order (Maintenance) Act in virtually all cases. As the war has escalated, however, it has become clear that many defendants appearing before the courts on ostensibly criminal charges have in fact been arrested because of their involvement in and support for the armed liberation struggle. This is so in many instances of stock

theft, for example, an offence which since April 1976 has carried a mandatory prison sentence of at least 9 years (see FOCUS 5 p.4), and which has since become extremely widespread. Charges of stock theft in recent months have been accompanied by allegations of feeding and assisting guerillas.

In other cases, Rhodesian press reports suggest political connotations but are too scanty for firm conclusions to be drawn. In June 1978, for example, 25 young men from the Chilimanzi area were each sentenced to 3 years' imprisonment (one suspended) by the Salisbury High Court for destroying a diptank and setting fire to an engine at a clinic. (ZT 26.6.78) The regime's Attorney General, Mr. Brendan Treacy, has confirmed that "the courts are under tremendous pressure due to so many cases resulting from the security situation." The system has got so stretched that in July, the former Chief Justice Sir Hugh Beadle and a retired High Court judge Mr. Justice Jarvis were temporarily reappointed as acting judges of the High Court because of a backlog of work in criminal cases. (RH 13.7.78; 17.8.78).

According to a report in the *Rhodesia Herald* (now renamed *The Herald*) 27 of the 119 cases brought before the Salisbury High Court over the first seven months of 1978 involved charges under the Law and Order (Maintenance) Act. The total number of law and order cases throughout the country in magistrate's, regional and High courts over the same period was 269. However, there were also an increasing number of common law prosecutions of robbery and murder connected with the security situation. At an inquest in Karoi in June, for example, the police revealed that in the previous six months there had been 105 cases of storebreaking by "terrorists and pseudo-terrorists" in the area, and only 40 by "ordinary criminals". Matters had reached such a critical stage that local people had resorted to placing explosive devices inside their stores to deter store-breakers. (RH 17.8.78).

## JUDGES SUPPORT REGIME

Advocate Sottayi Katsere practised for eight years as a lawyer in Rhodesia. He left the country in May 1977 and is now Director of Manpower and Planning in ZAPU (Patriotic Front). In July 1978 he submitted evidence on the Smith regime's legal system to the UN Commission on Human Rights Ad Hoc Working Group of Experts. Extracts from his testimony support and illustrate the many criticisms that have been made of the regime's "internal settlement" of March 1978 and, in particular, of the provision in the proposed independence constitution for the retention of the existing white-dominated judiciary.

Advocate Katsere told the Working Group that "a very common experience which I encountered practising as a lawyer... was that people would be arrested on suspicion of having committed an offence and they would be assaulted by the police in order to obtain 'confessions'. This is standard procedure, unless the accused persons are prepared to confess to the offence without any kind of pressure being put on them. The result of this is that 'confessions' are extracted from accused persons and they are used as evidence in court." He pointed out that while the court, under Rhodesia's Criminal Procedure and Evidence Act, should in theory reject such a 'confession' if challenged by the accused on the grounds of improper methods, "the difficulty that an average black person has in a situation of this nature is that he describes police brutality — the way the statement was recorded from him

— with which the white judicial officer is not familiar. The reason for this is that the white person in that country is normally treated with courtesy by the police. And when you tell a white person in Rhodesia that you have been assaulted by the police, he is not prepared to believe you because it has never happened to him. These are the people who have to decide whether or not the witness is telling the truth or the accused is telling the truth; and it is on the basis of their belief of what he says that the statement goes forward as evidence or gets thrown out".

Advocate Katsere further stated that as part of police procedure for extracting evidence from witnesses, the latter were frequently taken from their homes and held in virtual imprisonment in police camps for periods of up to a year prior to the trial, with no kind of income whatsoever. "They are in fact held against their own will for as long as it is necessary to hold them, until they give their evidence." (see also FOCUS 18 p.2)

Partiality on the part of the judiciary was also apparent in the courts' treatment of captured guerilla fighters and other political offences under the Law and Order (Maintenance) Act. While in ordinary common-law cases the legal system in Advocate Katsere's experience still operated with justice, "in cases of a political nature one cannot even trust the judiciary... because (it) is entirely white and even when these people are called upon to decide cases in which the future of the white

minority in that country is involved, they are in fact sitting as judges in their own case. As a result, it does not matter how well the case of an accused person as a freedom fighter is put, how well it is pleaded before them, conviction is certain. The may be very good judges in an ordinary theft case, but when it comes to a question of whether or not a person is guilty of having been a freedom fighter, or having assisted freedom fighters, invariably the person is convicted. This is because the judges themselves are placed in the position in which they have got to decide on their own future in that country... This is a trend which has set in, of course, with the advent of the war, when the very existence of the white community in that country is threatened. When I say this I am referring to the High Court judges. They are selected from experienced practitioners of standing from the Rhodesian bar, from the South African bar, and in some cases from the English bar. But as the situation has deteriorated, people have become polarised into positions, and then one begins to sense a slight departure from the expected principles that the judiciary has stood for, towards a more partisan approach to cases." (Evidence submitted to the UN Commission on Human Rights Ad Hoc Working Group of Experts, 470th meeting, Lusaka 27 July 1978; for details of the implications of the regime's "internal settlement" agreement, see 'Smith's Settlement — Events in Zimbabwe since 3 March 1978', IDAF Fact Paper No.6)

# namibia

## POLITICAL THUGGERY? SA REJECTS UN PROPOSALS

The South African government's rejection, on 20 September, of the UN Secretary General's proposals for Namibia's transition to independence, and its decision to press ahead with its own elections in the territory, has been interpreted by SWAPO as a declaration of war against the Namibian people. (*Press statement by the Vice-President of SWAPO in Lusaka, 22.9.78; reproduced in ZPV 30.9.78*).

The tense climate in which South Africa is demanding that Namibians go to the polls at the beginning of December is clearly apparent from reports in the local English press. According to the *Windhoek Observer*, for example, "civil confrontation is no longer a grotesque suggestion but a rather strong possibility. It did not take an investigation by this newspaper long to ascertain that more than just side arms are proliferating in certain ranks. No, small little combat groups have been organised, sometimes with the knowledge of the authorities who simply turned a blind eye to these developments. Black lists are in existence, proliferating to say the least. Political intimidation is the

order of the day. Certain firms are firing workers for not having registered. There seems to be the idea that a man is a traitor unless he has registered and supports either the DTA or Aktur.

"Few realise how many private intelligence systems have been created, and no one cares about the telephone callers who want to know 'have you registered and for whom do you vote?' Political thugger is rearing its head, a vast well coordinated system of coercion has been initiated, all under the guise to protect South Africa from communism." (*WO 28.10.78*)

Meanwhile, the Proclamation issued by the SWA Administrator General Justice Steyn providing for the establishment of a "constituent assembly" in Namibia on the basis of the December election results makes it clear that the assembly will possess only limited powers and will essentially act in an advisory capacity. In all other respects the existing status quo will remain unchanged. The constituent assembly may "advise or make any recommendations to Mr. Justice Steyn at his request or at its own motion", for the

enactment, amendment or repeal of any law, or the exercise of any governmental function in Namibia by the Administrator General or any other authority. However "it is not necessary for Mr. Justice Steyn to give effect to any request or recommendation, proposal or advice submitted or given by the constituent assembly." (*WO 30.9.78*)



Bodyguards of Mr. Kuaimo Riruako, leader of a faction of the Hereros and successor to Chief Clemens Kapuuo (former President of the Democratic Turnhalle Alliance), pictured at a cocktail party. A spokesman for the DTA — generally regarded as the South African government's choice to win elections in Namibia and to constitute an "independent" government — confirmed to *Die Suidwester* that the organisation had purchased a "substantial" number of rifles, believed to be of .308 calibre, to "protect organisers against possible attacks". (*WO 2/30.9.78*)

## ELECTIONS: SA FIGURES SUSPECT

Registration of voters formally closed on 20 October for South African-organised elections for a "constituent assembly" in Namibia, due to be held from 4–8 December. According to the South African government's Chief Registration Officer in Namibia, Mr. L.V. de Kock, the final registration figure could be as high as 95% of those eligible to vote, and not less than 92%. (*WO 21.10.78; WA 27.10.78; BBC 28.10.78*).

Reports of widespread intimidation and deception to force people to register as voters have nevertheless continued, (see *FOCUS 18 p.16 and 17 p.9*). In an open letter to the South African Prime Minister for example, leaders of six of the major churches in Namibia pointed out that they were "also aware of irregularities such as the registration of Angolan refugees". The registration process had "caused widespread fear and further loss of confidence in your Government's intentions". (*WA 11.10.78*)

The figures claimed by the South African authorities would appear to be highly suspect. With one week to go to the close of registration, the English-language *Windhoek Observer* commented that it "seems quite inconceivable that nearly 90% of the population have already registered. Nine out of ten people approached say they have not registered, and do not intend to do so." (*WO 14.10.78*) According to the UN at least 40,000 Namibians are currently out of the country as exiles or refugees. These obviously have not registered. (*RDM 5.9.78*).

SWAPO has reported, furthermore, that over 400 people are leaving the country every week to escape "wide-scale intimidation and harassment" incumbent upon the registration process. (*Press Release from SWAPO Secretary for Information and Publicity 2.11.78*).

Between 440,000 and 443,000 people have been variously estimated by official sources as eligible to vote. However, the Chief Registration Officer has admitted that this figure is based on the 1970 census of Namibia, and is in large measure "purely guesswork". 10,000 more voters than expected had registered in northern Kavangoland, he claimed, and 5,000 more in urban areas in Windhoek, although the final figures were lower than anticipated in rural areas. (*WO 30.9.78; RDM 29.9.78; BBC 28.10.78*)

Official South African estimates of Namibia's population are widely regarded as being too low. According to the 1970 Population Census, the total population of Namibia was 762,184 including 90,583 whites. The official *South West Africa Survey* for 1974 estimated a total population of 852,000 including 99,000 whites. A year later in October 1975, the Afrikaans national newspaper *Die Suidwes* — *Afrikaner* published further figures attributed to official sources and showing a total population of 917,000. ("Zimbabwe-Namibia, Anticipation of Economic and Humanitarian Needs", *African-American Scholars Council 1977, Appendix II*).

The population of Namibia in 1977 has

been estimated by outside sources, however, as at least 11½% larger than this latest figure, at between 950 and 1,010,000 people. (*W.H. Thomas, "Economic Development in Namibia — Towards Acceptable Development Strategies for Independent Namibia," Kaiser-Grünwald 1978 p.19*). As far as the South African government is concerned, the smaller the apparent black population of Namibia, the less obvious it becomes how much — or how little — is being spent per head on education, health and other social services. With elections in view a low estimate of population also means an underestimate of those eligible to vote and hence an inflated figure of those alleged to have registered.



# POLITICAL TRIALS

## SABOTAGE

The trial of three SWAPO members arrested following the derailment of a train near Karibib and the sabotage of a road bridge near Keetmanshoop earlier this year, opened in the Windhoek Supreme Court on 31 October (see *FOCUS 18 p.16*). JOHANNES ALFONS PANDENI (28), an unemployed teacher, and PETRUS NANGOLO IILONGO (25), both pleaded guilty to charges of participating in guerrilla activities aimed at disrupting the present system in Namibia, stating that "they had acted on orders from PLAN, SWAPO's military wing, and not as SWAPO supporters." They were described by the police as "highly trained saboteurs". The third accused, WILLEM BIWA (26), a farmer from Hanaus, Gibeon pleaded guilty to charges of harbouring or aiding guerrillas.

According to the Attorney General, Pandeni and Iilongo were responsible for damaging the Guruchab road bridge between Keetmanshoop and Grunau on 19 May, and for the partial derailment of a mixed goods and passenger train by blowing up the railway line to Swakopmund between Karibib station and Kranzberg with TNT on 21 June. The two men, who had first appeared in court on remand on 29 September, were alleged to have received guerrilla training in Angola, Zambia and Tanzania between August 1974 and October 1975. (*WO 19.8.78, 30.9.78; WA 18.10.78, 1.11.78*).

While the road bridge incident was described by the police as an "amateurish" job, the train was derailed by means of "an estimated 100 kg. of plastic charges (which) folded the massive U shaped beams of (a low water bridge on the rail track system) as if they were matchsticks." The two incidents, furthermore, occurred around 600 and 300 miles south of the Angolan border and the area conventionally regarded as subject to infiltration by SWAPO guerrillas.

The three men now appearing in court were arrested nearly two months after the train derailment, in August, when the South African Railways Police revealed that they had discovered an explosives and arms cache on a small farm near Gibeon in Namaland. (Explosives had also been allegedly buried in the black township

at Okahandja.) The discovery had led to four arrests and the detainees had been "positively identified" with both the Keetmanshoop and Kranzberg incidents. (*WO 19.8.78*). The Attorney General subsequently confirmed that all four would be charged. (The identity and fate of the fourth detainee are not known). (*WO 2/16.9.78*).

No further information is available on four other SWAPO members, David Haindongo, Phillip Hamakali, David Shilongo and Julius Kapapu (SWAPO Branch Secretary) arrested in Karibib in June, also in connection, it is believed, with these sabotage incidents (see *FOCUS 17 p.10 STOP PRESS*).

## REGISTRATION

FESTUS AARON (26), SAGARIUS NAMBULI (42) and ANDREAS KODI (21), three SWAPO members charged with "coercing people not to register as voters" for elections organised by the South African government, appeared in the Otjiwarongo Magistrate's Court for the third time in August. They were remanded to appear in the Outjo Regional Court on 20 August. Under legislation introduced by the SWA Administrator General, the offence carries a penalty of up to 3 years imprisonment and/or a fine of R3,000 (*WA 16.8.78*).

## BORDER CROSSING

In a trial before the Gobabis Magistrates Court, six alleged SWAPO members were convicted on 5 October of assisting 34 youths, also SWAPO supporters, in an illegal attempt to leave the country for Botswana. TOIVO YA SHOOMDE (27), GABRIEL ITHETE (29), NEHEMIA KAVARI (25), JOHANNES HANGULA (37), KAKUNE KANDJAVERA (21) and AUGUST JAEB (24) were each sentenced to 6 months imprisonment, or R1000 fines with 6 months suspended. All the accused had pleaded not guilty. An officer in the security police, Captain W.A. Nel, told the court that on 30 August, a group of about 20-25 schoolchildren from Uis had crossed the border into Botswana. Acting on information he had received that a number of pupils had run away from a local school about two weeks later he had intercepted the six accused and 34

schoolchildren, travelling in three minibuses towards the Buitepos post on the Botswana border. He said that about 250 people had crossed the border illegally in the last four years.

A youth, one of those stopped, testified that he and some friends had decided to leave the country and had been given instructions by Bernardus Petrus (Chairman of the SWAPO Youth League in Windhoek) on how to get to Botswana. From Francistown they were to be taken to Lusaka to receive university training at the Namibia Institute.

All 34 youths were remanded in custody. Charges of illegally attempting to cross the border were subsequently dropped against 28 of them, but the remaining six were due to go on trial on 6 October (*WA 18/19.9.78, 4/6.10.78*).

## RECRUITING

HEIKKIE SHILILIFA, a school teacher and shop owner in Ovamboland, appeared before the Otjiwarongo Regional Court at the end of August on four charges of aiding and abetting people to leave Namibia illegally to receive military training. He had allegedly taken recruits from his shop at Ukwadongo near the Angolan border and handed them over to SWAPO people on the other side. Shililifa pleaded not guilty to all charges. Evidence was heard from two men who had been captured by the SADF on 4 May from the "Vietnam" base in southern Angola. (see *DETENTIONS*). The trial was postponed to 11 September (final outcome unknown). (*WA 1.9.78; WO 2.9.78*).

## APPEAL

Ms. KATHY BURT (28), the sister of Peter Manning, a member of SWAPO detained in Windhoek at the beginning of this year before being deported (see *FOCUS 16 p.8*), has been successful on appeal against a four month prison sentence. According to a decision by the Pretoria Supreme Court on 20 October, the prosecutor in Ms. Burt's trial in March had failed to comply with Section 204 of the Criminal Procedure Act. She had been convicted for refusing to answer questions about her brother, and released on bail. (*CT 24.10.78*)

## DETENTIONS

All the 14 SWAPO members and officials detained under the emergency proclamation AG 26 were reported to have been released by the end of October. A group of nine officials, including two people who had been held under the Terrorism Act, were released on 21 August (see *FOCUS 18 p.14 - STOP PRESS*). A further four - Jason Angula, Secretary for Labour; Emmanuel Muatara, responsible for security; Markus Ausiku, Windhoek branch member; M. Kazikua, Luderitz branch member - were released in the second week of October. (*WA 14.10.78*). The Administrative Secretary, Axel Johannes; the Secretary for Foreign Affairs, Pastor Festus Naholo; and the Secretary for Transport, Frans Kambangula, were released over the following fortnight. (*WO/BBC 28.10.78*).

It is not known how many other people remain in detention under other legislation such as the Terrorism Act. A teacher from the Martin Luther High School, Mr. H. Beukes, for example, was reported in October to be entering his third month in solitary confinement at Gobabis prison, where other SWAPO

members have been held. (*WO 14.10.78; see FOCUS 17 p.10 STOP PRESS*)

Many others captured during SADF raids into Angola in May may still be in custody (see *FOCUS 18 p. 14-15*). Three Ovambos wounded during the attacks, including a former school teacher and alleged SWAPO guerrilla Jason Nangombe, were reported to have been discharged from the Oshakati State Hospital in September. It was not clear, however, whether they were released or remained in the hands of the police. A seven year old boy, Arohendo, allegedly brought back from the "Vietnam" base, was also discharged. (*WA 15.9.78*).

## CHIEF KAPUUNO

A judicial inquiry into the assassination of Chief Clemens Kapuun on 27 March 1978 found that the Turnhalle leader had been murdered by "persons unknown". (*WA 26.9.78*). Allegations that SWAPO was responsible for the Chief's death were used by the South African authorities to justify the mass arrests and detentions of SWAPO members and officials that took place shortly after the Chief's death.

## MILITARY BUILD-UP

Speaking to a National Party Congress a few weeks before his appointment as South Africa's Prime Minister, Mr. P.W. Botha warned that South African troop strength in Namibia "might be increased if violent incidents in the territory continued". (*T 17.8.78*)

Recent military developments in Namibia include an announcement from the SWA Command of the SADF that plans to create the territory's own paratroop battalion have reached "an advanced stage". Recruits from Namibia are due to begin training in South Africa in mid-1979. SWA Command also reported in September that members of the 41st Paratroop Battalion of the SADF had left for service in the operational area of Namibia - this is the first time that the Battalion, which was established in 1977 - has been used in a counter - insurgency role. (*WA 20.9.78*).

The SWA Command confirmed at the end of October that units in Namibia had been issued with a new type of 7.62 mm sub-machine gun not used in South Africa. It appears that the "tribal armies" recruited in Namibia on an ethnic basis may be using this weapon. (*WO 28.10.78*)

# BANTUSTAN BANISHMENT

## SOUTH AFRICA

Banishment orders apply normally only to African persons in Bantustan areas and differ from bans in being without term and generally obliging the person affected to move from his home area. They may be proclaimed under the Native Administration Act of 1927 or under Bantustan regulations.

Recent reported cases include that of Mrs Beauty Lolwane (see *FOCUS 18 p.12*) ordered to leave the Ciskei in April under Regulation 5(i) of Proclamation R252 of 1977 (Ciskei Emergency Regulations, see *FOCUS 13 p.3*). In July Mrs Lolwane was reported to be still defying the order. (DD 21.7.78)

Another case is that of attorney Louis Leo MTHIZANA banished from Mdantsane to Sterkspruit, now part of the Transkei, in 1974. Mthizana was due to appear for two clients charged with insulting a chief following the expulsion of two Ciskei 'Cabinet Ministers' from a meeting in Peddie in July 1977, but was warned that he would be arrested if he entered the Ciskei. No reply was received to a permit application and Mthizana withdrew from the case. (DD 28.7.78)

A third Ciskei case is that of Sizwe Horatius DLULANE (32) a prison warder from Mdantsane, East London who was threatened by security police in July 1978. He fled to Umtata, where he was arrested and returned to Mdantsane. After being held for a week under Proclamation R252 he was served with an order banishing him from the Ciskei. Described as a 'Transkei citizen', Dluane asked how he could commute from Umtata to his job at Fort Glamorgan prison and was told he had been dismissed. (DD 26.7.78, 7.8.78)

Other cases of banishment include that of Pindile Mfethi, banned in 1977 and 'deported' from Germiston to the Transkei (see *FOCUS 18 p.12*). This is thought to be the first case of its kind but as the Bantustan 'independence' programme continues it is a form of administrative punishment likely to be used more and more against Africans. (Post 4.8.78)

Another banned person who has been summarily removed to a remote place is Michael NGUBENI, one of those acquitted in the Pretoria Twelve case earlier this year, who was removed to Upington in the north-western Cape on 1 September. Ngubeni, from Johannesburg, served 12 years on Robben Island for

sabotage and on his release in 1976 was banned to Rustenburg in the Northern Transvaal (see *FOCUS 9 pp.10 & 14*). He was on trial with 11 others from June 1977 to April 1978 (see *FOCUS 11-16* under *POLITICAL TRIALS*) when he appeared to be suffering from mental disturbance. On his acquittal he was returned to Rustenburg; on two occasions the security police prevented him from going to Johannesburg where his wife still lives, to consult a psychiatrist. Shortly afterwards he was visited at 3.30 a.m. and taken to Upington. His wife was given no address at which to contact him and said the police actions "had been a deliberate attempt to prevent him from receiving the medical treatment he requires". His removal would appear to be a form of banishment. (RDM 2.9.78)

## NEW and RENEWED BANS

Abel Tipheko CHILOANE, a Robben Island prisoner who served 15 years for PAC activities, was banned on release on 20 June for five years and restricted to Seshego, northern Transvaal. (GG No. 6111, 7.7.78)

Jacqueline ARENSTEIN, of Durban, had her banning order renewed for the fourth time on 29 September, prohibiting her from attending gatherings. Mrs Arenstein has been continuously banned since 1963; she is married to another banned person, Rowley Arenstein, who has been under restriction or in prison since 1962. (CT 30.9.78)

## BANNED FOR ONE MONTH

Dr Nthato MOTLANA, chairman of the Soweto Committee of Ten, was banned from attending gatherings during September. Dr Motlana was interned under the Internal Security Act from October 1977 to March 1978 and was threatened with 'permanent detention' by Mr Kruger after a speech on 16 June this year (see *FOCUS 17 p.5*)

The ban was imposed immediately before Dr Motlana was due to address a meeting on 8 September at the University of the Witwaters-

rand, which was specifically forbidden by the ban. Extracts from his speech were however read to the meeting by Prof. J. Dugard, an action which was reported to be under investigation by the police as a possible breach of the banning order.

## BANS RELAXED and LIFTED

The ban on Mrs Fatima Meer, sociologist and president of the Black Women's Federation at the time of her banning in 1976 (see *FOCUS 6 p.10*) has been relaxed to allow her to travel abroad. She has also been granted a passport, permitting her to visit Sweden to address an international conference, and Britain to receive medical treatment. (Post 4.8.78)

The ban on John James ISSEL (see *FOCUS 1 p.4, 7 p.8*) former SASO officer, was withdrawn on 1 September one month before its expiry. Mr Issel was first banned for five years with other student leaders in 1973. (RDM 2.9.78)

## MEETINGS BAN EXTENDED

The prohibition on outdoor public gatherings throughout the country which has been in force since June 1976 was extended for six months from October to March 1979 by the Minister of Justice. Exceptions to this ban must be expressly permitted by the Minister or a local magistrate. (RDM 30.9.78)

Stricter restrictions apply to the central Cape Town area, where all public gatherings (except church services) in the open air are prohibited until 11 August 1980 by the Minister (GG 6124, 4.8.78)

## LIST OF BANNED PERSONS

A new book by IDAF lists a total of 207 persons under various forms of ban in South Africa. *PRISONERS OF APARTHEID*, published in October, gives biographical details of 143 banned persons, 35 banished persons and 29 banned persons now in exile. See p.5 for details of the book.



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