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EMERGENCY TIGHTENED

CLAMPDOWN ON ORGANISATIONS AND MEDIA

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Six months after the declaration of the State of Emergency and with a major nationwide anti-apartheid campaign underway, the regime extended its emergency powers with the stated objective of denying 'the revolutionary forces the publicity they require to further their aims'. (BBC 16.12.86)

On 11 December 1986 regulations amending and repealing major sections of the existing emergency powers were published. Severe restrictions on anti-apartheid activities were reinforced as were controls on the dissemination of information about their campaigns and police and army action in suppressing resistance.

The wording of the new regulations was apparently aimed at closing loopholes which had emerged when courts dealing with legal challenges found sections of the original regulations too vague to be valid. New restrictions specifically directed at grassroots structures were added and even tighter controls were imposed on the dissemination of information about those detained under the Emergency. (GG 11.12.86; see FOCUS 66 pp.1-2, 67 p.2 for previous regulations; see DETENTIONS for details.)

'SUBVERSIVE STATEMENTS'

Since the Emergency was declared it has been an offence to make or report a 'subversive statement' - this includes statements intended or likely to incite or encourage participation in 'unrest' actions, restricted gatherings, boycotts, illegal strikes, acts of civil disobedience or the undermining or discrediting of military conscription.

The new regulations extended the definition, redefining 'civil disobedience' to include the refusal to pay rent or service charges to local authorities, and stipulated as 'boycott actions' boycotts of specific firms or types of firms, products or educational institutions. And in an

attack on local street and area committees set up by communities in opposition to apartheid local authorities, a new clause was added: statements inciting people to set up 'structures purporting to be structures of local government', to exert power through such structures or to support or subject themselves to them are also 'subversive'. The same applies to 'unlawful structures, procedures or methods purporting to be judicial structures' - referring to courts set up by township residents as an alternative to those of the regime.

MEDIA RESTRICTIONS

It has been illegal since June to report in any manner on a variety of actions by members of the 'security forces' in connection with the Emergency. Journalists have had to rely increasingly on government sources. The new regulations extended the definition of a 'security force' to include police under the control of local authorities. (See MUNICIPAL POLICE FORCES)

The ban on journalists being within sight of any 'unrest', restricted gathering or 'security force' action, issued in terms of a police order in September, was formalised in the new regulations. In addition, it became illegal to report the effects of boycotts as defined in the section on 'subversive statements'. Nor may the media report on the manner in which people are 'incited, intimidated or encouraged' to take part in or support boycotts, street committees and alternative courts or subject themselves to their authority.

Two further media restrictions were imposed. The reporting of any details of a planned gathering restricted under the Internal Security Act or the emergency regulations, and on the statements of any speaker at such a gathering was prohibited. A ban was also placed on the publication of statements by anyone restricted by the Minister of Law and Order on their release from detention under the

emergency regulations, insofar as it 'threatens or is intended to threaten public safety or order or delays the termination of the Emergency'.

Sections of the original emergency regulations relating to the seizure of 'subversive' material, which were declared invalid in a Supreme Court ruling in August, were reinstated in a modified form. The Minister of Home Affairs or a police commissioner may order the seizure of any such material and the Minister may ban all issues of a periodical for up to three months. A further ban was placed on blank spaces and the deletion or obliteration of

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CAMPAIGN FOR PEOPLE'S EDUCATION

When the school year started on 7 January African students in most areas streamed back to schools in response to calls by community, political, church and educational organisations for an end to the class boycotts which have been endemic in many areas over the past three years. The call was backed up by the ANC which urged students to return to implement alternative forms of education. (S 29.12.86; BBC 15.1.87; WM 16.1.87)

At the end of 1985 many thousands of students were boycotting classes and many schools had been closed by the education authorities. Student demands for the removal of the army from the townships and the release of detained students had not been met. The decision to return to school was taken after extensive consultation between various community-based, professional and political organisations, teachers, priests, workers and academics. At the same time the organisations called on the DET to address itself to students' grievances, to ensure the release of detained students, to reopen schools closed last year and to repair those damaged in the unrest. (CP 4.1.87)

Despite the high turn-out on the first day of term, many educationists remained sceptical that the year would not see a renewal of the boycotts as the regime had responded to student demands by issuing harsh new regulations. These were introduced on 29 December 1986 in terms of the Public Safety Act and were aimed especially at preventing classes in

People's Education from taking place and at preventing political mobilisation. They reinforced measures introduced in July last year obliging students to carry identification cards and providing for the deployment of security guards at schools. An estimated 20 per cent of the 1.7 million secondary school students refused to register in terms of the earlier regulations and were barred from school for the rest of 1986. (T 30.12.86)

The new regulations empower the DET to prohibit a student or other person from attending or using any school; any person from obstructing or disrupting any activity of a school; any syllabus, work programme, class or course which has not been approved in terms of the Education Act; the wearing, possession or displaying in schools of a uniform or other article of clothing, case, flag, banner, pennant or poster or any article in which a slogan or on which the badge, emblem, name or flag of any specified organisations appears; the distribution of any notice, letter, book, pamphlet, poster, paper or any other writing dealing with or containing any material on specified subjects. (CT/DN 30.12.86)

When students registered on 7 January they were given forms for their parents to sign agreeing to disciplinary action against their children 'should it be deemed necessary by the authorities concerned' and to pay costs incurred for damages or losses to school property. Parents further had to declare that in the event

of their children 'being conveyed in a government vehicle', they would 'indemnify state employees against any claim for compensation as a result of loss of life or personal injury'. Many students tore up the forms but after legal experts pointed out that the DET could not make registration conditional on parents signing the indemnity clause, the DET allowed them to delete the clause. (CP 11.1.87; S 20.1.87)

The regime intensified its repressive actions against the NECC, the main organisation behind attempts to introduce People's Education in black schools. A propaganda campaign against the NECC was launched on television and in the press and its remaining executive members not already in detention or hiding were arrested. On 9 January new regulations prohibited the NECC from holding meetings to discuss setting up People's Education. (S 5/14.1.87; Star 6.1.87; BBC 12.1.87)

Most of the 73 schools closed in Soweto, the Eastern Cape and Durban last year were re-opened by the end of January. The DET said that the parents at each individual school had decided 'almost unanimously' that they wanted the schools opened. Conditions were laid down, one of which was that parents had to agree to take responsibility for the 'behaviour and attendance of their children'. (BBC 22.1.87)

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portions of text or photographs as a reference to censorship under these regulations.

A new body, the Inter-Departmental Press Liaison Centre (IPLC) was set up by the government to make decisions on the legality of articles submitted by the press.

On 6 January the UDF and the Release Mandela Campaign brought an urgent application against the new regulations in the Supreme Court in Pietermaritzburg. They applied for the regulations to be declared null and void, or alternatively for key sections to be declared unlawful. The case is due to resume in April. (S 7.1.87; WM 13.2.87)

ORDERS AGAINST ORGANISATIONS

Police orders were issued under the emergency regulations over the Christmas period to curb the activities of progressive organisations. These included church and labour groups previously excluded from such restrictions.

In the Western Cape people were banned from participating in the activities of 12 organisations insofar as they might encourage the public to support calls for the release of detainees, the unbanning of the ANC or any other banned organisation, the withdrawal of police and troops from any areas where they 'perform functions in connection with the state of emergency', or to protest against any 'security force' actions under the State of Emergency. Participation in the Christmas Against the Emergency campaign was also banned. The organisations affected included the UDF, Congress of South African Trade Unions

(COSATU), End Conscription Campaign (ECC) and the South African Council of Churches (SACC). (GN/Ind 20.12.86)

In the East Rand certain activities of the UDF, the National Education Crisis Committee (NECC), COSATU, the Campaign for National United Action and the SACC were curbed in seven magisterial districts. (S 15.12.86)

In early December many UDF, ECC and other activists were restricted from participating in the activities of certain organisations. The Minister of Law and Order, Adriaan Vlok, warned that propagating boycotts was illegal and action would be taken against organisers. However, boycott committees in the Eastern Cape continued functioning, while the Campaign for National United Action promoted its Christmas Against the Emergency programme, which included a boycott of stores outside the townships. (CT 3.12.86; DD 6.12.86; NN 8.1.87; FOCUS 68 p.2)

ORDERS AGAINST NEWSPAPERS

Within a week of the publication of the new regulations the Witwatersrand Divisional Police Commissioner served restriction orders on three Johannesburg newspapers, the *Sowetan*, *Weekly Mail* and *City Press*, prohibiting them from publishing, within the greater Johannesburg area, statements from a number of organisations which 'advocate, further or support' the Christmas Against the Emergency campaign. As well as the campaign organisers - the UDF, COSATU, SACC and the NECC - the organisations affected included the Detainees' Parents Support Committee, ECC, Federation of Transvaal Women, Johannesburg Democratic Action Committee, National Education

Union and the Transvaal Indian Congress. The orders followed the publication of advertisements for the campaign in all three newspapers.

While the orders were being contested in court, more severe restrictions were served on the three papers by the Commissioner of the South African Police, and the previous ones withdrawn. The new orders applied throughout the country, prohibiting the three papers from reporting on the campaign at all, and specifically banning them from publishing statements about the campaign by any person or organisation. An identical order was served on the *New Nation* newspaper in January. (DD/S 17.12.86; CP 21.12.86; CT 22.12.86; BBC 8.1.87)

The Commissioner of the South African Police used powers under the new regulations to apply further restrictions when 22 newspapers published advertisements issued by the UDF, NECC, SACC and 15 other organisations, calling for the unbanning of the ANC on its 75th anniversary on 8 January. Notices published in the *Government Gazette* declared 'subversive' any statement supporting an organisation banned under the Internal Security Act and prohibited the publication by any newspaper, magazine or periodical of material calculated 'to improve, or to promote the public image' of any such organisation or 'to amend, to defend, to explain or to justify an action, policy or strategy of such an organisation, of resistance against or subversion of the authority of the State.' (Star 9.1.87)

Police opened an investigation into the advertisements and into others placed by the Release Mandela Campaign calling for the lifting of the State of Emergency and the release of all political prisoners.

VIGILANTES & TOWNSHIP POLICE

The continuation of the State of Emergency in the second half of 1986 was accompanied by steps to increase the size of state repressive forces in township areas.

The first phase of a programme to deploy 6,000 newly-trained 'special constables' to supplement the existing force of council police was implemented in September. At the same time vigilante activity, which emerged in townships in the Orange Free State and on the East Rand in the second half of 1985, was reported in other areas. According to the UDF there has been an increase in vigilante activity against progressive organisations. In Natal vigilantes linked to the KwaZulu bantustan authorities launched a reign of terror against democratic organisations. Thirty nine people associated with COSATU, alone, were killed during the year. In townships in the Transvaal several activists were abducted and killed, or assassinated by hit squads. (See *FOCUS* 60 p.8; *NN* 11.12.86; *S* 12.1.87)

NEW POLICE UNITS

The government announced in August that it would take steps to expand the police force from its present strength of 56,316 to 96,300 in the next few years. As part of the drive R18 million was set aside to train a further 10,000 council policemen to supplement the existing force of 6,000. The council police were created in 1984 to protect institutions and personnel participating in the newly installed town and village councils.

Unarmed police attached to the Development Boards, whose functions were partly taken over by the new councils, have been retained. In one township at least – Tumahole in the Orange Free State – they have actively co-operated with a local vigilante group linked to the new council to violently undermine school and rent boycotts. (*WM* 15.8.86)

The new council police have been deployed in the suppression of all forms of resistance. In townships in the Vaal Triangle they have been responsible for shooting at least 31 people, four of them fatally. In Soweto they killed 27 people during the eviction of rent boycotters. (*FOCUS* 67 p.3; *S* 25.9.86; *WM* 26.10.86, 5.12.86; *S Trib* 7.12.86)

In Zolani township in the Western Cape members of a local vigilante group were recruited as council police and, according to local residents, were involved in attacks on members of democratic organisations. The police imposed a curfew and on one occasion opened fire on mourners returning from a funeral. They carried out a sweep through the township in which hundreds were arrested. Similar activity was reported in townships around Port Elizabeth. (*WM* 19.9.86; *NN* 11.12.86)

In addition the government had by July 1986 spent R388,000 since 1984 on arming community councillors themselves in 14 areas of the country. The councillors underwent short SAP training courses. (*CT* 16.7.86)

In September details were revealed of plans to further supplement township police forces by rapidly recruiting and training a new force of 6,000 'special constables' who would be deployed in townships after a six week crash training course. They would work under the supervision of regular members of the SAP and be armed with handguns and sjamboks. The first 320 constables graduated in October with a further 700 still in training. Allegations appeared in the Cape Town press that 'Witdoeke' – conservatives who banded together to drive out activists and supporters of the UDF in the Crossroads squatter settlement in early

1986 – were being recruited. (*FOCUS* 66 p.2; *Star* 21.9.86; *CT* 21.9.86, 25.9.86; *WM* 26.10.86)

VIGILANTES

● **Natal:** In January 12 people were killed in KwaMakhuta near Durban when a group of armed men burst into a house occupied by the family of a local UDF activist, Victor Ntuli. He was not at home at the time and was reported detained, subsequent to the raid. The murders are the latest in a series of attacks on UDF and COSATU activists by vigilantes linked to the KwaZulu authorities and the Inkatha movement.

In December last year three members of the Metal and Allied Workers Union were abducted and murdered in Mpophomeni township. Two were shop stewards at the BTR-Sarmcol plant in nearby Howick – the site of a long-standing strike. On 5 December busloads of Inkatha supporters were alleged to have entered the township and occupied the local community hall. The murdered shop stewards were taken from their homes, interrogated by those in the hall and then driven to a secluded spot and shot. The following day a youth was killed when the group of intruders, some bearing Inkatha flags, marched through the township allegedly escorted by police. (*DD* 12.12.86; *ST* 14.12.86; *WM* 19.12.86)

In the course of the year Natal courts issued several interdicts against a number of KwaZulu Legislative Assembly members, local councillors and Inkatha officials, some of whom were on the movement's central committee. The orders restrained them from attacking or assaulting members of the NECC, COSATU or UDF affiliated organisations. (*ST* 13.4/4.5.86; *WM* 2/30.5.86; *DN* 9.6.85)

Others were brought to trial on related charges, including murder and public violence. Some of these trials are still in progress. (*S Trib* 4.5.86; *Star* 18.9.86; *S Trib* 26.10.86; *DN* 15.11.86)

Prominent among the former is Mandla SHABALALA, a member of the KwaZulu Legislative Assembly and Inkatha Central Committee. He controls the Lindelani shack settlement near Durban from which he has recruited an army of 208 'protectors'. The creation of such groups arose from a decision by Inkatha branch chairmen and KwaZulu councillors in the Code 26 electoral district of KwaZulu, to 'stamp out UDF-created unrest' in the areas under their control. Applicants in one of the court cases alleged that prisoners were held at Shabalala's home. It was also alleged that vigilantes who attacked and disrupted a conference of the NECC in April were brought in from the Lindelani camp in buses hired by Inkatha. (*CP* 1.6.86; *Work in Progress* 43, Aug 1986 p.12; *WM* 16.5.86)

Attacks on progressive organisations by armed vigilantes have taken place in Clermont, Ntuzuma, KwaMashu, Inanda and Hambanati. (*Work in Progress* 43 Aug 1986, p.10)

In Chesterville a vigilante group allegedly made up of ex-convicts and teachers, acting in collusion with local police, launched a reign of terror against school pupils, some of whom were severely mutilated and killed in June in an attempt to break a boycott of schools. Conflict between vigilantes and residents continued throughout the year resulting in up to 40 deaths. (*S Star* 1.6.86; *NN* 11.12.86;)

● **Eastern Cape:** In January a crowd of 1,500 people, described in press reports as 'conservative residents', marched through Kwa-nobuhle township near Uitenhage – a UDF stronghold – and attacked the homes of activists of local youth and community organisa-

tions. At least two youths were killed. Eyewitnesses alleged that the marchers were escorted by police, that a police helicopter hovered above the township for an hour prior to the attack and that council police arrested people who tried to flee. Those who escaped fled the township, some going as far afield as Port Elizabeth. The attacks parallel the 'witdoeke' phenomenon in Cape Town. Similar attacks took place in townships around Port Elizabeth in January when several youth activists were beaten and stabbed to death. (*S/BBC* 8.1.87; *WM* 9/23.1.87)

● **Transvaal:** Attacks of a similar kind also took place in the Mapetla and Phiri areas of Soweto over the Christmas period. At least ten people were killed. Migrant workers from Lesotho were involved in clashes with local youth activists. The migrants were said to be opposed to the UDF 'Christmas Against the Emergency' Campaign. Vigilantes operating in the townships of Tembisa and Leandra on the East Rand killed two youth activists in January. The townships were also the focus of intensified vigilante activity during the campaign. (*GN* 20.12.86; *S* 24.12.86; *S* 15.1.87)

'DEATH SQUAD'

The assassination in December of political activists Dr Fabian Ribeiro and his wife Florence, in Mamelodi near Pretoria, has raised fears that a death squad has been formed. Dr Ribeiro was known for his willingness to treat victims of police shootings. He was a former political trialist and was detained for a period during the current State of Emergency. His home was the target of a petrol bomb attack in early 1986. (*FOCUS* 29 p.3, 37 p.5)

Police attributed the killing to a rival political group but evidence suggests otherwise. Several events surrounding the shooting on 11 December were witnessed by people attending a party across the road from the Ribeiro house. The registration number of a car which was seen near the house prior to the incident was traced to the commanding officer of a branch of the Pretoria security police. Police admit the car was in the area, but claim it only went there after the shooting. The registration number of the car in which the two assassins escaped was false. According to witnesses who gave chase, they drove out of the township and swapped vehicles with two armed unidentified white men in a Landrover which then sped towards Pretoria. The latter vehicle was traced by a local newspaper to a former member of the Rhodesian Selous Scouts, who is believed to work for the security forces. He disappeared from his home shortly after the press revelations and could not be traced. (*CT/Star* 3.12.86; *Star* 4.12.86; *S Star* 7.12.86)

In an earlier incident two hooded armed men attempted to force entry into the Mamelodi home of Donsie KHUMALO, the Transvaal regional secretary of COSATU, who was detained and later banned. (*FOCUS* 67 p.8; *CP* 2.11.86)

At the same time, state agents have intervened in rivalries in the Soweto area between supporters of UDF youth groups and those aligned to AZAPO. Activists on both sides have been abducted and later found dead. In this context false pamphlets bearing the letterhead of the UDF were distributed in the townships. They called on UDF supporters to mark the 25th anniversary of Umkhonto we Sizwe by 'destroying all AZAPO members.' The leadership of both organisations condemned the pamphlets as a government attempt to exacerbate tensions. (*S* 9.12.86)

DETENTIONS

The promulgation of new emergency regulations on 11 December was swiftly followed by a large number of detentions. Tighter censorship helped conceal details from the public and also closed one of the openings, namely court cases, through which some information had emerged about the treatment of emergency detainees.

Within 24 hours of the introduction of the new regulations the Commissioner of Police announced what he called 'a swoop on a number of ANC and other violent elements.' Three days later the DPSC listed ten people who had been detained, describing the list as 'only the tip of the iceberg.' At least five officials of the UDF were detained, three executive officers of the National Education Crisis Committee, three officials of COSATU and Zwelakhe SISULU, editor of the *New Nation* newspaper. The UDF officials included Lechesa TSENOLI, the Natal publicity secretary, who was held under Section 29 of the Internal Security Act. He had been released from detention under the emergency regulations in August last year after a successful application to the Supreme Court in Durban. (FOCUS 67 p.4)

The DPSC received reports of 253 detentions during December, and the Labour Monitoring Group reported that 22 union officials had been detained that month. (S 31.12.86; WM 9.1.87)

DETENTIONS CENSORED

Under the heading 'Publication Control' the regulations of 11 December extended restrictions on the publication of information about emergency detainees.

There was a prohibition on the publication in any media of information or comment concerning the circumstances of, treatment in, or release from detention, of anyone who 'is or was' detained under the emergency regulations. The only exceptions to this rule concerned what is released by government officials, what is said in Parliament or the President's Council or what emerges in the course of judicial proceedings *once the proceedings are finished*. Since many civil actions arising out of police assault of detainees are settled out of court, legal experts expressed the view that except where such settlements are made an order of the court, this would prevent the publication of evidence on the maltreatment of detainees.

This restriction does not however affect detentions under the Internal Security Act. One such case during December last year brought to light evidence of the assault and torture of a 16 year old boy, Fakazi Masondo MABASO, who was detained in Durban in November under Section 29 of the Act. In support of an urgent application to the Supreme Court in Durban, his mother told the court that she had been contacted by a woman saying she was a nurse and that her son was in hospital. The woman told her that her son had had an operation 'as a result of injuries he allegedly sustained when he was subjected to electrocution of his testicles by members of the Police Force during interrogation.' The court granted an interim interdict barring police from unlawfully interrogating Fakazi Mabaso. The Minister of Law and Order was given until 11 February to file answering affidavits. (WM 9.1.87)

DEATH IN DETENTION

A 20-year-old activist from KwaThema on the East Rand died in hospital on 23 December

after being in detention for six months. Simon Matanzima MARULE, a former member of the Congress of South African Students (COSAS), became a member of the KwaThema Student Congress when COSAS was banned.

According to the police Marule had become ill on 22 December and was transferred to hospital from Modderbee Prison where he was being held under the emergency regulations. The police said that 'his illness was initially diagnosed by a hospital doctor as epilepsy.' However his brother said that he had no medical history suggesting that he was susceptible to fits, and when he had seen him a month before 'he looked fit enough to me.' A post-mortem was held, and the results were to be made public at an inquest. (Star 28.12.86; BBC 29.12.86; GN 31.12.86)

Marule's funeral on 6 January was attended by over 1,000 mourners defying police restrictions under the State of Emergency. Police orders restricted attendance to no more than 200 people. The service was rescheduled from 10 am to 2 pm because of an order that it should not last more than two hours. The venue also had to be changed when the floor of the KwaThema Civic Hall was found by those arriving for the service to have been sprinkled with sneezing powder. While one report stated that in compliance with police orders no freedom songs were sung, another report stated that at the service mourners chanted freedom songs and shouted political slogans. (Star 7.1.87; BBC 8.1.87)

The report of the funeral in the Johannesburg *Star* was censored. (Star 7.1.87)

BANTUSTAN 'INDEPENDENCE' OPPOSED

Leading opponents of 'independence' for the KwaNdebele bantustan were amongst at least 11 people detained in November last year by the bantustan police. The detentions, under the emergency regulations, led to fears that there could be a revival of the 'independence' plans which had been shelved in August in the face of widespread and broadly-based opposition uniting all sections of the population including people employed in the bantustan administration. The arrests occurred only a week before the death, from ill health, of the Chief Minister of the bantustan, Simon Skosana. (FOCUS 67 p.4; S 19.11.86)

Leading members of a family which exercised traditional authority in much of the area now covered by the bantustan, James MAHLANGU and Cornelius MAHLANGU, were detained on 9 November 1986 at the office of the Ndundza Territorial Authority. Shortly after their detention anonymous pamphlets were distributed accusing their family of seeking to get rid of the Chief Minister and of 'seeking to maintain apartheid by opposing independence'. A spokesman for the family expressed the view that the two had been detained 'to make way for the circulation of the leaflet' which, he said, 'did not reflect the feelings of the people'. (GN 12.11.86; BBC 13.11.86)

A few days later nine more people were detained in Siyabuswa, the administrative seat of the area, and Dennilton in the Moutse region. In spite of deep-seated opposition, Moutse was incorporated into KwaNdebele during 1986, an action which was to be contested in the courts by Moutse residents. (FOCUS 63 p.3) The nine were: Fanie MOLAPE, a deputy sheriff, police reservist and the only court messenger in KwaNdebele; Joe MORGAN, public relations officer for a Witbank football club; Joe APHANE, a businessman; Abram SKOSANA, a

village councillor and businessman; Jabu MAHLANGU, a manager; Harold SKOSANA, a member of the ruling council for the Ndundza area; Lucas MTHIMUNYE, a businessman. (S 19.11.86)

On 17 November demands for the release of the detainees were backed up by a strike by most civil servants in KwaNdebele. Further resistance was hampered by a ban, under the emergency regulations, on all meetings in the area except for those of the bantustan 'Cabinet'. An application to the Pretoria Supreme Court challenging the validity of the ban was hindered by the arrest of Simon NGIDI, secretary of the Ndundza Territorial Authority, before he could sign affidavits supporting the application. (WM 14.11.86)

The death of the Chief Minister on 17 November was followed ten days later by the election of his successor by the Legislative Assembly. The Assembly, consisting of 56 appointed and 16 elected members, voted 41 to 25 in favour of a conservative figure, George MAHLANGU, against the popular opposition leader James MAHLANGU, who had been released from detention a few days earlier. The choice reinforced fears of a new initiative to impose 'independence' on the area. (FM 21.11.86; WM 28.11.86; BBC 29.11.86)

BACKDATED INDEMNITY FOR BANTUSTAN POLICE AND OFFICIALS

A law enacted in December last year nullified a large number of cases being brought against the Lebowa bantustan police. Cases affected by the *Lebowa Indemnity Act* included two arising out of the deaths in detention in April 1986 of Makompo KUTUMELA, a journalist, and Peter NCHABELENG, the Northern Transvaal President of the UDF. (FOCUS 65 p.6)

Five other cases arising from deaths which resulted from alleged shooting and beating by police were also nullified. One concerned Ngoako RAMALEPE, a student at a teacher training college beaten to death by police in October 1985 after a protest at the execution of Malesela Benjamin MOLOISE. (FOCUS 64 p.1)

Inquests into these and other deaths alleged to have been caused by the police during 1985 and 1986 had not been held by the time the Indemnity Act was passed.

The Act indemnifies the bantustan administration, 'its officers and all other persons acting under its or their authority in respect of actions, announcements, statements or information published in good faith for the prevention or suppression of internal disorder ... in any part of Lebowa.' The Act affects any actions during the period 1 June 1985 and 11 June 1986, the day before the declaration of the State of Emergency which similarly indemnified all members of 'security forces'. The Act not only affected civil or criminal proceedings in the future, but also ruled that any proceedings initiated before the passing of the Act must 'lapse'. According to one newspaper report there were 'thousands' of cases which lapsed in this way. Although the Act does not prevent cases being brought against the police or officials, it places the onus of proving 'bad faith' on the person bringing the case. (S 1/11.12.86)

The Act was passed at a special sitting of the bantustan Legislative Assembly on 9 December. The Assembly, along with those of other 'non-independent' bantustans, was given power in March which had previously been exercised by the central government, including the power to make repressive laws. (FOCUS 65 p.5)

'FREE THE CHILDREN'

In spite of mounting protests at the detention of children, the number of people aged 18 years or younger who were held under the emergency regulations continued to rise throughout the last months of 1986.

On 17 November the Black Sash launched a 'Free the Children Campaign' with the aim of securing the release by Christmas of every detainee who was 18 years old or younger. At the time monitoring organisations estimated that 8,000 children had been detained under emergency regulations since 12 June. (FM 21.11.86)

Shortly afterwards the DPSC published a 200 page dossier on violence by the police and army against children. Collating information from 165 young people who had been detained, the DPSC concluded that the reports added up to form 'a systematic campaign of terror against children and, indeed, against all township residents. It would seem that this campaign is intended to strike fear into the hearts of all township people thus breaking the spirit of unity and resistance that has developed and continues to grow in South Africa.'

On the subject of detention, the report concluded that 'the most common pattern appears to be that a child is arrested and then taken to a police station where he or she is assaulted for a few hours and then taken to a detention cell either in a police station or at a jail. During the assault children are required to answer questions or make statements regarding events or other people. In every instance children reported being hit with fists, sjamboks or with rifle

butts and kicked. Often reported [was] an attempt to throttle the child, either by a policeman or soldier putting their hands around the child's throat or by having some type of hood placed over their heads which is then tightly tied around their necks.'

By December several child welfare, civil rights, women's and political organisations had joined the campaign. The Johannesburg Child Welfare Society allied itself with the campaign in defiance of a ministerial order to the South African National Council for Child and Family Welfare 'not to become politicised'. (DD 4.12.86)

In response to the calls for the release of child detainees and for information on the subject, the government disclosed, on 7 December, that 256 children aged 16 or under were currently in detention. Monitoring groups, who believed that 1,800 children of 17 years or less were then in detention, demanded more information. (DN 8.12.86)

Far from releasing the children in detention, the authorities detained yet more: 145 children were amongst the 253 people reported detained during December. By the end of the year the number of children believed by monitoring groups to have been detained since 12 June had risen to 8,800. (S 21.1.87)

The experience of one child of 11 who was released in December illustrates some of the patterns of treatment referred to above. It also shows how detainees are forced to make statements which can then be used as evidence in trials. Part of what he said on his release is contained in the box alongside.

'CHILD'S EXPERIENCE'

Willam MODIBEDI, an 11 year old school boy from Kagiso, was detained on 3 October. On his release he spoke of his experience. He told of being forced to stand for very long periods and of having four teeth knocked out by a policeman during interrogation.

'I was later led to a darkened room where a light bulb was switched on and I was forced to stare at its glare. I stared at it until I felt dizzy. Even with the light on, the room somehow remained dim.

'On October 27 I was transferred to Krugersdorp Prison, called "Berg", and two days later I was taken to Krugersdorp Police Station for further interrogation. When I arrived there I was handcuffed and put in leg-irons, and then subjected to electric shocks.

'They put a dummy into my mouth, and the dummy had wires connected to it. The wires were connected to a socket in the wall, and when a policeman turned on the switch I experienced a jarring effect. I also felt excruciating pains in my head'.

He said the reason he was being tortured was to force him to sign statements admitting he had attacked three delivery trucks with petrol bombs. He was also forced to incriminate himself concerning an incident of 'necklacing'. 'Because of the pain, I signed the statement', he said. (Star 11.12.86)

DETENTIONS — Additional to previous FOCUS lists (Emergency detentions not listed)

Approx. date	Place	Name (Age)	Details (where known)
3.7.86	Winterveld	MBEWE, Collet (19)	BISA. At home in Winterveld. Rel. 15.7.86
3.7.86	Winterveld	MONYANE, Amos (20)	BISA. At home in Winterveld. Rel. 12.7.86
14.8.86	Pietermaritzburg	KHAMBULE, Kethowake	ISA 29. In poss. ANC lit. Rel. 21.10.86
30.9.86	W Cape	FLATT, Gregory	ISA 29
23.10.86	Umtata	MNYATHELI, Mbeko (28)	TPSA. Clerk, Transkei Dept. of Education
30.10.86	Pietermaritzburg	ZUMA, P O	ISA 29
Rep.30.10.86	Bophuthatswana	UNNAMED, Several alleged ANC members	BISA. Death of bantustan police commissioner in armed attack
31.10.86	Umtata	TSHANGELA, Nonthuthuzdo	While visiting Council of Churches office. Rel. by 23.11.86
Nov.'86	Odi	UNNAMED, Four people	Azanian Students' Movement, GaRankuwa branch.
Rep.13.11.86	Newcastle	UNNAMED, 2 alleged ANC guerillas	ISA 29. Bomb and mine explosions, attack on police station
21.11.86	Mdantsane	DYANTYI, Mlamli Welcome	{NSA 26. Former prison warders.
21.11.86	Mdantsane	NCOYO, Bandile	{Rel. 25.11.86
Rep.25.11.86	Transkei	HARICHARAN, Shanill	TPSA. Teacher. Rel. by 19.12.86
28.11.86	Pietermaritzburg	ZULU, Goodman (18)	{ISA 29
28.11.86	Pietermaritzburg	ZULU, Wiseman (18)	{Twins
3.12.86	Mdantsane	MYUTE, Ndikho	NSA 26. Former political prisoner, detained at home.
3.12.86	Mdantsane	NTIBIXELWA, Hetese	NSA 26. Ex-political prisoner
Rep.3.12.86	Pietermaritzburg	KUNENE, Lungisane	ISA 29
Rep.3.12.86	Hammarisdale	MKHIZE, Moses	ISA 29. Transferred from Emergency Det.
9.12.86	Mount Frere	BAM, Ntando (66)	TPSA. Taken from home by police. Attorney
9.12.86	Umtata	DABULA, Dr Zola	TPSA. Detained at surgery. Medical doctor
9.12.86	Golel (N Natal)	UNNAMED, Several alleged guerillas	ISA 29. Alleged ANC members.
Rep.10.12.86	Uitenhage	UNNAMED, Four men	ISA 29. Arms find in house in KwaNobuhle
Rep.11.12.86	Ciskei	SIYO, Sixolile	NSA 26. Son of ex-bantustan official
12.12.86	Durban	BEALL, Jo	ISA 29. Natal University lecturer
12.12.86	Durban	SHAIK, Shamin	ISA 29. Unsuccessful court application for release
Rep.12.12.86	Pretoria	PIENAAR, Andre	ISA 29. SADF Major. Alleged espionage for ANC
13.12.86	Warrenton (N Cape)	UNNAMED, Four people	ISA 29. Shootout at roadblock. Alleged ANC guerilla killed
14.12.86	Umtata	MATHISO, Nomande	TPSA. Taken from home. Catholic youth worker
Rep.15.12.86	Durban	MABASO, Fakazi Masondo (16)	ISA 29. Court order restraining police from assault
Rep.15.12.86	Durban	TSENOLI, Lechesa	ISA 29. UDF Publicity secretary, Natal. Previous Emergency detainee
Rep.15.12.86	Transkei	LUJABE, Dr Bongani	{TPSA. Swoop on political activists, incl. 6 civil servants, articulated clerk, prison warden
Rep.15.12.86	Transkei	LUJABE, Mtutuzeli	
Rep.15.12.86	Transkei	UNNAMED, 12 people	{TPSA 47. Catholic Priest from USA
17.12.86	Umtata	PAULSON, Fr James Casimir (51)	
19.12.86	Odi	RAPOO, Bali (17)	Azanian Students' Movement. Roadblock in Mabopane
22.12.86	Mdantsane	MELITAFI, Boyce	NSA 26. SA Allied Workers Union Branch Sec.
26.12.86	N Transvaal	UNNAMED, Alleged ANC guerilla	ISA 29. Shootout, allegedly escaped and recaptured
29.12.86	Johannesburg	NGCOBO, Siphio (32)	ISA 29. Media Workers Ass. of SA member. Rel. 23.1.87

ABBREVIATIONS

Laws: BISA - Bophuthatswana Internal Security Act; ISA - Internal Security Act; NSA - (Ciskei) National Security Act; TPSA - Transkei Public Security Act

POLITICAL TRIALS

COMPLETED TRIALS

BUKA

Zakade BUKA (55) of Engcobo in the Transkei bantustan was sentenced to seven years' imprisonment in the Umtata Regional Court on 12 December. He was charged with harbouring, concealing and assisting alleged guerillas between May and August 1985.

Evidence concerned a police operation at Buka's house on 2 August during which shots were fired. The police ran off only to return later with reinforcements and allegedly take possession of items including a pistol, ammunition, ANC pamphlets, a duplicator, heavy-duty wire-cutters and a typewriter. According to their evidence in court neither the police nor Buka knew who had fired the shots.

Buka admitted accommodating Zola Dubeni whom he had met when they were working in Johannesburg and were both members of the Metal and Allied Workers Union. A police witness stated that Dubeni had undergone military training. Police evidence also sought to imply, without supporting evidence, that the wire cutters found at Buka's home were the ones used to gain access to the Umtata fuel depot which was blown up in June 1985. Pamphlets allegedly found in Buka's room claimed that the ANC's armed wing had sabotaged the oil depot to commemorate the 30th anniversary of the Freedom Charter.

Buka challenged the admissibility of an incriminating statement, saying that before he admitted complicity he had been assaulted so badly he could not stand. The magistrate rejected this challenge even though a major in the security branch admitted that Buka had been interrogated from '7am until 1 or 2 am the following morning, was given three hours to sleep - and was again interrogated at 5am.' This same officer seemed to contradict the evidence of another policeman on at least two occasions - but the magistrate 'condoned' the contradictions stating they were made 'in order to be fair'.

Buka admitted trying to dispose of a duplicating machine, wire-cutters and an AK-47 magazine which were on his premises but not owned by him. He denied having seen the pamphlets, pistol or live ammunition allegedly found in his room. The typewriter belonged to his son, a teacher.

At least five state witnesses were charged with perjury following their evidence in the trial: Kolisiwe TSHWELE, Putswana NOMQOLO, Falo TYALI, Manase TAFENI and Siphwe XOBOLO. They were granted R100 bail to appear again on 1 April 1987. Witnesses may be charged with perjury if their testimony in court differs from earlier statements they have made, often while in detention.

Buka, who described himself as a member of the bantustan's opposition Democratic Progressive Party, lodged an appeal against conviction. (DD 19-27.11.86, 2-21.12.86)

WILLIAMS

Rocklyn Mark WILLIAMS (27), a teacher from Braamfontein in Johannesburg, was sentenced to six years' imprisonment on 27 November after pleading guilty to furthering the aims of the ANC. Williams was charged under the Internal Security Act in the Johannesburg Regional Court.

Williams submitted a written statement to the court stressing his commitment to non-violent change. The charges related to alleged activities between 1979 and 1986 in connec-

tion with the anti-conscription movement. He reportedly agreed to distribute *Resister* (bulletin of the exiled Committee on SA War Resistance) within the SADF and to recruit for the ANC. He also compiled a report on anti-conscription feeling in the SADF and the prospects for recruiting whites to the ANC. He was said to have made contact with the ANC in Botswana and Swaziland, to have known Marion Sparg and liaised with Stephen Marais, both recently convicted in separate trials. (See FOCUS 68 p.7)

In view of Williams' plea of guilty no substantial evidence was led. Earlier reports said he had attempted to obtain a copy of a 'sensitive' computer programme written for the SADF. An application by Williams' lawyers for bail pending an appeal was rejected on 3 December. (DD 30.9.86; Star 20/21/28.11.86, 4.12.86; Cit 22.11.86)

CONTINUING TRIALS

BALEKA AND 18 OTHERS

The trial of Patrick Baleka and 18 others resumed in the Delmas Circuit Court on 21 January, with the defence presenting its case. The State has completed its evidence and throughout November the defence argued for the discharge of the accused, saying they had no case to answer.

On 27 November three of the defendants were acquitted: Mohapi Lazarus MORE, a literacy teacher, Simon VILAKAZI, a clerk at the South African Council for Higher Education, and Amos Mkhambi MALINDI, a time-keeper. The judge ruled that in the case of the other defendants the state had shown evidence of a joint UDF-ANC conspiracy to overthrow the government. He also upheld the relevance of a nationwide pattern of behaviour linking the UDF with unrest. However, he ruled that in eight of the 31 areas about which evidence had been led, the UDF had not been involved.

Before the court was adjourned, bail of R15,000 was granted to six of the accused: Patrick BALEKA, Petrus Morake MOKOENA, David Tsietso MPUTHI, Thabiso RATSOLO, Jacob Serame HLANYANE and Ephraim Tebello RAMAKGULA. They were all required to report to the police twice daily and to surrender their passports and were forbidden from attending any gatherings, including funerals. They were not allowed to return to their homes in the Vaal Triangle for the duration of the trial. The following accused remained in custody in Modderbee prison: UDF officials Moss CHIKANE, Mosioua 'Terror' LEKOTA and Popo MOLEFE; AZAPO members Oupa HLOMUKA and Rev Tebogo Jeff MOSELANE; and Naphthali NKOPANE, Bavumile VILIKAZI, Sekwati John MOKOENA, Simon Tseko NKOLI, Jerry TLHOPANE, Tom MANTHATA, Sam MATLOLE and Gcina Petrus MALINDI. (S 27.11.86, Tel/DD/S/CT/GN/Star/WM 28.11.86; S Star 30.11.86)

BUTHELEZI AND OTHERS

In August Malusi Israel MAJOLA (20) and Vusumizi Wesley MAHLOBO (27) appeared as defendants in the trial of Duduzile BUTHELEZI, Dr Sibongiseni DHLOMO, Dr Vejaynand RAM-LAKAN, Sibusiso Robert NDLANZI, Jude FRANCIS, Ordway Qonda MSOMI, Siph Stanley BHILA, Phumezo George NXIWENI, Mapiki Aaron DLOMO and Bafo Bawana NGUQU. The charges, under the Internal Security and Arms and Ammunition Acts, are being heard by Justice Thiron and two assessors.

Early evidence concerned a number of explosions in the Durban area with which the accused were allegedly connected. Witnesses described a blast at the Mobeni post office in December 1985, allegedly caused by Msomi acting on Ndlanzi's orders. Another explosion at Grosvenor Girls' School, which was sabotaged while being used as a polling station for a by-election in October 1985, killed two alleged guerillas; Ramlakan has been charged with treating a third, wounded, combatant.

A 'trial within a trial' was held to determine the admissibility of a statement by Mahlobo who was detained on 20 June 1986. He was kept without food or water, hit and otherwise ill-treated and shown photos which seemed to be of corpses or people who had been assaulted by the police. He denied knowing the whereabouts of arms caches - he was just given a spade by the police and directed where to dig. On 25 November the state unexpectedly withdrew its application to use the statement as evidence.

On 28 November Lulamile XATE (23), a medical student at Natal University, was sentenced to four years' imprisonment for refusing to testify. Xate admitted being a member of the ANC and having earlier given information which led to the arrest of some of the accused. He had been held in virtual solitary confinement since his detention on 23 December 1985 and was guaranteed immunity from prosecution if he testified 'satisfactorily'.

Amongst three unnamed state witnesses was the accomplice of Andrew Sibusiso Zondo, who was subsequently executed for his part in a bombing at a shopping arcade in Amanzimtoti. (See FOCUS 67 p.1) Zondo himself was offered a last-minute reprieve if he agreed to give state evidence in this trial. He refused but his accomplice, who had escaped prosecution by testifying against Zondo, implicated Ramlakan, Dhlomo, Msomi, Dloomo and Ndlanzi. (DD 16.8.86; DN/DD/Star 3-29.11.86; DD 2.12.86; Cit 4.12.86)

DU PREEZ AND MCBRIDE

Antonio du Preez (22) and Derrick McBride (53) appeared in the Durban Magistrates' Court on 2 December to face charges of murder, attempted murder, 'terrorism', assisting a prisoner to escape and harbouring an escaped prisoner. All the charges arose from their alleged participation in the freeing of alleged ANC guerilla Gordon Webster from Edendale hospital on 4 May. (See FOCUS 66 p.6, MCBRIDE AND APELGREN below; Cit 3.12.86)

Victor WEBSTER (44) and Trevor WEBSTER (36) of Wentworth, brothers of Gordon Webster, were charged in October for assisting him after his escape from custody. They were remanded on R1,000 bail each to appear in the Durban Regional Court on 3 February 1987. (DD 28.10.86; CP 2.11.86; Star 10.12.86)

Another brother, George Webster an attorney, was detained by police in July. In August a court action in the Durban Supreme Court by his wife seeking his release was dismissed on the grounds that he was implicated in the 'terrorist' activities of Robert McBride and Gordon Webster. (See below; DD/Star 13.8.86)

ESAU AND OTHERS

Fifteen Cape Town men were due to appear in the Hermanus Regional Court on 19 January on charges of treason, 'terrorism' and 'furthering the aims of the ANC'. Twelve of the men made a first appearance before a Cape Town magistrate on 22 October in a temporary courtroom in

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DEATH SENTENCES

The imposition of a further five death sentences in December and January brought the number of those facing execution to 21. Trials in Natal, the Transvaal and the Western Cape showed that popular resistance to the apartheid regime embraced several forms of struggle. There was also evidence in the Transvaal courts of a significant use of the courts against workers taking industrial action. In spite of the very large number of people detained without trial under the emergency regulations, there was little evidence that many had yet been brought to court.

FIVE NEW DEATH SENTENCES

All five new death sentences were imposed in the Eastern Cape. According to the head of one of the region's police unrest investigation teams, 17 unrest-related killings occurred in Uitenhage alone in the year ending in October. Those killed, he said in evidence given to the Port Elizabeth Supreme Court, 'were usually police informers, peace makers or people who had been seen with police.' 'Peacemakers' is one of the regime's euphemisms for vigilantes. (*Star* 4.11.86)

On 8 January, 27 days after sentence of death was passed on Paul Tefo SETLABA (22), the state Bureau for Information reported that he was convicted in the Colesberg Circuit Court of killing a woman in October 1985 by stoning her and setting her alight. No other details were given. Setlaba was also given one year's im-

prisonment on a charge of public violence, details of which were unreported. His two co-defendants, Elias KELEN (18) and an unnamed 16-year-old youth, were found guilty of murder and public violence and jailed for 17 years each. (*S* 9.1.87)

On the same day as the Bureau for Information announcement four men were sentenced to death in the Port Elizabeth Supreme Court for the murder of a farmer and his wife at Kirkwood on 17 June 1985. They were Makhezwana MENZE (40), Ndimiso Silo SIPHENUKA (25), Mziwoxolo Christopher MAKELENI and Similo Lennox WONCI (21). A further four men were convicted and received heavy prison sentences.

Despite patchy coverage of the trial in the press, it is clear that the State portrayed the eight accused as members of a 'select group' who had taken part in 'a pre-planned military-like operation... each with appointed tasks.' Some reports identified the accused as 'members' or 'alleged members' of the Addo Youth Congress, although four of them had addresses in Port Elizabeth, Kirkwood and Kwanobuhle and one was aged 40. Evidence was given that shortly before the killing the eight accused 'attended a meeting', while other evidence was that the eight 'held a meeting at which certain "action" was planned' and that the result was the killing of the farmer and his wife. Yet another report referred to 'an alleged resolution of the Addo Youth Congress on June 16... for "action".'

Following conviction, evidence in mitigation was presented on 6 January. A clinical psychologist said that the accused had told him that pressure to commit the murder had come from 'four comrades' whom they identified by nicknames. He said 'each of the convicted men was unsophisticated and largely illiterate with family backgrounds of poverty, cultural de-

privation and broken homes. They were predominantly of below average intellectual capacity.' The State rejected this, arguing that all eight men had acted from 'inner vice' and that 'the interests of society demanded no less than their destruction.'

The four men who were jailed after being convicted of murder and lesser offences were Mzumkisi Christopher MDAYI (25) and Zalisile George TANA (20), who both received effective sentences of 16 years, and Mxolisi SOKIYA (19) and Michael KONA (20), 13 years each. (*Star* 12/19.11.86, 7/8/9.1.87; *CT* 13.11.86)

MIELIES AND JANTJIES

Lawyers acting for two men under sentence of death failed in an application to the Supreme Court to establish that their trial had been conducted improperly and illegally. Mlamli Wellington MIELIES (22) and Mnyanda Moses JANTJIES (21) were convicted last November for the killing of Uitenhage community councillor Benjamin Kinikini. They were sentenced to death in the Port Elizabeth Supreme Court by Justice T M Mullins, who jailed three others facing the same charges.

Their application was heard in January in the same court and before the same judge. They asked that a special entry be made in the record of court proceedings to the effect that during the trial the judge had erred by allowing his two assessors to put questions to witnesses and defendants which were intended to intimidate them by their nature and quantity. Given this behaviour, the defence submitted, it was impossible for the assessors to make impartial judgments on the questions before them. Justice Mullins denied misconduct on his part and rejected the defence application. (*FOCUS* 68 p.7; *Star* 15.1.87)

POLITICAL TRIALS

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the Regional Offices of Trade Inspections and Price Control.

The men were Cecil ESAU (31), a worker with the Churches Urban Planning Commission, Joseph Malusi NGOMA (28), a SA Red Cross employee, Quinton MICHAELS (27) and Neville VAN DER RHEEDE, both teachers, Mthetho Douglas MYAMYA (35), a social worker, Reed Zwelethu MACOZOMA (26), Joseph Susele MKHUHLWA (31), Themba Lucas TSHIBIKA (33), Sazi Livingston VELDTSMAN (29), Zingisile Anderson NCIVATA (34), Lizo NGQUNGWANA (26) and Theophilus Theminkosi MZUKWA (26). In early December three other men appeared in court and had their trial joined with the earlier one: Gladwin MABEGENZA (36), Cyril NTABENI (30) and Norman MACANDA (29). (*CT* 23/24.10.86, 5.12.86; *CP* 26.10.86, 16.11.86)

MCBRIDE AND APELGREN

In November Robert John MCBRIDE (27) and Greta Margaret APELGREN (30), both of Austerville, were committed for trial in the Pietermaritzburg Supreme Court on 2 February 1987. They were charged with four murders, five attempted murders and 'terrorism'.

Three of the murder charges arise from the deaths of three women in a car bomb explosion at the Parade Hotel, Durban, on 14 June 1986. It is alleged that McBride and an accomplice set off the bomb - assisted by Apelgren who saved them a parking space outside the hotel and drove them away afterwards. The other murder charge is linked to the escape of Gordon Webster. McBride and his father (see *separate trial*) allegedly shot dead Mulingisi Buthelezi

who was in the hospital at the time.

The 'terrorism' charges refer to trips to Botswana for alleged contacts with the ANC and also, in the case of McBride, acts of sabotage. (*DN* 13.11.86; *Cit* 31.10.86, 14.11.86)

MOKGAABUDI AND RABULI

Matshwenyego Daniel MOKGAABUDI (29) and Tshifhango Cedrick RABULI (33), both policemen attached to the Security Branch in Pretoria, appeared in court on 9 November for alleged activities in support of the ANC.

After a number of postponements the full trial was set for 12 March 1987. The men have been refused bail. They were not asked to plead to ten charges under the Internal Security and Protection of Information Acts. The offences were allegedly committed between 1980 and 12 July 1986. The two were said to have passed the ANC secret information about police knowledge of future armed actions and their plans to counter them; in addition they failed to inform their superiors about activities of the ANC. (*S*10.11.86; *GN/DD* 11.11.86; *DD* 7.1.87; *WM* 15.1.87)

PEARCE

Alan Edward PEARCE (25) appeared in the Durban Magistrates' Court on 1 December charged with arson, 'terrorism' and possession of hand-grenades and limpet-mines.

The court heard evidence from an alleged accomplice, N Cassim, who said they were part of a group which had set fire to a science laboratory at Fairvale Secondary School, Wentworth, in September 1985. Cassim, a student teacher, said he had participated in other acts of violence after being approached by Robert McBride (see *above*).

On 3 December the trial was adjourned until

22 April 1987 to allow the defence time to apply for a Supreme Court ruling ordering the prosecutor to release to them police notes made during Pearce's interrogation. (*Star* 2/3.12.86; *DD* 4.12.86)

STOFIE AND OTHERS

Rev Makhenkhesi Arnold STOFIE (42) appeared in the Mdantsane Magistrates' Court on 12 December charged with 'terrorism' and harbouring a 'terrorist'. Five others were also charged, including his brother and sister: Linda Michael STOFIE (28), Mzwakhe Nelson NDELA (32), Mveleli Gladwell QIBITHOLE (28), Noncedo Miranda NGWENDU (21) and Nomvuyiso STOFIE (30). The case was postponed to 13 January 1987 - only Nomvuyiso Stofie was granted bail. (*FOCUS* 68 p.5; *DD* 13.12.86; *WM* 19.12.86)

ZULU AND OTHERS

Seven men appeared in the Pretoria Magistrates' Court in December charged under the Internal Security Act with participating in the activities of the PAC. Mabatu ZULU (52) and Siyabulela GCANDA (26) of the Transkei bantustan; Vincent MATHUNJWA (29) of Springs, Sestiba MOTTOLO (29) of Johannesburg, Rev Daniel NKOPUDI (27) from the Bophuthatswana bantustan and Achmed CASSIEM and Yussuf PATEL (27) from the Western Cape were remanded in custody until 2 February 1987. (*Star* 2.12.86; *S* 5.12.86)

In April 1986 police announced the detention of a number of alleged PAC members including Zulu who was wanted in connection with a killing committed in 1962. Cassiem, an architect, and Patel, a member of the Muslim Youth Movement, were held in May. (*FOCUS* 65 p.7, 66 p.7)

PRISONS

RELEASES

Two prisoners held at Pretoria Central were released, one in September last year and the other in December. Newspaper reports indicated that two others had also been freed, on unspecified dates.

● **Derek HANEKOM** (33) was released from Pretoria Central at the end of September on completion of a two-year sentence. He was convicted of possessing literature of an unlawful organisation. His co-defendants were Roland Hunter, a member of the SADF's Directorate of Special Tasks, who was jailed for five years, and Patricia Hanekom, who received a sentence of three years and two months. (WM 14.11.86; FOCUS 53 p.5, 54 p.8, 55 p.4)

● **Renfrew CHRISTIE** (36) was released from Pretoria Central on 30 November after serving six years of an effective 10-year sentence imposed under the Terrorism Act in 1980. He was convicted on five counts of 'terrorism', reduced to four on appeal in 1981. These concerned the passing of information to the ANC about the apartheid regime's nuclear energy programme, especially its power plant at Koeberg. In November last year Christie applied to the Pretoria Supreme Court for release on the grounds that he accepted an offer of freedom made to prisoners who renounced violence. The State President made the offer in his address to parliament in January 1985. Before

the court reached a decision the Prison Release Board ordered Christie's release. He gave assurances that he would not 'make himself guilty of planning, instigating or committing acts of violence for the furtherance of political objectives.' (DD/CT 2.12.86; GN/S/BBC 3.12.86; WM 5.12.86; FOCUS 29 p.10)

● **Zolile Goodwill MONI** (31) of Cape Town was one of 16 PAC members convicted under the Terrorism Act in the Bethal Circuit Court in June 1979. He was sentenced to seven years' imprisonment and spent his term on Robben Island. The precise date of his release is not known but it appears that he was not released early. (CT 15.9.86; FOCUS 23 p.8)

● **Masabata Mary LOATE** (28) was killed in Soweto in October following her earlier release from prison. She was sentenced to five years' imprisonment in March 1982 under the Terrorism Act for her involvement with the South African Youth Revolutionary Council, which was formed after the disbanding of the Soweto Students Representative Council in 1979. She was convicted of conspiring to overthrow the government by violent means and recruiting youths for military training. The date of her release is also not known. (S Star 19.10.86; GN 20.10.86; FOCUS 40 p.5)

HUNGER STRIKES

On 8 January the Prisons Service confirmed press and radio reports that Jeff MASEMOLA (56) had been on a hunger strike in the Johannesburg Prison, where he is serving a life sentence. They said that it had lasted for 32 days

but that he was 'no longer on hunger strike.' Previously the Prisons Service had referred to his action as a 'so-called hunger strike.' It denied that he was refusing all food and liquids or that his health had seriously deteriorated, as some reports had suggested. The nature of the 'several demands' made by Masemola when he began his strike was not reported. Shortly after the end of his hunger strike his 80-year-old sister called for his release. She told journalists: 'I wish the authorities could answer my prayers and release him so that he can spend my last days with me.' Since 1984 Masemola has been campaigning for the release of himself and John Nkosi, the other PAC member serving a life sentence who was convicted and sentenced with him in June 1963 on a charge of conspiring to commit sabotage. In a letter to the Minister of Justice in April 1984 Masemola and Nkosi wrote: 'According to the latest parliamentary decision political prisoners are serving on the same terms as common law prisoners. In the case of the latter, life sentence is from nine to 15 years. On the strength of this, will you consider parole and release us since we have served 20 years?' Four other PAC members who were also sentenced in 1963 to life imprisonment were released in February 1985. According to the Minister of Justice at the time they accepted the conditional offer of release made in January during the State President's address to parliament, although they later disputed this. (S 4.3.86, 7/9.1.87; BBC 9.1.87; FOCUS 52 p.10, 58 p.10)

OTHER TRIALS

DURBAN GRENADE TRIALS

Three cases heard in Durban courts (*one of which is reported in COMPLETED TRIALS under PEARCE*) involved charges arising from the possession and use of hand grenades.

● Two youths were each jailed for seven years after being convicted of 'terrorism' on 18 December in the Regional Court. Vincent Churchill JAMES (18) and an unnamed youth from Austerville aged 17 pleaded guilty and no evidence against them was heard. They admitted throwing two grenades into the house of a head teacher at Wentworth last April. (Star 19.12.86)

● Protas TAULA (19) and Patrick MAKHAYE (21) appeared in the Durban Magistrates' Court on 7 January charged under the Arms and Ammunition Act, alternatively the Explosives Act, with possessing a hand grenade last June. They were released on bail of R1,000 and were due to appear again on 15 January. (Star 8.1.87)

CAPE JAIL SENTENCES

In the Western Cape four prison sentences were imposed on youths convicted of acts of popular resistance.

● Three Paarl youths were convicted of sabotage after burning down a plastics factory at Oudtshoorn last July. In mitigation they and a fourth accused, an unnamed boy aged 15, said that they had burnt the factory for 'political reasons' because they were 'opposed to apartheid and supported the objectives of the African National Congress.' Michael FRANS (22) was jailed for eight years, Johannes Altan BOESAK (19) for seven years and Donovan SAAYMAN (19) for four years. The 15-year-old had his five-year sentence suspended for five years. (CT 28.11.86; DD 29.11.86)

● In the Parow Regional Court at the end of November an unnamed youth aged 17 was jailed for three years after being convicted of stoning two vehicles at Bonteheuwel last April. The vehicles were carrying fencing to a local school. Four other accused persons, all aged 18, were acquitted. (Star 28.11.86)

● An unnamed school pupil from Kenilworth aged 17 was convicted in the Wynberg Regional Court of possessing a petrol bomb last June. Sentence was postponed to 26 January pending a probation officer's report. (Star 28.11.86)

● Four members of Black Sash were convicted in the East London Magistrates' Court of gathering illegally outside the City Hall in May last year. They were fined R150, suspended for three years. They had been demonstrating against the detention of Duncan Village community leaders. (DD 13.12.86)

1,400 WORKERS IN COURT

Ten hearings involving more than 1,400 trade unionists were reported. Most arose from strike action taken in 1985 and 1986 and all but two of them were in the Transvaal. The case against 16 General Motors workers who appeared in the Port Elizabeth Magistrates' Court on charges of illegal gathering during their strike of last November was postponed to 24 February. An appeal by five Metal and Allied Workers Union shop stewards from the BTR-Sarmcol factory in Natal against conviction and fines for 'intimidation' during the strike in 1985 was successful. The Pietermaritzburg Supreme Court decided on 27 November that the Howick magistrate had dismissed defence evidence too casually. (DN 28.11.86; Star 15.1.87; FOCUS 59 p.6)

A successful appeal against conviction and sentence was made in the Transvaal by an official and 240 members of the South African Allied Workers' Union. In 1985 they had been fined for attending an illegal gathering while picketing the Continental China factory at Rosslyn in protest against victimisation of strikers. The Pretoria Supreme Court described the evidence against them as 'scant and questionable.' (FOCUS 59 p.6; S 7.11.86)

However, five Federal Council members of the Retail and Allied Workers Union who were fined R450 in 1985 for offences committed while picketing Edgars Stores, failed in their application to the Bloemfontein Appeal Court to obtain leave to appeal against conviction and sentence. (Star 7.11.86)

In the trials arising from last year's disputes in the Transvaal, half of the 1,100 workers concerned were hospital workers, who were members of the General and Allied Workers Union and the South African Municipal Workers Union. Charges of trespass were brought against 356 workers, mostly women, employed at the J G Strijdom Hospital in Johannesburg after they refused to accept dismissal. A special court was held in the cells on 19 November, but charges were dropped a week later. (Star 20/27.11.86; DD 20.11.86)

Considerable press attention focused on the Odendaalsrus Magistrates' Court where charges of attempted murder, attempted rape and robbery against 11 NUM members were dropped in December. They were said to have attacked a female supervisor at the Geduld gold mine at Welkom last September after accusing her of being a 'sell-out.' Eight of those freed were women. The case against nine other NUM members appearing on the same charges was resumed on 7 January, when the small courtroom was crowded with mine workers expressing their support for the nine accused: Shepherd MOLUSE (28), Damo MAKONE (46), Moriti CHEMANE (31), Dingityebo MBANJWA (23), Sofonia SENEKANE (40), Tefo MORAKA (40), Mawanga NTYAPI (28), Fusi MATHE (22) and Zwelabo GAZU (32). (CP 16.11.86, 14.12.86)

MZIZI AND SHABANGU

Nellie MZIZI, the mother of a youth killed by the police, appeared in the Sebokeng Magistrates' Court on a charge of arson. She was released on bail the day before the funeral of her son Leonard Jabulani MZIZI (18), who was shot dead by a special police unit on 15 November. On the day before his death police had beaten her husband while they were interrogating him. They wanted to know where Leonard was because they thought he had thrown some stones at the windows of a house in Sebokeng.

The second defendant, Fana SHABANGU, was refused bail, but an appeal against this was allowed in the Regional Court in December. Bail was set at R500. The hearing was due to resume in January. (S 21.11.86; CP 14.12.86)

POLITICAL TRIALS

The trial of Andreas HEITA, Salom PAULUS, Andreas Gideon TONGENI, Gabriel MATHEUS, Martin AKWEEN-DA, Johannes NANGOLO, Petrus Kakede NANGOMBE and Sakarias Balakius NAMWANDI was due to resume in the Windhoek Supreme Court on 16 February 1987.

The eight men face charges under the Terrorism Act and a number of common laws in connection with SWAPO's armed struggle. The proceedings were adjourned in early December after more than a month of evidence for the state. In common with most political trials in Namibia and South Africa the prosecution case has relied on evidence obtained under duress of various kinds.

Some witnesses told of being assaulted during interrogation while others were 'warned' as accomplices. Many had been held for over a year before being called to testify. Nathaniel AMUKOGO, the owner of a garage in Onon-jokwe, near Ondangwa, implicated three of the defendants - Heita, Paulus and Akweenda. He told the court that in March 1985 he drove to Tsumeb with Akweenda, and someone he knew only as James, with explosives hidden in the door panels of his car. They aborted the trip before reaching Tsumeb because the bumpy road could have caused the explosives to detonate. He transferred the explosives to a van where they remained hidden until his arrest on 1 September 1985. (FOCUS 61 p.9)

Alfons SHIKONGENI, a security officer at the CDM mine in Oranjemund, gave evidence only after being warned as an accomplice. His knowledge of the activities of SWAPO combatants dated from 1980. According to his evidence, in 1984 he was asked to take a tyre filled with explosives from the Ovambo bantustan where he was on leave, to Matheus' home in Katutura. Shikongeni was arrested at Oranjemund on 6 September 1985 and taken to the police offices where he was 'pushed around by the police' and 'ordered to speak'. He was then flown to Oshakati for interrogation.

The defence lawyer, Theo Frank, strongly challenged the evidence of state witness Gideon Petrus INDONGO (24) who alleged that he had been abducted from his house in Okulungo in March 1986 and taken to Angola against his will by a group of combatants who apparently included Heita and Paulus. Under cross-examination he admitted having two relatives in the security branch although he denied they were his brothers, as alleged.

Another witness and alleged accomplice was Letta ALUMBUNGU (24), a school teacher from Okaputa, Onamphadi in the Ovambo bantustan. She stated that she knew seven of the eight accused and had been instructed in the priming and storage of explosives.

A prisoner-of-war, Josef GABRIEL (24), told the court that he remained a staunch combatant although held captive by the enemy. He admitted undergoing military training in Angola and was used by the state to identify and demonstrate various arms and explosives. He emphasised that SWAPO had plenty of recruits for its army and that it was against their policy to attack civilian targets.

Two witnesses in particular drew attention

to the brutal nature of the duress applied by the armed forces to obtain the evidence they required. Leonard AUALA, a schoolboy who was aged only 15 when detained in 1985, told the court how he was fetched from school. His head was forced into a hole in the ground and he was threatened with being buried alive unless he gave information. His mother, Selma Auala, was similarly assaulted and her arm was broken. Ammunition was reportedly discovered buried near her homestead. (See FOCUS 62 p.4)

Reinhard Natangwe PAULUS told of assaults on the defendants. After his detention he was taken to Mururani in the Kavango bantustan where he saw some of the accused wearing blood-stained shirts. They told him they had been assaulted by the police. (WA 12.11.86; Nam 14/28.11.86, 12.12.86; WO 15/22/29.11.86, 13.12.86; Ind 3.12.86)

NAFTALI

Leonard NAFTALI (26), who was captured by UNITA forces in southern Angola, was sentenced to 18 years' imprisonment in the Windhoek Supreme Court on 28 November after being convicted of murder with extenuating circumstances. Naftali pleaded not guilty and stated he was a PLAN combatant. He said that he was among a group who attacked a military base at Omungwelumwe on 16 March 1986. He was wounded in the leg and became separated from his comrades. By 20 March he had reached a homestead at Ohadiva where the alleged offence took place.

Contradictory evidence about the events at Ohadiva came from Naftali and statements by two state witnesses. Naftali said he called out for help at the home, but one of the residents, Vatilifa Haimbala, shot him in his wounded leg with a bow and arrow. He killed the man in self-defence. Haimbala's widow, Saima Heng-homo and his niece Johanna Paulus both made statements which were handed in to the court. Justice Hendler said he had 'some difficulties' with the statements which had clearly not been taken down in accordance with correct procedure. Under cross-examination the investigating officer and a special constable who acted as interpreter admitted that the original statements had been destroyed and new ones typed at Oshakati. Officer du Pont conceded that the documents were not sworn affidavits - indeed he had even added his own words so they would make more sense in Afrikaans. When questioned about certain omissions du Pont said he was 'just writing down' what the interpreter was telling him. From the newspaper report it did not seem that the women were called to testify in person even though their statements had been discredited.

Naftali's statement told how he struggled away from the homestead with the arrow still embedded in his leg. Once over the Angolan border he was ambushed and captured by a joint SADF-Unita Force. Unita held him for two weeks during which he was tortured - his head was buried in the ground until he fainted, then he was revived and tortured again. He was eventually handed over to the South African Police who took him to Oshakati where charges were preferred.

Justice Hendler said he rejected the accused's evidence as he had not made a good

impression on the court. He found that Naftali woke up Johanna Paulus when he approached the homestead. She became frightened and screamed, bringing her uncle and cousin to the door of her sleeping place. Naftali fired a shot through the closed door killing her uncle. He was acquitted on a charge of attempted rape of Johanna Paulus but given an additional three months for common assault. (Nam 28.11.86, 5.12.86)

NDJOZE

Kavee NDJOZE (26), a SWAPO activist from Katutura, was acquitted in the Windhoek Magistrates' Court in early December of assisting people to leave the country illegally or, alternatively, having taken people out of Namibia without the relevant documents.

The charges arose from an incident in December 1985 when eight school students left Namibia for Botswana. Gerson Nguvauva who was among the group said they all left of their own accord and had only approached Ndjoze for financial assistance, saying they wanted to tour Rietfontein. Ndjoze, who was unaware of their plans to leave the country, offered to accompany them as he knew the area well. Nguvauva said he drove the group to the border from where they walked into Botswana. He later returned to Namibia. Other evidence came from a member of the bantustan police and Home Guard who reported seeing Ndjoze at a farm near the border on 5 December, 1985.

Ndjoze was acquitted after the magistrate ruled that none of the evidence before the court proved his involvement in the alleged offence. An incriminating statement by Ndjoze was earlier ruled inadmissible on the grounds that it had been obtained under duress. (FOCUS 68, p.9; Nam 5.12.86)

TEACHERS DETAINED

During January newspapers reported a number of new detentions in the western part of northern Namibia. Twelve detentions were confirmed by police at Oshakati. Seven of those held were teachers - Eva SHANINGI, Julia NUULIMBA, Taimi ENDJALA (KUUME), Mariana PHILLIPUS, Martin BAKUS, Frans NANGOMBE and Abraham SHIVUTE - who were detained around 15-16 January. Also held at about the same time were Elizabeth AMUKWAYA, aged 60, as well as Thomas Bashu MWANDI, a school cook, Abner LUKAS, a businessman, and Isak SHOOME, a hospital worker. Ruben EDMUTH was said to have been held since 28 November. Church and legal sources said the detainees were being held under Section 6 of the Terrorism Act which permits indefinite detention for interrogation. Police in Windhoek also confirmed the detention of Gideon ASSER on 6 January and said he was not being held by the security branch.

On 22 January Brigadier Thomas THOMASSE, the head of the security branch, confirmed the detention of the following eight people under Proclamation AG9 - Eva SHANINGI, Julia JASON, Taimie ENDJALA (KUUME), Isak SHOOME, Abner IYAMBO, Martin IITA, Frans NANGOMBE and Thomas Bashu SHETWADHA. Thomasse said it was 'difficult to say at this stage' the total number of detainees. (WA/NAM 23.1.87)

namibia

NAMIBIAN CURFEW CHALLENGED

An application by the Lutheran, Catholic and Anglican bishops of Namibia to invalidate the dusk-to-dawn curfew in the Ovambo bantustan was rejected by the Windhoek Supreme Court on 16 January. (See *FOCUS* 68 p.10)

The respondents were the MPC administration, Namibia's Administrator-General and the South African Minister of Defence. The bishops contended that the Administrator-General had no power to promulgate Section 3 of Proclamation AG9 of 1977 (which authorised the curfew) and that he had not acted in good faith. They noted that the area of the Ovambo bantustan was not divided in the way required for the operation of the curfew. Anglican Bishop James Kauluma stated: 'I submit that there is accordingly no substantial case of certainty whereby either the enforcers of the curfew, or those at whom it is directed, are able to ascertain the precise ambit of the purported curfew.' (See *FOCUS* 68 p.10 for fuller coverage of the Bishops' application)

The application also maintained that the curfew was in conflict with the Bill of Rights appended to Proclamation R101 which set up the client MPC administration in June 1985. However, on 5 December, a full bench of the Windhoek Supreme Court dismissed this challenge, stating that under Section 34 of Proclamation R101 all previous legislation, including laws proclaimed by the Administrator-General, would continue in force until repealed or amended by a competent authority. This applied even if the legislation conflicted with the Bill of Rights. The Bill, therefore, is only binding on future legislation introduced by the 'National Assembly' set up by the South African regime.

The court, under Judge President Justice Hans Berker, said that there was a provision for legislation to be examined and reviewed in the light of the Bill of Rights by a standing com-

mittee of the National Assembly. However, this procedure no longer covers South African laws extended to Namibia since an amendment by President Botha in September 1986. (*FOCUS* 67 p.10)

Judgement on the Bill of Rights issue was given first because other similar cases were pending. Judgement on the rest of the application was delayed until January when Judge President Berker ruled that the curfew should remain, saying the regulations were 'clear and certain and in the circumstances...not unreasonable.' However, he called on the 'relevant parties' to seek ways of alleviating the difficulties suffered by people due to the regulations. (*Nam* 12.12.86; *WA* 16.1.87)

DETAINEE FREED

The release of a detainee held under Proclamation AG 26 has thrown some light on the secret detention practices of the military in Namibia. The recently published Van Dyk Commission into Security Legislation (*FOCUS* 68 p.10) noted that not all detentions by the military were reported to sector headquarters. In this case the detainee's release was confirmed by an official of the Multi-Party Conference administration in Windhoek even though it contradicted an earlier statement that no prisoners were being held under AG 26.

Mattheus SHIKONGO (27) was freed from Windhoek Prison on 11 December after the threat of court action to challenge his detention. News of his detention became public in late May when he was brought before a press conference and asked to denounce SWAPO. This he refused to do. (See *FOCUS* 66, p.9) Since June lawyers had been pressing the MPC administration for information about him,

without success.

Shikongo's lawyer gave some details of his capture in spite of restrictions imposed by the Defence Act. He was taken prisoner in Angola on 15 May by members of the SADF who were 'wearing SWAPO uniforms and using AK-47s'. A military spokesman said he was not aware that the SADF operated in this way which was 'against military regulations'.

After his abduction from Angola, Shikongo was detained at Ondangwa air force base by the Reconnaissance Unit. Other SWAPO fighters were being held at Oshakati he said.

Even when held in Windhoek prison, Shikongo was approached by the armed forces who offered him his freedom if he 'worked for them.' Shikongo has now instructed his lawyer to institute a court action for unlawful arrest and detention. Shikongo was taken to the north of the country before his release even though his family live in Katutura. (*Nam* 12.12.86)

COURT RULING

A court action concerning the detention of Josef KATOFI under Proclamation AG 9 reached the Appeal Court in Bloemfontein in November 1986. Katofi was freed by the Windhoek Supreme Court in September 1985 after 16 months in custody. A full bench of five South African judges dismissed the appeal against this by the MPC administration on the grounds that an affidavit by David Bezuidenhout, the MPC official then responsible for detentions, did not state that Katofi was 'a person as referred to in Section 2 of Proclamation AG26' but only that his release was 'not advisable' at the time. Under Section 2 the Administrator-General (now the MPC administration) may detain a person if satisfied that he or she 'committed or attempted to commit or in any manner promotes or promoted the commission of... violence or intimidation' aimed at obstructing, hindering or threatening the 'peaceful and orderly constitutional development of South West Africa.' (*Nam* 28.11.86; *WA* 2.12.86)

EDUCATION STRUGGLES SPREAD

Schools and colleges in Namibia were the focus of increased resistance in the second half of 1986. Activities took place against the background of a further deterioration in educational standards, as revealed in newly released statistics. At the same time the MPC Administration failed to implement its declared policy of integrating schools. (See also *FOCUS* 63 p.11, 67 p.10)

In the Nyangana and Andora areas of the Kavango bantustan, 14 local schools had been closed in the two years prior to July, reportedly because the Kavango Administration was unable to get teachers' pay cheques to them. Officials stated that the schools had been closed for 'security reasons'. In other areas of Namibia, schools in outlying areas have been closed and education centralised to remove pupils from areas of SWAPO activity. Partly as a result of this disruption, matriculation results worsened. At Rundu High School only two out of the 43 students passed. Teachers in the area were also subjected to harassment and in some cases detained by Koevoet police.

The 1986/87 budget continued to discriminate between black and white schools. An amount of R1,165 was allocated to each white child, while under the Ovambo bantustan

administration the allocation for each pupil was only R318. There were also no noticeable changes in the educational level of teachers in black schools. Under three-quarters of teachers had not matriculated (completed secondary school). One-fifth had not passed Standard 8 (three years of secondary schooling). Pass rates also remained low. It is calculated that only four per cent of black school children reach senior secondary level and the matric failure rate remained high in 1986. While the pass rate for white schools was 90 per cent, at black schools falling under the Department of National Education it was only 35 per cent. (*Nam* 4.7.86; *WA* 30.9.86, 23.12.86)

Plans by the MPC Administration to open schools in Namibia to pupils of all population groups were not implemented after they were blocked by the Administration for Whites and the party controlling the Rehoboth bantustan, the Rehoboth Free Democrats. The National Party, which controls the Legislative Assembly for Whites, is opposed to the integration of schools even though rules for admission of African pupils to White and Coloured schools have been hedged in by loosely defined restrictions such as 'educational qualifications', 'home background'. Proclamation AG8 allows individual administrations to regulate admission to their 'own' educational facilities and it would require a change in the constitution for the 'cabinet' to overrule the Administration for Whites and Rehoboths. (*Star* 18.9.86, 5.12.86)

SCHOOL PROTESTS

Against this background there was resistance at several schools and colleges:

- Black schools remained open in Namibia on 29 August, which the interim government had declared a public holiday to commemorate its first anniversary. Earlier NANSO had condemned the holiday because 'this so called interim government is illegal and unrepresentative'. The organisation called on students to boycott it. (*CCN Information* Sept. 1986)
- Teachers at three schools in Arandis went on strike in November over the poor housing and overcrowded conditions in which they were forced to live. The strike was suspended when the authorities agreed to take steps to improve facilities. (*WA* 14.11.86; *Nam* 21.11.86)
- Chief ANKAMA, a former teacher at the Ongwediva Training Centre, was transferred to Okatana following a boycott of classes at the centre while he was working there. He was briefly detained by police in Oshakati and questioned about his activities in SWAPO and NANSO. He was placed under pressure to become a police informer and later fled from the area because he feared for his life. (*Nam* 5.9.86)
- The struggle for a new SRC constitution at the Academy for Tertiary Education in Windhoek was still unresolved at the end of the year. (See *FOCUS* 67 p.10)

SWAPO RALLY DISRUPTED

Immanuel SHIFIDI, (58) SWAPO member and an ex-Robben Island prisoner, was killed when a SWAPO rally in Katutura held to commemorate the UN International Year of Peace on 30 November, was attacked by armed vigilantes and police. At least 21 people were injured.

Right-wing vigilantes, many of whom were subsequently identified as members of the South West Africa Territory Force's 101 Battalion and Etango, the surrogate political movement created by the military authorities in the Ovambo bantustan, infiltrated the 3,000-strong crowd. After being forced to leave by people from the north of the country who recognised them and by SWAPO stewards, they returned armed with pangas, knobkerries, assegais, bows and arrows and shotguns. Shifidi was one of those attacked. He died of stab wounds.

Shortly after the crowd was attacked, police Casspirs arrived: teargas and rubber bullets were fired at people leaving the meeting. Police activity continued for several hours after the meeting had ended and in areas of Katutura far removed from where the rally took place. Police randomly attacked people in the street, pursued others into houses and smashed the windows

of vehicles. Police claimed that they came to restore order after fighting broke out. However, eyewitnesses and SWAPO representatives made statements which indicated that the police operations were in support of the vigilantes.

Immanuel Shifidi was released from Robben Island in November 1985 after serving 18 years of a life sentence. He was captured after the first armed clash between SWAPO guerillas and South African Police at Ongulumbashe in 1966 and subsequently tried along with Andimba Toivo ja Toivo, Eliaser Tuhadeleni and other SWAPO leaders. At the time of his death he was working for the Council of Churches in Namibia. (WM 5.12.86; NCC 9.12.86)

He was buried at a funeral attended by 4,000 mourners. The meeting was addressed by SWAPO leaders including the Vice-President Hendrick Witbooi, Acting President Nathaniel Maxuillili, and the Lutheran vice-bishop Zephania Kameeta. His coffin was draped in the SWAPO colours. Many of the pallbearers were veterans of the early period of the armed struggle. (WA 8.12.86; NCC 9.12.86)

The Administrator-General turned down calls by SWAPO and the Council of Churches for an independent judicial inquiry into the incident. (Nam 5.12.86)

Police and vigilante activity has been a feature of a number of gatherings held since the Supreme Court decision in July that SWAPO could once again hold meetings. The organisation had been prohibited from doing so since 1981. (FOCUS 62 p.2; WA 1/2.12.86; S 3.12.86; WM 5.12.86)

In June, the Corpus Christi procession convened by local churches was attacked by vigilantes, some of whom were subsequently identified as members of the NUDO movement. It is linked to the Herero bantustan authorities and the DTA party in the MPC administration. In October the SWAPO Education Secretary and Namibia Literacy Project Director, Joshua HOEBEB obtained an interdict against Unotjari KATJUMINE, a NUDO member, restraining him from assaulting Hoebeeb or unlawfully interfering with his human rights. He was also ordered to surrender any firearms in his possession.

The court order followed an incident in which Hoebeeb was attacked and shot at by men wielding poles and guns while he was sitting in his parked car on the night of 8 June. During the incident he recognised Katjume as one of the vigilantes who had been present when the Corpus Christi procession was attacked. (FOCUS 66 p.12; Nam 12.12.86)

UNITA BASES IN NAMIBIA

Details have emerged of how the National Union for the Total Independence of Angola (UNITA), the South African-backed destabilisation force active in Angola, is supplied through bases in northern Namibia.

UNITA purchases foodstuffs and clothes from a Johannesburg-based company, FRAMA Inter-Trading, which has close links with the South African Defence Force (SADF). It finances these purchases through the sale to FRAMA of large quantities of valuable Angolan teak which are shipped down the Cuando river into Namibia. There have also been reports of a UNITA trade in ivory and diamonds.

The only land supply link to the UNITA headquarters at Jamba, 150 kilometres from the Namibian border, runs south to connect with the Bagani-Kongola road which traverses the length of the Caprivi strip. In turn, Bagani is connected by a road which runs along the south bank of the Kavango river to the major military and administrative centre at Rundu. From Rundu a macadamised highway runs south to the SADF logistical headquarters at Grootfontein, which in turn is connected by road and rail with Windhoek. It is this route which is used to supply UNITA with maize, clothing and other material from South Africa and which is used to transport Angolan teak to the industrial centres of the Transvaal, 3,000 kilometres away.

The supplies are transported in metal containers – some with the seal of the SADF – on a fleet of trucks owned by FRAMA. The company is exempt from applying for road carrier permits and many of its vehicles are reported to have been operating without licence discs. The trucks are waved through military roadblocks where other vehicles are stopped and in many cases searched. A section of a report carried out by the Department of Transport Services inquiring into FRAMA was classified as secret by the South African Administrator-General and has not been published. (WO 19.10.85)

The SADF is currently engaged in macadamising the 400 kilometre Rundu-Bagani section of the route to the Caprivi, which will increase the efficiency with which the string of

bases along the Kavango river and in the Caprivi Strip can be supplied. (New African 6.86)

The eastern Kavango-western Caprivi area has become one of the most militarised areas in Namibia. Rundu itself is a garrison town, the headquarters of Military Sector 20 and of 201 and 202 Battalions of the South West Africa Territory Force (SWATF). It is also a major airbase and logistical centre. A sawmill used to cut the Angolan teak is sited in the town. A number of agricultural projects have been set up by the SADF along the Kavango River to supply troops. FRAMA storage and transport facilities are also dotted along the river. (WO 27.9.86)

UNITA troops are much in evidence on the Namibian side of the border and have apparently been placed in control of some areas. It has been reported that local people wishing to cross into southern Angola – which has been largely depopulated as a result of South African invasion – have to obtain permission from UNITA. At its easternmost point, the Kavango River border is crossed at Mukwe by a ferry service run by FRAMA. On the other side of the river lies the settlement of Mucusso, which is connected to UNITA's Jamba headquarters by air and a network of tracks which can be traversed by four-wheel drive vehicles. Mucusso is a

stop-over point for flights to Jamba from South Africa, which are reportedly being regularised through the establishment of an 'airline' called Wonder Air, operating DC-3 aircraft from Wonderboom airport outside Pretoria. (Nam 12.12.85, 28.11.86; Southscan 11.11.86)

The area west of Mukwe, across the Kavango river and into the Caprivi strip, has been cleared of its local population and is officially zoned as a game reserve. (See FOCUS 63 p.10) This huge area (8,000 square kilometres) is the site of two major military bases, which are involved in supporting UNITA operations in Angola. Near Bagani the Buffalo base houses the notorious 32 Battalion, composed of Angolan mercenaries commanded by white SADF officers and a diminishing contingent of foreign mercenaries. The battalion publicly commemorated its tenth anniversary at a parade in March 1986. Present at the ceremonies was the Secretary-General of UNITA, 'Brigadier' N'zau Puna. His presence underlined the close relationship between 32 Battalion and UNITA. Over the past decade the battalion has carried out numerous operations which have been claimed by UNITA. The unit operates exclusively in Angola and has been accused by defectors of widespread atrocities. (See FOCUS Special Issue 2; FOCUS 61 p.11; WA 27.3.86)

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SOUTHERN AFRICA: ABDUCTIONS AND ATTACKS

Since attacks on three front-line states on 19 May 1986 by the South African Defence Force (SADF), all Southern African states have been in a state of alert in expectation of further acts of aggression by South Africa. Tanzanians were also called on to prepare themselves to face an invasion that could be launched by South Africa. (See *FOCUS 65 p.5*)

BOTSWANA: ATTACKS

After the SADF attack on 19 May 1986, Botswana citizens were warned to be prepared for further raids by South Africa. This was followed by a machine-gun attack on a house in Gaborone, the capital of Botswana, on 14 June 1986 in which a woman was killed and two injured. During the latter part of 1986 South African agents and members of the SADF violated Botswana's territory several times to carry out military operations. The Botswana government protested at the violations and placed its forces on the alert.

On 19 October Botswana Defence Force border patrols reported South African Air Force reconnaissance patrols probing 60 km into Botswana air space in the eastern region. On the same day SADF men were seen at Talana, in the Tuli Block, close to the South African border.

In the early morning of 20 October 1986 four South African helicopters landed troops in eastern Botswana near the village of Tsetsejwe, about 20 km from the South African border. An undisclosed item of military equipment was found on the scene and a follow-up operation by the Botswana Defence Force confirmed the incident. (DN 22.10.86)

The South African government shortly afterwards made allegations about the existence of ANC bases and infiltration routes in Botswana. President Quett Masire accused South Africa of looking for excuses to attack its neighbours and warned that this would trigger a full-scale war. He said that the attacks on neighbouring states were intended to divert attention from the internal conflict in South Africa. (BBC 31.10.86; Star 21.11.86)

SWAZILAND: ABDUCTIONS

An ANC member was abducted from Mbabane, the capital of Swaziland, on 26 June 1986 and held in detention in South Africa for over four months. Sydney MSIBI was released on 7 November after his lawyer threatened court action.

The abduction was said to have taken place outside a school. Eye-witnesses saw Msibi being bundled into a car by a group of about ten men in plain clothes. Although the South African police denied press reports and an ANC statement about the abduction, Msibi's name was included in a list of emergency detainees tabled in parliament in August last year. The police then told Msibi's lawyer that he was being held under Section 29 of the Internal Security Act. The lawyer indicated that he would be taking the matter to court and Msibi was soon afterwards released inside South Africa.

On his release Msibi stated that he was handcuffed, placed in leg-irons and gagged before being forcibly taken across the border into South Africa. (WM 14.11.86)

On 12 December a South African raiding party made a strike into Swaziland and killed two people – a 13-year-old boy and a man – abducted at least five others and raided at least six houses.

Those known to have been abducted were Grace CELE, a Swazi citizen who works for a Canadian agency which gives scholarships to South African refugees, Shadrack Msizeni MAPHUMULO, a former political prisoner living in Swaziland since 1979 who died from gunshot wounds during the raid, Danger NYONI, father of the dead child, and Corinne BISCHOFF (25) and Daniel SCHNEIDER (29), Swiss nationals. Nyoni was released near the Oshoek border, 25 km from Mbabane, the following day.

The South Africans justified the attack by claiming it was a pre-emptive raid aimed at preventing an expected upsurge of armed activity in South Africa around 16 December, the 25th anniversary of the founding of Umkhonto we Sizwe, the armed wing of the ANC. After the raid the South African police admitted the detention of the Swiss couple and said that they were being held on the grounds that they were working with the ANC in providing intelligence and promoting violence.

Following strong protests by the Swazi and Swiss governments the couple were released on 14 December and arrived back in Swaziland the same day. They explained that the raiders had entered their house by blowing in their front door with explosives and by firing indiscriminately with automatic rifles. They had been dragged from their beds by three masked men who handcuffed and blindfolded them and then drove them across the border. Bischoff said she was certain she was shackled to a dead body during the drive. (Star 16.12.86)

Bischoff was kept in Middelburg while Schneider was taken to Pretoria. They were subjected to intense interrogation about their activities and associations in Swaziland with regard to their alleged connections with the ANC. They were also offered money to provide information about people shown to them in photographs.

The South African Minister of Foreign Affairs said that the two had been released because of South Africa's wish for good relations with Switzerland and Swaziland. He also admitted having foreknowledge of the raid and defended cross-border raids in the interests of South African 'security'. (BBC 29.12.86)

A second armed operation took place on 15 December when raiders from South Africa abducted Ismael IBRAHIM, a member of the ANC, from his home outside Mbabane. A witness reported that two men knocked on the front door and when Ibrahim came to the door he was grabbed and forced inside at gunpoint. The house was searched, documents and tapes were removed, Ibrahim was bound hand and foot with wire and driven away. (S 18.12.86; Ind 19.12.86)

MOZAMBIQUE: THREATS

Mozambique has also been under threat of direct South African attack. President Joaquim Chissano warned on Mozambican radio on 6 January that South Africa might launch attacks on Mozambique within the next two weeks. The SADF denied the allegations but repeated that it claimed the right to attack neighbouring states if they harboured 'terrorists' planning armed activity in South Africa.

The claims by President Chissano were made after South Africa had demanded the expulsion of six ANC members living in Mozambique. The six included Jacob ZUMA, the ANC chief representative in Mozambique, Indres NAIDOO, a former Robben Island political prisoner, and Sue RABKIN, who was imprisoned in 1976 for ANC underground activities in South Africa with her husband. (See *FOCUS 7 p. 11*)

The South Africans demanded the expulsions on the grounds that the presence of the six was a threat to South African security. The South African Foreign Minister said that the South African government would 'take steps' if Mozambique did not respond to the demand. President Chissano and Oliver Tambo, the president of the ANC, are said to have agreed that the six should 'withdraw themselves... for their own safety'. (DD/DN 7.1.87; BBC/Tel 8.1.87)



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