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NAMIBIA FREEDOM TALKS

The withdrawal of South African troops from Angola in August was intended to be the first step in a process leading to the implementation of UN Security Council Resolution 435 for Namibian independence on 1 November.

The withdrawal, after negotiations between Angola, Cuba, South Africa and the United States, followed the defeat of the South African invasion of Angola which began in mid-1987. However, by the end of September the negotiations were faced with a deadlock, and there were no indications inside Namibia that South Africa was preparing to end its illegal occupation of the territory.

South Africa's undertaking to withdraw from Angola and to implement Resolution 435 came in an agreement reached on 13 July this year with the other negotiating countries. The agreement also called for the 'redeployment toward the north and the staged and total withdrawal of Cuban troops from . . . Angola'. The timetable for the Cuban withdrawal was a source of disagreement at subsequent talks in August and September, and the issue of continuing United States and South African support for UNITA remained unresolved. (SS 20.7.88; DD 27.8.88)

After nearly a decade of stalling on the implementation of Resolution 435, the South African government has come under considerable pressure to end its occupation of Namibia and its war against Angola. Its 1987 invasion of Angola, aimed at boosting its protege UNITA force, ground to a halt in October last year near the strategic town of Cuito Cuanavale. Despite repeated infantry assaults, and an armour attack, the South African forces were unable to capture the town.

In May this year the Angolans counter-attacked with Cuban backing, pushing South African forces out of Cunene province and establishing a strong defensive line some 20 to

40 kilometres from the Namibian border. This effectively trapped up to 3,000 South African troops bogged down with heavy artillery and armour near Cuito Cuanavale. They were faced with the choice of surrender or retreat with heavy losses of equipment and men. Pretoria was forced to sue for a ceasefire, which allowed the withdrawal of these troops during August. (See FOCUS 78 p.12; Ind 10.8.88)

The relatively high casualty rate amongst white South African conscripts led to a crisis of confidence in the South African Defence Force among sections of white South African society. Doubts about the Angolan war were raised even in the mouthpiece of the Dutch Reformed Church, *Die Kerkbode*. The war is estimated by some South African economists to have cost R4 billion a year, an increasing drain on the apartheid regime at a time when the South African economy is in deep trouble. (FT 18.8.88)

All South African forces had vacated Angola by 1 September, the agreed deadline. However, the troops were redeployed just across the border in northern Namibia, and further reinforcements were sent into Namibia from South Africa. The main South African logistics base in Namibia, at Grootfontein, was considerably strengthened during July, and other bases, such as Oshivello, were also expanded. There were reports of the mass mobilisation of conscripts in South Africa, many of whom were called up at 24 hours' notice. In early September trains and military convoys of up to 400 vehicles were nightly ferrying armour, artillery and heavy equipment to the north of Namibia. (SS 13.7.88; ST (UK) 14.8.88; Obs 4.9.88)

According to Angolan sources, South African troops in northern Namibia began large-scale military manoeuvres on 2 August, which were due to last for two months. Simultaneously, the South African Navy began its largest-ever exercises off Walvis Bay, Namibia's deep-water port, which Pretoria claims is part of South Africa and not subject to Resolution 435. (Nam 14.8.88; BBC 31.8.88)

The military build-up in Namibia was accompanied by indications from South Africa's Administrator-General in the territory that he intended to consolidate apartheid structures by proceeding with elections to the second-tier or bantustan authorities. It was 'realistic' to suppose that 435 would not be implemented in the near future, he said. Political groups participating in the South African-imposed administration also unveiled proposals for a new constitution, in contravention of Resolution 435.

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namibia

NEW LAWS AGAINST BOYCOTTS

After five months of continuing school boycotts in Namibia, the authorities stepped up repression in August. Meetings were violently dispersed, scores of students detained and others brought to trial. Harsh legislation was promulgated making it a criminal offence to call for school boycotts or worker stay-aways. It also extended the powers of the police and army to enter and search premises and detain suspects.

On 9 July the Namibia National Students' Organisation (NANSO) convened a National People's Assembly at Dobra High School in Windhoek. The meeting was made up of delegates of parents, workers and students from 17 centres around the country. It discussed tactics following the successful worker stay-away in June, in which one-third of the workforce backed student demands for the removal of military bases from the proximity of schools in the northern war zones. (See *FOCUS 78* pp.1-3)

The Assembly resolved to call off the boycott for four weeks to consolidate. It made the permanent ending of the boycott subject to the authorities meeting several demands. These included the release of all detained parents, students and teachers, the re-admission of all expelled students, the reinstatement of dismissed teachers, the removal of military bases from areas near schools and the withdrawal of Koevoet police and South African Defence Force (SADF) units from schools, towns and villages. (NCC 14.7.88; Nam 15.7.88)

SCHOOL BOYCOTTS CONTINUE

When schools re-opened the return to classes was partial and mainly in the south. Representatives of 11 primary and secondary schools in the north, including the three where the boycotts first started, resolved to stay out until military bases were removed. In the second half of July and August new boycotts and protests broke out at two secondary schools - at Otjikoto near Tsumeb and in Katutura, where riot police broke up gatherings with teargas and rubber bullets on two consecutive days. At the Andreas Shipena school in Katutura there were similar clashes in mid-August. Several students were arrested, including Auguste EMVULA, Lydia TJAVERUA, Priscilla IYAMBO and Eva SEIBES. Several others were reported missing. (Nam 12.8.88)

Boycotts continued at Rundu in the Kavango bantustan over the participation of teachers in a police assault on students. Elsewhere, the authorities closed four schools in reaction to renewed protests which included demands for the reinstatement of pupils expelled in earlier boycotts. (SS 20.7.88; CT/Star 26.7.88; Nam 29.7.88, 12.8.88; Star 25/26.8.88)

There were also disturbances at the Kolin Secondary School in Arandis. Three students, Basil HAITILEKO, Makagi ILONGA (NANSO

chairperson at the school) and Herbert SHIH-WAAMENI (vice chair) were detained in late August. (Nam 2.9.88)

In early August boycotts spread to the Academy in Windhoek, the country's principal tertiary educational institution. On 17 August 37 students were detained under Proclamation AG9, which allows for renewable periods of up to 30 days detention, and the following day

in the *Protection of Fundamental Rights Act*, promulgated in August. This widened police and army powers of search and arrest; outlawed calls for school boycotts and worker stay-aways; and provided for a maximum fine of R20,000 or 10 years' imprisonment for transgression of the regulations. The legislation exempted any act called for by a trade union registered under the Wage and Industrial Conciliation Act.

NEW LAW

The Protection of Fundamental Rights Act, Act No 16, 1988, contains the following powers:

● **SCHOOL BOYCOTTS** It becomes an offence to 'impede' or 'interrupt' the functions or activities at any educational institution, to 'abstain' from attending classes or lectures and 'obstructing' or 'attempting to obstruct' others from attending classes or lectures.

● **STAY-AWAYS** It becomes an offence to 'stay-away, temporarily or permanently' from a place of employment or to refuse to perform duties and to obstruct others from doing the same.

● **CONSUMER BOYCOTTS** It becomes an offence to 'boycott any undertaking or industry' or 'to impede or interrupt' the business carried out by the industry or 'not to make use thereof'.

● **OTHER BOYCOTTS** It becomes an offence to 'abstain from making use of or receiving any public service rendered by the State' and to obstruct others from doing so.

● **POWERS OF ARREST AND SEARCH** For the purposes of the Act 'any police official or any peace officer as defined in the Criminal Procedure Act, 1977' and 'any member of the SADF, shall have the right to enter and search any premises and to search, arrest and detain in custody any person'.

heavily armed riot police and soldiers entered the campus and sealed it off. Most of the Student Representative Council members were detained and students were not permitted to leave the Academy grounds for several hours. (Nam 5/19.8.88; Ind 19.8.88; WO 20.8.88)

NEW REPRESSIVE POWERS

In response to the development of boycotts as a popular form of protest, the authorities adopted new repressive powers.

In late July a bill amending sections of the National Education Act was tabled in the National Assembly, giving the 'Cabinet' of the MPC Administration broader powers to intervene in the running of schools. These included powers to close schools and to determine conditions of admission. A new clause made parents financially liable for damage to school property by providing for the introduction of fees in the event of damage to buildings. (Nam 29.7.88)

More draconian measures were introduced

TRIALS AND DETENTIONS

During July and August there were wide-ranging detentions and several people appeared in trials related to the protests. Twelve people and a minor were charged with public violence in the Walvis Bay Magistrates' Court in mid-July, relating to a schools boycott in Kuisebmond in June. They were granted bail of R300 each on condition that they reported to the police daily. They were also prohibited from leaving the Walvis Bay magisterial area. (Nam 22.7.88)

In the Rundu area of the Kavango bantustan 13 people appeared in court for the second time on 18 July charged with public violence. Their trial was postponed until 9 August. A further eleven students appeared in court following fresh boycott-related arrests. One trial involved Martin KUTENDA who was released from detention in mid-July. He was immediately re-arrested and charged with public violence in late July along with Josef BERNADHINO. Both were released on bail. (FOCUS 78 pp 2-3; Nam 15/22.7.88)

Scores of people were detained as boycotts mounted following the re-opening of schools on 19 July.

In late August the authorities began to use the new Protection of Fundamental Rights Act. By early September at least 50 school students were known to have been charged under the Act. One case involved 11 minors aged between 11 and 19 from Katutura who appeared in the Windhoek Magistrates' Court on 1 September. They were charged in terms of Section 2 of the Act (which outlaws school boycotts) and trespass and public violence. The case was postponed until 4 October and the detainees were released into the custody of their parents. Earlier, parents had alleged that their children were being tortured. They had been forced to do physical exercises while naked and wet and some had been assaulted. (Nam 26.8.88, 2.9.88)

In a second case, 37 Academy students, detained during the clashes on the campus, were released on bail on 24 August after appearing in the same court charged under the Act. The case was postponed until 15 September. Among those charged was Ignatius SHIH-WAAMENI who was detained on a previous occasion in June. (Nam 26.8.88; FOCUS 78 p.3)

Joseph HENDRIKS (19) a student at Andreas Shipena Secondary School, was refused bail when he was charged under the Act in the Windhoek Magistrates' Court on 16 August, following his detention two weeks previously. His case was postponed until 20 October and transferred to the Supreme Court. (Nam 2.9.88)

SHIFIDI KILLING: APPEAL HEARD

An appeal against the order issued by the South African State President which stopped the trial of six soldiers accused of murdering SWAPO leader Immanuel Shifidi, was heard in the Windhoek Supreme Court at the end of August. Judgment was reserved.

Shifidi, a SWAPO veteran who was released from long-term imprisonment on Robben Island in 1984, was killed when about 50 soldiers dressed in civilian clothes and armed with various weapons attacked a SWAPO meeting in Windhoek on 30 November 1986. An inquest into his death revealed that the soldiers had been bussed to the rally from an army base in the north. The operation had been organised by army officers, including Colonel Willem Welgemoed, commander of 101 Battalion at Ondangua, and Colonel J H Vorster of military headquarters in Windhoek. (FOCUS 72 p.11, 74 p.9)

Welgemoed, Vorster and four other army personnel were charged with murder, but in March 1988 State President Botha halted the

trial by invoking Section 103 of the Defence Act. This indemnifies soldiers and police from criminal prosecution if they are deemed to have acted 'in good faith' for 'the suppression of terrorism in an operational area'. (FOCUS 76 p.11)

The appeal against the order was brought by Hilda Shifidi, daughter of the dead man. Her counsel argued that no evidence had been provided by the six soldiers to contradict the inquest evidence. It was submitted that: 'The football field in question in a residential suburb of Windhoek . . . was not an operational area. Furthermore, the State President could not have formed a lawful opinion that the planned, intentional and violent disruption of a lawful and peaceful meeting was for the purposes of, or in connection with, the prevention or suppression of terrorism.' (Nam 2.9.88)

In a similar case heard a week previously, Victoria Mweuhanga contested an order, issued under the same section of the Defence Act, stopping the trial of four South African Defence Force members accused of murdering her husband, Frans UAPOTA, in November 1985.

Mweuhanga submitted evidence that a group of soldiers had appeared while she, her husband and some friends were sitting outside a shop in northern Namibia. The soldiers ordered them all to lie on the ground, and then took Uapota a short distance away, where they blindfolded him, tied a rope around his neck and repeatedly assaulted him. She found his body the following day. Four soldiers were eventually charged with his murder, but the proceedings were terminated by order of State President Botha. (FOCUS 67 p.10; Nam 26.8.88)

'Nobody could honestly believe that a group of armed soldiers was acting in good faith when they battered the skull of a 46-year old unarmed man of slight build, broke his neck, partially strangled him with a rope, broke nine of his ribs and ruptured his spleen, and left him with multiple bruises, abrasions and burns on his arms, thorax, abdomen and back', argued counsel for Mweuhanga, citing the inquest findings. Judgment in this case was also reserved. (Nam 26.8.88)

DETENTIONS & TRIALS

School boycotts and labour struggles have led to widespread detentions of workers, students and teachers throughout Namibia (see EDUCATION STRUGGLES). In addition, seven people were reported to have been detained by soldiers in the Ombalantu area of northern Namibia on 13 August. They were named as Evelin AINDAKO, Aitika AMKWA, Laserus AMUULUNGU, Titus 'Kapwepwe' ANGULA, Natanael HINAMWAAME, Tylvas KAHIMA and Oscar Nailenge MUHONGO. (Nam 19.8.88)

Other reported detentions not previously noted in FOCUS are: Nason IILEKA, a 15-year-old boy from Tsandi who was detained on 14 July; Jesaya SHEEFENI from Onhelewiwa, detained on 25 March; and Sheetekela SHININGENI (24) from Windhoek, detained on 19 July. (NCC 27.7.88)

RELEASES

The following detainees were released between February and June 1988, in addition to those reported in previous issues of FOCUS: Lehabian EYAMBO; David HAIKONDA; Frans HANGO; Salomon KANGHONO; Martin MULONDO; Jason SHIKOMBA; Sakeus SHILONGO; Paulus SHILULE; Andreas SHIVUTE; Eliakim SHUUVENI. (see FOCUS 76 p.10, 77 p.10; NCC 22.7.88)

TRIALS

ANDREAS AND NGHIFIKWA

Paulus ANDREAS (26) and Stefanus NGHIFIKWA (41) appeared in the Windhoek Supreme Court at the end of August on charges arising from a car-bomb blast which caused R2 million damage at a vehicle park near military headquarters in central Windhoek, in July 1987. Andreas stated that he was a trained SWAPO combatant and had acted under orders in blowing up the target. Nghifikwa, principal of a school at Engela in northern Namibia, was accused of purchasing the car used in the explosion. The case was remanded. (See FOCUS 76 p.10; WO 27.8.88)

NGHIYOLWA

Afunda NGHIYOLWA (44), of Oshikwiyu in

northern Namibia, was sentenced to an effective 20 years' imprisonment by the Windhoek Supreme Court in August on charges of murder and sabotage. He was convicted of bombing the Oshakati branch of Barclays Bank in February 1987 and blowing up an electricity sub-station in the same town soon afterwards. The court was told that he was acting under the instructions of a combatant in the People's Liberation Army of Namibia (PLAN), SWAPO's armed wing. (S 17.8.88; Nam 19.8.88)

VILHO

Andreas VILHO (24) was convicted in the Windhoek Supreme Court on 26 August on two

charges of attempted murder and a charge of culpable homicide. Reportedly a former PLAN combatant, he had opened fire on two policemen outside the Katutura workers' compound in June last year. The driver of a passing bus had been killed in the incident, but Vilho denied responsibility. Earlier, police from the Koevoet Counter-Insurgency Unit had opened fire on civilians in the compound, and Vilho himself had been attacked by two men. Police and troops subsequently sealed off the compound and mounted a room-to-room search, assaulting residents. (See FOCUS 72 p.9; Nam 26.8.88; WO 27.8.88)

LEGAL AID CENTRE IN WAR ZONE

A church-backed legal aid centre was opened in the heart of the northern Namibian war zone in July. In an area where there are no lawyers in full-time practice, the centre offers legal advice and assistance to victims of army and police abuses. Five weeks after the centre was opened, two of the four workers were detained by soldiers, but later released.

The Anglican, Catholic and Lutheran bishops in Namibia are trustees of the Human Rights Centre, which is situated in a Lutheran conference centre in Ongwediva. The centre

aims to assist with cases of deaths, abductions, detentions, disappearances, rapes, assaults and destruction of property. Such abuses by the South African army and police have seriously escalated in Namibia in recent years. (See FOCUS 76 p.10, 75 p.9, 72 p.10; NCC 11.7.88)

On 15 August the manager of the centre, Philip MWANDINGI, and a worker, Benjamin HAUFIKO, were detained by soldiers in the Ombalantu area. They were investigating reports that troops had killed three people and detained seven others in the area (see DETENTIONS). The two were held under Proclamation AG9 for two days, and were released after strong protests from the backers of the centre. (Nam 19.8.88)

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be likely to result in a SWAPO government. However, at the end of August, the South African Minister of Defence declared categorically that SWAPO would not rule Namibia. He also cited a number of South African objections to 435.

Despite the lack of any indication that South Africa was preparing to vacate Namibia, the ceasefire between Angolan and South African

forces was smoothly implemented in August, and was being monitored by a joint Angolan-South African commission. (Nam 27.9.88; Ind 4.8.88; SS 10.8.88; Star 28.8.88)

Inside Namibia, SWAPO showed its strength through rallies at the end of August to commemorate the launching of the armed struggle. At least 10,000 joined a rally in Windhoek. (CT 14.7.88, 29.8.88; SS 20.7.88)

South Africa

UNITED OPPOSITION TO ELECTIONS

There was a low level of nominations of candidates for the October elections to local councils in African townships. This, coupled with concerted repressive actions by the police, pointed in September to widespread opposition to the local elections. Although the regime mounted an intensive propaganda campaign urging people to vote and prohibited any calls for boycotts, a broad range of forces had become identified with a rejection of the elections and the constitutional plans with which they were connected.

FEW CANDIDATES

When nominations for the elections closed early in September, no candidates had been nominated in some African areas and in others there were too few nominations even to form a quorum for council meetings. In some other areas, although there were more nominations, the candidates were unopposed and were due to become councillors without elections being held.

In the Eastern Cape, for example, there were to be elections in only half the 50 African townships in the area. Motherwell, Port Elizabeth and Lingelihle, Cradock were amongst those with no candidates and KwaNobuhle, Uitenhage had too few for a quorum. In all three areas, organised resistance had been sustained throughout the period of emergency rule – the Port Elizabeth Black Civic Organisation (PEBCO) and the Cradock Residents Association (CRADORA) were amongst 17 organisations restricted on 24 February this year. There were to be elections in only ten of Natal's townships. Sobantu, Pietermaritzburg and Klaarwater, Pinetown had no candidates. (FOCUS 76 p.2; CT 9.9.88; SS 21.9.88)

Government propaganda during September cited average registration levels of 75 per cent of potential voters in African townships as evidence of interest in the elections. However, in contrast to the voluntary registration of previous years when voters had to place their own names on voters lists, current lists in most African townships were compiled or updated from housing lists and other official sources. (FM 30.8.88)

MASS RESISTANCE

The mass resistance, reflected in the low level of nominations, has not been freely and openly expressed or adequately reported because emergency regulations prohibit calls for a boycott and the reporting of such calls. However, various incidents and developments made it evident that opposition to the elections was widespread.

The readiness in June of 27 church leaders to defy the emergency regulations by calling on all Christians to boycott the election, and of the South African Council of Churches to endorse their defiance, was indicative of broad support for a boycott. (FOCUS 78 p.3)

Other evidence of support for a boycott came from a number of areas, including a state-

ment by the independent Member of Parliament Jan van Eck – he used parliamentary privilege to put on public record that 'extra-parliamentary groups' were calling for a boycott, and associated himself with their call. (Star 24.9.88)

Although there was no systematic media coverage, fragmentary press reports from July to September indicated that popular rejection of the election was widespread and often forceful.

In July, when the Transvaal Provincial Administrator asked employers to distribute government information leaflets about the elections, some refused, fearing adverse reaction from their employees. In one case leaflets were collected by workers and burnt by their union, the Food and Allied Workers Union.

Candidates seeking support drew few people to their meetings in some townships, or met with a hostile response. A meeting in Alexandra township, for example, at which candidates sought approval for their participation, was attended by less than 60 people who told them to resign. In KwaGuga, Witbank, a group of 10 candidates canvassing votes in a contract workers' hostel were chased out by residents – four of the group, which consisted mainly of former councillors who had been forced to resign in the face of popular protests, were taken to hospital.

In Soweto, the Sofasonke Party was only able to hold meetings under the protection of the South African Defence Force, and there were reports of the bombing or burning of houses of candidates or councillors in Soweto and Bhongolethu, Oudtshoorn. (S 15/18/29.7.88; SS 29.8.88; NN 1.9.88; WM 2/16.9.88)

A further indication of the scale of resistance was given by the sustained and country-wide nature of repressive police action.

In August there were reports of detentions of activists involved in campaigning against the elections in Alexandria, Fort Beaufort and Bhongolethu in the Eastern Cape. There were detentions in early September in Soweto, where 11 activists of the South African Youth Congress (SAYCO) were detained, and in the Pretoria townships of Atteridgeville, Mamelodi and Soshanguve. (South 1.9.88; WM 2.9.88; NN 8.9.88; MS 9.9.88)

At least 10 leading activists were detained in Cape Town three days before a planned anti-apartheid conference in Cape Town at which police expected an election boycott to be discussed. The organisers of the conference, called by COSATU, were said to be expecting 700 delegates from over 70 organisations to discuss the formation of a broad anti-apartheid alliance. A day after the detentions, four senior trade union officials, three from COSATU and one from the Post Office and Telecommunications Workers Association, were prevented from going to Cape Town by an order restricting them to Johannesburg. (SS 21.9.88; see RESTRICTIONS)

October 1988 was set as the date for local elections at least as far back as 1985. With the segregated tri-cameral parliament in place, the elections for new local structures were presented as the next major step in the implementation of the regime's constitutional scheme. (IDAF Briefing Paper No. 17)

The segregated local government structures

were seen by opponents as entrenching apartheid at the local level and, through Regional Service Councils, ensuring white domination. The fact that the African councillors elected in October would select participants in the proposed National Council linked the elections directly to the regime's attempts to impose this constitutional device as an alternative to meeting demands for full democratic rights. (IDAF Briefing Paper No. 16, FOCUS 72 p.2, 73 p.5, 77 p.2)

The elections planned for October came to have a dual function – as the planned next step in the constitutional scheme, and as a means of attempting to re-establish the administrative structures rendered ineffective in many areas by the mass resistance of the previous four years.

CLAMPDOWN

Since February this year opposition to the local elections in October has been a principal target of repressive action.

- On 24 February, new emergency powers effectively prevented 17 organisations, including the main organised forces of popular resistance, from taking political action. COSATU was specifically prohibited from encouraging a boycott of the October elections. (FOCUS 76 p.2)

- In May the Minister of Information said that none of the restricted organisations would be allowed to participate in the election. (FOCUS 78 p.4)

- The renewal of the State of Emergency on 10 June saw a general prohibition on the making or reporting of any statements which promoted an election boycott or prevented the holding of elections. (FOCUS 78 p.4)

- In July police seized 30,000 copies of the Western Province Council of Churches' *Crisis News* because it carried the statement by church leaders calling for a boycott. In August police in Durban seized 5,400 copies of the Muslim *Al-Qalam* newspaper because it carried an advertisement encouraging a boycott. (WM 19.8.88; South 1.9.88)

- On 2 September the Administrator of the Transvaal, noting that street committees in townships were organising an election boycott, called on councillors and candidates to report the names of any boycott organisers to the police or army. (Star 2.9.88)

- On 9 September members of the Security Branch, accompanied by a video crew, broke into a closed meeting of the South African Council of Churches when Archbishop Tutu made a call for a boycott of the elections and filmed those present. (International Herald Tribune 10/11.9.88; BBC 12.9.88)

- During August and September anti-election activists were detained.

- An anti-apartheid conference expected to discuss the municipal elections, called by COSATU for 24-25 September, was banned.

MASS PROTESTS IN VENDA BANTUSTAN

During July and August there were mass protests in the northern Transvaal Venda bantustan. Thousands of students and scholars boycotted the local university and schools and workers, civil servants and some elements of the bantustan police force joined them by participating in an almost total stay-away. There have also been signs of significant support in the area for the armed struggle.

A wide range of long-standing grievances found expression in the protests.

A prohibition on trade unions and the lack of minimum wage legislation has resulted in particularly low pay for the growing number of workers in the area around the bantustan's main town, Thohoyandou. Attempts by independent trade unions to organise in Venda have been severely repressed. Scholars' organisations have called for better provision of text books, and an end to corporal punishment and sexual harassment of pupils by teachers.

The boycotts and stay-aways also occurred in advance of elections for the bantustan's 'Assembly' in September. An Electoral Act introduced after 'independence' was imposed on the bantustan in 1979, allows only members of the ruling Venda National Party (VNP) to stand for election. Members of opposition groups have to join the VNP to be eligible for election. Some support for the protests came from quarters angered at the disqualification of 21 VNP members from standing in the September elections because the VNP's leadership would not formally endorse their candidature. All 21 had been members of the Venda Independence Party, forced by repression to disband. (S 22.7.88)

KILLINGS

The immediate catalyst for the protests was the complicity of bantustan officials in so-called 'ritual killings' which have increased as officials and VNP members have sought to secure power through intimidation. Since 1984 several officials and a member of the bantustan parliament have been charged with involvement in such killings. (S 13.5.88/17.8.88; WM 26.8.88)

Anti-apartheid organisations maintained that at least 15 people were killed between January and August without action being

taken. They believed that the 'Minister of Justice', Alidzuli Tshivasha, had refused to prosecute because of his own complicity and that of some senior officials.

Press coverage of developments in the bantustan laid emphasis on 'ritual killings' in their explanations, but provided few details of who the victims were. Similar explanations were initially given of events preceding the death of Peter Nchabeleng in the Lebowa bantustan last year, although subsequent information showed the causes were related to attempts to suppress resistance.

SCHOOL BOYCOTTS

Matters came to a head in late July when Mukosi MAVHINA (32), a teacher at the Tshiemuema High School in Tshakuma, was found hanging from a tree. Although an official post-mortem found he had died of suffocation due to hanging, apparently through suicide, his students believed he had been the victim of a 'ritual killing' and was hanged afterwards to disguise this fact. An inquest was held in August and a magistrate granted an application by his family for the exhumation of his body, to allow an independent post-mortem. However, the body was in an advanced state of decomposition and little new information was revealed at the inquest, except that the area where Mavhina's body was found showed signs of a struggle. There were also scratches on his body and blood on the soles of his shoes. (S 17/24.8.88/12.9.88)

Students at the school boycotted classes in protest at his death. Boycotts spread rapidly to other parts of Venda in support of demands for Tshivasha's resignation and calls for action against those involved in the killings. By mid-August 70 per cent of schools were affected. Students at the University of Venda also came out. On 5 August students and pupils marched on the bantustan legislature demanding an immediate response. The gathering was suppressed by bantustan police with teargas and sjamboks, injuring almost a hundred people. (S 12/17.8.88; NN 25.8.88; FM 30.8.88)

Repression, and particularly reports that detainees were being tortured, led to even wider protests. At a mass meeting on 15 August students and pupils called on workers to stay away from work in support of their demands. The next day thousands of workers responded, including employees of the bantustan ad-

ministration and some police. The stay-away lasted almost a week with support estimated in at least one newspaper at 90 per cent. (Star 17/22.8.88; S 17.8.88)

On the day after the stay-away the head of the bantustan relieved Tshivasha of the four portfolios he held, but without dismissing him. This had little impact on the level of resistance and a day later Tshivasha resigned altogether. The administration also announced a commission of inquiry into the murders. (Star 17.8.88; S 18.8.88; BBC 19.8.88)

By then, however, popular demands had widened. Calls were made for improved conditions in education, the introduction of trade unions and the dissolution of the bantustan. (NN 18.8.88; WM 26.8.88)

In response to the administration's moves, a meeting was called at the Tshiemuema Secondary School on 22 August to decide if the school boycott (then in its fifth week) should continue. Bantustan police broke up the thousand-strong gathering with sjamboks. Several students were injured and at least 18 detained. The following day there were further clashes as police tried to enforce a return to school. In the last week of August the boycotts were, however, still continuing. (Star/S 23.8.88; CT 24.8.88)

ARMED STRUGGLE

Developments related to the armed struggle were referred to in May in the first official speech of the new head of the bantustan, Frank Ravele: 'Our security forces', he said, 'are being stretched to the limit'. (AI Bulletin, July '88)

Two alleged trained guerrillas were among six men who appeared in Thohoyandou Magistrate's Court in July. The trial, involving charges relating to the armed struggle, was expected to begin in the bantustan's Supreme Court in September. The six men were: Peter RAVHANDLANI, Mashudu MASINDI, Thsililo LUVHANI, Thinamano DAU, Charles TSHITANGANO and Tendamudzima Robert RATSHITANGA, who spent two years in prison before successfully appealing in 1986 against a conviction for allegedly harbouring ANC guerrillas (see FOCUS 67 p.8). They were among 19 people whose detentions between May and December last year were linked by the press to predictions of a major political trial. (Star 13.8.87; S 17.12.87, 30.6.88, 25.7.88)

END CONSCRIPTION CAMPAIGN RESTRICTED

The End Conscription Campaign (ECC) was prohibited on 22 August from 'carrying out or performing any activity or act'. It became the nineteenth anti-apartheid organisation to be restricted in terms of emergency regulations first introduced in February. This action followed several public challenges to compulsory conscription and a period of sustained repression against the organisation. (FOCUS 76 pp.1-2; 77 p.5; Star 22.8.88; DD 2.9.88)

In July David BRUCE (25), a University of the Witwatersrand law graduate, was convicted in the Johannesburg Regional Court of contravening the Defence Act by refusing to serve in the SADF on the grounds that it maintained a 'racist system'. He was sentenced to six years' imprisonment, the maximum sentence under the Act. His lawyers gave notice of intention to appeal against the sentence which he is serving in Diepkloof Prison. (CT 21.7.88; Star 21/26.7.88)

In an earlier trial in March, another conscientious objector, Ivan TOMS, was sentenced

to 21 months for refusing to report for military service. He is serving his sentence in Pollsmoor Prison. (FOCUS 77 p.5)

In August 1987 23 Cape Town conscripts publicly refused to serve in the SADF because of its role in defending apartheid. On 3 August this year 143 men liable for service, including many from the first group, refused to serve. They made this public at press conferences arranged secretly in four centres. Some had done initial periods of service. An edition of the *Weekly Mail* which published statements by some of them was seized under emergency regulations. (GN 4.8.88; DN 5.8.88)

Justifying the restrictions, the Minister of Law and Order said that the ECC's national conference in February had decided to have closer links with the United Democratic Front which was in turn 'an ANC tool for a revolutionary onslaught against South Africa'. He said the ANC had expressed support for the ECC and those refusing to do national service. (DN 22.8.88; GN 23.8.88)

A week later a restriction order was served on an ECC executive member, Gary CULLEN. It prohibited him from speaking to the press, addressing gatherings and writing or publishing papers or articles. (Star 1.9.88)

Revelations about the involvement of the SADF in covert campaigns to discredit the ECC arose during an ECC court application for an order restraining the SADF from harassing it. In an affidavit opposing the ECC's application the Chief of the Air Force and former Chief of Staff of Operations, Lt-Gen. van Loggerenberg, admitted that the Communications Operations Division at Western Province Command had undertaken the campaign as 'legitimate counter-measures'. He argued that the court had no jurisdiction over the matter as the SADF was on a war footing. It was 'essential for the SADF to have a force of properly motivated soldiers with good morale'. The ECC's actions posed a 'real danger' to troop morale and motivation. In early September the hearing was still continuing. (FOCUS 77 p.5; WM/DD 2.9.88)

DETENTIONS

DISAPPEARANCES

Independent monitoring groups expressed concern about the rise in the number of people who have disappeared in mysterious circumstances, including those who according to police have escaped from custody. Evidence heard in various court applications linked the police to some of these disappearances. There has also been criticism of the character of police investigations into disappearances of detainees and others. (CP 17.7.88; Star 27.8.88)

These developments have increased the fears of those concerned about relatives or friends whom they have not seen after allegedly escaping from jail.

● Johannes Maisha Stanza BOPAPE (28) recently disappeared after police alleged that he had escaped from detention. Bopape, the general secretary of the Mamelodi Civic Association (MCA) and a staff member of the Community Resource and Information Centre (CRIC), was detained on 9 June under Section 29 of the Internal Security Act. On 12 June, as part of their investigations, police say they took Bopape to Vereeniging by car. They alleged that while a flat tyre was being replaced, Bopape escaped from his captors. On 17 June, in one of several communications with Bopape's lawyers, the police said on the telephone that he was still in detention. In a later press release, however, police claimed to have made an official report regarding his 'escape' on 13 June. It was only on 4 July that his lawyers were informed about it. (S/Star 12.7.88)

Police claimed that they did not publicise his escape sooner because they feared that this would undermine their investigations into the activities of the ANC in the area. This explanation failed to allay the fears of Bopape's family and friends who maintained that there had been no signs of police investigation. None of Bopape's close associates, including his parents, had been questioned, nor had the police been to his home to investigate. 'An aura of very serious suspicion surrounds Stanza's position' said Beyers Naude, former general secretary of South Africa Council of Churches in a statement. (CP 17.7.88; Star 14.7.88, 17.8.88; SS 20.7.88)

● In a continued bid to trace the whereabouts of three officials of the Port Elizabeth Black Civic Organisation (PEBCO) who disappeared in May 1985 the relatives of one of them, Qaqawuli GODOLOZI, filed a second court application asking the Minister of Law and Order and the officer commanding the Alexandria Police Station to produce him. The other two missing men are Siphon HASHE and Champion GALELA. Affidavits from those who allegedly saw one or all of the missing men have linked their disappearance to police.

In a previous hearing which was held between 2-5 June 1987, Mewandile (Mzwandile) FESI, an office cleaner at Port Elizabeth's Hendrick Verwoerd Airport, testified to seeing the three men being apprehended by seven white men outside the airport building on 8 May 1985, the day they disappeared. At least one of the men was wearing a police uniform, he said, while four others were in khaki camouflage and others were in plain clothes. The men had gone to the airport to meet a British diplomat. (S 25.8.87; CP 27.9.87)

Luvuyo BUYA, who was held at Algoa Park Police Station in Port Elizabeth at the same time, claimed to have seen Godolozzi and some other black men in one of the rooms in the police station. At least three other inmates of Alexandria Police Station also testified to

having seen Godolozzi, Hashe and Galela at the police station. In August 1985 Victor Mkhosi SIZANI said he had seen Godolozzi in one of the rooms at Alexandria Police Station with his head bandaged. Later on the same day, he saw Galela and Hashe in another room in the company of a white policeman and a black policeman known as Rasmeni. He also testified that a match box was thrown into his cell - it contained a piece of toilet paper on which the words 'it's me Godlozi (sic), who are you?' were written. (DD 3.8.88; CP 7.8.88; WM 12.8.88)

STATISTICS ON DETENTION

STATE OF EMERGENCY DETENTIONS

● 12 June 1986 - 10 June 1988: 30,000-31,000 detainees were held for more than 30 days.

78 per cent of these were United Democratic Front officials or members of affiliate organisations

12.4 per cent were members of the Congress of South African Trade Unions

3.4 per cent were members of the National Council of Trade Unions

3.1 per cent were members of the Azanian People's Organisation

● 11 June 1987-10 June 1988: 4,591 were detained under State of Emergency regulations for more than 30 days.

● At least 112 people in the Eastern Cape had been in detention for more than two years in July 1988 according to government figures. Fifty-six of these were from the Port Elizabeth/Uitenhage area.

● More than 2,000 people were known to be in detention in early August. (GN (US) 11.5.88; Human Rights Update, July 88; Evening Post 9.8.88)

OTHER DETENTIONS

● 30 June 1988 - 175 known detainees were still held without trial throughout the country (including the bantustans) under various legislation other than the State of Emergency regulations. Ninety-four of these had been detained since January 1988. Fifty one people were known to be still in detention in the bantustans by 30 June 1988.

Although the Station Commander of Alexandria Police Station denied that the three detainees held in the police station at the time were PEBCO officials, two others arrested and held at the same police station at the time supported Sizani's evidence. C J Mouton, the state's representative in the case, had, according to Sizani tried to persuade him not to tell the court that he saw the three men. The case has been postponed indefinitely at the request of the state representatives. (DD/EPH 10.8.88; NN 11.8.88)

DEATH IN DETENTION

Alfred Mabake MAKALENG (27), the former Publicity Secretary of the United Democratic Front in the Northern Transvaal and organiser for the COSATU-affiliated Construction and Allied Workers Union (CAWU), died in hospital on 26 August. Makaleng was detained on 12 June 1986 in terms of the emergency regulations. He told a visitor, who saw him regularly

during his detention, that he began suffering from headaches as early as May this year. According to police, his condition deteriorated on 23 August and he was flown to Johannesburg Hospital where he was diagnosed as 'brain dead' on arrival. The hospital superintendent later said he was suffering from an 'acute hydrocephalus' - a collection of fluid inside the brain. (WM/Star 26.8.88; GN/MS 27.8.88)

A COSATU statement said: 'This tragedy once again reflects the precarious position of detainees and counts as a grim reminder of the basic inhumanity of detention'. (WM 26.8.88)

Makaleng's death came at a time when the Minister of Law and Order was giving assurances about the safety of detainees. COSATU blamed the system of detention without trial for his death. 'The conditions under which detainees are held are not conducive to mental and physical health', said COSATU. At least four emergency detainees are known to have died in detention since the declaration of the State of Emergency in June 1986. Makaleng had reportedly laid charges against the police concerning the treatment he received in detention. These were still pending when he died. Police insist that he appeared to have died of 'natural causes'. (S Trib 28.8.88; Ind 1.9.88)

DETAINEES IN U S CONSULATE

On 13 September three detainees took refuge in the United States Consulate after escaping from their captors while being taken to Johannesburg Hospital for medical attention. All three had been held for over a year without trial under the State of Emergency regulations and all legal efforts to secure their release had been unsuccessful. Vusi KHANYILE who was the chairperson of the National Education Crisis Committee, an affiliate of the United Democratic Front (UDF), had been held since 12 December 1986. Murphy MOROBE, the UDF acting Publicity Secretary, and Mohamed VALLI, the organisation's acting General Secretary, were detained on 12 July last year while visiting Port Elizabeth.

On 22 September they were joined by Clifford NGCOBO, an official of the Soweto Civic Association who had been held since 23 April. He also escaped into the consulate after being taken to Johannesburg General Hospital to see a psychiatrist. In an interview with the *Weekly Mail* he said he was suffering from severe pains in the lower back and abdomen, had lost weight and had been urinating blood for some weeks as a result of assaults by police. Details of his medical treatment could not be published in the press in terms of the emergency regulations. He suffers from asthma: 'I can't sleep at night... I just couldn't breathe, I was sure I was going to die'. His lawyers filed a civil claim for damages and also laid charges of assault against the police. (Tel 14.9.88; GN 15.9.88; WM 23.9.88)

In a press statement released through their lawyer, the four detainees described their action as 'a dignified response to our continued incarceration... Our action is also a plea to all South Africans and the international community not to allow the plight of detainees to be forgotten. We would like our action to be seen as highlighting not only our plight, but also that of hundreds of other detainees whose situation is equally hopeless'.

Their action followed a series of other measures taken by many detainees to secure their release including hunger strikes. Other detainees have challenged the emergency regula-

DETAINEES — Additional to previous FOCUS lists. Emergency detainees not included

9.6.88	Johannesburg	BOPAPE, Johannes Stanza	ISA 29. See <i>DISAPPEARANCES</i>
28.6.88	Mdantsane	BHEWULA, Ndzukiso	CNSA. Released 19.7.88
28.6.88	Mdantsane	FUBESE, Mteteleli	
28.6.88	Mdantsane	NKONYENI, Vuyiswa	
4.7.88	Johannesburg	MOSUNKUTU, Kgabisi	ISA 29. POTWA General Secretary
24.7.88	Lichtenberg	Two unnamed people	ISA 29. During a shootout at a roadblock
Rep.9.8.88		Two unnamed people	ISA 29. Allegedly ANC guerrillas
13.8.88	Umtata	DAYILE, Nomvuyo	TPSA. After strike by colleagues over her suspension
13.8.88	Venda	MUTOBVU, Tshivhalaeli	MLOA 28. ZAB Secretary. Rel.17.8.88 See <i>MASS PROTESTS IN VENDA</i>
13.8.88	Venda	TSEDU, Mpho	MLOA 28. University of Venda SRC Member. Released 17.8.88
14.8.88	Venda	MAVHUNGU, Tshifhiwa	In connection with schools boycotts. Released 17.8.88
15.8.88	Venda	TSEDU, Mathata	MWASA Deputy President - covering schools boycotts in Venda
Rep.21.8.88	Venda	MALINDI, Edward (22)	Released by 21.8.88
21.8.88	Venda	MUKHESI, Mbewu	MLOA 28. ZAB Director. } On eve of a students' meeting
21.8.88	Venda	THARANG, Michael	BAWUSA Branch Sec. } to discuss stay-away
1.9.88	Krugersdorp	Two unnamed people	ISA 29. After shootout in which alleged guerrilla died
21.9.88	Johannesburg	Seven unnamed people	ISA 29. Alleged ANC guerrillas, at Johannesburg bus terminal
Rep.24.9.88	Barberton	Six unnamed people	ISA 29. Shootout at roadblock, when police killed one person
Rep.26.9.88	Umtata	JIZANA, Phambili (25)	

ABBREVIATIONS

Laws: CNSA - Ciskei National Security Act; ISA - Internal Security Act (Section 29); MLOA - (Venda) Maintenance of Law and Order Act (Section 28); TPSA - Transkei Public Security Act Organisations: BAWUSA - Black Allied Workers Union of South Africa; MWASA - Media Workers Association of South Africa; POTWA - Post Office and Telecommunications Workers Association; SRC - Students Representative Council; ZAB - Zoutpansberg Advice Bureau

tions through the courts.(*FOCUS 74, 75, 77, 78; GN 15.9.88*)

The detainees issued a list of demands from the consulate which included: the release of all political detainees; a guarantee from the government that they would not be redetained when they left the consulate; and the lifting of the State of Emergency.

Although the government undertook not to redetain them if they left the consulate, no response was made to their other demands. On 19 September the detainees sent a memorandum to the Ministers of Law and Order and Foreign Affairs in which they reiterated their demands and described expectations that they would leave the consulate as both 'unreasonable and unrealistic'. They feared that if they left the consulate they would either be re-detained, be placed under house arrest or have restrictions on their political activities imposed on them. They undertook to reassess their position when the government demonstrated that their fears were ill founded.(*Ind/T/BBC 15.9.88; S Times (UK) 18.9.88; WM 23.9.88*)

Those detained since the declaration of the State of Emergency have enjoyed the support of the public both nationally and internationally. Campaigns against their continued detention varied from letters of protest to the government and newspaper advertisements proclaiming the injustice of detention without trial to petitioning the United Nations to secure its intervention in the matter.

A support group for the detainees has been established drawing its members from their lawyers and a broad range of organisations. Prominent community leaders visited the three pledging their support.(*FT 14.9.88; GN/Ind 15.9.88; BBC 22.9.88; FM 23.9.88*)

CONDITIONS IN DETENTION

In early August over 200 emergency detainees held in Johannesburg Prison went on hunger strike after they had submitted a 10-page memorandum to the Minister of Law and Order. It was similar to one sent to the Minister in October last year. In July, 11 of the 12 women detainees held in Johannesburg Prison went on hunger strike when the Minister failed to meet their demands or respond to a memorandum which they submitted. Although it is not clear whether the women ended their original strike, it was reported however that they were taking part in the August hunger strike.(*FOCUS 78 p.10; Star 4.8.88; S 9.8.88*)

The detainees maintained that their complaints received 'little or no attention' when raised with prison authorities. A major grievance was that of poor administration. The detainees stated that the head of Johannesburg Prison, who is supposed to visit the prison cells on a weekly basis in terms of the prison regulations, seldom carried out his duties. The detainees were thereby denied an opportunity to present their grievances to a higher authority than the officer in charge of their section. 'On the occasion that he came, he refused to record our complaints', they noted.

CHILDREN IN DETENTION - In October monitoring groups listed 176 people in the Transvaal in detention on 30 September, who were 18 years old or younger when taken into detention - 9 of them in June 1986.

They also complained that some prison warders threatened them with violence. They demanded to be allowed more time with their visitors and that visiting privileges be extended to friends as well as family. Food was both insufficient and poor in quality and sometimes contained worms. Medical provision was deemed inadequate, and new detainees were given 'dirty, stinking and worn-out blankets'. They demanded sufficient hot water, clean blankets and sheets, adequate ablution facilities and sufficient supplies of toothpaste and toilet rolls. Only seven toilet rolls were supplied to 32 detainees per week. Provisions for those pursuing their studies were limited in a manner that affected their progress.

The detainees, who continued the hunger strike until the prison authorities agreed to negotiate with them over their grievances, stated in their memorandum: 'We wish to advise you, that as political detainees, we expect you and your government to treat us in accordance with internationally recognised standards for the treatment of political prisoners'.(*S 4.8.88; NN 4.8.88; WM 5.8.88*)

TORTURE AND ASSAULT

In the Venda bantustan a large number of students and workers were detained in August in the wake of class boycotts and work stay-aways protesting against the death of a school teacher and other grievances (see *MASS PROTESTS IN VENDA BANTUSTAN*).

A report compiled by church leaders and presented to the bantustan's police force in August revealed that police had placed paper

bags and rubbish bins over the heads of detainees and assaulted them with heavy objects. In one incident, according to the report, a sick person was taken away from hospital and beaten by the police. Edward MALINDI, (22), told those compiling the report: 'They placed an office refuse bin over my head and began hitting me with their hands, sjamboks - everything. After that they hit the soles of my feet with something hard until my feet were swollen and I could not stand. Then I was forced to jump up and down on my swollen feet. The police later stood me on my head to ease the pain.'

Malindi's face was swollen and he was unable to open his mouth properly. His right lower leg was bruised and swollen according to the doctor who examined him; his findings were consistent with the allegations of assault.

Another detainee, Tshifhiwa MAVHUNGU, said that after he was beaten he was taken into a small dark room where police threatened to throw him 'into a bottomless pit'. Police later pushed him from behind and he fell into space until he was caught by what felt like a net stretched across the hole. Police responded to these allegations by stating that those with complaints should report them to the police. They made no undertaking to investigate the allegations made in the report.(*S Star 21.8.88; S 22.8.88; DD 23.8.88*)

These revelations from Venda came soon after a Ciskei bantustan court granted an application to two former detainees, Tando DYANTYI, a trade union official and Boyce SOCI, a fieldworker with the Border Council of Churches. The court order allowed a search of the police offices for evidence of their alleged torture. Soci was detained in August last year. In October he and four others were charged with 'terrorism'. At their first court appearance he and his co-accused showed a magistrate injuries sustained during their detention. In March he was cleared of all the charges against him.(*DD 22.10.87, 3.3.88; South 7.7.88*)

The detainees, accompanied by their legal team, identified an ordinary security police office as a torture room and from one cabinet they found a blood-stained T-shirt and a rag used during torture sessions. Both said they were assaulted and subjected to electric shocks. They also confirmed that leading officers played a major role in the process. The two former detainees were suing the Ciskei bantustan official in charge of the police and members of the police force for torturing them.(*South/NN 7.7.88; WM 8.7.88; CP 10.7.88*)

POLITICAL TRIALS

Although recent issues of *FOCUS* have been able to cover only completed trials a large number of major political trials are presently going on throughout the country.

The trials in progress include two treason trials arising from the organisation of resistance in Alexandra. Ashwell ZWANE and Moses MAYEKISO are the principal accused in each case. The Vaal Treason trial (*Patrick BALEKA and others*) is moving towards a conclusion in the Pretoria Supreme Court after almost three years. Judgment is due in November. Nineteen defendants remain on trial, all but three of them on bail. Also moved to Pretoria is the treason trial of Ebrahim Ismael EBRAHIM, who was kidnapped from Swaziland in December 1986. During September ANC leaders gave evidence on commission in London to rebut the state's case against him and the other two accused.

As one major trial in the Western Cape drew to a close (see *FORBES and others below*) another was due to begin on 18 October – that of Tony YENGENI and 13 others, five of them women. Two of the accused are on bail. In the Eastern Cape over 30 people face charges of 'terrorism' in at least four separate trials while other cases continue in the bantustans.

FORBES AND 14 OTHERS

Fifteen residents of the Western Cape including 11 students and 2 teachers have appeared in the Cape Town Supreme Court charged with 'terrorism'. The first accused, Ashley Alexander FORBES (22), a physical education student at the University of the Western Cape was detained in May 1987. Appearing with him were fellow-UWC students Peter JACOBS (22) and Nicklo Louis PEDRO (20); teacher Nazeem LOWE (23); Anwar DRAMAT (19), an electrical engineering student at the Peninsula Technikon; Clement BAADJIES (19), a school pupil; David Johannes FORTUIN (22), a worker; Jeremy Alan VEARY (25), a teacher; Walter RHOODE (24), an engineering apprentice; Wayne Ingemar MALGAS (21); Collin CAIRNCROSS (23); Ashraf KARRIEM (21); Colin Clive Martin PETERSEN (23); Leon SCOTT (29); and Yasmina PANDY (21) all also UWC students. (*FOCUS 71 p.5, 72 p.5, 73 p.7*)

The 14 men and one woman first appeared in court in November 1987 but the indictment was only finalised in March 1988. The incidents mentioned covered the period 1985-87. In April the court recorded pleas of not guilty on behalf of the accused who in fact refused to plead and stated they were participating in the proceedings under protest.

The trial was characterised by difficulties and irregularities affecting the defence case, high morale amongst the accused and strong support for them from their friends and relatives. This support remained strong in spite of attempts by the state to suppress it. In November Scott's mother and sister and Petersen's sister were arrested and fined for 'dancing, singing and shouting' in the street outside the court. In April the public gallery was cleared for two days after the judge alleged relatives and friends had joined in freedom songs chanted by the accused in defiance of a ruling that no singing would be allowed. The defendants subsequently received sentences of six months for contempt for disrupting the court in protest at this decision.

As the trial proceeded a number of policemen gave evidence about the arrest of the

accused and the discovery of weapons. They denied assaulting the defendants but Jacobs and Pedro in particular had told of electric shock torture, near-suffocation and being suspended by handcuffs. One policeman responsible for investigation and interrogation was Warrant Officer J. Benzien. He was questioned closely about the death of Ashley Kriel, the Bonteheuvel Youth activist shot by police in July 1987. (*FOCUS 72 pp. 4, 8*) He denied killing him, saying only that the gun had gone off while they were struggling. He admitted having a CAYCO poster of Kriel in his office on which the words 'Not for you' had been added to the slogan 'Freedom or death. Victory is certain.' He denied threatening Pedro by saying 'I shot him [Kriel]. You're lucky to be alive.'

Evidence was given about a number of armed actions including a hand grenade attack on the Manenberg police station in November 1985 and an explosion at a bus stop in Rondebosch in February 1987. This occurred close to the entrance to the State President's official residence. At the end of August, shortly after the trial resumed following a two-month recess, the accused made certain admissions. The state then asked for conviction of the first six accused on charges of involvement in guerrilla activities, the next seven for providing assistance to people who might be so involved and Leon Scott for furthering the aims of a banned organisation. Yasmina Pandey made no admissions and was acquitted. She should be released after serving the six-month sentence for contempt. After conviction the defendants began to lead evidence in mitigation. (*CT 17.11.87; 23.3.88; 27/28.4.88; 9/10/15.6.88; South 24.3.88; WM 17.6.88*)

GWADANA AND DAPULA

Over two years after his first court appearance and a year after his trial began in earnest Fikile Owen GWADANA (29) was sentenced to an effective 12 years in prison by the East London Regional Court on 12 August. Gwadana, a nurse at Komani hospital, appeared with Mziwabantu Errol DABULA (25) who was sentenced to three years.

The two men faced some 16 charges, the principle one of 'terrorism', arising out of their alleged involvement in the ANC's armed struggle. The case relied heavily on statements made by the accused in detention. In spite of a defence challenge to their admissibility all were accepted by the magistrate. They were alleged to have carried out a bomb attack at a shopping centre in Queenstown in June 1986 and to have harboured Luvuyo LERUMA, an alleged ANC combatant killed in a shootout with about 30 Ciskei bantustan and regular police the following month. Leruma was regular with Dapula at his home 'in the Transkei' – possibly in Ezibeleni, a township serving Queenstown but administered by the Transkei bantustan.

Gwadana told of being assaulted by two policemen shortly after his arrest and of having made a statement out of fear. He was examined by a district surgeon who denied finding any evidence of assault. The doctor concerned was in his surgery at the shopping centre on the day the bomb exploded and told the court he narrowly missed injury. Dr Koopowitz resisted defence questioning on his impartiality towards Gwadana, interpreting this as an attack on his integrity.

Dapula stated that he had made a statement because he was promised release from detention if he did so. He was desperate to get out of

solitary confinement as he was frightened by the deterioration in his health. He suffered headaches, palpitations and insomnia after being kept in a cell with iron sheeting over the window, being forbidden to read and deprived of clean clothing. Although he made a statement in August 1986 he was only allowed out of solitary confinement in January 1987.

A further 'trial within a trial' concerned a 'pointing-out document' made by Gwadana which included a confession made to a police lieutenant. His defence lawyer challenged the competence of the police interpreter who admitted that he had not interpreted 'word for word'. Gwadana described how he was deprived of food for two days before being asked to 'point out' certain places.

Two witnesses gave evidence without being identified. The first, testifying under the pseudonym 'Peter', was described as a former member of the ANC and Umkhonto we Sizwe. His identity was withheld from the defence as well as the press and public. He identified Leruma as someone he had met at an ANC camp in Angola and who was known to him by the name Farah.

A second unnamed witness, the daughter of a Transkei bantustan security policeman, described seeing grenades belonging to Leruma in Dapula's room. She said both accused were aware of them. Leruma's aunt, a schoolteacher in Mlungisi, Queenstown, told of her suspicions about her nephew after he contacted her in 1986, some nine years after he had left the country. She said she had made a statement to the police after being informed that Dapula had 'told everything'. Dapula and Leruma were childhood friends.

Technical evidence about the blast by the police was challenged by an expert defence witness who described their scientific approach as 'wanting'.

Both men were convicted of 'terrorism' – Gwadana for planting explosives at the Queenstown shopping centre and Dapula for harbouring Leruma. Dapula was acquitted of all charges relating to the explosion. Gwadana was also convicted of attempted murder and unlawful possession of hand grenades. (*DD 5.8.86, August, Nov, Dec 1987, March, July, August 1988; Star 22.12.87; EP 23.12.87*)

LEHLOENGA

Paul Sepere LEHLOENGA (28) was sentenced to 10 years' imprisonment by the Klerksdorp Regional Court on 17 July for illegally possessing arms.

Lehloenga was detained at a roadblock in the western Transvaal on 15 November 1987. Two people held with him were released after evidence showed that they had only hitched a lift in his car. Reports did not indicate how long they were kept in custody. In July Lehloenga pleaded guilty to the charge which referred to 16 limpet mines, 40 hand grenades, six pistols, six AK47 rifles and ammunition, all found in the car.

Lehloenga, a Lesotho citizen, was described in one report as an ANC courier. (*Star/CT 19.7.88; BBC 21.7.88*)

RAMADITSE

A man who participated in the Soweto uprising in 1976 and shortly afterwards fled South Africa was sentenced to 10 years' imprisonment by the Johannesburg Regional Court in August for 'terrorism', subversion and membership of the ANC.

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POLICE ASSAULTS EXPOSED IN TRIALS

The many politically-related trials before the courts in the third quarter of 1988 reflected a high level of community resistance. Many of the cases were notable for the youthfulness of the defendants.

EASTERN CAPE: POLICE ATTACKED

There have been a large number of trials of people arising out of the killing of members of the police force.

In August, two men from KwaZakhele in Port Elizabeth, Tebogo MEHLO (18) and Tabo MAHLANA (23), were convicted in the Port Elizabeth Supreme Court of the murder of a policeman, Gcobane Tungata.

According to evidence, the policeman's burnt body was found on 8 September 1985. This was a time of intense repression of popular resistance in KwaZakhele and the whole Port Elizabeth/Uitenhage area. From the end of March 1985 there was a virtually permanent police and SADF presence in the townships. Police 'unrest reports' make it clear that there were almost daily confrontations between KwaZakhele residents and the police and army. Moreover, by the time of the incident a consumer boycott affecting the whole area had been in force for two months.

Mehlo and Mahlana were arrested two days later and appeared in June 1986 with 11 others. By the time of the Supreme Court hearing, charges against the other defendants appear to have been withdrawn.

During the trial both defendants said they had been assaulted whilst in custody and forced to make statements. They said, in particular, they had been beaten by a Sergeant Faku of the Security Branch who hit them with a baton. They said that they were sjambokked across the back by Sergeant Tungata, a Security Branch officer who was also a brother of the dead policeman, and who took part in the investigation. Mehlo testified that he made a statement only because Sergeant Tungata had threatened to kill his parents and burn down their house. The court, however, ruled their statements admissible.

In response to the court's decision the defendants decided to plead guilty with extenuating circumstances. In written statements, they asked the court to take into account their age at the time (Mehlo was 17 and Mahlana 20) and the fact that they had been drinking. Intoxication is frequently accepted by the courts as an extenuating circumstance, thus mitigating an otherwise mandatory death sentence. Their pleas were accepted. Mehlo received a 14-year term and Mahlana was sentenced to 12 years.

Their allegations of assault were consistent with previous reports of police violence in the area at the time. In March 1985, members of Black Sash reported witnessing similar assaults in a police station in the Port Elizabeth/Uitenhage area. In evidence given by Dr Wendy Orr to the international conference on *Children, Repression and the Law in Apartheid South Africa* held in Harare in September 1987, she cited an affidavit by someone detained in Port Elizabeth in July 1985 - he described being lashed and beaten by members of the Security Branch. One of the policemen was named Faku, although it is not clear if this was the same officer who featured in the assault on Mehlo and Mahlana. (CT 18.3.85; NN 25.6.87; EPH 10/11/12.8.88; CT 16.8.88)

Of the reported trials still continuing in October 1988, at least 10 related to the killings

of policemen.

Five youths (including three under the age of 18) appeared in the Port Elizabeth Supreme Court in May charged with the murder of a policeman and another man in New Brighton in July 1985. In June evidence was heard in the Grahamstown Supreme Court in a case against three youths accused of killing a policeman in September 1985. In July six Motherwell men aged between 21 and 28 were sent for trial in the Supreme Court by a Port Elizabeth magistrate, charged with the murder of a policeman in August 1985. (EPH 4.5.88, 25.6.88, 2.7.88)

COMMUNITY RESISTANCE

Two trials recently completed in the Johannesburg Magistrates' Court highlighted popular rejection of official administrative and judicial structures and attempts to establish alternative ways of dealing with community affairs.

On 20 July, Moses MASEKO (30) was sentenced to four years' imprisonment in a trial arising out of his participation in an Alexandra yard committee (a residents' group formed to represent community interests and resolve local disputes) in October 1986. Maseko was convicted on four counts of intimidation and assault. (S 21.7.88)

Five Soweto men were convicted of charges relating to their involvement in 'people's courts' between March and August 1986, a period when the government stepped up its attempts to break the sustained rent boycotts. Repression was particularly intense in Soweto. The period also saw the establishment in Soweto of a system of 'street committees' as part of the rejection of official administration. (FOCUS 67)

The five, Alfred NTSHILELE (62), Joseph MODIBEDI (18), Joseph NTSOELONGO (21), Elias KHETHA (20) and Ezekiel MOTHAMHA were sentenced to an effective three years on 5 August 1988. They were found guilty of sedition and assault after the court heard evidence of their involvement in 'hearings' to settle local and domestic disputes. The magistrate decided however that the prosecution had not proved the other charges of kidnapping and intimidation, commenting that letters requesting people to attend the 'trials' did not amount to intimidation.

Nonetheless, he found that they had undermined the authority of the state and usurped the role of the police by holding a 'people's court' and in sentencing them, he said 'people cannot be permitted to take the law into their own hands'. (Star/S 29.7.88; Cit 6.8.88)

STUTTERHEIM SENTENCES

At the end of a trial reported in the last issue of FOCUS, effective sentences of two years were handed down to Neliswa Nonuna DYANDI (21) and Wonke MAQUBELA (19) by the East London Supreme Court on 9 August after they had been found guilty of public violence. In spite of their evidence of torture and assault the court ruled statements they made to the police were admissible. (See FOCUS 78 p.9)

Justice E M du Toit said the sentence could have been more lenient had the accused 'brought him into their confidence and shown some regret'. He indicated that he had considered the possibility of a sentence of community service, but felt the offence was too serious. He noted that Dyandi was six months pregnant and said that she would probably be allowed to keep the child with her for 20 months after the birth, with the child being cared for by a relative for the last month of the

sentence. Application for leave to appeal was refused. (DD 10.8.88)

YOUTHS AND STUDENTS

In August, two youth activists, Petronella MENTOR (24) and Freddie Mpifikile VANGA (22), appeared on charges of possessing banned literature. Mentor, who pleaded guilty, was given a wholly suspended sentence of nine months. Vanga was acquitted. However, they were detained under emergency regulations immediately after the completion of their trial on 5 August. The detentions were condemned by the South Transvaal Youth Congress which said that they were part of a government campaign to immobilize youth leaders and hamper opposition to the October municipal elections.

A university student who was jailed for a year in February by a Wynberg magistrate had his sentence reduced and suspended in the Cape Town Supreme Court in August. Andrew BROWN's sentence was amended to two six-month suspended terms. He was also ordered to perform 400 hours' community service.

Brown's conviction arose from two stoning incidents during campus demonstrations at the University of Cape Town in April 1987. Brown hit no-one with the four stones he threw at the police. He explained that he was angered by the police presence on campus and the arrest and assault of fellow students. In spite of a social worker's report proposing community service, the magistrate had decided against it. In the Supreme Court, however, Justice Williamson said that community service was a 'fundamentally important' alternative to prison. (Star 31.8.88; WM 2.9.88; Star 3/9.8.88)

AID TO COMBATANTS

KHUNOU AND OTHERS

Four Soweto school pupils pleaded guilty to charges relating to the possession of arms and ammunition in the Johannesburg Regional Court and were sentenced on 24 August. Elias Siphwe KHUNOU (19), Kenneth Mandla LEKELAKALA (20) and Moses Veli LLALE (20) were jailed for an effective six years when the court found that they were in possession of an AK-47 rifle, live ammunition and a hand grenade which they intended to use to injure people or damage property. The fourth student, Abednigo RADEBE (22) was sentenced to one year's imprisonment for possession of a hand grenade.

Although the defendants were in possession of the rifle for less than a month, the severe sentences were apparently imposed for their assistance to a combatant who had escaped conviction. According to statements before the court, the rifle was left at Llale's home by a cousin of his and someone referred to as Bongane. When Llale heard that his cousin had been arrested, he and Khunou and Lekeleleka hid the weapon.

In passing sentence, the magistrate said that he would not treat the defendants differently from the 'principal offender' because they had helped him to escape conviction. (S 23/25.8.88)

MSIBI AND MTHEMBU

Simon MSIBI (34) and Zacheus MTHEMBU of Madadeni appeared in the Dundee Regional Court in August on charges of furthering the aims of the ANC. Msibi was further charged with harbouring a member of the ANC who was in fact his brother. He was convicted and sentenced to three years' imprisonment; Mthembu was jailed for two years. (NN 11.8.88; see FOCUS 72 p.5)

PRISONS: CALLS FOR MANDELA'S RELEASE

Widespread demands for Nelson Mandela's unconditional release followed news that he had tuberculosis. The government's response to the new demands remained unclear, combining an insistence on 'renunciation of violence' as a precondition of release with references to humanitarian and political factors.

Nelson Mandela was taken from Pollsmoor Prison to Tygerberg hospital in Cape Town on 12 August, said to be suffering from 'pleural effusion' of the left lung. A more definite diagnosis was initially withheld from the public. Tuberculosis was not confirmed until an examination of Mandela on 20 August by a Swiss doctor, Heinrich Herzog. There was no indication that Dr Herzog's visit complied with the Mandela family's request for an independent doctor of their choice. On 31 August Mandela was transferred to the Constantiaberg clinic in Diep River. (*S Tel 14.8.88; Ind 17.8.88; S.Star 21.8.88; DN 22.8.88; T 1.9.88*)

At the provincial National Party Congress in Natal on 18 August, President Botha said he was 'prepared to release Mandela if . . . he rejected violence' and added that 'he hoped he would co-operate' and not 'choose to go back to prison'. The Minister of Information, however, shifted the focus away from Mandela's continued commitment to the armed struggle to the 'wider political' impact 'which would result from his release'. The importance of a statement renouncing violence 'depends upon the circumstances' - its 'absence would not necessarily prohibit release'. He said concern now was with 'what the implication would be for the country if he were released'. (*Star/DN 19.8.88; DN 20.8.88*)

This emphasis on a 'flexible' evaluation of a number of factors conforms to the government's current position on the early release of political prisoners which dates from August 1987. The work of the Prison Advisory Release Board in reviewing cases for release, highlighted by Botha last year, was restated by Dr Strauss, the medical superintendent of Tygerberg hospital. (*FOCUS 74 p.1; S.Star 16.8.87; DN 15.8.8*)

Mandela has now been accorded 'special' visiting rights in a move that has been interpreted as a preliminary to possible release. Winnie Mandela's visits are not restricted. A visit by a 'group of leading anti-apartheid activists' was agreed. Whilst this was cancelled because it would have coincided with Mandela's transfer to the clinic, reports indicated that another visit was planned. He was also visited by the Minister of Justice, but the purpose of this visit was not made public. (*S.Trib 21.8.88; S 30.8.88; Obs 4.9.88*)

RELEASES

Several political prisoners have been released, according to press reports, including:

* James Zamiwonga KATI (64) (*see TRANSKEI CHALLENGE*)

● Mbuyiselo Samuel HANS (29) was released from Robben Island on 20 July having completed a one-year sentence imposed under the Internal Security Act for failing to report the presence of a suspected guerrilla to the police. (*FOCUS 72 p.6; CT 21.7.88*)

● Gregory ARTHUR (22) was released from Pollsmoor Prison on 26 July on completion of an eighteen-month sentence. He was convicted on a charge of public violence following the stoning of a policeman in Cape Town in 1985. (*FOCUS 72 p.3; South 28.7.88*)

● Thembeke JACOBS was released on 16 August having completed an eighteen-month sentence imposed by a Sterkstroom magistrate on charges of public violence and attempted murder. The Prisons Service insisted that Jacobs was 17 years old at the time of sentence, despite medical evidence confirming her statement that she was thirteen. Her mother, Eunice JACOBS was convicted for five years on charges arising out of the same incident. Their sentences were not reported at the time. (*CT 17.8.88; South 18.8.88*)

● An order restricting Alyon TSHITAE to the Venda bantustan, served on him on his release from prison, was withdrawn by the Department of Home Affairs on 22 June. (*FOCUS 78 p.7; CT 22.6.88*)

HARRY GWALA'S ILLNESS

The health and conditions of Themba Harry GWALA (69) - a life prisoner suffering from creeping paralysis as a result of motor-neurone disease - have continued to deteriorate. He was transferred to Pietermaritzburg New Prison in July 1987. The campaign to release Gwala on humanitarian grounds has intensified and, under the co-ordination of the Release Mandela Committee (RMC), has gained support from various anti-apartheid organisations. (*NN 18.2.88; S.Trib 5.6.88*)

Gwala wrote to the head of Pietermaritzburg Prison and the Commissioner of Prisons in December 1987 detailing his conditions and demanding release. The prison authorities denied receiving the letters. Details were restated at a press conference given by the RMC in February this year: Gwala was medically neglected and isolated from other political prisoners; and he was dependent for care on two untrained prisoners, with whom he shared a single cell. (*S 12.2.88; WM 19.2.88*)

In response to renewed appeals from Gwala's lawyers, and recommendations from his prison doctors for his release, the Minister of Justice announced in July that Gwala was to be transferred to Durban 'to facilitate his medical treatment'. (*SS 6.7.88*)

TRANSKEI CHALLENGE

Five prisoners in the Transkei bantustan filed an application in the Umtata Supreme Court on 30 June seeking to declare conditions in Umtata's Wellington Prison illegal. The case was due to be heard on 1 September. It had been delayed by a failure on the part of the respondents - the bantustan official in charge of Prisons and the Commissioner of Prisons - to file answering affidavits. Some of the conditions detailed in the prisoners' affidavits confirmed a report produced in May by the Prisoners Welfare Programme (PRIWELPRO). (*PRIWELPRO Report 1988; WM 8.7.88; CP 10.9.88*)

Three of the applicants, Marelane KOPMAN (38), Joseph Masele JONGILE (34) and James Zamiwonga 'Castro' KATI (64), were sentenced under the Transkei Public Security Act. Kopman was sentenced to 20 years on 22 October 1986 for possessing arms and undergoing military training for the ANC. Jongile, also charged with possession of arms, was sentenced to 12 years on 7 March 1986. Kati was released on 12 August, having served five years and eleven months of an effective seven-year sentence imposed in October 1982, for furthering the aims of the ANC and possessing explosives. (*FOCUS 44 pp.6-7, 45 p.5, 64 p.6, 68 p.6; WM 19.8.88*)

The others, Shadrack NONGOMA (44) and Victor MDLULI (35), are serving seventeen and three-year sentences respectively, on charges

under the common law. Reports indicated that Nongoma shares the concerns of political prisoners. He said his being transferred from one cell to another was explained by warders in terms of him making 'co-prisoners conscious of the denial of basic rights and liberties by the prison authorities'. (*Work In Progress, August 1988; WM 19.8.88*)

The affidavits revealed overcrowded, insanitary and brutal conditions. In at least one instance 120 people were confined to a cell measuring four by five metres with only one defective toilet and a sink. The food was said to be deficient and special diets and medical attention consistently refused. The right to adequate bedding, clothing and sanitary provision was denied, as was the right to work and exercise. All affidavits confirmed that prisoners had been held in their cells continuously since 28 January, and all said the prisoners believed these conditions to be the same throughout the prison.

The applicants sought 'protection from assaults' and asked the court to declare illegal the role of 'prefects' - prisoners who receive 'special privileges' in return for their collaboration with the 'disciplinary activities' of the warders.

Nongoma and Mdluli recorded an unprovoked attack on 26 January which led to the death of two prisoners and the hospitalisation of two others. Sixty warders and police and four 'prefect' prisoners assaulted prisoners with sjamboks, teargas and iron bars after a prisoner asked for more food. The authorities claimed that the incident arose from an attempted mass escape. (*DN 4.2.88*)

To deprive prisoners of all opportunity to work and exercise constitutes cruel and unusual punishment. There can be few greater hardships than for active human beings to be locked in congested cells day and night, week after week and month after month in enforced idleness.

Statement made by Nongoma in his affidavit

Such incidents are not confined to the Transkei bantustan. The Minister of Justice revealed that in 1987, 32 prisoners had died of 'unnatural causes', and that out of 1,769 charges of assault made by prisoners against warders, 136 were upheld. (*EPH 24.3.88; FM 29.4.88*)

The applicants' declaration that the complaints procedure is 'internal and unenforceable' is particularly important in view of the fact that the International Committee of the Red Cross is denied access to Transkei prisons.

Kopman, Jongile and Kati demanded recognition as 'political prisoners' - political prisoners are not recognised in the bantustan's prison regulations. However, the PRIWELPRO report stated that a separate section had been set aside for prisoners convicted on charges relating to 'state security'. The categorisation of prisoners and the rights granted to them are subject to the discretion of the Commissioner of Prisons.

This court application indicates that although Kopman, Jongile and Kati were not being held in the section for political prisoners, they experienced some of the restrictions placed on such prisoners. For instance, their visitors were photographed and placed on a special register normally reserved for people visiting political prisoners. They were told that they are 'B' group prisoners, but rights associated with this group, including study, receipt of newspapers, radios and participation in sport have been denied to them. (*South African Crisis Information Group (SACIG) London*)

NEW EMERGENCY BANNING POWERS

The use of powers to restrict individuals entered a new phase on 23 September when the government announced the promulgation of a new emergency regulation. It enables the regime to impose restrictions on people (including house arrest) merely by publishing a notice - previously orders had to be served personally. During the State of Emergency, restriction orders have been used with increasing frequency and, on a number of recent occasions, have also been imposed for short periods in order to prevent people participating in specific events.

The announcement coincided with the restriction of four senior trade union officials who were believed to be involved in the organisation of an anti-apartheid conference in Cape Town scheduled for 24-25 September. Two-week restrictions were served on Sydney MAFUMADI (Assistant General Secretary of COSATU), Chris DLAMINI (COSATU Vice-President), Donsie KHUMALO (Northern Transvaal Regional Secretary of COSATU) and Vusi KHUMALO (President of the Post Office and Telecommunications Workers' Association). At the time they were at Jan Smuts Airport in Johannesburg waiting for a flight to Cape Town. The order placed them under house arrest at night and confined them to the magisterial district of Johannesburg. Four people detained in Cape Town on 21 September had been placed under similar orders between February and September. Trevor MANUEL, Moun-tain QUMBELA, Zolli MALINDI and Neville VAN DER RHEEDE had in addition been prohi-

bited from working for the UDF. (FOCUS 76 p.7; SS 21.9.88; see UNITED OPPOSITION TO ELECTIONS)

Also restricted was Raymond SUTTNER, a former member of the Transvaal executive of the UDF and university lecturer, who was banned under the emergency regulations on his release from detention on 5 September. Included in the comprehensive orders are restrictions obliging him to report to the police station twice daily; limiting him to the company of no more than four people at a time; placing him under night house arrest and preventing him entering any 'educational institution'. Suttner was detained on 12 June 1986. (GN 23.9.88)

MOURNERS DEFY RESTRICTIONS

Although meetings have been frequently disrupted in recent months as a result of bannings and police harassment, a number, including several funerals of ANC combatants, have taken place in defiance of such restrictions.

At the end of June, mourners in Durban defied specially invoked police restrictions on the funerals of nine alleged 'trained terrorists'. According to official reports, the nine, including three women, were killed in a shoot-out with the police near Piet Retief in the Eastern Transvaal. Despite police withholding permission until the last minute for a memorial service for the nine and restricting the number of mourners to 200, about 5,000 people attended the

Durban service on 1 July. The congregation ignored emergency restrictions and read poetry and sang freedom songs. (SS 6.7.88)

On 4 August police arrested 236 mourners at a funeral in Pietermaritzburg. Police said emergency restrictions were ignored. (MS 5.8.88)

Restrictions placed on the funeral held at the end of August of an alleged ANC guerrilla Mncedisi KHETHELO, who was shot by police on 24 July, were defied. Despite a strong police presence up to 800 people at the funeral in Guguletu heard speeches delivered by the United Women's Congress, the Guguletu Civic Association, the Western Cape Students' Congress and the Cape Youth Congress. (NW 1.9.88)

MEDIA REGISTRATION

On 9 September the emergency regulation requiring news agency journalists to register with the authorities was repealed. However, when making the announcement the Minister of Home Affairs added that the question of registration was still being investigated 'since it remains a matter of grave concern for the government.' The regulation was originally introduced in June under the renewed State of Emergency and required registration by 31 July. It was suspended on 28 July after confusion over who was covered by the regulation. At that time, the Minister said the decision had been taken because of 'practical considerations'. (BBC 13.9.88; FOCUS 78 p.4)

POLITICAL TRIALS

continued from p.8

Thabo Samuel Stanley RAMADITSE (32) was a student at Mapetla Junior Secondary School when he joined the protest. He saw Hector Petersen shot dead and described the township at the time as 'hell'. When he returned to school in October police fired teargas and live bullets, killing a pregnant woman. He crossed the border into Botswana, initially planning to further his education but then choosing to undergo military training. Ramaditse made these admissions when he pleaded guilty to all the charges against him.

Ramaditse was detained at Baragwanath on 3 October 1987 shortly after returning to South Africa for at least the second time. He brought no weapons into the country with him and at the time of his detention had not been informed about the nature of his mission.

Ramaditse appeared in court on crutches. He said that security police had shot him in the leg while he was in detention. Charges of attempted escape were laid against him but later dropped. Ramaditse had sustained an earlier bullet wound to the same leg during his exile.

Ramaditse's own evidence in mitigation was supported by Professor Lawrence Schlemmer who spoke about the Soweto uprising. On 22 August Ramaditse was sentenced by magistrate P du Plessis who said it was clear that he 'was not disillusioned with the ANC'. (Star 19.4.88; Cit/CT 16.8.88; S/NN 18.8.88; S/CT/Star 23.8.88; WM 26.8.88)

TSHONGWENI AND THABETHE

On 1 August the Heidelberg Regional Court sentenced two ANC members who pleaded guilty to leaving the country illegally and joining the organisation. Mongezi TSHONGWENI and Vusi THABETHE told similar stories of being harassed by police for their activities in youth and community organisations.

Both men are aged 25 years, come from the East Rand and left South Africa in June 1986. Tshongweni, although living in Katsheh and active in the local branch of the East Rand People's Organisation, was regarded by apartheid as a Transkei 'citizen'. He faced employment difficulties on account of this. In 1985 he was detained just before he was due to start at university in Lesotho. According to a psychologist his detention left him depressed and disoriented. Evidence for Thabethe, a member of the Tsakane Youth Organisation, drew attention to his family's overcrowded living conditions and his attempts to continue his education in spite of police harassment.

The two originally faced 'four charges: leaving the country illegally, joining a banned organisation, the ANC, furthering its aims and recruiting for it. When the trial began in July they pleaded guilty to the first two charges and the last two were dropped. They were each sentenced to an effective term of four and a half years. (WM 29.7.88, 5.8.88)

EXECUTIONS *continued from p.12*

of people who had been active in the strike to show police.

The state's case was that former drivers Stanford NGUBO (36), Johannes BUTHELEZI (46) and Bethwell SABELO (39) had hired a 'hitman' Vusumuzi KHUZWAYO (24) to kill Shezi. The four maintained their innocence throughout the trial, for which they were criticised by Justice van Heerden - he found that none of them 'had shown contrition or remorse for their deed and had persisted in their denials of complicity in the murder.' He rejected evidence that Ngubo's car (in which they allegedly travelled) had been stolen the day before the offence, saying it was 'relatively easy to stage the theft of a vehicle'. The court said the only issue to be decided was one of identification and that it had been proved to the court's satisfaction that the four were present at the murder. None of the evidence about identification was reported in the press. On 22 August the four were sentenced to death and subsequently refused leave to appeal. (WM 14.11.86; DN/CT 21.11.88; DN 10.8.88; Star/S/CT/DN 23.8.88)

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DEATH SENTENCES RISE

As the long legal battle to save the lives of the Sharpeville Six continued, a last-minute stay of execution was given to four more people sentenced to death in a case arising out of political protest. The regime came under increasing pressure about the secrecy surrounding the issue, and figures given in Parliament by the Minister of Justice indicated that the numbers on Death Row are even higher than previously thought. The campaign to 'Save the Patriots', as well as the call for total abolition of the death penalty, continued to grow in strength.

On 27 September four members of the Addo Youth Congress were informed that they were to be executed on 4 October. Similo Lennox WONCI, Mziwoxolo Christopher MAKELANI, Ndumiso Silo SIPHENUKA and Mackezwana MENZE were sentenced to death in January 1987 for their alleged part in killing a farmer and his wife in Kirkwood on 17 June 1985. (*FOCUS* 69 p.7)

All attempts to take the case to appeal failed and a petition for clemency was submitted to President Botha. When this was turned down too, lawyers approached the courts urgently on behalf of Wonci, whose age had been wrongly recorded at the time of the trial. His birth certificate, which was only found later, showed that he was 19 when the killing occurred. This was significant because out of eight people convicted of the murders, four were given prison rather than death sentences on the grounds of their youth and susceptibility to influence. Like Wonci, one was 19 in June 1985, the others were 17 or 18. On 3 October Wonci was granted a 30-day stay of execution for evidence about his age to be heard. His three co-accused were given a similar stay. (*Ind* 4.10.88)

The trial was poorly reported at the time but it seemed the defence argued that the instigators and principal participants in the action had not been arrested and brought to trial. Information circulated by a monitoring group strongly suggests that the eight were convicted on the grounds of common purpose with these others: 'Judge Kroon . . . found that the eight men had been party to a common venture: the actions of the men who struck and killed Mr De Jager were their actions as well. It also followed that they were responsible for the murder of Mrs De Jager. . .'

Earlier this year it was mistakenly reported in the press that the Addo Four were to be executed on 29 March. This highlighted the difficulty of discovering details about forthcoming executions: official confirmation is only obtainable after an execution. This secrecy became an issue again with seven executions scheduled for 30 September and six for 4 October - the only names known were those of the Addo Four. Fears were raised that the others might also be political prisoners.

The names of the eight men who were executed (one other was granted an indefinite stay of execution) had not featured in any list of known political cases. However, monitoring groups rely on newspaper reports for their information and their lists are not complete. This was brought out in late September when the Minister of Justice stated that 101 people had been sentenced to death 'over a three year period' for 'unrest-related' offences. He said that of these 17 had been executed and 83 were on Death Row, a total of 100. The discrepancy in the figures may be explained by the death of Wantu SALINGA. Salinga, one of six Queens-town youths sentenced to death in June 1987 was granted leave to appeal but in March it was reported that he had died in Pretoria Central Prison, allegedly of tuberculosis. The Minister's figures, if accurate, indicate that some 20 political cases remain unknown to monitoring groups and that the number of secret executions is also higher than feared. His figures would not cover political sentences in the Ciskei, Transkei, Venda and Bophuthatswana bantustans where at least four such death sentences have been recorded. (*CP* 30.9.88)

A case of which there are few details is that of George SKOSANA from Pretoria. He was sentenced to death in June 1987 in a trial reportedly following the 'necklacing' of a woman in Saulsville in February 1986. This term is frequently used in the press to indicate a political background to a killing. No press reports appeared at the time but it was subsequently learned that he had been refused leave to appeal. His execution was set for 26 August, apparently with only five days' notice. However, a last-minute stay was granted 'pending the determination of a petition to the State President for clemency'. (*S* 17.5.88)

At least seven more death sentences were passed in August. Three residents of Tumahole, Parys, in the Orange Free State, were convicted of the murder of a municipal policeman who was killed in May 1986. He had shot and wounded three youths participating in a protest

march. Local residents, led by the Tumahole Civic Association, had organised a clean-up campaign in the township during which youths constructed three small parks. However, police attached to the local Development Board as well as members of the South African Police destroyed two of them, prompting a one-day stay-away on 29 May.

The trial, which began in February 1987, received little press coverage but a full page advertisement in the *New Nation* of 11 August expressed support from the Tumahole Civic Association for the accused, naming Israel MAKHAZA (MACHASA) (25), who was subsequently sentenced to death. Condemned with him were Jerry MOLEBENG (25) and Johannes MONO (23).

Two younger defendants Charles RAMAKHOASE (18) and Johannes MPSHE (19), were also convicted of murder but received 20-year prison terms. Lucas NTHOROANE (20) and Paul KOROPÉ (21) were sentenced to two years' gaol for public violence. Four others convicted of this - Elias MOGOKANE (19), Africa MOLATEDI (18), Henry NKHI (18) and an unnamed youth - had their three-year sentences suspended on condition they did two years' community service. (*S* 30.5.86; *Work in Progress*, February 1987; *Star* 26.8.88; *WM* 2.9.88)

On 22 August four men, three of them former drivers with the PUTCO bus company, were sentenced to death for their alleged participation in killing another driver in November 1986. The incident occurred after a 15 per cent fare increase had led to industrial action and a commuter boycott. The new rates were due to be introduced on 1 November and on 24 October almost 300 drivers staged an unofficial protest by refusing to collect fares. Over 200 of them were subsequently dismissed by PUTCO in a move described by the men's union, the Transport and General Workers, as dictatorial and in breach of agreement. Union lawyers prepared an industrial court action against the firm.

PUTCO attempted to run a skeleton service and recruit new staff. Among the drivers who continued working was Petford Shezi, a former PUTCO Driver of the Year. On 20 November he was shot and killed while on duty. Initial reports said that 'PUTCO believes, but has no proof, that the shooting is connected to the recent firing of 200 drivers'. The company offered a R5,000 reward for information. At the trial a PUTCO employee told of how he selected files *continued on p.11*



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- (iii) to keep the conscience of the world alive to the issues at stake.

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Sources and abbreviations: BBC — British Broadcasting Corporation Survey of World Broadcasts; Cit — The Citizen,

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Johannesburg; CP — City Press, Johannesburg; CT — Cape Times; DD — Daily Dispatch, East London; Debates — House of Assembly Debates, Cape Town; DN — Daily News, Durban; EP — Evening Post, Port Elizabeth; EPH — Eastern Province Herald, Port Elizabeth; GG — Government Gazette, Pretoria; GN — Guardian, London; FM — Financial Mail, Johannesburg; FT — Financial Times, London; MS — Morning Star, London; Nam — Namibian, Windhoek; NCC — Namibia Communications Centre, London; Obs — Observer, London; S — Sowetan; SS — Southscan, London; Star — Star, Johannesburg; ST(UK) — Sunday Times, London; S.Trib — Sunday Tribune, Durban; Tel — Daily Telegraph, London; T — Times, London; WA — Windhoek Advertiser, Namibia; WM — Weekly Mail, Johannesburg; WO — Windhoek Observer, Namibia.